

Box	Name and Subject	File Number	ID
EKMT 00016	54/15/48 (Vol.2) - Auckland Admin District Area No. 7 - Foreshores - Removal of Material - Coromandel (1973-1981)	15 47 01	10986





File No.

54/15/48

VOL 2.

SERIES:

FORESHORES

SUB-SERIES:

REMOVAL OF MATERIAL

SUBJECT:

AUCKLAND ADMINISTRATION  
DISTRICT AREA No 7. COROMANDEL

File Opened: November 1973

File Closed: MAY 1981

Previous File: Vol. 1. (August 1929-Subsequent File: Vol. 3  
October 1973)

OTHER RELEVANT FILES

Subject:

File No.

ARCHIVED  
DO NOT DESTROYNOT  
1-378

DEPARTMENT:

MINISTRY OF TRANSPORT

## TRANSIT DIRECTIONS

Folio	Referred to	Date	Actioned by		Folio	Referred to	Date	Actioned by		Folio	Referred to	Date	Actioned by	
			Initials	Date				Initials	Date				Initials	Date
	Harbour	26/4	ESC	30/4		Mr. Conway	21.1.77	ESC	28/2		AAO H&F (Keith)	29/3	ESC	29/3
	Mr Brocklebank	30/6	RHS	12/6	B/U	Mr. Conway	10.4.77				AAO H&F (Keith)	30/3	ESC	10/5
	H&F	12/6	ESC	12/6		Mr. McIntosh	27.4.77	ESC	27/4		AAO H&F (Keith)	20/6	ESC	27/6
	Rowds	12/6	ESC	13/6	B/U	SEO (H&F)	14.5.77	ESC	26/5		AAO H&F (Keith)	5/7	ESC	3/7
	Mr Conway	17/6	ESC	17/6		Mr. Wheldrake	16/5	ESC	30/5		AAO H&F (Keith)	29/7	ESC	6/6
	Mr Conway	3/7/77	ESC	4/7	B/U	H&F	29.7.77	ESC	8/6		AAO H&F	13/8/79	ESC	14/8
	Keith	4/4/77	ESC	4/7		H&F	12.9.77	ESC	3/10	ESC	AAO H&F (Keith)	11/10	ESC	3/12/77
	Harbour	30/7	ESC	1/8	B/U	H&F	30.10.77	ESC	31/10		H&F	11/12	ESC	7/12/77
	Harbour	1/8/77	ESC	1/8	B/U	H&F (Keith)	30.11.77	ESC	11/1/80		H&F (Keith)	11/1	ESC	16/1/80
	McKus	12/2/75	ESC	12/2		H&F	14.1.78	ESC	2/3	RM	H&F	6/2	ESC	5/2
	H&F	28.8.75	ESC	9/9	B/U	H&F (Keith)	28/4	ESC	5/5	RM	AAO H&F (Keith)	12/2	ESC	20/2
	H&F	18/9/75	ESC	25/9	RM	AAO H&F (Keith)	5/6	ESC	5/1	RM	AAO H&F (Keith)	27/2	ESC	20/4
	Morrison	6.10.75	ESC	10/12		AAO H&F (Keith)	24/7	ESC	27/7	RM	AAO H&F (Keith)	13/3	ESC	29/6
	H&F	30.3.76	ESC	30/3	B/U	AAO H&F (Keith)	20/8	ESC	26/9	RM	AAO H&F (Keith)	1/5	ESC	2/5
	Mr. McKus	30.3.76	ESC	31/3		AAO H&F	29/10	ESC	27/10	RM	CMA	2/10	ESC	25/11
	Mr. Morrison	31/3	ESC	4/5/76	B/U	AAO H&F (Keith)	20/11	ESC	5/12	RM	CMA	6/1	ESC	11/1/77
	H&F	24.5.76	ESC	24/5		AAO H&F	18/12	ESC	21/12	RM	SEO H&F	12/1	ESC	12/2
	H&F	12.6.76	ESC	1/6		AAO (H&F)	26/12	ESC	1/13	RM	CMA	12/2	ESC	12/2
	H&F	29/1/77	ESC	29/1	B/U	AAO H&F (Keith)	20/3	ESC	1/3	RM	RM/CMA	3/3	ESC	3/3/77

P.T.O. Back Cover



# MINUTE SHEET

Department: .....

Section: .....

File No. ....

Date: ...10/7/85...

Subject

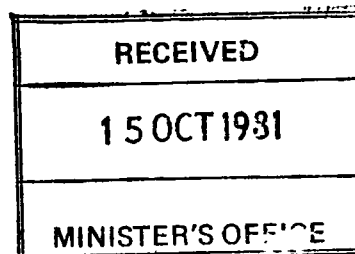
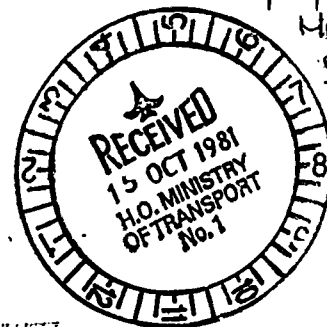
To-

Note for  
File.

Advised by MOT Auckland that there have been  
no developments since 1980/81, studies by  
Hauraki Catchment Board & others are continuing.  
sand being removed from above HW M.O.S.T.

10 cm.

CCMP.



13 October 1981

Mr H Moore  
President  
Whiritoa Ratepayers Association  
P O Box 9586  
Hamilton North

Dear Mr Moore

Thank you for your telegram regarding the sand at Whiritoa Beach which I have conveyed to the Commissioner for the Environment and the Minister of Transport for their consideration.

Yours sincerely

Dr I J Shearer  
MP Hamilton East

→ MINISTER OF TRANSPORT

Referred accordingly.

SECRETARY FOR TRANSPORT

Sgd. Dr. I. J. SHEARER

~~For draft reply.~~  
~~For reply by direction.~~  
~~For comments.~~  
Referred.

*ccp.*  
*[Signature]*  
*15/10/81*



3587 PB GX1  
HN PS NZ21215  
T158 120/124/116 HAMILTON 3 40P



DOCTOR I SHEARER  
PARLIAMENT BUILDINGS

RE WHIRITOA BEACH SAND MINING IN ITS FIRST REVIEW OF DISTRICT SCHEME  
OHINEMURI COUNTY COUNCIL HAS CLASIFIED THE AREA NOW USED FOR SAND  
MINING AS RECREATION RESERVE. SUBSEQUENTLY THE OCC HAVE OBJECTED TO  
THIS. THE WHIRITOA RATE PAYERS ASSOCIATION BELIEVE THE AREA IS AN  
ECOLOGICAL, HISTORICAL AND RECREATIONAL ASSET AND

WRA IS THEREFORE COUNTER OBJECTING. OBJECTIONS CLOSE OCTOBER 12.  
IF POSSIBLE WRA WOULD ALSO LIKE MINISTRY OF ENVIRONMENT TO COUNTER  
OBJECT. MINISTRY OF TRANSPORT (MARINE DIVISION) MAY ALSO WISH TO  
COUNTER OBJECT. I AM SORRY FOR THE SHORT NOTICE BUT HOPE YOU  
CAN ASSIST WITH THIS MATTER REGARDS

HOWARD MOORE (PRESIDENT) WHIRITOA RATE PAYERS  
ASSOCIATION PHONE HAMILTON 52514 BOX 9586  
HAMILTON NORTH.

*3/55 PM B*  
~~COL PAGE 1 OCC 12~~  
~~PAGE 2 52514 9586~~  
~~3587 PB GX1~~  
~~SORRY PAGE 1 OCC WRA~~  
~~AND PAGE 2 12 52514 9586 TKS~~  
~~3587 PB GX1~~

RECEIVED
-6 OCT 1981
IN THE OFFICE OF Dr. I. J. SHEARER

TELEGRAPH MESSAGE  
POST OFFICE  
TELEGRAPH MESSAGE  
POST OFFICE  
TELEGRAPH MESSAGE  
POST OFFICE

Our ref: 54/15/48  
Your ref: 811

26 May 1981

The County Clerk  
Ohinemuri County Council  
P.O. Box 17  
PAEROA

Dear Sir


SAND EXTRACTION - WHIRITOA BEACH

Your letter of 20 May for the attention of Mr Ewing refers, which I have been asked to acknowledge.

We note that your Council is to ask the Hauraki Catchment Board to consider carrying out further investigations and to suggest possible financing of such a study.

No doubt we shall hear again when the Catchment Board has considered the matter.


Yours faithfully

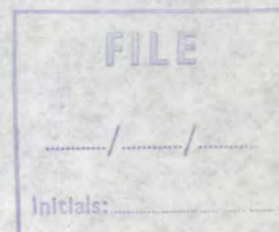
  
R.P. Taylor  
for Secretary for Transport

The Regional Secretary  
AUCKLAND

Attention: RMO

Copy for your information, with copy of letter under reply.

  
R.P. Taylor  
for Secretary for Transport





KM. 1209

H/F

54/15/48

Ohinemuri County Council

Telephone: 8609

Address all Correspondence to  
the County Clerk.

YOUR REFERENCE: 54/15/48

In Your Reply Please Quote:

M.W. PARKER

File No.

811

P.O. Box 17,  
Paeroa.

20 May 1981

Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
WELLINGTONATTENTION: Mr Ewing

Dear Sir,

RE: SAND EXTRACTION, WHIRITOA BEACH

At a meeting of the Council's Planning Committee held on 3 February 1981, a deputation was received from the Whiritoa Ratepayers' Association, comprising Mr H. Moore, President, and Mr P. Cooke, Vice-President, who made verbal submissions relating to the above. Mr R.W. Harris, Chief Engineer to the Hauraki Catchment and Regional Board, was present during the discussion by invitation from the Committee.

At the end of the discussion, Mr Moore was asked to forward a written copy of his verbal submissions, but these were not received until 21 April 1981. A copy is enclosed for your information.

Mr Harris informed the Committee that in his opinion the research and reports up to the time of the meeting gave insufficient evidence to decide whether or not Whiritoa Beach was a "closed system". He felt that further off-shore investigations were needed, but it would be a matter for his Board to decide. He added that for the investigations to be done properly it would require a large inflow of finance.

The recommendation of the Committee that the Catchment Board be asked to consider carrying out further investigations and to suggest how the work could be financed was subsequently adopted by the Council.

A reply to the Council's letter conveying the above decision to the Board is now awaited.

Yours faithfully,

M.W. PARKER  
COUNTY CLERK

*SAD (H.R.)*  
*to type 25/5*  
*Please draft acknowledgment.*  
*5 copy all papers + acknowledgment.*  
*W. Ewing*  
*72587.*

FILE

Initials: \_\_\_\_\_

SUBMISSIONS TO OHINEMURI COUNTY COUNCIL TOWN & COUNTRY  
PLANNING COMMITTEE BY :  
Ohinemuri County Council  
RECEIVED  
21 APR 1981  
ANSWERED  
WHIRITOA RATEPAYERS ASSOCIATION  
2. FEBRUARY 1981

Thank you for the opportunity to attend this meeting of Council.  
As your time is valuable, our verbal submission will be kept as brief as possible.

The Council is the prime planning authority for the area and was responsible for approving the subdivision of Whiritoa. As indicated in your letter of 29 August, 1980, the Council's position in respect of sand mining is that Council would wait until after the decision by the Minister of Transport. We are here today to review the evidence and to respectfully request that Council now act to use its powers without delay to protect the valuable public and private property at Whiritoa.

As your letter states, the advice of your Senior Counsel was for you to so act, should other authorities fail to act.

The Council acted very responsibly in respect of the proposed sand mining at Mataora Bay. Expert witnesses appeared on behalf of Council and the Hauraki Catchment Board at the Planning Appeal. Some of this testimony is pertinent today. Mataora is a closed beach, which means that no new sand is entering the beach system. It was on these grounds that Council opposed the sand extraction. At the appeal Dr Healy from Waikato University stated :

P7 (v) If sand extraction is to occur in a closed system beach the result will be :

- a) erosion of the frontal dune causing retreat of the dune face.
- b) a lowering of the general beach height as depletion of the beach sand continues.
- c) If extraction rates are severe enough, I expect that the entire beach sand could disappear.
- d) Sand extracted would not be naturally replenished by littoral drift.

When asked about the adjacent Whiritoa Beach, Dr Healy stated :

"Our research has shown that there appears to have been a reduction in sand volume on Wh. beach and there has been erosion of the dunes on occasions. This has been masked to some degree by sub-division development. Research has shown that there were only 50 000 cubic metres of sand in reserve on Wh. beach in the badly erosive year of 1974.

If sand mining continues and this reserve is lost, then in future bad erosion episodes, the dune will retreat, leading to property damage.

Q Why was 1974 an erosive year?

A It was erosive mainly due to the meteorological condition. The beaches undergo cyclical erosion and accretion according to the weather and wave conditions. Under erosive storm events the frontal dune which acts as a reservoir of sand would be eroded out. Under accretion conditions, the sand from the offshore bar will reform the beach and will be brought back again.

FILE



Eventually the dune will be restored. "It is important that the frontal dune is available for this cycle. Should sand be removed from the frontal dune, or indeed any part of the beach or offshore bar, this dynamic equilibrium system will by eroding the frontal dune in a long term sense."

As you know, the Whiritoa Ratepayers have been very concerned for many years about the stability and future life of their sections and this has slowed down development of Whiritoa. Mr Christopherson's very exhaustive studies using special measuring equipment concluded that Whiritoa was a closed beach.

Despite requests from Ratepayers following the 1978 storms, it was decided to conduct a further study, during which time the sand continued to be extracted.

The key question to be resolved by this study was the nature of the Whiritoa beach system; ie: "was it a closed system?" You advised Ratepayers in the 1979 rate notice :

WHIRITOA:

Sand Pit : Following a meeting between representatives of Council and The Hauraki Catchment Board, the Board requested Dr R.F. McLean of the Geography Department, University of Auckland, to prepare a report to examine a contention of Mr Max Christopherson of the University of Waikato, that the Whiritoa Beach sand system is partially or possibly a completely closed system.

Dr McLean's report of December 1979 leaves no room for doubt. His conclusions read :

CONCLUSIONS:

(3) An evaluation of potential sources and sinks indicates the Whiritoa system operates effectively as a "closed sediment system", one that does not receive or lose significant amounts of sand through natural processes. The present major loss is undoubtedly through sand mining at the southern end of the beach and the quantities extracted are not offset by contemporary inputs.

(4) Within the system itself there are large exchanges of sand between its four morphological components: beach, lagoon, nearshore and foredune. There is also evidence to suggest that the amount of sand available in relation to impinging wave-wind energy (particularly storm waves) is insufficient to maintain an equilibrium profile without continued erosion of the foredune. In this sense the beach-nearshore zone is undernourished.

(5) In these circumstances it is most probable that continued sand mining will further deplete the reservoir and induce further erosion.

Scientists of Dr McLean's calibre are careful people. There is no absolute certainty when dealing with nature. Therefore, when Dr McLean states that further erosion is "MOST PROBABLE", this is a very strong statement for a scientist to make.

The Council accepted the McLean report and refer to it in the recent Whiritoa Reserve Management Plan.

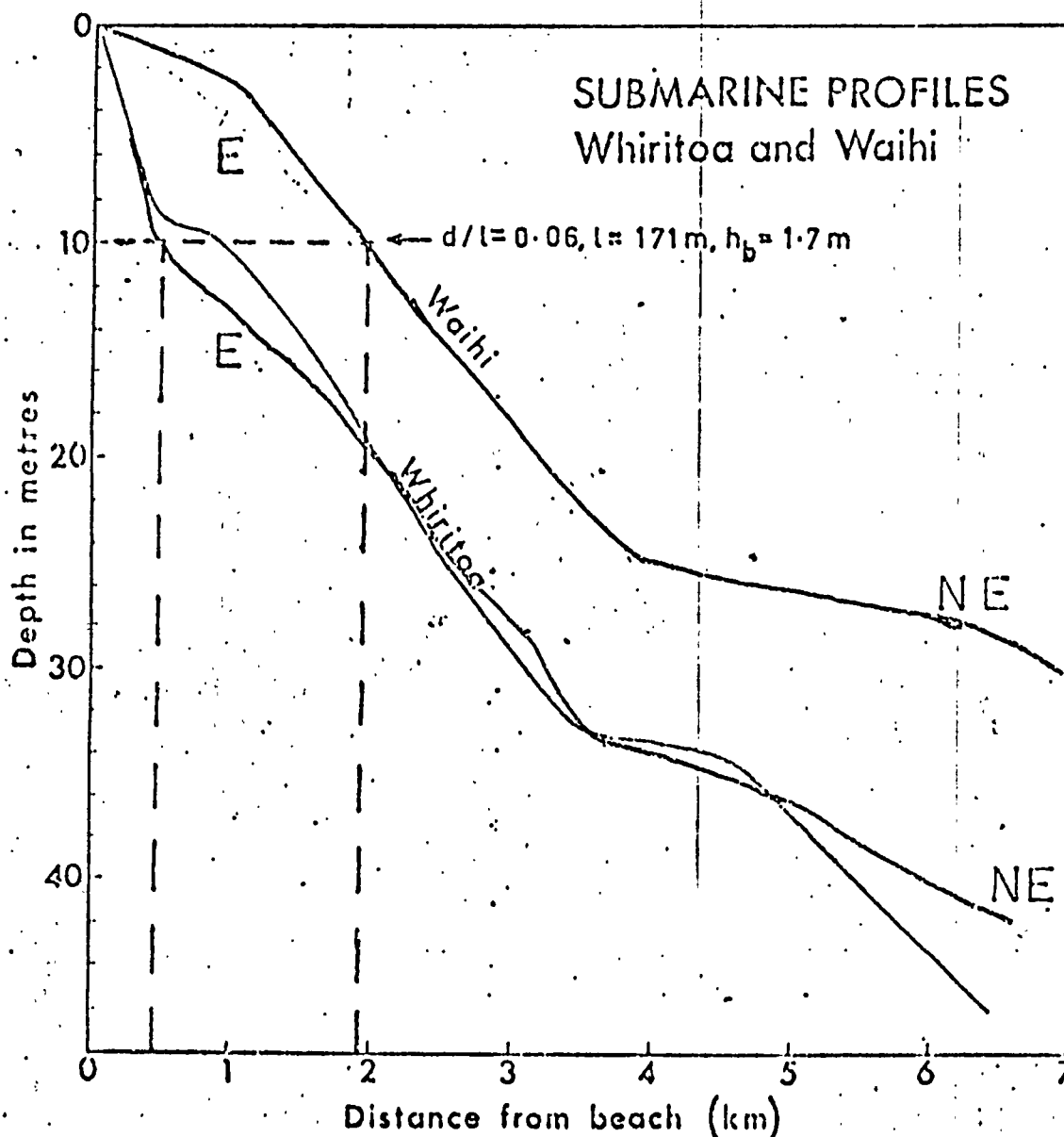
"A recent report (McLean) on the Whiritoa sand system indicates that it is a "closed system" with both natural supplies and losses to the system being quite small on a year-by-year basis.

Also evident was the fact that because the total amount of sand in the system is not large, the foreshore will always be under threat from sea erosion, especially during storms."

It should be recalled that subsequently the Council saw fit to impose building restrictions on the combined surf club and Community Hall because of the risk of erosion.

Dr Healy's evidence showed only 50 000 m<sup>3</sup> of sand in reserve in 1974. The sand reserve which is some times at sea and sometimes on the beach is the only safety factor protecting the foredunes. This sand absorbs the energy in the waves and so prevents undercutting of the dunes. Whiritoa is a much steeper beach than other beaches such as Waihi. As a result the storm waves impinge on beach with considerable energy.

Diagram of the Submarine Profiles of Whiritoa and Waihi :





The Ratepayers are concerned at the long term effects. With good weather the sand should accrete on the beach and be taken to sea during a storm. After the storm it is returned to the beach. Naturally, there is also constant minor shifts of sand along the beach caused by tide and winds.

In the letter of 28 March 1979, Council advised us that the following sand quantities were extracted :

1974	4,932	cubic yards
1975	5,750	" "
1976	7,231	" "

ie: Total of : 17 913 cubic yards over 3 years

We do not have subsequent figures, but know that the contractors are authorised to take up to 4,317 m<sup>3</sup> p.a.

In the 1974 storm the effects were detected and reported by Mr Christopherson. By 1978 approximately 25 000 m<sup>3</sup> or half the safety margin in the reserve was gone. In the storm in 1978, the foredunes were severely attacked. Local residents and regular visitors, as well as photographs show that the dunes have not recovered at all since these storms. What will happen at Whiritoa if there is a major storm in 1981 or a future year? With a constantly reducing protective reserve, we are concerned that an Omaha situation with all its less than satisfactory expensive protective works will be needed at Whiritoa.

It is true that some minor sand movements caused by wind have caused an accumulation of sand at a fence line, as observed by the Ministry of Transport on 17 September, 1980. This is merely part of the cycle movements described by Dr Healy.

On page 10 of his report, Dr McLean states that Whiritoa sand is a non-renewable resource. We contend that when land use policy is determined by this Council, then this sand has a value for the protection of the foredunes and as a recreational area for the district. The Council's own plan for Whiritoa's reserves acknowledges its value.

This reserve has both local and regional importance as it is the only easily accessible beach between Waihi Beach and Whangamata.

With a non-renewable resource, such land use value outweighs any short-term commercial uses of the sand. Council provided the planning guidance and approvals for Whiritoa and by doing so, created a direct obligation to act to protect and preserve the valuable public and private asset created and largely paid for by the Whiritoa Ratepayers.

Since the completion of McLean report in December 1979, various Government and local bodies have been involved. A good summary is provided by our Solicitor's letter of 21 August 1980.

Fortunately the weather has been good since 1978, but this obviously cannot continue. Major storms occur at irregular intervals and the subdivision must be safeguarded against erosion when these storms occur. Even a major storm once in 20 years, must be guarded against! In 1978 the ocean penetrated the subdivision.

## WHIRITOA

## BEACH

## ALTERED

erty. It was evident that the sea had washed over the sand pit and just slowed down Ken Tiki Road, the county engineer, Mr D. H. Stewart, reports.

Other points of likely future penetration are the low areas formed by the subdividers bulldozing the tops of dunes into adjacent open areas.

\* \* \* \* \*

To summarise :

1. Whiritoa is a closed beach.
2. In 1974 there were only 50 000 cubic m in reserve.
3. In 1978 the storm severely damaged the sand dunes and penetrated the subdivision down Kon Tiki Avenue. No recovery of the dunes is evident.
4. Since 1974 some 30-40 000 m<sup>3</sup> of sand has been taken from the closed beach system reserve.
5. There is now a very small reserve left on the beach and this places all property at risk during future storms.
6. The Ratepayers believe and request that Council act now.

The McLean study confirmed the conclusions of the Christopherson study. We see no merit or value in any further studies. With the reserve margin almost depleted there is not time left. The sand mining must be stopped immediately. It may already be too late to prevent damage at the next storm and the consequential and inevitable ensuing litigation.

At Omaha which was also designed by Broadland's Engineers, the effects of sand extraction were not fully apparent for 20 years.

At Whiritoa there is now such a slender safety margin left, that it would be irresponsible for Council to continue to GAMBLE with nature using a Public Beach and Ratepayers property as the stake.

Accordingly, we ask that this Committee today, recommend that the Ohinemuri County Council act today to permanently stop the sand mining, using the various powers vested in the Council.



54/15/48

MINUTE SHEET

Subject:

Kuaoatuna Beach

Department:

File No.:

54/15/48

Date:

4.3.81

0666/43211/00424

To:

~~7/4 Quennell~~

Would you please provide a financial  
Authority for the expenditure of \$7500  
for part of a Sand System Study at  
Kuaoatuna Beach in Coromandel. (Eastern side of  
peninsula)

Hauraki Catchment Board are the  
other main partner with the local  
District Council.

Sand extraction is a particularly emotive  
issue around Coromandel and there  
is relatively little information available  
on which to base management decisions.  
It is suspected that the small bays round Coromandel  
are closed systems, but only additional information  
can provide the certainty of knowledge.

C.M.A.

Please complete  
Stamp A

Then action

Sh. Quennell  
P. 130  
5.3.81

F/A ROUTINE/SPECIFIC  
VOTE CODE 0666/43211/00424  
I hereby certify that funds have been allocated to the  
above code and are available for this expenditure.  
DATE 5.13.81  
SIGNATURE *[Signature]* DESIGNATION CMA

*[Signature]*  
CMA

Memo to Auckland. 10.10.80

*[Signature]*

F/A ROUTINE/SPECIFIC  
VOTE CODE 0666/43211/00424  
I hereby certify that funds have been allocated to the  
above code and are available for this expenditure.  
DATE 5.13.81  
SIGNATURE *[Signature]* DESIGNATION CMA

FILE  
\_\_\_\_/\_\_\_\_/\_\_\_\_  
Initials: \_\_\_\_\_



RM.1219

CMA

54/15/48

# Ohinemuri County Council

Telephone: 8609

Address all Correspondence to  
the County Clerk.

YOUR REFERENCE: 54/15/48

In Your Reply Please Quote:  
M.W. PARKER

File No. 811

P.O. Box 17,  
Paeroa.

24 December 1980

Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
WELLINGTONATTENTION: Mr Ewing

Dear Sir,

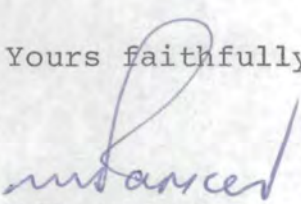
RE: SAND EXTRACTION - WHIRITOA BEACH

Further to my letter of 16 October 1980 I have to advise you that following a discussion with Mr R.W. Harris, Chief Engineer to the Hauraki Catchment Board, the Town and Country Planning Committee recommended to Council that in light of the inconclusive information available regarding the effect of sand mining on Whiritoa Beach no action be taken against the contractors at this stage.

The recommendation was adopted by Council and it approved of the Committee agreeing to receive a deputation from the Whiritoa Ratepayers' Association at its next meeting to be held on 3 February 1981.

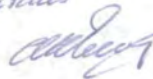
I will advise you of the outcome of this meeting in due course.

Yours faithfully,

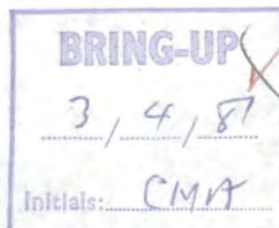
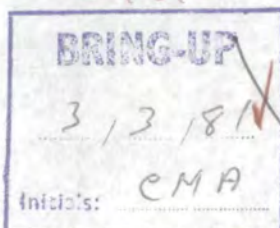
  
 M.W. PARKER  
 COUNTY CLERK

SRD (W.K.)

and so it continues

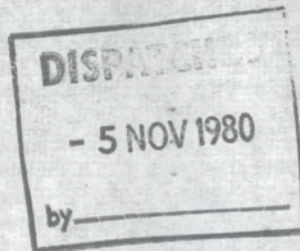


sent 12/12  
copy to Mr Spackman. AKD please.





Min 1952



54/15/48

AE:KD  
CMA

4.11.80

5.11.80

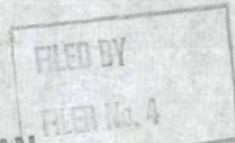
The Minister for the Environment

SAND EXTRACTION - WHIRITOA BEACH

Further to my memorandum of 29 August 1980 regarding sand extraction at Whiritoa Beach I can now advise you that the Beach has been visited by representatives of this Ministry and of the Ministry of Works and Development Water and Soil Division

There is no evidence of excessive erosion, no property is in danger of collapse and between the extraction site and the nearest house, there is the remains of an old fence line protruding about one foot above the sand indicating a build up of sand rather than a loss.

I am advised that no action could be justified under section 244 of the Harbours Act 1950 to limit sand extraction from the Beach.



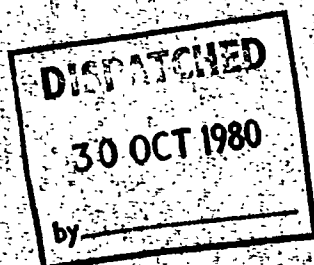
(Signed) COLIN McLACHLAN

Minister of Transport



*[Handwritten signature]*  
4.11.80  
*[Handwritten signature]*





30.10.80

Mr R.A. Fisher  
Simpson Coates and Clapshaw  
Barristers and Solicitors  
P.O. Box 5340  
AUCKLAND

Dear Mr Fisher

**SAND EXTRACTION - WHIRITOA BEACH**

I refer again to your letter of 21 August 1980 in which you wrote on behalf of the Whiritoa Ratepayers Association.

Following on-site inspection my Ministry is of the opinion that the application of Section 244 of the Harbours Act to stop sand extraction could not be justified.

I am advised that there is at present no evidence of excessive erosion, and the present high water mark does not appear to differ markedly from several older surveys.

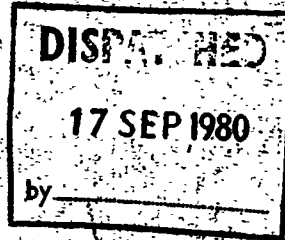
It is hoped to be able to start a study of the sand movement on and off the beach, but this will be dependant on the availability of local finance.

Yours sincerely

(Signed) COLIN McLACHLAN

Minister of Transport

~~10 September 1980~~  
AKE:MVO



17.9.80

Mr R.A. Fisher  
Simpson Coates & Clapstan  
Barristers and Solicitors  
P.O. Box 5340  
AUCKLAND

Dear Mr Fisher

**SAND EXTRACTION - WHIRITOA BEACH**

I refer to your letter of 21 August in which you write on behalf of the Whiritoa Ratepayers Association.

Officers of this Ministry have had preliminary discussions with officers of the Ministry of Works and Development, Water and Soil Division, regarding the problem of sand extraction at Whiritoa Beach.

A visit to the area is contemplated for on-the-spot discussions with the Local Catchment Board.

A decision on how best to tackle the problem will be made subsequent to the visit.

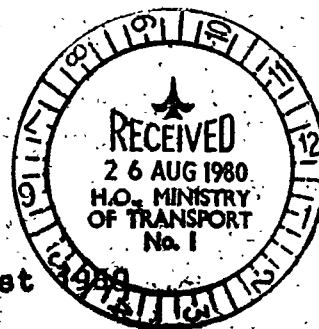
Yours sincerely

(Signed) COLIN McLACHLAN

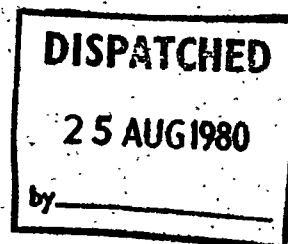
Minister of Transport

54.15/48

M. 2012



25 August



Mr R A Fisher  
Simpson Coates & Clapshaw  
Barristers and Solicitors  
PO Box 5340  
AUCKLAND

Dear Mr Fisher


On behalf of the Hon C C A McLachlan I acknowledge your letter of 21 August in which you write on behalf of the Whiritoa Ratepayers Association to express concern at the continual sand mining of Whiritoa Beach.

Your letter will be placed before the Minister for his attention and personal reply.

Yours sincerely

J W Bagrie  
Private Secretary  
SECRETARY FOR TRANSPORT

For draft reply please.

  
Private Secretary

*Int. file 9780*

CLAPSHAW, U.S.  
G. RYAN, U.S.  
M. A. SANDELL, U.S.  
M. S. COLE, U.S.  
R. G. WELLS, U.S.  
J. B. RYAN, U.S.  
R. A. FISHER, U.S., Dip.T.P.  
D. M. McNAMARA, U.S.(stone)  
B. V. C. STAFFORD, U.S.  
R. J. FERGUSON, U.S.  
A. W. GUZZWELL, U.S.  
R. H. HANSEN, U.S.(stone), A.C.A.  
T. N. McFADDEN, U.S.(stone), U.M.(hon)  
W. AKEL, U.S.(stone), M.Jr., B.C.L.(hon)

CONSULTANT  
K. G. MacCORMICK, M.A.(Cantab), U.S.

## SIMPSON COATES & CLAPSHAW

BARRISTERS AND SOLICITORS

450 QUEEN STREET  
AUCKLAND, NEW ZEALAND

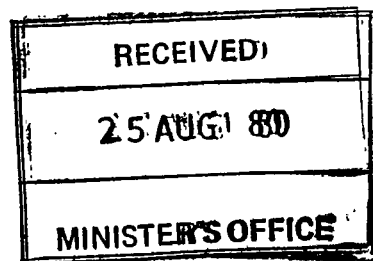
BOX 5340 AUCKLAND 1  
TELEPHONE 770-820  
CABLES: CONSENSUS  
TELEX: NZ21448

OUR REF:  
R.A.Fisher

YOUR REF:

21 August 1980

The Honourable C.C.A. McLachlan,  
Parliament House,  
WELLINGTON



Dear Sir,

re: Whiritoa Beach

The writer is acting on behalf of the Whiritoa Ratepayers Association. The members of the association are deeply concerned that the continual operation of sand mining at the beach places their properties at risk. Whiritoa Beach is situated approximately 20 kilometres north of Waihi in the Ohinemuri County Council District.

For a number of years owners of beach sections have been pressing the Council to have the sand mining at the southern end of the beach stopped. The sand is removed from a sandpit on land described as Whangamata 6B 3B 2 Block. The Maori Land Court on the 25th November 1976 vested the land in trustees under the provisions of Section 438 of the Maori Affairs Act 1953.

The residents' efforts to have the Ohinemuri County Council take action against the trustees of the land has met with little success. Council's attitude is summed up in the following extract, from a statement accompanying the Council's rate demand which was forwarded to ratepayers in September 1978.

"Sandpit : Council continues to receive complaints about the excavation of sand from the Maori owned property at the south end of the beach. The position is that the owners had existing use rights under the Town & Country Planning Act 1953 when the District Scheme became operative on September 1st, 1972, and in the circumstances, Council considers that it cannot intervene in the matter".

The writer first received instructions from one of the ratepayers at Whiritoa beach and wrote to the Council on the 19th October 1978

...../2

referring the Council to Section 77 of the Town & Country Planning Act 1977. The writer contended that the sand mining was a major factor in the reduction in sand volume on the beach and that this was resulting in erosion of the dunes. It appeared to the writer therefore that the sand mining was obviously an "objectionable element" involving a "danger or detraction from amenities..... to other persons or property" to quote from Section 77 subsection (1) of the Town & Country Planning Act. In the writer's view it was quite clear by virtue of subsection (2) of Section 77 that the section applied even if the use giving rise to the objectionable element was permitted as an "existing use" under Section 90 of the Town & Country Planning Act 1977. In the writer's view Section 77 of the Town & Country Planning Act 1977, gave the Council greater powers than did Section 34A of the Town & Country Planning Act 1953 upon which Council had based its opinion that it could not take action against the operators of the sandpit. The Ohinemuri County Council's Town & Country Planning Committee met in early November 1978 and discussed the matter with representatives of the Hauraki Catchment Board. In December 1978, the Catchment Board took the initiative and requested Dr. R.F. McLean of the Department of Geography at the University of Auckland to carry out an investigation into certain aspects of the effects of the continuing sand extraction. The Council at that time took the view that it did not have enough evidence to take legal action under the Town & Country Planning Act 1977. In March 1979 the writer received a letter from the Council's solicitors Messrs Carden & Stout wherein they stated :

"We agree with you that Section 77 gives Council wide powers including the power to stop, remove or reduce an objectionable element, including an objectionable element which is permitted as a existing use by virtue of Section 90 of the Act. The sand mining is not, in our opinion, per se an objectionable element. It is also our opinion that if the sand mining is causing erosion, or even diminution of the sand on the beach and therefore likely to cause erosion, then it is an objectionable element".

Messrs Carden & Stout confirmed that at this stage the Council considered that it had no evidence that the sand mining was causing erosion.

It is relevant to note that there had been :-

"An earlier report on "the effect of sand mining on the erosion potential of Whiritoa beach" prepared by M.J. Christoffersen (1977) as an m.s.c. Thesis in Earth Science, University of Waikato. Christoffersen



considered the beach system at Whiritoa was "closed" to replenishment from outside sources and argued that because of this, the continued mining of some 4,000 cubic metres of sand per year would quickly deplete the sand reservoir and cause beach erosion and dune recession. He recommended the cessation of sand mining".

That quote is taken from the introduction to the report of Dr Roger McLean which was completed in December 1979. The writer feels sure that the Christoffersen study was known to the Council at least during 1978.

A copy of Dr McLean's report was received by the writer from the Hauraki Catchment Board on the 18th February 1980. For your information a copy of Dr McLean's report is enclosed with this letter. Dr McLean's report was understandably rather technical and complex. However on page 10 of the report Dr McLean stated :

"It thus becomes clear that the Whiritoa sand system contains a finite amount of sand that has slowly accumulated over the last few thousand years, and, that on a year by year basis both natural supplies and losses to the system are quite small. In this sense the sands at Whiritoa can be regarded as a non renewable resource.

In the absence of compensating inputs the extraction of some 3 - 5000 cubic metres per year through sand mining practices over the last decade or so must have depleted the quantity of sand in the system and will further reduce the total if the practice continues in future".

On page 11 of the report Dr McLean referred to the loss of sand from the beach during a storm in 1974 and stated :-

"The magnitude of such sand movements suggests that the fore dune base will always be under threat. Thus the greater the quantity of sand maintained in the beach and near shore zones the "healthier" the dune will be as these areas serve as buffers to dune-toe erosion. Any process that depletes the total quantity of sand in these zones will diminish the buffers effectiveness and enhance the likelihood of dune recession".

The final paragraph of Dr McLean's report is paragraph 5 of the conclusion which reads :-

"In these circumstances it is most probable that continued sand mining will further deplete the reservoir and induce further erosion".

The writer has discussed the whole matter with Dr Jeremy Gibb of the Water & Soil Division of the Ministry of Works and Development in Wellington, and Dr Gibb has studied the reports of both Christoffersen and Dr McLean and agrees with the findings and conclusions of those reports.

The writer had further correspondence with the Ohinemuri County Council and the Town Planning Committee of the Council eventually considered Dr McLean's report at its meeting on the 6th March 1980. The Hauraki Catchment Board and the Council also met to discuss the report. In March of 1980 the writer was given the name of a Mr Whitehead who was an officer in the Marine Division of the Ministry of Transport at Wellington. At that time the writer discussed with Mr Whitehead the possibility of your department taking action against the Trustees under Section 244 of the Harbours Act 1950. At that time Mr Whitehead expressed the view that the matter was "primarily in Council's Court."

The Ohinemuri County Council further considered the matter on the 16th April 1980 and subsequently advised the writer that the County's solicitor had been requested to obtain an opinion of Counsel before taking any further action. Despite a number of requests to the Council, the Council was not prepared to disclose to the writer the name of the senior counsel instructed by it.

On the 30th July 1980 the Council advised :

"In the meantime, the Commissioner for the Environment has discussed the matters relating to the Whiritoa sandpit with the writer and it would seem that the Minister for the Environment will be approaching the Minister of Transport to take action under Section 244 of the Harbours Act 1950".

Unfortunately Mr Whitehead is no longer with the Marine Division of the Ministry of Transport and another officer of the Marine Division suggested that the writer forward a letter to the Department for its consideration. The writer has taken the liberty of forwarding this letter direct to you and has sent a copy to your department. The writer seeks your able assistance in bringing the long drawn out matter detailed above to a head.

Section 244 of the Harbours Act makes it an offence to remove any sand or other material from any part of the foreshore except pursuant to a licence under Section 146A of the Harbours Act. Subsection (3) of Section 244 states :-

"Where the removal of any material from any part of any land is likely to produce, either directly or indirectly, any detrimental effect on the foreshore or on any beach

or reserve adjoining the foreshore, or to lead, either directly or indirectly, to any inroad by the sea or by any tidal water, it shall be unlawful for the owner of the land or any person to remove that material from that part of the land without the prior consent in writing of the appropriate authority....".

The writer understands that neither the Maori Trustees, nor the contractors operating the sandpit have a licence under the Harbours Act, and it appears to the writer that a continuing offence has been and is being committed.

We would request therefore that your Department investigate the position as a matter of urgency. In the meantime the writer will be continuing to press the Ohinemuri County Council to also take action under the Town & Country Planning Act 1977. What the writer does not want to happen is for the Council to look to the Ministry of Transport for action, and the Ministry of Transport to look to the Council for action, for while there is any further inaction on the part of either or both of the Council and the Ministry of Transport, it is certain that the operators of the sandpit will be continuing their action in trucking away large quantities of sand which is stated by Dr McLean are "a non renewable resource".

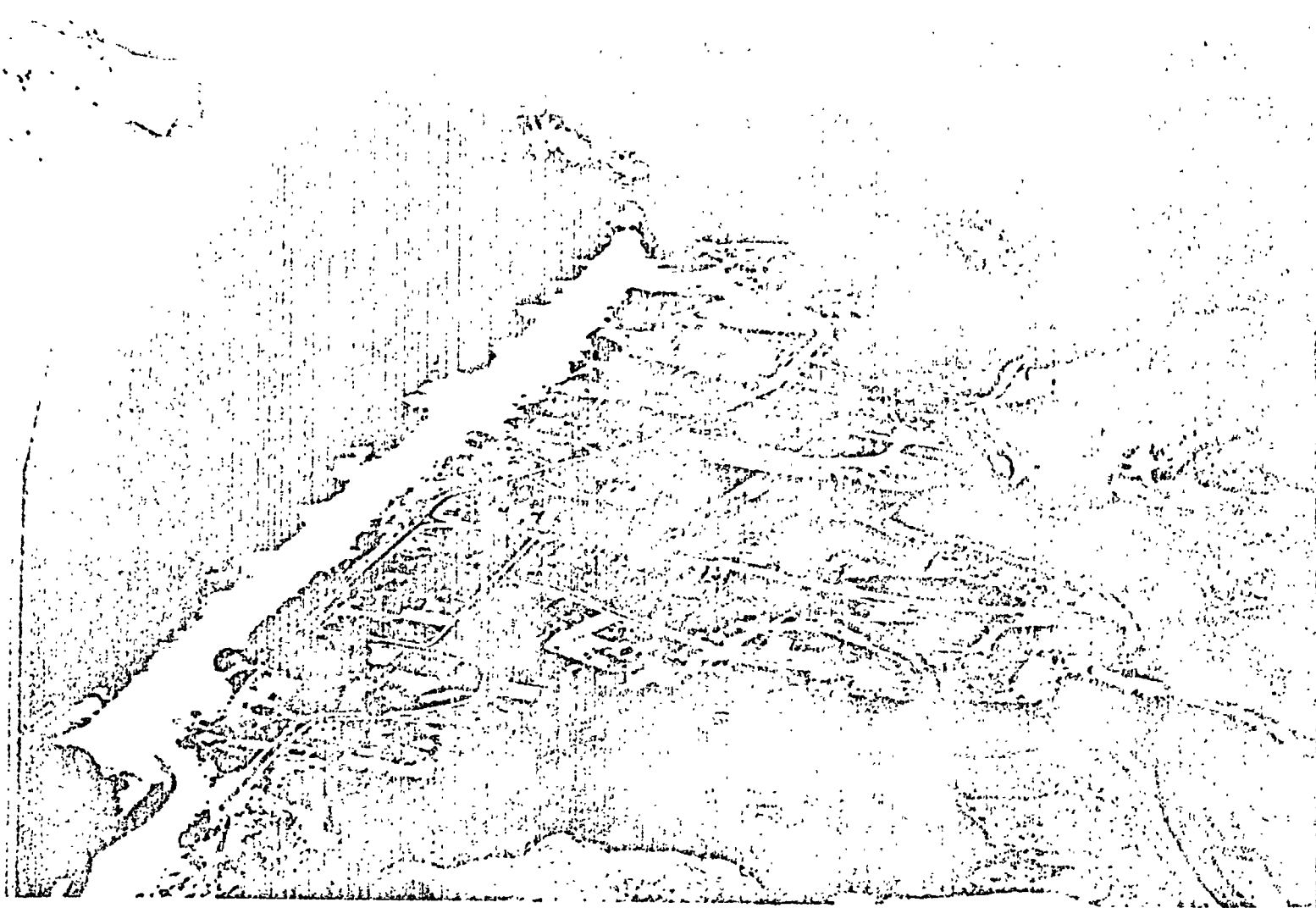
The writer looks forward to your assistance in the matter.

Yours faithfully,  
SIMPSON, COATES & CLAPSHAW

per :



ET4, 21-25



Dimensions of the Whiritoa sand system  
and implications for sand mining  
and shore erosion



A report to the  
Hauraki Catchment Board

on

Dimensions of the Whiritoa sand system  
and implications for sand mining  
and shore erosion

by

R.F. McLean  
Department of Geography  
University of Auckland

December 1979

## CONTENTS

INTRODUCTION	Page 1
PURPOSES	2
DATA AND PROCEDURES	2
BATHYMETRY	3
SEDIMENT TYPES	3
Size frequency envelopes	4
Mean grain size versus sorting	5
Average textural characteristics	6
Spatial pattern of sediments	7
Sand composition	7
WHIRITOA SAND SYSTEM	8
Whiritoa sand type	8
Dimensions of the Whiritoa sand system	8
Sources and losses and system dynamics	9
CONCLUSIONS	11
REFERENCES	12

## FIGURES

1. Location of sediment samples	13
2. General bathymetry and sample depths	14
3. Coastal profiles and gradients	15
4. Grain size frequency envelopes	16
5. Grain size versus sorting plot	17
6. Distribution of mean grain size	18
7. Photomicrographs of Whiritoa sands	19

## APPENDIX

List of samples, number, mean size & sorting	21
--	----

Cover photograph: Whiritoa beach from the north,  
January 1973

A report to the  
Hauraki Catchment Board  
on

**Dimensions of the Whiritoa sand system  
and implications for sand mining  
and shore erosion**

by  
R.F. McLean  
Department of Geography  
University of Auckland

December 1979

## CONTENTS

INTRODUCTION	Page 1
PURPOSES	2
DATA AND PROCEDURES	2
BATHYMETRY	3
SEDIMENT TYPES	3
Size frequency envelopes	4
Mean grain size versus sorting	5
Average textural characteristics	6
Spatial pattern of sediments	7
Sand composition	7
WHIRITOA SAND SYSTEM	8
Whiritoa sand type	8
Dimensions of the Whiritoa sand system	8
Sources and losses and system dynamics	9
CONCLUSIONS	11
REFERENCES	12

## FIGURES

1. Location of sediment samples	13
2. General bathymetry and sample depths	14
3. Coastal profiles and gradients	15
4. Grain size frequency envelopes	16
5. Grain size versus sorting plot	17
6. Distribution of mean grain size	18
7. Photomicrographs of Whiritoa sands	19

## APPENDIX

List of samples, number, mean size & sorting	21
--	----

Cover photograph: Whiritoa beach from the north,  
January 1973



DIMENSIONS OF THE WHIRITOA SAND SYSTEM  
AND IMPLICATIONS FOR SAND MINING AND SHORE EROSION

INTRODUCTION

In October 1978 I was asked by the Hauraki Catchment Board to comment on the sand resources of Whiritoa beach and on the relationship between sand mining and shore erosion. This request followed reports on the occurrence of severe beach erosion at Whiritoa during July-August 1978. At that time local residents suggested the commercial extraction of sand from the pit at the southern end of the beach was a contributing factor.

An earlier report on "The effect of sand mining on the erosion potential of Whiritoa beach" prepared by M.J. Christopherson (1977) as an M.Sc. thesis in Earth Science, University of Waikato, was made available to me by the Board. That study described in detail the wave climate of Whiritoa beach and dune sand texture, mineralogy and provenance, and beach profile and volumetric changes based on weekly surveys carried out during 1974. In 1974 a number of erosional events occurred such that following the autumn storms of 1974 (which eroded an estimated 112,000 cubic metres from the beach) a reservoir of only about 50,000 cubic metres of sand was left between the base of the fore-dune and the sea. Christopherson considered the beach system at Whiritoa was 'closed' to replenishment from outside sources and argued that because of this, the continued mining of some 4,000 cubic metres of sand per year would quickly deplete the sand reservoir and cause beach erosion and dune recession. He recommended the cessation of sand mining.

It should be noted that Christopherson's observations were essentially restricted to the subaerial and intertidal portion of the beach; he did not investigate the nature of the topography or sediments in the nearshore zone below low water mark nor the areas further offshore and alongshore. Because there is obviously an exchange of sediment between the beach and its adjacent nearshore zone as well as the possibility of subtidal sediment transfer alongshore, the real seaward and lateral boundaries of the Whiritoa sand system were not positively or sufficiently determined. Further, the input potentials of the streams that drain the Whiritoa catchment and exit via lagoons at the northern and southern ends of the beach were not fully evaluated. Without such information conclusions on the effects of extracting sand from the beach system cannot be too assertive. It was with these points in mind that the present investigation was undertaken.

## PURPOSES

The objectives of this report are to:

- (1) Describe some of the physical properties of Whiritoa beach sand and to compare these with sediments from other local environments.
- (2) Delimit the spatial dimensions of the Whiritoa sand system particularly its seaward and alongshore boundaries, the boundaries being identified by a marked change in sediment type.
- (3) Assess the potential sources and sinks of this sand and the magnitude of contemporary inputs and outputs to the system.
- (4) Consider the implications of this information for sand mining and shore stability.

Of a large number of possible properties that could be utilized to describe the sediments only the two simplest, mean grain size and sorting are used here for it was found that the resolution of these descriptors achieved the stated purposes and that further measures would yield little additional practical information.

## DATA AND PROCEDURES

In May 1979 five profiles were surveyed across the beach from foredune datums to below the water line; and continued offshore for up to 1.5 km using echo-sounding techniques. Survey results are given on HCB drawing No. 1833.

Sediment samples were collected on the transects, elsewhere in the bay and offshore at Whiritoa as well as at a number of other sites between Whangamata to the north and Mataora to the south. A total of 54 samples was obtained; locations are shown on Figure 1.

Samples were sieved at  $\frac{1}{2}\phi$  (phi) intervals by A. Willoughby at the University of Waikato who supplied the basic data to me. From these histograms and cumulative frequency curves were constructed, Folk percentile values abstracted and standard (Folk) grain size parameters for mean size and sorting (standard deviation) calculated. All samples were inspected under the binocular microscope but no quantitative mineralogical work was carried out. In November 1979 stream, lagoon and onshore sediment and rock samples were collected from Whiritoa but only two samples from the Whiritoa stream/

lagoon and two from Ramarama stream/lagoon have so far been graded and inspected. The location of these samples is given in Figure 1.

#### BATHYMETRY

Figure 2 is a general bathymetric map of the Whiritoa area based on enlargements of the 1:100,000 Hydrographic Charts NZ 534 and 541. Sample depths as calculated in the field are also shown; these tend to indicate consistently deeper depths for equivalent positions than the published charts. The hydrographic charts indicate that the sea floor off Whiritoa is shallow and slopes gently offshore in regular fashion such that the 100 m depth contour is 24 km offshore and the 50 m depth contour 9-9.5 km from the coast. Towards the land the gradient incrementally increases until in depths between 8-9 m below low water mark there is an abrupt steepening. This important bathymetric change of slope is clearly shown on the five echosounding traverses run off Whiritoa in May 1979 (HCB, Drawing No. 1833).

Figure 3 shows the inshore part of three of these runs together with the beach profiles; profile 1 is from the northern end of the beach, profile 3 from the centre and profile 5 from the southern end. This diagram shows (1) that the morphology and gradients are comparable along the length of Whiritoa and (2) that the effective morphologic base of the beach passes below low water and down to the seaward edge of what is defined here as the 'nearshore face'. Note also that the break of slope occurs consistently at a distance of 180-225 m from low water mark, and that it remains within the confines of the embayment limited by the cliffs and rocks to the north and Otonga Point to the south (Figure 2). This topographic change in slope coincides with the major change in sediment type and effectively delimits the seaward boundary of the Whiritoa sand system (see below).

#### SEDIMENT TYPES

During the plotting of size frequency distributions, calculation of Folk statistics and microscope inspection of bulk samples it became clear that the whole sample suite (more than 60 samples) could be divided into various types and sub-types classified on the basis of the environments from which they were obtained. A number of environments or sub-environments were distinguished:

Stream

Lagoon

Foredune

Nearshore (0-8 m below LWM)

Inshore I (8-16 m below LWM)

Inshore II (16-24 m below LWM)

Offshore I (24-32 m below LWM)

Offshore II (32-40 m below LWM)

Differences between some of these deposits are very marked; others are more subtle. Similarities and differences are illustrated in a number of ways below.

# 1. Size frequency envelopes

curves

Size frequency/derived from histograms give a visual impression of the relative quantities of material in each size grade, in this case based on  $\frac{1}{2}$  phi intervals. Among other things they indicate the nature of a sample's size distribution including the absolute range of sizes present, the modal size (most frequently occurring size), sizes that are particularly well represented (high % frequency) and sizes that are deficient (small % frequency) in the sample.

Individual frequency curves for different depth zones in the marine environment were superimposed and the envelopes within which all curves fell are shown pictorially in Figure 4. The overall modal trend depicted is one of a general shift towards the right away from the beach (ie. seaward fining) though from Inshore II to Offshore II <sup>there</sup> is a movement back towards the left (ie. offshore coarsening). Also note:

(i) The absence of silt and clay in all samples.

(ii) The lack of fine (2-3  $\phi$ ) and very fine sand (3-4  $\phi$ ) in the beach and nearshore samples and conversely the virtual absence of medium (1-2  $\phi$ ) and coarse sand (0-1  $\phi$ ) in the inshore sediments. There is thus very little overlap between the first pair and second pair of deposits which suggests there is little mixing of sands between the nearshore and inshore zones.

(iii) Included on the nearshore plot are two shallow water samples from Waimama Bay at the north end of Whiritoa and one from inside Otonga Point at the south end (see Figure 1 for locations). These samples (especially 40 and 41) are clearly different from those at equivalent depths off Whiritoa in that they are much finer and only have a slight overlap with the bulk of the samples. It is this sort of evidence that permits conclusions on the lateral (longshore) extent of the Whiritoa sand system.

(iv) Offshore sediments possess a bimodal (two peaked) distribution

suggesting they are composed of mixtures of two quite discrete sand sizes, one fine (similar to the inshore samples) the other coarser (more akin to the mode in the nearshore sediments).

(v) Minor modes on the left of the distributions all represent the presence of broken or whole shell fragments in the coarse sand sizes. These occur most notably in the beach materials.

## 2. Mean grain size versus sorting

Mean size is a function of the size range of available materials and the amount of energy imparted to the sediment by the transporting medium (wave, wind, stream, current)... Sorting or standard deviation is the spread or dispersion of sizes within a sample and depends in part on inherent grain size, fluctuations in energy of the transporting medium and variations in source materials. A plot of mean size against sorting summarizes a point for each sample which can be seen in relation to all other samples.

Figure 5 is such a diagram based on values for all Whiritoa samples listed in the appendix, excluding the dune samples whose values fall within the field delineated by the beach samples. It is obvious from this figure that grouping occurs such that differences within environments are less than between environments, though there is some overlap notably between the beach and nearshore samples on the one hand and the three deepest zones on the other. Note also:

(i). The largest variation is for the beach samples principally because of the presence of varying quantities of coarse shell fragments; their presence increases both the size and sorting values.

(ii). The beach samples grade into the adjacent nearshore field and clearly indicates mixing between the subaerial beach and its subtidal continuation.

(iii). There is no overlap between the nearshore zone and the zone immediately to seaward (Inshore, 9-16 m). Instead a significant break exists on the size-sorting plot between those two environments (a gap of a whole phi unit) which suggests there is little exchange of sands between them.

(iv) Paradoxically the group of sands closest in character to those from the beach and nearshore are from the deepest water, but there is no obvious pathway on the plot to suggest a physical linkage between them.

(v) The stream and lagoon samples are markedly different from

the others most notably in terms of their sorting values.

### 3. Average textural characteristics

The discreteness of the size/sorting groupings portrayed in Figure 5 suggests that it is valid to describe each environment in terms of its typical textural characteristics. Table I gives the numeric averages (or grand means) of size and sorting together with the appropriate (Folk) verbal descriptors based on values listed in the appendix.

TABLE I  
AVERAGE MEAN SIZE and SORTING

Environment	Av. mean size mm	size φ	Av. sorting φ	Comment
Stream	0.55	0.86	1.22	Poorly sorted coarse sand
Lagoon	0.26	1.91	1.25	Poorly sorted medium sand
Foredune	0.42	1.24	0.51	Moderately well sorted medium sand
Beach	0.48	1.05	0.53	Moderately well sorted medium sand
Nearshore (0-8 m)	0.37	1.42	0.55	Moderately well sorted medium sand
Waimama Bay (0-8 m)	0.16	2.67	0.41	Well sorted fine sand
Inshore I (8-16 m)	0.16	2.67	0.41	Well sorted fine sand
Inshore II (16-24 m)	0.15	2.71	0.53	Moderately well sorted fine sand
Offshore I (24-32 m)	0.20	2.35	0.51	Moderately well sorted fine sand
Offshore II (32-40 m)	0.30	1.75	0.58	Moderately well sorted medium sand

Apart from the stream and lagoon sands, which are poorly sorted (wide range of sizes) all the other environments possess well or moderately well sorted sediments. (narrow range of sizes) the best sorted being those from the inshore zone. In terms of mean size the sediments can be classed as fine or medium sands (range of diameters from 0.15 to 0.50 mm) excluding those from the stream bed. The finest sands occur in the inshore zones between depths of 8-24 m. Seaward and landward of this belt diameters increase. Note also that the Waimama Bay sands from depths shallower than 8 m possess identical characteristics to those between 8-16 m off Whiritoa.



#### 4. Spatial pattern of sediments

Figure 6 is a map of bed sediments contoured at 0.5  $\phi$  intervals. It clearly shows that the sea floor off Whiritoa is mantled in fine sand (2-3  $\phi$ ) and that coarser medium sands (1-2  $\phi$ ) are restricted to a narrow fringe along the shoreline and in a deeper water zone some 4.5 km from the coast. It should be noted that the finest material within the fine sand belt extends inshore almost to the submarine toe of the beach so that there is an abrupt change in sediment type and slope immediately offshore from the beach. It is also clear that fine sands come in very close to the cliffs and rocks at Waimama Bay and Otonga Point immediately to the north and south of Whiritoa. Seawards, below depths of about 20 m there is a gradual coarsening of sediment in the fine sand belt such that sand roughly comparable in texture to that along the beach is reached in depths greater than 32 m. Importantly there is no obvious dispersal pattern that links the two deposits.

#### 5. Sand composition

No detailed work on the constituent composition of the materials collected for this investigation has been carried out (but see Christopherson, 1977 for some mineralogical data). However each sample was inspected under the binocular microscope and it became abundantly clear during this inspection that there were five gross compositional types in the sands of the area.

These are summarized as follows:

Stream - dominantly rough dull angular lithic (rock) fragments with occasional unpolished quartz and feldspar grains.

Lagoon - dominantly subrounded polished quartz sand (similar to beach) but with angular shell fragments and high brown silt/clay component (10 %).

Beach/nearshore - dominantly subrounded highly polished quartz sand with subsidiary feldspar and coloured shell fragments; heavy minerals abundant in finer fraction.

Inshore - dominantly fine angular glass shards with dull small broken shell fragments and foraminifera. Whole bivalves - alive when collected.

Offshore - dominantly subangular-subrounded quartz and feldspar grains (variable polish), angular glass fragments and heavy minerals abundant in fine fraction.

Four of these five types are illustrated in the coloured photomicrographs in Figure 7. Note the major contrasts between the stream, beach and inshore samples and the similarity between the beach and nearshore samples, and that from offshore.

Excluding the biogenic materials these gross compositional characteristics are consistent with a derivation from acid volcanic rhyolitic rocks which outcrop along the eastern Coromandel Peninsula. However they are also similar to the younger rhyolites and ignimbrites of the Taupo-Rotorua volcanic zone around the central Bay of Plenty.

#### WHIRITOA SAND SYSTEM

##### 1. Whiritoa sand type

From the sediment data presented above it is apparent that the Whiritoa beach sands are comparable in gross terms to those of the adjacent nearshore zone on one side and the foredune on the other. All three environments possess sediments that can be classified texturally as clean, well to moderately well sorted medium to coarse sands. Median diameters fall mostly in the range of 0.35 to 0.55 mm. These sands are all similar in appearance being whitish-grey with flecks of black (heavy mineral) pink and gold (shell fragments). They are dominantly quartzose-feldspathic in composition with subordinate shell and heavy minerals. The light minerals and shells are subrounded and highly polished. It is these characteristics that distinguish the 'Whiritoa sand type' from other sands in the area both on- and offshore.

##### 2. Dimensions of the Whiritoa sand system

The area covered by the Whiritoa sand type is quite small. Its maximum dimensions are shown on Figure 6 by the shaded belt of medium sand along the beach. Offshore the seaward limit is clearly defined by the major break in slope and sediment type at the base of the nearshore face (Figure 3). This occurs consistently along the beach-front at a depth of 8-9 m below low water mark and at a distance of 180-225 m from the water-line, narrowing in a northerly direction. Alongshore the boundary is less obvious topographically but still can be identified. To the north, though the narrow cliff-foot rock-strewn tidal beach at Waimama Bay does possess sands broadly similar to those at Whiritoa, the sea floor immediately offshore is carpeted with much finer sands which represent the inshore limit of the fine sand belt (Figure 6). Effectively the northern boundary can be accepted as aligned with the rocks immediately north of the Ramarama lagoon exit. In the south the alongshore boundary occurs further seaward of the cliffline (off the hole-in-the-wall) but the position of sample 35 (Figures 1 and 6) represent the transition from the Whiritoa sand facies to the inshore facies. There is no evidence from this investigation to suggest that Whiritoa type sands extent around the headlands at either Otonga Point or Waimama Bay.

Onshore the boundary was not investigated in detail. Whiritoa sands occur in the frontal dune but do not extend much further west than a line marked by the settlement's north-south road. Landward of this a second dune consists of deeply weathered yellow brown sands mantled with lapilli tephra with occasional bedrock exposures. However to all intents and purposes this landward boundary is academic and the natural active margin of the system can be regarded as the shore base of the foredune. In the lagoons at the northern and southern end of the settlement Whiritoa sands are found up to 200 m from the beachline at which point they are diluted by brown silts and clays and organic matter.

### 3. Sources and losses and system dynamics.

There is no evidence to suggest that large quantities of fresh sand are being contributed to the Whiritoa system at the present time from external sources. The volcanic rocks within the catchment are on the whole very deeply weathered. Hand pestle and mortar crush tests on a number of samples from road exposures and cliffs to the north and south indicated that the 'rocks' broke down mainly to clay sized particles; only rarely were sand sized phenocrysts and crystals released.

Potential contemporary sources of Whiritoa sand are listed below together with a comment on their likely contribution.

- (1) Streams - possibly supply minor quantities of Whiritoa type sand, but certainly not large amounts. Stream beds and banks are dominated by lithic gravels and clays and only small amounts of sand most of which consists of rock fragments and rarely crystalline material (see Figure 7).
- (2) Cliffs - very minor contribution through debris slides, rock falls and abrasion. Breaks down into soft clays and not granular sands.
- (3) Offshore - nil. There is no evidence to suggest that the medium sands in depths greater than 30 m over 4 km offshore reach the beach. Inshore sands are too fine to settle permanently in the beach-nearshore zone.
- (4) Alongshore - nil. There is no evidence to indicate littoral movement of medium-coarse sands around the headlands to the north and south of Whiritoa.
- (5) Biogenic - minor. Molluscs are found in the intertidal and

subtidal zone of the adjacent cliffs and rocks and along the beach. Breakdown of these does continually supply fragments to the system, but in small quantities. (Christopherson, 1977, p 40, noted that 2-10 % of the weight of the Whiritoa beach samples were organic calcium carbonate).

Thus, apart from quite minor amounts of stream and cliffed derived sands and biogenic materials the Whiritoa sand system does not receive any fresh sediment. It is not possible to put precise figures on the amounts supplied by stream-cliff-biogenic sources but in my opinion the quantities would be of the order of tens to a few hundred cubic metres, certainly less than 1000 cubic metres per year.

Natural sand losses from the system are also small. Our data suggests there is little loss either seaward of the nearshore zone or alongshore. Grain to grain impacts in the turbulent beach nearshore zone would cause some abrasion of particles but is regarded as unimportant considering the durability of the sands. The major natural loss of sand is into the lagoons at the ends of the beach which are part of the system itself. These act as temporary sinks for beach materials but are periodically flushed during freshes, though there is evidence to suggest that the long-term trend is one of more permanent infill by marine sands.

It thus becomes clear that the Whiritoa sand system contains a finite amount of sand that has slowly accumulated over the last few thousand years, and, that on a year-by-year basis both natural supplies and losses to the system are quite small. In this sense the sands at Whiritoa can be regarded as a non-renewable resource.

In the absence of compensating inputs the extraction of some 3-5,000 cubic metres per year through sand mining practices over the last decade or so must have depleted the quantity of sand in the system and will further reduce the total if the practice continues in future.

Though the external natural supplies and losses are of small magnitude sand transfers within the system are continuously operating in the manner outlined by Healy (1974). Given the general wind-wave energy regime and the calibre and quantity of material available exchanges between the major morphologic components of the system (foredune, beach, nearshore, lagoon) of a large magnitude can be expected. In the long-term this is apparent from the presense of air-fall Kaharoa ash ( $890 \pm 80$  yr B.P.) beneath the foredune (Pullar, et. al, 1977) and in the short term by the fact that over

100,000 cubic metres of sand was lost from the beach during a storm in 1974 (Christopherson, 1977), presumably mainly into temporary storage in the nearshore zone. The magnitude of such sand movements suggests that the foredune base will always be under threat. Thus the greater the quantity of sand maintained in the beach and nearshore zones the 'healthier' the dune will be as these areas serve as buffers to dune-toe erosion. Any process that depletes the total quantity of sand in these zones will diminish the buffer's effectiveness and enhance the likelihood of dune recession.

#### CONCLUSIONS

(1) The beach, dune and nearshore sediments at Whiritoa can be described as clean, well to moderately well sorted medium to coarse shelly feldspathic quartzose sands. They are clearly distinguishable from other sands within the area, especially the fine to very fine glassy sands that mantle the seabed immediately off the beach and alongshore.

(2) The extent of the Whiritoa sand system is small and confined. Offshore the boundary is defined by a break in slope and sediment type at a depth of 8-9m below LWM and a distance of 180-225m from the water-line. Alongshore the boundary is less obvious but it does not extend much further than the beach's northern and southern termini. Whiritoa type sands do not extend around the headlands.

(3) An evaluation of potential sources and sinks indicates the Whiritoa system operates effectively as a 'closed sedimentary system', one that does not receive or lose significant amounts of sand through natural processes. The present major loss is undoubtedly through sand mining at the southern end of the beach and the quantities extracted are not offset by contemporary inputs.

(4) Within the system itself there are large exchanges of sand between its four morphological components; beach, lagoon, nearshore and foredune. There is also evidence to suggest that the amount of sand available in relation to impinging wave-wind energy (particularly storm waves) is insufficient to maintain an equilibrium profile without continued erosion of the foredune. In this sense the beach-nearshore zone is undernourished.

(5) In these circumstances it is most probable that continued sand mining will further deplete the reservoir and induce further erosion.

## REFERENCES

- Christopherson, M.J. (1977) The effect of sand mining on the erosion potential of Whiritoa beach. M.Sc. thesis in Earth Science, University of Waikato.
- Healy, T. (1974) The equilibrium beach: a model for real estate development and management of the coastal zone in the northeast of New Zealand. Proc. 8th N.Z. Geography Conf., 319-324.
- Pullar, W.A., Kohn, B.P. & Cox, J.E. (1977) Air-fall Kaharoa ash and Taupo pumice, and sea-rafterd Loisel's pumice, Taupo pumice, and Leigh pumice in northern and eastern parts of the North Island, New Zealand. N.Z. Jl. Geol. Geophys. 20(4): 697-717.

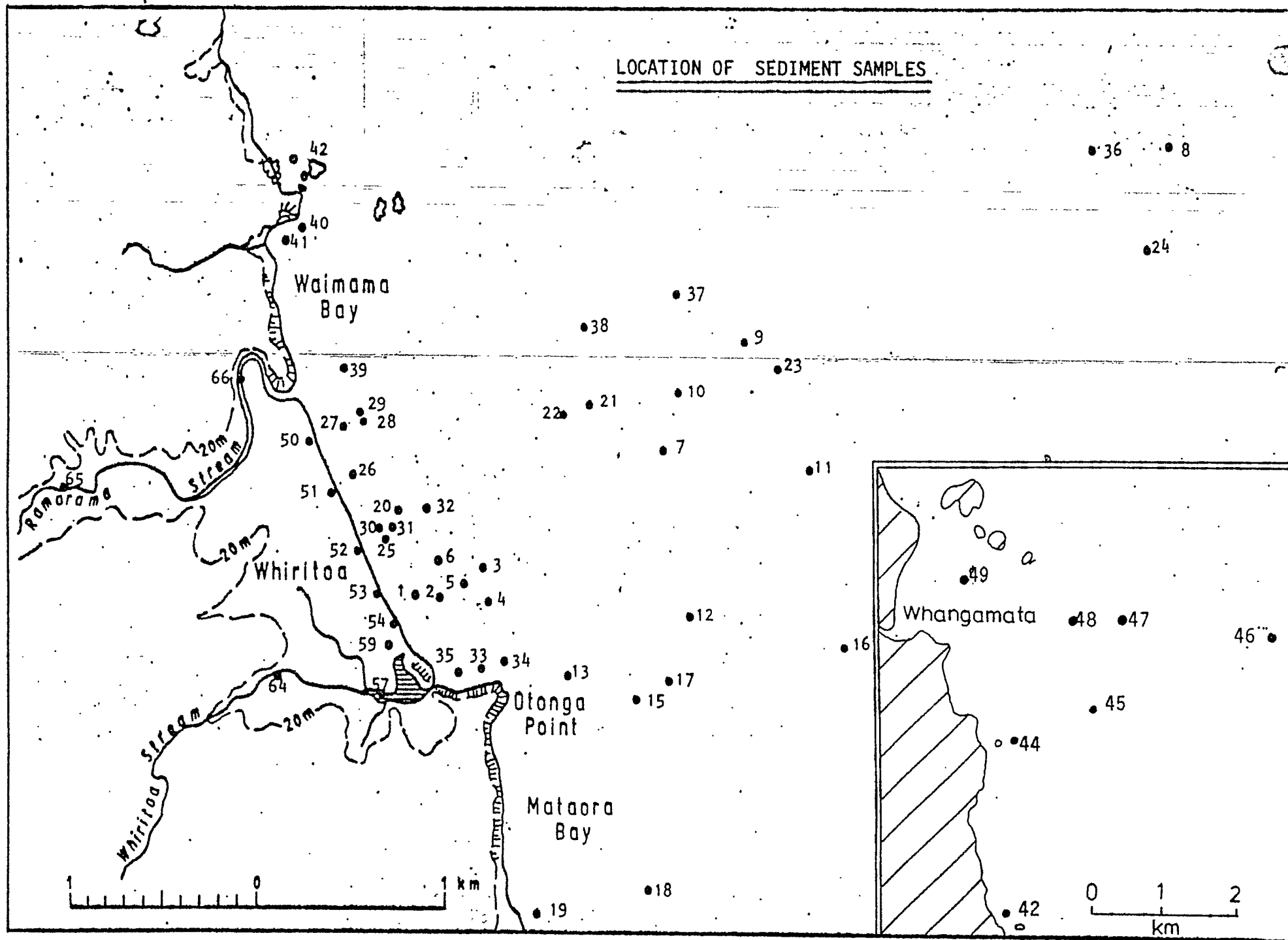


FIGURE 1





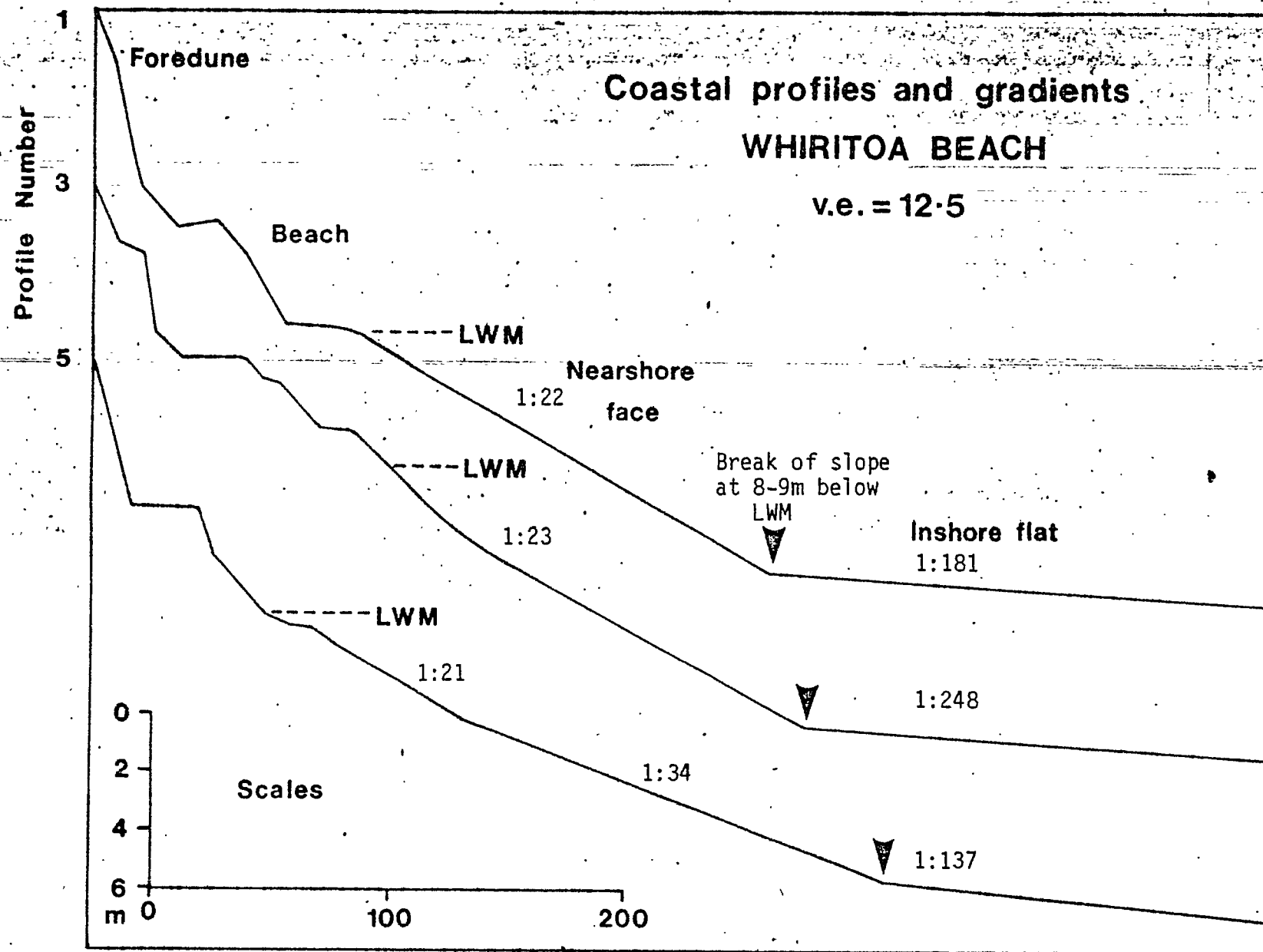


FIGURE 3

FIGURE 4  
GRAIN SIZE FREQUENCY ENVELOPES

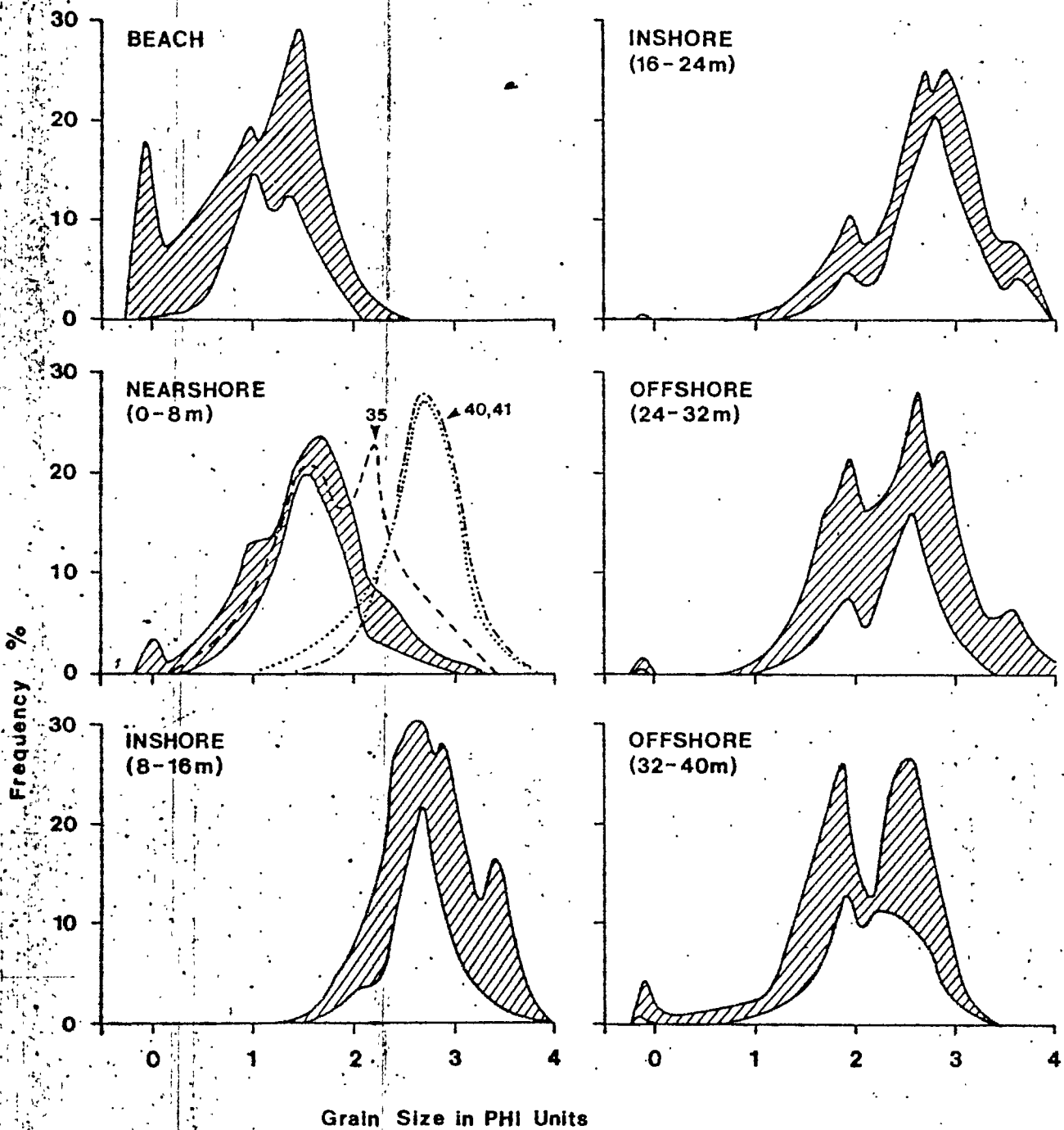
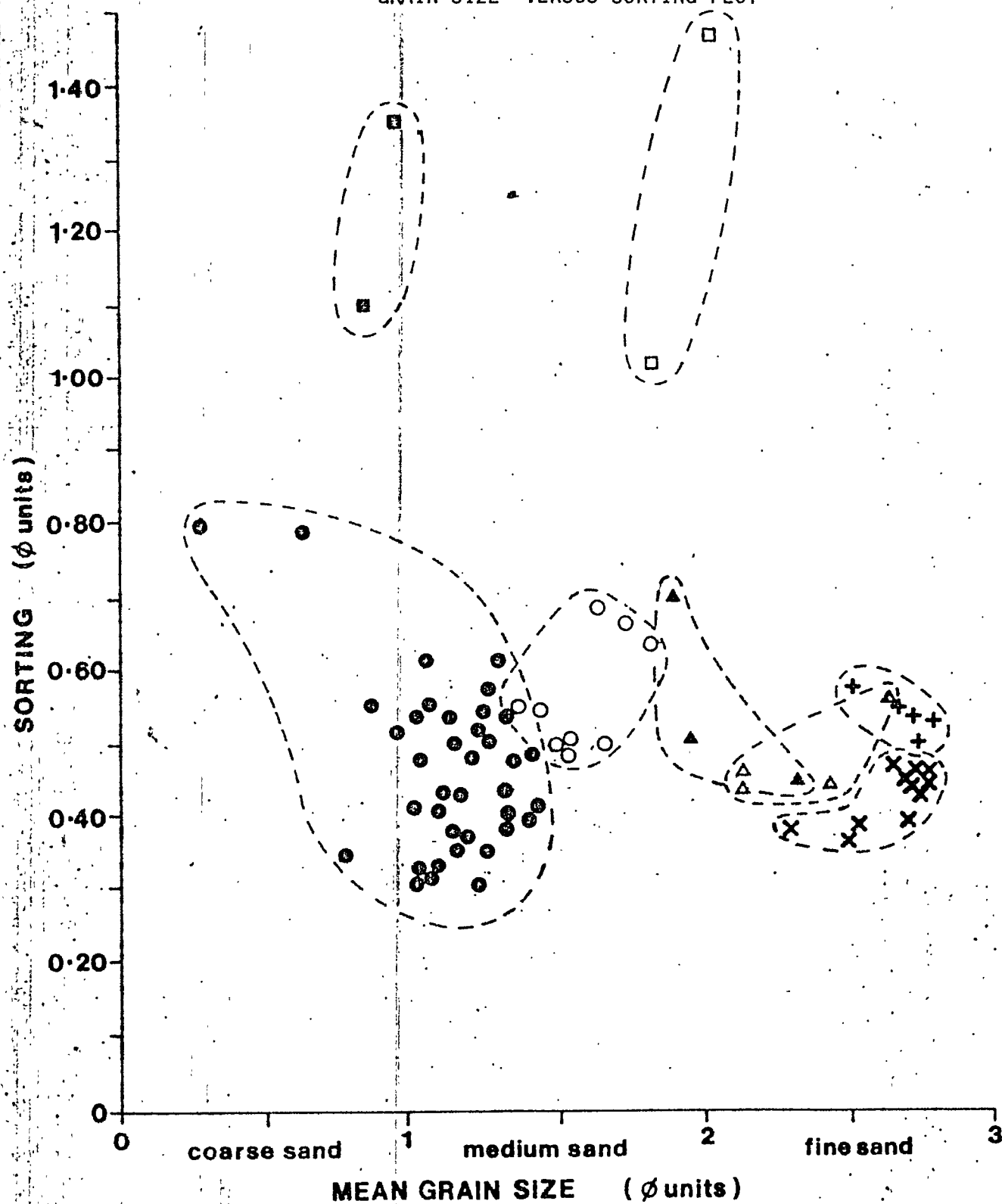


FIGURE 5

GRAIN SIZE VERSUS SORTING PLOT



- Stream bed
- Lagoon
- Beach
- Nearshore. 0-8m

- × Inshore. 9-16 m
- + Inshore. 17-24 m
- △ Offshore. 25-32 m
- ▲ Offshore. 33-40 m

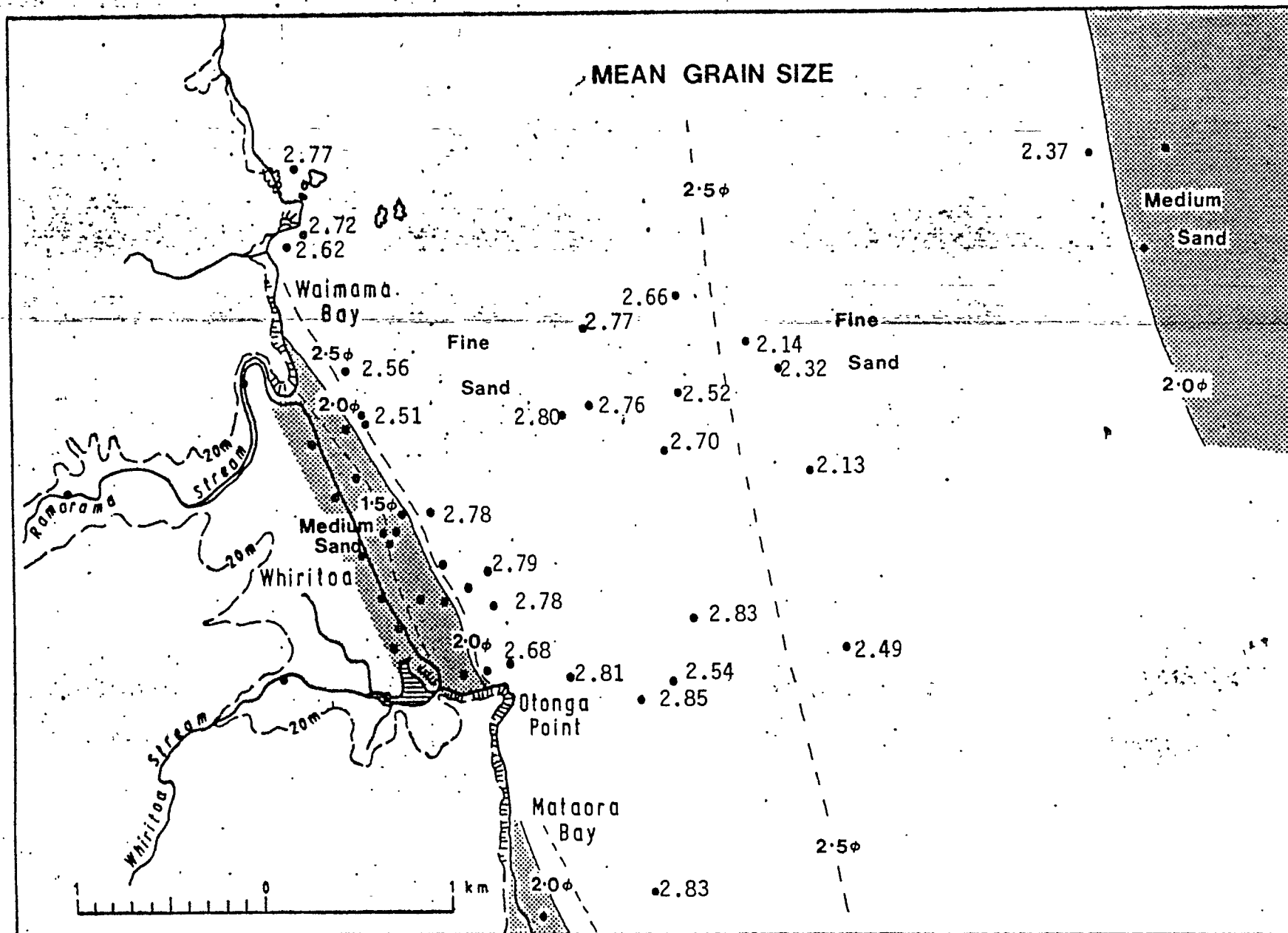


FIGURE 6 : DISTRIBUTION OF MEAN GRAIN SIZE (φ)

FIGURE 7  
PHOTOMICROGRAPHS OF WHIRITOA SANDS



WHIRITOA STREAM

Sample no. 64

Size grade:

0.25 to 1 mm (0-2 $\phi$ )

x20



BEACH

Sample no. 50

Size grade:

0.25 to 1 mm (0-2 $\phi$ )

x20



NEARSHORE

(0-8 m below LWM)

Sample no. 30

Size grade:

0.25 to 1 mm (0-2 $\phi$ )

x20



INSHORE

(9-16 m below LWM)

Sample no. 32

Size grade:

0.06 to 0.25 m (2-4 $\phi$ )

x20



INSHORE

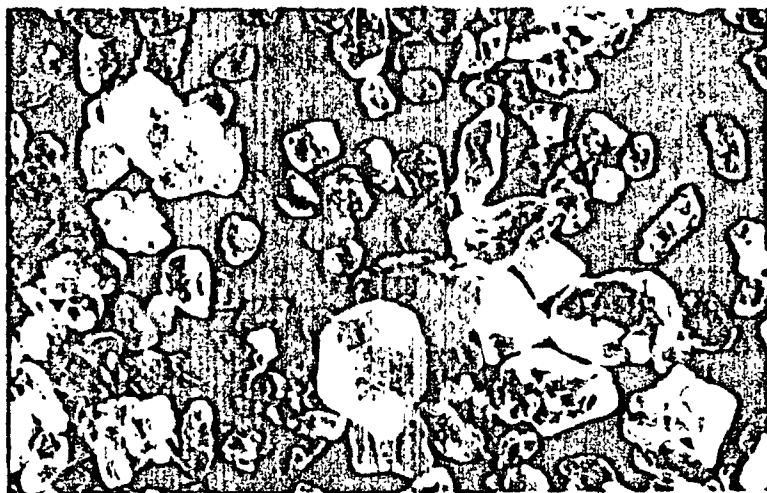
(17-24 m below LWM)

Sample no. 21

Size grade:

0.06 to 0.25 mm (2-4 $\phi$ )

x20



OFFSHORE

(33-40 m below LWN)

Sample no. 24

Size grade:

0.25 to 1 mm (0-2 $\phi$ )

x20



APPENDIX: SAMPLE NUMBER, MEAN SIZE AND SORTING

FOREDUNE SAMPLES

Sample Number	Mean size (mm)	Mean size ( $\phi$ )	Sorting ( $\phi$ )	Verbal Description
WA 11	0.39	1.35	0.59	Moderately well sorted medium sand
WA 21	0.39	1.34	0.52	Moderately well sorted medium sand
WA 31	0.55	0.87	0.37	Well sorted coarse sand
WA 41	0.41	1.27	0.42	Well sorted medium sand
WA 51	0.36	1.48	0.41	Well sorted medium sand
WB 11	0.39	1.34	0.46	Well sorted medium sand
WB 21	0.30	1.74	0.71	Moderately sorted medium sand
WB 31	0.47	1.09	0.32	Very well sorted medium sand
WB 41	0.46	1.11	0.34	Very well sorted medium sand
WB 51	0.56	0.83	0.99	Moderately sorted coarse sand
CCS 59	0.33	1.61	0.63	Moderately well sorted medium sand
CCS 60	0.44	1.18	0.43	Well sorted medium sand

BEACH SAMPLES

50	0.41	1.29	0.35	Well sorted medium sand
51	0.65	0.61	0.79	Moderately sorted coarse sand
52	0.49	1.04	0.47	Well sorted medium sand
53	0.49	1.03	0.53	Moderately well sorted medium sand
54	0.41	1.27	0.50	Well sorted medium sand
WA 12	0.39	1.35	0.53	Moderately well sorted medium sand
WA 13	0.47	1.10	0.40	Well sorted medium sand
WA 14	0.44	1.18	0.42	Well sorted medium sand
WA 22	0.40	1.31	0.61	Moderately well sorted medium sand
WA 23	0.42	1.24	0.54	Moderately well sorted medium sand
WA 24	0.45	1.16	0.49	Well sorted medium sand
WA 32	0.47	1.09	0.31	Very well sorted medium sand
WA 33	0.45	1.16	0.38	Well sorted medium sand
WA 34	0.58	0.78	0.34	Very well sorted coarse sand
WA 42	0.38	1.41	0.39	Well sorted medium sand
WA 43	0.39	1.36	0.39	Well sorted medium sand
WA 44	0.45	1.15	0.53	Moderately well sorted medium sand
WA 52	0.39	1.37	0.47	Well sorted medium sand
WA 53	0.40	1.31	0.43	Well sorted medium sand
WA 54	0.37	1.42	0.40	Well sorted medium sand

(Beach Samples (contd) )

Sample Number	Mean size (mm)	Mean size (φ)	Sorting (φ)	Verbal Description
WB 12	0.37	1.42	0.48	Well sorted medium sand
WB 13	0.48	1.05	0.32	Very well sorted medium sand
WB 14	0.42	1.24	0.51	Moderately well sorted medium sand
WB 22	0.40	1.32	0.40	Well sorted medium sand
WB 23	0.41	1.29	0.57	Moderately well sorted medium sand
WB 24	0.43	1.21	0.47	Well sorted medium sand
WB 32	0.49	1.02	0.41	Well sorted medium sand
WB 33	0.39	1.34	0.38	Well sorted medium sand
WB 34	0.46	1.11	0.42	Well sorted medium sand
WB 42	0.42	1.25	0.30	Very well sorted medium sand
WB 43	0.47	1.09	0.32	Very well sorted medium sand
WB 44	0.49	1.03	0.31	Very well sorted medium sand
WB 52	0.51	0.97	0.52	Moderately well sorted coarse sand
WB 53	0.55	0.87	0.55	Moderately well sorted coarse sand
WB 54	0.82	0.29	0.80	Moderately sorted coarse sand
CCS 59B	0.45	1.16	0.35	Well sorted medium sand
CCS 59W	0.47	1.09	0.55	Moderately well sorted medium sand
CCS 60B	0.44	1.18	0.37	Well sorted medium sand
CCS 60W	0.48	1.06	0.64	Moderately well sorted medium sand

NEARSHORE SAMPLES (0-8 m below LWL)

01	0.31	1.69	0.50	Well sorted medium sand
02	0.30	1.74	0.66	Moderately well sorted medium sand
20	0.35	1.53	0.49	Well sorted medium sand
25	0.32	1.63	0.68	Moderately well sorted medium sand
26	0.40	1.33	0.54	Moderately well sorted medium sand
27	0.35	1.52	0.48	Well sorted medium sand
30	0.36	1.46	0.54	Moderately well sorted medium sand
31	0.35	1.53	0.49	Well sorted medium sand
35	0.28	1.81	0.63	Moderately well sorted medium sand
19+	0.35	1.53	0.52	Moderately well sorted medium sand
40*	0.15	2.72	0.38	Well sorted fine sand
41*	0.16	2.62	0.44	Well sorted fine sand

INSHORE SAMPLES (9-16 m below LWL)

Sample Number	Mean size (mm)	Mean size (φ)	Sorting (φ)	Verbal Description
03	0.14	2.79	0.42	Well sorted fine sand
04	0.15	2.76	0.45	Well sorted fine sand
05	0.15	2.77	0.43	Well sorted fine sand
06	0.15	2.73	0.39	Well sorted fine sand
22	0.14	2.80	0.46	Well sorted fine sand
28	0.20	2.32	0.37	Well sorted fine sand
29	0.17	2.51	0.36	Well sorted fine sand
32	0.14	2.78	0.43	Well sorted fine sand
33	0.15	2.72	0.44	Well sorted fine sand
34	0.16	2.68	0.46	Well sorted fine sand
39	0.17	2.56	0.38	Moderately sorted fine sand
13°	0.14	2.81	0.45	Moderately sorted fine sand
14°	0.14	2.82	0.40	Moderately sorted fine sand
15°	0.14	2.85	0.48	Moderately sorted fine sand
18+	0.14	2.83	0.46	Moderately sorted fine sand
42*	0.15	2.77	0.41	Moderately sorted fine sand
43'	0.16	2.65	0.41	Moderately sorted fine sand
44'	0.13	2.88	0.36	Moderately sorted fine sand
49'	0.14	2.85	0.77	Moderately sorted fine sand

INSHORE SAMPLES (17-24 m below LWL)

07	0.15	2.70	0.54	Moderately well sorted fine sand
10	0.17	2.52	0.57	Moderately well sorted fine sand
12	0.14	2.83	0.52	Moderately well sorted fine sand
21	0.15	2.76	0.53	Moderately well sorted fine sand
38	0.15	2.77	0.49	Well sorted fine sand
17°	0.17	2.54	0.60	Moderately well sorted fine sand
45'	0.14	2.7	0.44	Well sorted fine sand
48'	0.15	2.75	0.50	Well sorted fine sand

OFFSHORE SAMPLES (25-32 m below LWL)

09	0.23	2.14	0.56	Moderately well sorted fine sand
11	0.23	2.13	0.47	Well sorted fine sand
23	0.18	2.48	0.44	Well sorted fine sand
37	0.16	2.66	0.56	Moderately well sorted fine sand
16°	0.18	2.49	0.55	Moderately well sorted fine sand
47'	0.24	2.05	0.42	Well sorted fine sand

OFFSHORE SAMPLES (33-40 m below LWL)

08	0.26	1.96	0.50	Moderately well sorted medium sand
24	0.27	1.90	0.68	Moderately well sorted medium sand
36	0.19	2.37	0.44	Well sorted fine sand
46'	0.59	0.77	0.72	Moderately sorted coarse sand

STREAM SAMPLES

64	0.57	0.81	1.09	Poorly sorted coarse sand
65	0.53	0.91	1.35	Poorly sorted coarse sand

LAGOON SAMPLES

57	0.25	2.01	1.47	Poorly sorted fine sand
66	0.28	1.81	1.02	Poorly sorted medium sand

NOTE: Sample numbers prefixed WA and WB are from Christopherson (1977) and those prefixed CCS are from the Coromandel Coastal Survey. All other samples were collected for this investigation from the locations shown on Figure 1. Symbols following numbers refer to the following: + Mataora \* Waimama Bay ° off Otonga Point ' off Whatipu and Whangamata.



54/15/48

28 October 1980

Mr Cook  
P.O. Box 3266  
AUCKLAND

Dear Mr Cook

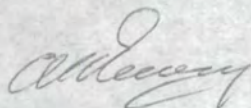
SAND EXTRACTION - WHIRITOA BEACH

Following a recent on-site inspection of the beach, the Ministry could not justify any action under the Harbours Act.

There would appear to be no sign of excessive erosion. The opposite is more apparent, there being an almost buried fence line between the extraction site and other property.

It is unfortunate that I had to be away when you called in, but you now will be aware of the Ministry's view.

Yours sincerely



A.K. Ewing  
for Secretary for Transport

DISPATCHED

29 OCT 1980

by RECORDS

FILED BY

FOUR/11/80

FILE

\_\_\_\_/\_\_\_\_/\_\_\_\_

Initials: \_\_\_\_\_

RM-1219

Mr Erving

54/14/7  
54/15/98

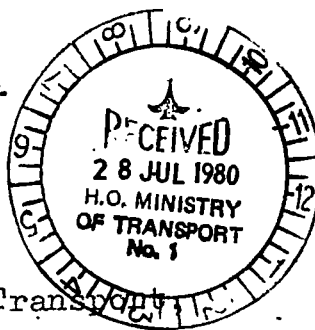


# MINES DIVISION

MINISTRY OF ENERGY P.O. Box 34, Huntly.

INQUIRIES TO:

Mr Brdanovic  
Telephone 87 257 Huntly.



Regional Secretary for Transport  
Ministry of Transport,  
Marine Division,  
Private Bag,  
AUCKLAND.

Attention : D.W. Le Marquand.

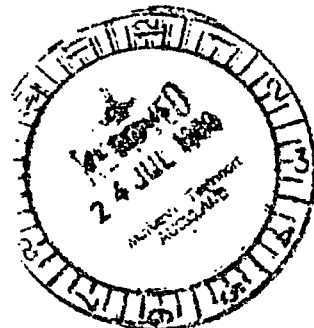
Dear Sir,

Re : Whiritoa Sand Pit.

ANVIL HOUSE WAKEFIELD ST.  
P.O. BOX 6342 TE ARO  
WELLINGTON NEW ZEALAND

TELEPHONE: 735 755  
TELEX: MINES NZ 31341

DATE: 22.7.80  
OUR REF: 12/8.  
YOUR REF: 54/14/7.



The land on which the sand pit is situated is held  
in fee simple by a Maori Trust in C.T.22A/16.

Although there is no restriction on minerals, there was  
a mining licence (M.L. 20973) issued to the Trust. The  
licence expired on 31.3.1978.

The sand pit is operated by Provincial Transport Ltd,  
Paeroa, under an agreement with the Trust which is  
represented by Messrs McCaw, Smith & Arcus, P.O. Box 471,  
Hamilton.

Yours faithfully,

.....*Mr Brdanovic*.....

(M. Brdanovic)  
Inspector of Mines & Quarries.

HEAD OFFICE  
WELLINGTON

SEO (HBRS)

Att: S. Ewing.

for your information.

D. W. LeMay ———.



## MINUTE SHEET

Department: .....

Subject:

Whitaea Sand  
Extraction

File No. 54/15748

Date: .....

To  
CMAThe Cook - from Ratguy's Desn.  
Box 3266  
Auckland.Adjoining property owner. - pit is 20'  
from his boundary.

The Cook called to find out latest position  
what MOT were doing - local press has  
reported your recent visit. I told him  
that. He also offered to discuss as he has  
information to assist. Can you write  
to him per on above?

Delaney 21/10/50

RH-1209

H &amp; F.

54/15/48

# Ohinemuri County Council

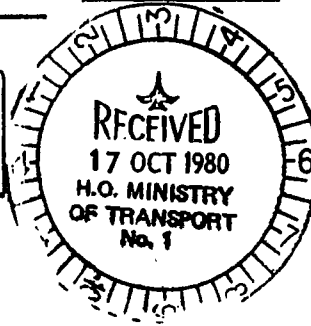
Telephone: 8609  
Address all Correspondence to  
the County Clerk.

YOUR REFERENCE: 54/15/48

In Your Reply Please Quote:

M.W. PARKER

File No. 811



P.O. Box 17,  
Paeroa.

16 October 1980

Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
WELLINGTON

ATTENTION: Mr A.K. Ewing

Dear Sir,

RE: SAND EXTRACTION - WHIRITOA BEACH

I have to thank you for your letter of 1 October which was placed before Council at its meeting held on the 8th instant.

The Council was very interested to hear of the observation made by Mr Ewing when he inspected Whiritoa Beach on 17 September 1980 and noted his comment that it would be extremely difficult to justify an application of section 244 of the Harbours Act.

As this matter has been dealt with in the past by the Town and Country Planning Committee, the Council resolved to refer your letter to that Committee for further consideration at its meeting to be held on 4 November 1980 when it is hoped that a positive recommendation will be made to Council.

In the meantime, I would be pleased if you would elaborate on the comment made in the penultimate paragraph of your letter. The writer can recall a suggestion being made that the Hauraki Catchment Board, this Council and possibly Government meet the cost of carrying out a full scale investigation into the effects of sand extraction on Whiritoa Beach. I can also recall a further suggestion that the quantity of sand being removed annually by Provincial Transport Limited be reduced from 4317 cubic metres by some 1,000 cubic metres. Perhaps it was some other matter which I am now unable to recall.

Your assistance in clarifying this point would be appreciated.

Yours faithfully,

M.W. PARKER  
COUNTY CLERK



54/15/48

26 September 1980

The Secretary  
Hauraki Catchment Board  
P.O. Box 7  
TE AROHA

Attention: Mr R. Harris

Dear Sir

I would like to express my appreciation for the hospitality shown me during my recent visit to the Board's area. Such hospitality makes these trips so much more pleasant.

As a result of the inspection of Whiritoa Beach there would appear to little justification for an attempt to invoke section 244 of the Harbours Act to stop sand extraction.

However before attempting to reply to the solicitors for the Ratepayers Association I would appreciate your comments on the necessity for monitoring the condition of the beach, if a study is considered necessary when it might be started, and from whom you would look for a financial contribution.

An indication of concern for the beach and of the intention to institute a study to complete the picture may go a long way towards satisfying the concerns of the members of the Ratepayers Association.

Yours faithfully



A.K. Ewing  
for Secretary for Transport

Porter by C.M.H.  
on 29.9.80

FILE
____/____/____
Initials: _____

RM. (1209) H x F  
Ohinemuri County Council

54/15/48

Telephone: 8609

Address all Correspondence to  
the County Clerk.

YOUR REFERENCE: 54/15/48

In Your Reply Please Quote:

M.W. PARKER

File No. 811

P.O. Box 17,  
Paeroa.

29 August 1980

Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
WELLINGTON 1



Dear Sir,

RE: SAND EXTRACTION: WHIRITOA BEACH

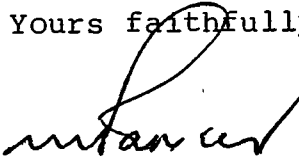
Further to my letter of 28 April 1980 I have to advise you that a legal opinion on the above matter has now been received from Mr J.D. Bathgate of Tompkins Wake & Co., Barristers and Solicitors, Hamilton, and as instructed by Council I am forwarding herewith a copy for your perusal.

You will note in Mr Bathgate's conclusions on page six that he is of the opinion that the quickest and most straight forward way of resolving the present situation would be for your Ministry to prosecute under the Harbours Act 1950.

Accordingly, this Council has resolved that the Minister be requested to take legal action against Provincial Transport Limited under Section 244 of the aforementioned Act.

Council would be pleased to hear in due course of the Minister's decision.

Yours faithfully,

  
M.W. PARKER  
COUNTY CLERK

# TOMPKINS WAKE & CO.

BARRISTERS & SOLICITORS

WESLEY CHAMBERS  
247 VICTORIA ST  
P.O. BOX 258  
HAMILTON, NEW ZEALAND  
TELEPHONE (71)84-779

REFERENCE:

Mr Bathgate

7th July 1980

Messrs Carden & Stout,  
Solicitors,  
P.O. Box 19,  
PAEROA.

Dear Sirs,

re: Ohinemuri County Council - Whiritoa Sand

1. We now report our opinion on this matter. Briefly, our opinion is that the Council has power to take action under the Town and Country Planning Act 1977 to prohibit or limit the removal of the sand, we do not consider that the Council has an obligation to take this action, in our opinion the National Water and Soil Conservation Authority (probably acting through the Hauraki Catchment and Regional Water Board) and the Ministry of Transport are the more appropriate persons to take action in priority to the Council. Nevertheless, the Council itself has powers that it may in its discretion exercise which could effectively prevent or control the removal of the sand. Those powers may be exercised by the Council without involving it in liability for compensation.
2. We relate some of the background facts, the powers and obligations of the Council to prevent or control the removal of the sand, the liability of the Council to pay any compensation for any action it may take in this regard, we consider other relevant legislation and set out our conclusions.

## Background facts

3. Mataora Incorporation is the owner of a block described as Whangamata 6B 3B2 adjacent to the Whiritoa foreshore. A piece of this land comprises of sand that runs onto the beach foreshore. The owners have authorised the removal of sand from this area which has been carried on for about the last thirty years. To the north and adjacent to this land is the Whiritoa Beach foreshore and the Whiritoa settlement. Inhabitants of the settlement are concerned with foreshore erosion, and in particular the Whiritoa Ratepayers Association is concerned to see that the Council takes some action to prevent the removal of sand which may contribute to the erosion.

4. A report on the Whiritoa sand system by Dr. R. McLean describes the system as being a small and confined one, with a finite amount of sand in which natural supplies and losses are quite small; the sands can be regarded as a non-renewable resource. Dr. McLean's conclusion is -"It is most probable that continued sand mining will further deplete the reservoir and induce further erosion". It is implicit that there has been erosion and this is continuing. It appears that erosion occurs from time to time in any event because of weather conditions, but apparently eroded material is replaced over a period of time within a closed sand system.

#### Powers and obligations of Council

5. We refer first to the powers of the Council to take action to prohibit or control the removal of sand. We then look at the matter of any obligation the Council may have to exercise these powers.
6. Where there is an operative District scheme the first step usually is to look at the zoning and uses allowed. The land in question is zoned Rural under the Operative District Scheme. Farming is the predominant use with accessory uses, not including sand removal. "The quarrying, mining and processing of materials occurring naturally in the vicinity" is a conditional use that would appear to attract conditions imposed under the Ordinances, such as Ordinance 2.2.3. (b). We take it from the reported case of Proprietors of Mataora v. Ohinemuri County Council (1978) 6NZTPA 406 that the Council considers the removal of sand as a conditional use under the Ordinance mentioned. We doubt very much whether the removal of sand in the manner undertaken, as in this case, would come within the definition of "quarrying, mining and processing". Quarrying and mining both imply excavation or extraction from the earth; quarrying is above ground and mining, below ground. We doubt whether the removal of the earth itself, in this case the sand, comes within the definition of "quarrying, mining and processing". We do not know whether Ordinance 2.1.3.(b) would be of great assistance in deciding within which zone sand removal comes; it could equally seem to apply to an Industrial D zone, conditional use, as being a use specified in Appendix II; "quarry - road metal, gravel, sand, shingle, marble, building stone". Our view is that sand removal as such as in this case is not a permitted use, either predominant or conditional. We appreciate that there may well be good argument to the contrary. The point is however, that the removal of sand is not a predominant use, its removal in the quantities involved in this case is a use that would require either conditional use consent or specified departure consent from the Council under s.65 of the Town and Country Planning Act 1977 ("the Act"). Such consent could be reasonably refused under either s.72 of s.74 of the Act as is illustrated in the Mataora case for the reasons set out in that decision. More importantly for the present however, without Council consent the removal of sand is in contravention of the District scheme and is an offence against the Act, for which a fine of \$2,000 may be imposed, and a fine of \$100.00 for every day the offence continues.

7. The removal of the sand has been allowed to continue because it appears to be an existing use and so under s.90 of the Act may continue without an offence being committed. To be a valid existing use there must have been at some time a lawful use before the District scheme became operative. The letter from the Council of the 4th June 1980 makes it clear that there are existing use rights so that there is no requirement at present for Council consent to carry on the use.
8. We have suggested previously that this area of land may be specifically identified in the District scheme as being used for purposes of value to the community under s.73 of the Act which would make the removal of sand then a conditional use which may not enjoy the protection of s.90. The value to the community would be we imagine as a sand reservoir to limit or stop the depletion of sand on the foreshore. It would be a matter for the Council planner to decide after consideration by the Council whether this area of land should be specifically identified under s.73 on the review of the Scheme.
9. The most appropriate section still appears to be s.77. We consider that in the circumstances of this case the continued removal of sand in the quantities involved amounts to a "detraction from amenities" within the meaning of those words in s.77, particularly in view of Dr. McLean's report. This opinion accords with your own view as set out in your letter of the 29th March to the Ratepayers Association, except that we would prefer to call the use sand removal, rather than sand mining. We think there is evidence also that this sort of activity in the recreational and rural environment that now exists may well be also a sufficient aesthetic detraction to justify action under s.77. No doubt the matter of erosion would be the foremost detraction. We think that before a notice was given under s.77 Mr McLean would have to be consulted to find out whether or not some commercial quantity of sand could be removed without danger to the foreshore, if so what quantity. If some commercial quantity could be removed, without probably erosion in Dr. McLean's opinion, then we think it would be unreasonable for the Council to require prohibition altogether of the removal of sand. The Council would be required to give notice that the removal be limited to the quantity that could be safely removed (in Dr. McLean's opinion). This would be the result of an appeal in any event. The procedure under s.77 is applicable whether or not there are any existing use rights or whether or not any Council permission or consent has been given to the use. Previous decisions on the earlier section reported in Henderson v. Waipa County (1967) NZLR 685 and Cardwell v. Christchurch City Council (1962) NZLR 742 should be read in the light of the amendments that have been made to the Section in the 1977 Act.
10. Concerning the obligation of the Council to take action, there are mandatory provisions of the Act that the Council must comply with and there are other, directory or discretionary provisions that the Council may comply with. The requirement to comply with the provisions of the District scheme by the Council, and to require and enforce observance of this scheme is a mandatory obligation upon the Council pursuant to s.62(3) of the Act. If it were not for the existing use

rights the Council would be obliged to act to prevent the use by the sand removal without Council consent. The Council should be concerned to ensure that in fact the so called existing use rights are valid rights under s.90. In particular that the use of sand removal has not been discontinued for a period of six months since the District scheme became operative, which under s.90(2) would remove the protection of any existing use right the owners or contractors may have. We do not know sufficient of the actual operation of sand removal over the years since the scheme became operative to know whether or not that use has been discontinued at any time for a period of six months. If it has, then in our opinion the Council is obliged to take action to prevent the removal of sand by prosecution or other means available to it under the Act. This view is further supported by reason of the provisions of s.3(1)(a), (b) and (c) of the Act.

11. In our opinion while there are existing use rights there is no obligation on the Council to take action under s.77. That section is clearly an empowering section under which there is a discretion in the Council as to whether it takes action or not. The operative words in this regard are s.77(4) "... the Council for the District may cause notice to be served on the person making such use of land ...". Our only concern is if the "objectionable element" is also contrary to the mandate imposed under s.3 of the Act which we have already referred to. In our opinion this clause is merely declaratory of planning policy, it has no binding effect and does not give rise to direct rights of enforcement, it does impose obligations on the Council in respect of the "administration" of its district scheme. Taking action under s.77 in our opinion is however, outside of the obligations under s.3 unless the scheme was not being observed without existing use rights.

#### Liability of Council to pay compensation

12. The provisions of s.126 of the Act are complex and difficult to understand or follow. We do not consider that giving notice under s.77 gives any right to compensation under s.126. In this case the zoning and enforcement of the zoning (apart from existing use rights) would not in our opinion give rise to a claim for compensation under the section. It is possible that if any action were taken under s.73 to identify the land for purposes of value to the community a claim for compensation could be made, but it is doubtful whether it would succeed.

#### Other relevant legislation

13. Having regard to Dr. McLean's report and ss 2 and 244(3) of the Harbours Act 1950 we consider that Provincial Transport is committing an offence by removal of the sand without the consent in writing of the Minister of Transport. In our opinion it is now open for the Ministry of Transport to prosecute Provincial Transport under s.244. Offences against the Harbours Act are punishable summarily (s.253) and any person may lay an information for an offence under that Act and prosecute (s.13 Summary Proceedings Act). It appears clear however, that the appropriate person to prosecute would be the Ministry of Transport. The Council or a ratepayer "could" also lay



an information and prosecute under the Harbours Act, but it is doubtful whether a Court would consider such a person the appropriate informant. The penalty for an offence under this Act is \$1,000.00. The provisions of s.244(3) providing "notwithstanding anything to the contrary in this or any Act or in any rule of law" suggest that the powers of the Ministry of Transport to prevent the removal of sand in cases where it is likely to produce a detrimental effect of the foreshore may override rights to remove the sand that may have been acquired under the Act or the Water and Soil Conservation Act. Given the very specific power by s.244(3) of the Harbours Act to control precisely the very situation which has arisen at Whiritoa, as opposed to the more general powers of the Regional Water Board and the County Council, it would appear to us that the Ministry would now be the appropriate person to take action.

14. The further Acts to be considered are the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967. In dealing with a case concerning foreshore erosion and the relationship of the Town and Country Planning Act with the Soil Conservation Act the Planning Tribunal was of the view in Ministry of Works v. Taranaki County (1978) 6NZTPA 485 that the Soil Conservation and Rivers Control Act "provides a code for protection from erosion and that Act furthermore provides a specific method of appeal in many instances unlike the appeal procedure contained within the Town and Country Planning Act 1977;" and that the Water and Soil Conservation Act gave to the Authority the power to exercise the functions of the Soil Conservation and Rivers Control Council in relation to erosion on the seafront. The two Soil Conservation Acts are generally to be read together. It is clear that the National Water and Soil Conservation Authority is to exercise certain functions in relation to erosion in estuaries and on the seafront, to examine problems concerning the control of erosion on the seashore, and to guide national and local administration in soil conservation in the best public interest - s.14(3) Water and Soil Conservation Act 1967. "Natural water" under that Act includes seawater; the Council is to act or be guided by the provisions of that Act and to give effect to the policy and directions given by the Authority under that Act, s.4. It is clear that these Acts take precedence over the Town and Country Planning Act so far as matters of soil conservation, problems of erosion and use of natural water is concerned. Within the region of the local Water Board the Board is the general, but not necessarily sole agent for the Authority - s.20(5)(b).
15. The relevant provisions of the Soil Conservation legislation to this case appear to be ss34 and 35 of the Soil Conservation and Rivers Control Amendment Act 1959. Under s.34(2) no person is without the consent of the Catchment Board or other bodies as mentioned therein to do, on or in respect of any land, any act or thing which the Board or the other bodies by notice publically notified prohibits, within two years, as declared to be likely to facilitate soil erosion. Once the authority has decided and given notice that the removal of sand is likely to facilitate foreshore erosion sand cannot be removed without the consent of the Authority. Alternatively, action can be taken under s.35(1). It appears that compensation could be payable

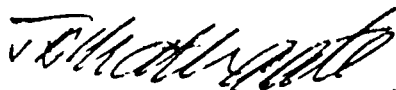
for any prohibition on the removal of sand under these provisions by virtue of s.37. That would be payable by the Board or the appropriate authority.

16. It appears to us that having regard to the provisions of the Soil Conservation legislation that because of the primacy of that legislation action should first be taken thereunder to protect the Whiritoa Beach frontage in preference to any action under the Town and Country Planning Act. This is particularly so if it is now known to the Hauraki Catchment and Regional Water Board that the removal of sand is probably causing erosion to the beach.

#### Conclusions

17. We do not think that anyone would really seriously dispute the point that prime responsibility for soil conservation and control of erosion as in this case is with the Authority and Catchment and Regional Water Board under the Water and Soil Conservation Act 1967 and the Soil Conservation and Rivers Control Act 1941. So far as the foreshore and protection of the foreshore is concerned that is also a prime responsibility of the Crown in whom that land is vested, acting through the Minister of Transport. The removal of sand in this particular case has a detrimental consequence that probably would result in erosion of the beach frontage. Because erosion and the beach frontage are special topics or areas with special legislation relating thereto, under which persons other than the Council have special responsibilities or powers, they would seem to have primary obligation of acting to prevent the erosion in this case. In our view the Council itself has power to act under the Town and Country Planning Act. It would appear appropriate for the Council to take some action only if those persons having prime responsibility failed to act. It appears to us that those other persons have ample and adequate power to act to protect the beach frontage and control any likely erosion from sand removal, and they should so act in this case. It is evident that the quickest and most straight forward way of resolving the present situation would be for the Ministry of Transport to prosecute under the Harbours Act. We imagine that before that action were taken the owners and contractors involved in the removal of the sand would be asked to forthwith cease, and that a prosecution would only follow if they failed after being warned to cease removal of sand forthwith.
18. In the meantime we shall hold the copy of the District and other papers scheme you sent to us in case there are any further matters for us to consider. No doubt if you have any further or other inquiry you will let us know. We enclose a further copy of this letter for your client.

Yours faithfully,  
TOMPKINS WAKE & CO.



J.D. Bathgate  
LH2

Harbours and Foreshore Section  
Regional Office  
AUCKLAND

CMA Head Office

10 October 1980

KUAOTUNU BEACH : SAND SYSTEM STUDY

Thank you for the copy of the costing of the proposed study.

As discussed previously the Ministry can provide up to \$2500 towards the cost of the study.

It would be as well if you could make it plain to the Hauraki Catchment Board that they invoice the Ministry promptly. Any communication about payment should come to me directly.



A.K. Ewing  
for Secretary for Transport

13 OCT 1980  
by RECORDS



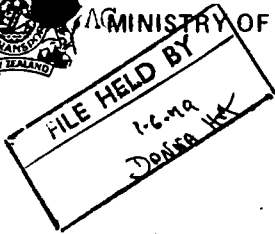
RM.1209

EO-HxF

54/15/33

MOT 5

MINISTRY OF TRANSPORT



INTERNAL MEMORANDUM

Our Ref.: SEO HBRS

Your Ref.: .....

To..... HEAD OFFICE ..... From..... REGIONAL OFFICE, AUCKLAND .....  
..... ATTENTION: A. K. Ewing ..... Date: 3 October 1980 .....  
Subject: KUAOTUNU BEACH: SAND SYSTEM STUDY .....

... ✓ Please find enclosed a costing of the proposed study. It is hoped to split this cost threeways. However, the final division of costs will depend largely on how much Thames-Coromandel District Council are willing to financially support the project. An approach is currently being made to them requesting funding.

*D.W. Le Marquand*

D. W. Le Marquand  
for Regional Secretary

Encl.

*9m 4/8 8.10.80*

P.O. Box 7  
Te Aroha

R. W. Horris D.S.C. B.E.  
Chief Engineer

J. M. Morrison,  
Secretary.

Please Quote

2/3

In your reply

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Telephone 48-099

Telegraphic Address "Catchment"

59 WHITAKER STREET,  
TE AROHA

25 September 1980

Mr D.W. Le Marquand,  
Marine Division,  
Ministry of Transport,  
AUCKLAND.

Dear Sir,

## RE: KUAOTUNU BEACH + SAND SYSTEM STUDY

Further to the on site inspection of Kuaotunu beach by Dave Smith, Graham Walder, your self and Paul Dell on the 22 September 1980, an outline of the type of survey was agreed upon with an idea of costs.

The survey would consist of:

1. A short survey to level in the present four survey pegs and establish a fifth by the steep dunes.
2. A sediment sampling programme of the onshore, nearshore and offshore, up to Matarangi beach and to a point below Kuaotunu beach.
3. A profile survey programme (5 profiles) survey every 3 months. The surveys will run from outside the offshore bar to above the frontal dune. Also further survey's would be done within this 3 month time period if a major storm event occurred.
4. Daily sea state observations - carried out by a local resident to approximate wave heights, direction and period.

The Hauraki Catchment Board has the staff and equipment (if not owned - available elsewhere) to carry out most of this survey. Sieving facilities are available and mineralogical examinations can be undertaken.

The cost of the survey for a one year period is estimated as follows.

Survey cost to level in 5 survey pegs	\$300.00
Office time to reduce the levels etc	\$100.00
To survey 5 profile sections \$800 x 4	\$3,200.00
Sediment Sampling (2 days)	\$800.00
Sieving and Mineralogical Analysis	\$300.00
Two extra surveys - due to storm etc	\$1,600.00
Time to prepare report - everyone	\$500.00
Possible cost for person to collect Wave Data	100-200.00

Total Cost \$7,000.00

2 1 1 1

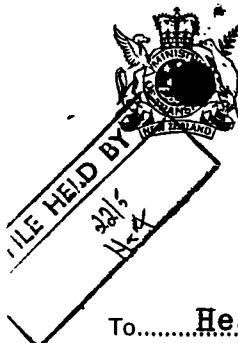
This costing should allow for your time as well, in preparing the report. The Historical side will most likely have already been done by the University of Waikato.

The Board will share one third of the total cost of the survey if the other two parties Ministry of Transport - Marine division and Thames-Coromandel District Council will do likewise. Hoping this is to your satisfaction. If the funding is available the survey could begin December-January 1980-1981.

Yours faithfully  
R.W. Harris  
CHIEF EXECUTIVE OFFICER  
AND CHIEF ENGINEER

per.....  
D.H. Smith

PD:GEV



## MINISTRY OF TRANSPORT

Our Ref.: 54/14/7

Your Ref.: .....

## INTERNAL MEMORANDUM

To: Head Office SEO(Hbrs) From: Auckland Regional Office  
Attn : Miss Ranger Date: 15 September 1980  
Subject: KUAOTUNA BEACH SAND SYSTEM STUDY

Please find enclosed a copy of the proposed study and associated correspondence for your information and action.

I will be having an on site meeting with the Catchment Board on the 22nd September 1980.

Could you please advise as to the likelihood of Ministry funds to support the above proposal and/or any other possible source of funding.

Should no funds be available could you please advise on what course of action should be taken.

D.W. le Marquand  
for Regional Secretary for Transport

CMA

Have we any funds that could be made available.

23/9/80.



## KUAOTUNA SAND SYSTEM STUDY PROPOSAL - COROMANDEL PENINSULA

### INTRODUCTION

Background to present situation.

A temporary ban of six months was placed on Kuaotuna beach for the present licensing period after an initiative from the Hauraki Catchment Board. They stated that as a matter of policy, they were opposed to the issuing of sand extraction licences without adequate technical information to ensure that the effects of removal would be minimal. This stand was endorsed by the Ministry of Works and Development after their local Engineer submitted an unfavourable report which indicated the occurrence of erosion.

The ban was insituted to give this Ministry breathing space and to carry out a form of monitoring. At the end of which a reconsideration would be made to the reopening of the beach for extraction. Unfortunately only a meagre qualitative assessment has been made so far. This is of little real value, although signs were that the beach had built up but with some subsequent storm erosion.

Considerable local pressure is now building up to have the ban uplifted. This pressure coming understandably from the contractors, namely M. R. Hodge. He has been extracting sand from the area for 30 years. He has shown much cooperation in ensuring the ban be observed.

The Whitianga Community Council have been getting very vocal, also the Thames-Coromandel District Council which initially supported the ban would like it uplifted. This is possibly a result of them losing faith with the Ministry which has failed to carry out any adequate monitoring and also feeling the local pressure.

Also Kuaotuna Resident & Ratepayers Association have voiced their concern.

The main arguments for uplifting the ban are based on economic reasons.

... These have been given reasonable coverage in the local press (see attached sheet). Their arguments as to the effects on the beach system unfortunately reflect their lack of understanding in which these systems work.

### CHOICE OF FUTURE ACTION

We are now at the stage where reconsideration of the ban is to be undertaken.

The Ministry is left with the following alternatives:

1. Continue to enforce the ban.

This option would undoubtedly cause much ill feeling. Local pressure could result in the whole matter going political. However, it would show a consistency in the Ministry's policy, although we have no positive proof to justify a future ban.

2. Lift ban.

This option would draw criticism from the locals as being indicative of an inconsistent policy and arbitrary decision making by the Ministry. It would also mean that the Ministry would be no further to solving the situation other than having caused unnecessary economic hardship to the area.

3. Lift ban in association with a commitment to undertake a study.

The uplifting in this option could only require limited amounts of sand to be extracted. This would act as an incentive to the locals, including council, to participate in the study where necessary. However it should be stated that the future of extraction from the beach depends on the recommendations of the report.

## THE STUDY

The study would need to be initiated almost immediately. For this purpose the following proposal is put forward as the most feasible in cost and benefit terms.

## PROPOSAL

### Aim

The aim of the proposed study is to determine whether the extraction of sand would be likely to lead to any detrimental effects to the sand system that exists at Kuactuna beach.

### Method

The study is to be comprised of three discrete parts. Each part being useful in its own right but providing an overall picture when put together with the other parts. Therefore should one of the parts not be completed there will still be some useful data available.

### Part 1. Historical

This should be the easiest section to complete. It will require perusal of old maps, hydrographic charts, aerial photographs and any relevant literature.

This section will form the background for the other two sections. Base maps, wave refraction patterns, basic geology, climate and the like and also the possibility of some insight to any erosional/accretional trends.

The research involved in this section will rest entirely with me. Costs involved for materials would be such as to cover any aerial photographs and maps. The main cost will be in terms of my time. However, it is hoped to fit this work in between my other duties, and will not adversely affect them. I will also be doing a considerable amount of this work in my own time.

## Part 2. Sedimentological, Onshore/Nearshore

This will require the collection of sediment samples onshore and nearshore. It is hoped that this data will indicate whether the system is open or closed. Data collection will require the services of a grab sampler and boat from one to two days for samples. It is hoped to receive some local co-operation in this respect.

It is hoped to receive some co-operation from either the Hauraki Catchment Board and/or Ministry of Works and Development in using their facilities and staff to seive the samples and plot the results. It is also hoped that these organisations would carry this as an internal cost.

Analysis of these samples would then be undertaken by me with any other technical advice coming from the Ministry of Works and Development and the Catchment Board.

## Part 3. Acquisition of data on beach dynamics

This section seeks to understand something of the present beach dynamics in order to determine how much and under what conditions the beach accretes or erodes. This will be in order to gauge when and how much material could be taken from the beach as well as helping to determine whether extraction can be undertaken at all.

Data collection in this section will require:

### 1. Profiles

It is hoped that the survey of profiles can be undertaken by Catchment Board and/or Ministry of Works and Development. Three or four profile datums would be established along the beach and would need to be surveyed at least once a month.

## 2. Sea State

The profile data would be supplemented by daily sea state observations. This could be undertaken by a local resident making a guesstimate of wave height and direction, period. Although this would not be strictly accurate there would be a consistency over time.

## 3. Bench mark

A couple of bench marks could be established along one profile where daily measurements of the fluctuating sand level could be obtained. This could also be done by a local resident. The bench marks would be surveyed into the profile datum. The physical establishment of these bench marks would probably be undertaken by Thames-Coromandel District Council who have shown their willingness to do this. The costs involved in this section would be minimal.

This section would need to be started as soon as possible as a data base of at least one seasonal cycle (12 months) is desirable.

In summary the proposed study consists of three discrete parts that will run concurrently. Its success will rely heavily on the goodwill and co-operation of those parties mentioned. The study will form a positive basis to form recommendation(s) on which the future of extraction can or cannot be undertaken at Kuaotuna Beach.

D. W. le Marquand

Encl:

DWleM\*EY

Private Bag  
AUCKLAND

Telephone: 773-400

54/14/7

5 September 1980

The District Commissioner of Works  
Ministry of Works & Development  
Private Bag  
HAMILTON

Attention: Messrs H.D. Glass/R. Nichol

#### KUAOTUNU SAND SYSTEM STUDY PROPOSAL

Further to our meeting of 27 August 1980 and subsequent discussion of the above proposal. Could you please supply a list of available data you have on record for Kuaotunu/Matarangi Spit/Whangapoua area.

In regards to costing of operations, could you give estimates on the following:-

Monthly surveys of two or four profiles at Kuaotunu Beach from an already established survey peg to low water mark. I envisage this would only require the use of a level.

You mentioned the possibility of borrowing the Ministry of Works and Development boat. Could you please give details including on board equipment such as depth sounder. Could you also give details of the terms, if any you would require for its use.

D.W. le Marquand  
for Regional Secretary for Transport

KUAOTUNU SAND SYSTEM STUDY PROPOSAL : PRELIMINARY  
VISIT TO INVOLVED PARTIES

T.C.D.C.

Mr. Bill Sloan (Area Engineer Whitianga) was unavailable. Left copy of the proposal for his comments. He had earlier stated that he was willing to establish bench marks.

M.O.W.D. (Paeroa)

Messrs R. Nichols and H.D. Glass stated that they were unable to do anything other than write reports without funds to charge to. However, they were keen to see the study undertaken. I have written to them to obtain a quote for the cost of monthly surveys and the hire of their boat for sediment samples and offshore survey.

They have data available such as photos, reports etc. which can be used.

Hauraki Catchment Board

Messrs D. Smith, Caddie and P. Dell were very keen to see the study undertaken as they have already done some preliminary work in the area including two profiles established and surveyed as well as other miscellaneous data. They are going to send an itemised list of the available data.

They indicated that sifting and various plotting of diagrams could be carried as internal costs but the other (survey work:- surveys, sample collection) would need to be paid for. They are also supplying a costing on the parts of the proposed that will require funds.



P.O. Box  
Te Aroha

R. W. Harris D.S.C. B.E.  
Chief Engineer

J. M. Morrison,  
Secretary.

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Telephone 48-099

Telegraphic Address "Catchment"

Please Quote

2/3

In your reply

59 WHITAKER STREET,  
TE AROHA

3 September 1980

Mr D.W. Le Marquand,  
Marine Division,  
Ministry of Transport,  
AUCKLAND.

Dear Mr Le Marquand,

Re: Kuaotunu Beach - Sand System Study

Please find below an outline of costs for the proposed study. Due to the long distance from the Boards base in Te Aroha, transport costs and time are fairly expensive.

The University of Waikato have already carried out some investigative work in the area, and I will collect this information in the next few weeks.

I have broken the costing up into sections:

Survey cost to level and survey 4 sections and benchmarks - including office time (1 vehicle - 4 people). This would be only done once.

\$400

To profile sections - onshore - offshore  
(1 days work, 5 man team).

1 Raytheon echo sounder	\$28.50/day
1 Boat and Trailer	\$76.00/day
1 Range finder	Borrowed
1 4 wheel drive 31c/km	\$124.00 (400km)
1 Surveying vehicle 20c/km	\$80.00 (400km)
5 Hauraki Catchment Board Staff	\$220.00

\$528.50

Office time to reduce and interpret

\$100.00

Total Cost per completed Survey

\$628.50

If only land surveys were carried out the extra labour, vehicle and boat could be dropped. This cost then to survey land sections;

1 vehicle	\$80.00
3 Staff	\$150.00

\$230.00

Sediment Sampling, using the boards dredge sampler would be carried out. It would take an estimated two days to collect the samples—depending on the area covered. A "largish" boat would be required as long distances from shore would be necessary. Enquiries into a boat will be made by both yourself and ourselves.

Manpower

3 Staff - 2 days	\$300.00
Accommodation	\$ 70.00
Echo-sounder	\$ 50.00
Vehicle (for boat)	\$180.00

\$600.00


Cost of boat is unknown until further enquiries.

A meeting of boards staff and yourself for midday on 22 September 1980 at Kuaotunu Beach has been arranged.

Yours faithfully

R.W. Harris

CHIEF EXECUTIVE OFFICER  
AND CHIEF ENGINEER

per... 

P.M. Dell

Scientist

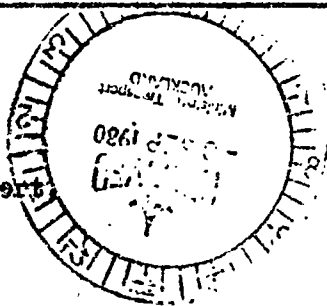
PMD:MMW

# Kuaotunu Citizens and Ratepayers Assn

R.D.2 WHITIANGA

4th September 1980.

The Secretary,  
Marine Division,  
Ministry of Transport,  
Private Bag,  
AUCKLAND.



Dear Sir,

re SAND REMOVAL FROM KUATUNU BEACH.

At a recent meeting of the above Association it was decided to write to you expressing the deep concern of a majority of members to your rather sudden decision to stop all license-holders from removing sand from the Kuaotunu Beach.

We have no idea why this decision was reached and can only assume that it was at the request of some minority ratepayers in the area. Presumably they have built their houses and have no thought for the the extra expense incurred by the people who have still to do so.

We would like to ask if your decision is final, and was there any thought given to the idea that it might have been a courteous gesture to consult some of the residents in the local and surrounding areas as to the economic disaster this may, and indeed has caused to local industry.

We also point out that the place from which the sand is taken is not in any danger of erosion, in fact the sea itself takes away and builds up the sand without any license at all.

The very idea of this area with its huge deposits of sand, having to import from as far away as the Whangaparua Peninsular, seems to the local people to be ludicrous, and certainly not in the interest of fuel-saving, and keeping small local industries in a position to keep on employing their usual quota of the local work-force.

If you have what seems to your Department to be firm evidence to justify your decision, we would deem it a courtesy for you to convey this evidence to us.

We also ask that you consider other local areas for the removal of sand and give thought to the idea that each beach in the whole Mercury Bay Area be used in rotation, this would then surely remove any feeling of insecurity for every local resident.

We feel that there should not be a total ban on sand for the area, and that sand from local beaches should be available of right to local people. Taken from the correct place on any beach it could do little, if any harm.

Would it be possible for you to acquaint us of the date of your next visit to the area and perhaps some of our people could meet you.

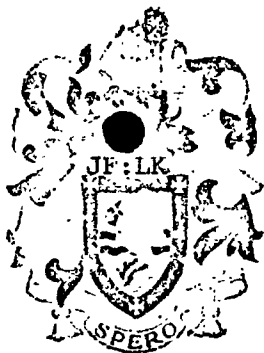
We would point out to you, that, though this is a small area in your large jurisdiction, it is none the less very important to us all, and we ask that you really look very hard at the situation, and meet as many people as possible before making any decision.

Yours faithfully,

(H.W.)

G. H. Moore

Secretary.



# Thames - Coromandel District Council

TELEPHONE: 86-025 THAMES

PLEASE ADDRESS ALL CORRESPONDENCE TO: THE GENERAL MANAGER,

PRIVATE BAG, THAMES, N.Z.



If calling, please ask for

Mr. Farquhar

Please quote reference.

V4

26 June 1980

Regional Secretary for  
Transport,  
Ministry of Transport,  
Marine Division,  
Private Bag,  
AUCKLAND.

ATTENTION: Mr D. W. Le Marquand

Dear Sir,

Your letter of 11 June 1980 refers.

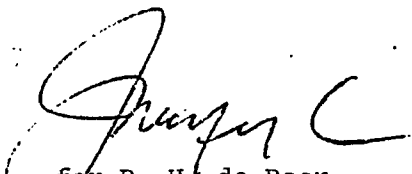
Sand Removal - Kuaotunu Beach

Mr Sloan has reported that he has discussed this problem with Mr Hodge.

He reports that removals taking place are evidently of a minor nature and they could be stopped by denying vehicle access to the beach.

I have authorised the work necessary to prevent vehicle access to the beach, and would expect that this would solve the problem.

Yours faithfully,

  
for B. H. de Boer,  
GENERAL MANAGER.

Private Bag  
Auckland  
Telephone: 773-400

Custom House  
Quay Street  
Auckland

54/14/7/5

20 August 1980

Whitianga Community Council  
C/- Thames Coromandel District Council  
P.O. Box 47  
WHITIANGA

Attention: H. Austin

Dear Sir

SAND REMOVAL : KUAOTUNA

Thank you for your letter of 28 July 1980 concerning sand removals from Kuaotuna Beach. I apologise for the delay in my reply.

We sympathise and appreciate very much the implications of the sand ban and effect on costs and livelihood. However, it is the job of this Ministry to responsibly weigh up all the consequences of allowing/disallowing extraction to take place.

In your letter you raised several points. The first referring to the extraction of sand from the beach over many years. I feel I must point out that extraction undertaken in previous years without any noticeable detrimental effect is by no means a guarantee or indication that problems will not occur in the near future. The dynamic nature of sand systems is such that the effects of extraction can lie masked, until a combination of weather conditions redistributes the sand within the system, revealing an area severely undernourished.

Your second point refers to the increase cost of sand in the area to the local consumer. Although this is regrettable it is worth bearing in mind that the Auckland retail price is \$17.00 m<sup>3</sup> (undelivered).

Your last point referring to a daily removal rate of 4 m<sup>3</sup> per day as not constituting a problem is rather unrealistic. Sand is not replaced at a consistent rate and there are certainly periods of erosion even on a beach that is accretional.

The last point I would like to make is to draw your attention that most of the nearshore/offshore sand deposits around the coastline are relic deposits, having been deposited during the Pleistocene. In some areas these deposits are reworked onshore, in others there is a recycling action,

e.g. nearshore onshore nearshore

In other words there is currently relatively little sand being formed, therefore most areas must be considered as finite source areas. Only the delimitation of the type of sand system, can really determine whether sand extraction can continue.

The Ministry is currently reconsidering operations at Kuaotuna Beach in which the economic effects will receive careful consideration.

Yours faithfully



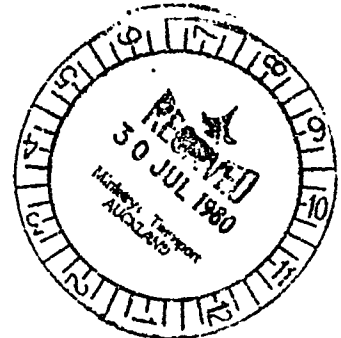
D.W. LeMarquand  
for Regional Secretary for Transport

WHITIANGA COMMUNITY COUNCIL

C/- Thames Coromandel District Council,  
P. O. Box 47,  
WHITIANGA.

28 July 1980

The Secretary,  
Ministry of Transport,  
Marine Division,  
AUCKLAND.



Dear Sir,

The above Council views the current stay of licences for the taking of sand from Kuaotunu Beach with concern. The effect on the local area is of major proportions due to the increase in cost of sand transported into the area. There are several points that should be considered.

1. Sand has been removed from the area for the last fifty years, of which one contractor, Mr M. Hodge has been involved for the last thirty years. During this time no adverse effect has occurred to the beach.
2. The sand removed by the contractors has been ninety eight percent (98%) used locally, and as the isolation of the Whitianga area is a major problem, any sand brought in costs considerably more. Currently the sand has been barged in at a one hundred percent (100%) increase in price to the consumer.
3. The two major licence holders take around 1200 meters per year. As this constitutes approximately four meters per day which we feel with the movement of tides hardly constitutes a major problem to the natural replacement of sand to the area.

In summer whilst we appreciate your position we feel the above points more than clarify this issue and feel existing licences should be allowed to resume immediately.

Yours faithfully

A handwritten signature in dark ink, appearing to be 'H. Austin', written over a horizontal line.

H. Austin  
On behalf of  
WHITIANGA COMMUNITY COUNCIL





DN1eH/JB

Private Bag  
AUCKLAND  
Telephone: 773-400

Customhouse  
Quay Street  
AUCKLAND

54/14/7/5

11 June 1980

M.R. Hodge  
Kuaotuna  
R.D.2  
WHITIANGA

Dear Mr Hodge

SAND REMOVAL : KUAOTUNA BEACH

Thank you for your letter of 26th May 1980. I am disturbed to learn that sand is still being removed. Consideration is being given to your proposal to temporarily close your tracks that give vehicular access to the beach.

The Council's comments are being sought on this suggestion.

If you witness any further sand removals would you please forward full particulars to this Office.

Yours faithfully

D.W. le Marquand  
for Regional Secretary for Transport

DWleM/JB

Private Bag  
AUCKLAND  
Telephone: 773-400

Customhouse  
Quay Street  
AUCKLAND

54/14/7/5

11 June 1980

The General Manager  
Thames-Coromandel District Council  
Private Bag  
THAMES

Attention: Mr Farquhar

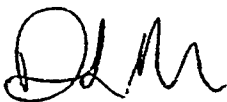
Dear Sir

SAND REMOVAL : KUAOTUNA BEACH

I have received a letter from Mr M.R. Hodge stating that sand removals are still occurring at Kuaotuna beach. He suggested a temporary closure of the vehicular access tracks which he has constructed onto the beach.

This could be a good move, however, would it be possible for Mr Bill Sloan to have a look at this possibility and advise accordingly.

Yours faithfully



D.W. le Marquand  
for Regional Secretary for Transport

Aug 26, 1950

W. R. Brown  
Lumber

Ministry of Lands  
Lumber Corp  
Quebec  
Quebec



Dear Bernard,  
I thank you for your letter of  
16/8/50 and answer to me  
of 19/8/50. It allows up several  
points. You ask me for my  
cooperation in this matter. How  
can this be done. I notice  
some removal of sand dunes  
in. My access tracks, built at  
much cost and labor and being  
use would you consider and  
accept the temporary closing  
of these tracks.

Yours truly  
W. R. Brown

DWIM:GEM

PRIVATE BAG  
AUCKLAND  
TELEPHONE: 773-400

CUSTOM HOUSE  
QUAY STREET  
AUCKLAND

54/14/7/5

16 May 1980

Mr M. R. Hodge  
Kuaotuna  
R.D. 2  
WITIANGA

Dear Sir

**KUAOTUNA SAND REMOVAL**

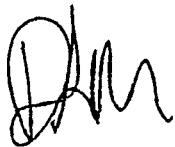
Thank you for your letter of 14 April 1980 asking for a reconsideration to the decision to suspend further sand removals from Kuaotuna. After reconsideration it has been decided to reaffirm the suspension of sand restriction from the beach, as the Ministry is charged with the overall protection of the coastline.

There has been some confusion concerning a receipt for a licence fee and a notice of increased royalties which has been interpreted as a licence and/or an acknowledgement to remove sand. I must apologise for the apparent confusion, however a letter advising of the increased fees was sent to all contractors for their information only.

I must advise that no licences have been issued for sand removals from the beach and no sand is to be removed under any circumstances.


We will be reviewing the situation in a further six months and until then your co-operation in this matter would be greatly appreciated.

Yours faithfully



D. W. le Marquand  
for Regional Secretary for Transport

<b>BRING-UP</b>
22/5/80
Initials: <u>DM</u>



P.O. Box 7  
Te Aroha

P. W. Harris S.C. B.E.  
Chief Engineer

J. M. Morrison,  
Secretary.

Please Quote

1/22/0

In your reply

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Telephone 48-099

Telegraphic Address "Catchment"

59 WHITAKER STREET,  
TE AROHA

18 April 1980

The Resident Engineer,  
Ministry of Works and Development,  
P.O. Box 123,  
PAEROA.

Dear Sir,

## LAND AND SHINGLE LICENCES

### KUAOTUNU BEACH

### AND WHANGAPOUA HARBOUR ENTRANCE

Board has received a copy of an application made by Mr M.R. Hodge of Kuaotunu for the extraction of sand from the Kuaotunu Beach. Board's opinion is that sand extraction is likely to damage the beach but there is little hard information available at this stage.

We will be supplying the Ministry of Transport with a copy of Board's policy on beaches, and will indicate that while sand extraction is probably adversely affecting the beach, this can only be ascertained by an investigation similar to that recently conducted for the Whiritoa Beach. Board will suggest that such an investigation should be put in hand immediately.

If a further licence is issued in the meantime, the taker of the sand should be informed that it might be necessary to terminate it before its expiry date.

The same comments would apply to the application of Messrs Parry Bros. Ltd to remove sand from the Whangapoua Harbour entrance.

Yours faithfully  
J.M. Morrison  
SECRETARY

per.....

LSH:GEV



# Thames - Coromandel District Council

TELEPHONE: 86-025 THAMES

PLEASE ADDRESS ALL CORRESPONDENCE TO: THE GENERAL MANAGER,  
PRIVATE BAG, THAMES, N.Z.

If calling, please ask for

Mr Farquhar

Please quote reference.

17 April 1980

The Regional Secretary,  
Ministry of Transport,  
Private Bag,  
AUCKLAND.

ATTENTION: Mr Spackman



Dear Sir,

The Council has been approached by residents of Greys Beach, Kuaotunu, regarding a threat to existing mature pohutukawa trees on the beach presumed to be caused by shingle extraction operations.

Residents suggest that the shingle extraction has left the roots of at least two mature trees exposed, and that the trees are in danger of falling unless some remedial action is taken. If the trees fall, the road above will be at peril from sea erosion.

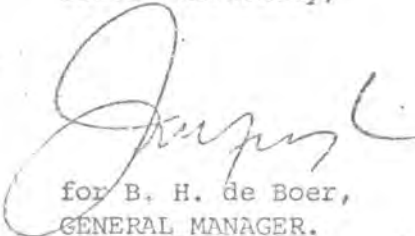
The Council's Area Engineer and riding member are investigating the to confirm that in their opinion there is damage attributable to shingle extraction, and I will advise you of their comments in due course.

Would you please advise:

1. If the damage can be attributed to the shingle extraction, what powers exist to have the licensee put right the damage.
2. What responsibility your Department accepts for overseeing operations of shingle licence holders.
3. Who can Council hold liable for reinstatement work.

I note that Mr Le Marquand will be in the area on 30 April - 1 May and would appreciate if he could arrange to look at this area during his visit. If he would contact the Area Engineer, Bill Sloan at phone 65804 Whitianga, I am sure a joint visit could be arranged.

Yours faithfully,

  
for B. H. de Boer,  
GENERAL MANAGER.

PS. The Coromandel Area Engineer  
John Bartlett, would be able  
to help with Gardie area in  
Milton Bay. Contact him at  
Coromandel 859.

15th 14th 1950

M. R. H. H. H.  
R. H. H. H.

Marine Division, R. H. H. H.  
Ministry of Transport  
Private Bag  
Christchurch

Sir

I am concerned at your recent letter re the closing of the Wharfedale Beach for the removal of Sand. Several trades and industries in and around Wharfedale are dependent on the supply and unless alternative sources are available within a reasonable distance your decision will have serious consequences. Personally I have found none closer than Houlton Matson.

It seems strange that in these days when the Government is stressing the conservation



21

I am pained to feel that we  
we should be forced to travel  
200 miles for a commodity  
locally abundant.

I ask you for a further  
favourable reconsideration  
of your decision as soon as  
possible.

Yours faithfully  
W. G. Stange

RE: KUAOTUNA: POUHUTAKAWA TREES

In your letter of 17 April 1980 you raised three questions; I advise as follows:

1. There exists no powers in the Harbours Act 1950 to have the licensee put right the damage
2. The Ministry of Transport accepts no responsibility for overseeing operations
3. There exists no powers in the Harbours Act 1950 to hold liable anybody for re-instatement work.

RE: SHINGLE REMOVAL: T. GOUDIE

It has been decided not to renew Mr Goudie's licence this year. However, should Mr Goudie make a further application next year, this shall be considered. Mr Jack Bartlett showed me the erosion occurring along Te Kouma Road. His idea for protecting that area of the foreshore will require full reclamation procedures.

Once again thank you for your assistance.

Yours faithfully



D.W. Le Marquand  
for Regional Secretary for Transport

DWL:RB

Private Bag  
Auckland  
Telephone: 773-400

Custom House  
Quay Street  
Auckland

54/20/38

15 May 1980

The General Manager  
Thames-Coromandel District Council  
Private Bag  
THAMES

Attention: Mr Farquhar

Dear Sir

#### RECENT VISIT TO COROMANDEL PENINSULA

Thank you very much for arranging for me to meet those people at such short notice, it was most appreciated.

RE: VIV McNABB - TAIRUA HARBOURS COMMITTEE

As a result ; of this meeting, dredging proposal procedure requirements for approval would be as follows:-

The Council shall proceed under Section 178 of the Harbours Act 1950  
Application for approval would be made on Form MOT 5903 (obtainable from this office). This shall be accompanied by appropriate plans.

These plans should include exactly where the work is to be carried out and how. Showing quantities to be removed, cross profiles, stratigraphy of the deposit to be removed, etc.

Accompanying the plans should be an initial environmental assessment. However, if this is not adequate further information (under 178A of the Act) could be required. This should include how the material removed will be disposed of, effects of works on changing currents, fish life, stirring of sediment and so forth. A firm proposal is needed before any decision can be made.

#### KUAOTUNA: SAND REMOVAL

This beach has now been closed to sand and shingle removal. The issuing of licences will be reconsidered after six months. This time will allow any recovery of the beach to be monitored. Anybody removing sand from this beach in the meantime is committing an illegal act.

The contractors have been further notified of the suspension and their co-operation asked for.

There is a possibility that co-operation may be difficult, and for this reason I would ask Mr Bill Sloan and his associates for their co-operation in keeping an eye on the situation. Should he find sand being removed, contact with this Office would be greatly appreciated.

DL:LW

Private Bag  
Auckland  
Telephone: 773-400

Customhouse  
Quay Street  
Auckland

54/14/7/5

1 April 1980

M.R. Hodge Ltd  
Kuaotuna R.D.  
WHITIANGA

Dear Sir

SAND REMOVAL : KUAOTUNA BEACH

I wish to advise that consideration to the renewal of your licence to extract sand from the above beach has to be delayed for some months.

The beach at present is suffering severe erosion and further removal of sand can only be detrimental to the 'health' of this beach.

All sand removal will need to stop immediately. However a new licence will be considered in six months time or when the beach shows signs of natural recovery.

It is intended to maintain a monitoring of this beach for this purpose. Your co-operation in this matter would be appreciated.

Yours faithfully



D.W. LeMarquand  
for Regional Secretary for Transport

FILE

A1 1

Private Bag  
Auckland  
Telephone: 773-400

Customhouse  
Quay Street  
AUCKLAND

54/14/7/5

23 January 1980

Mr M.R. Hodge  
Kuaotuna  
R.D.2  
WHITIANGA

Dear Sir

APPLICATION FOR SAND REMOVAL : KUAOTUNA

With reference to your recent application to remove a further 300 m<sup>3</sup> of sand from Kuaotuna Beach for the year ending 31 March 1980.

I regret that an inspection of the beach showed that the extractions had not been worked in accordance with the further conditions of the licence. The condition stated that no holes were to be left after removal operations, whereas the beach has been left in an almost hazardous condition, particularly for small children.

With the untidy condition of the beach and high rate of sand erosion, I regret to advise that we are unable to grant you an extension to remove further sand this year. However you may submit your usual application for 1 April 1980 to 31 March 1981.

Yours faithfully

  
P.D. Spackman  
for Regional Secretary for Transport



**Ministry of Works  
and Development**

District Office

Dey St.

Private Bag, Hamilton

Telephone 62 899

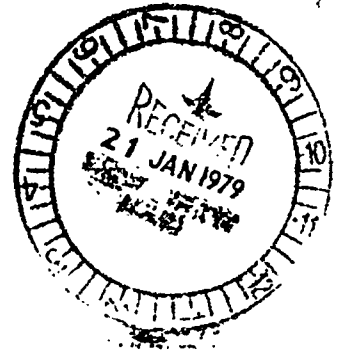
Telex NZ 2777

Inquiries to Mrs R I Crichton Date 17 January 1980

Ref 47/16 - 7

The Regional Secretary  
Ministry of Transport  
Private Bag  
AUCKLAND

ATTENTION P D Spackman



SAND AND SHINGLE LICENCES : PERIOD 1.4.79 -  
31.3.80 : AREA KUAOTUNU

Your reference 54/14/7/5 of 29 November 1979.

... Enclosed is a copy of our report on the Kuaotunu Foreshore as requested.

Due to the adverse nature of the findings, it is recommended that  
Mr Hodge's application for a further 300 cubic metres of sand be declined  
accordingly.

B J Butcher  
District Commissioner of Works  
Per

*(Signature)*  
(R I Crichton)

Encl

*DECLINE  
FURTHER REQUEST  
OF SAND*

47/16

**Ministry of Works  
and Development**

P.O. Box 123 Paeroa

Telephone 8725

4

Inquiries to

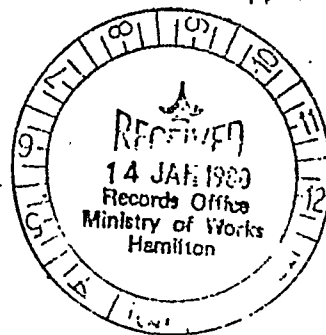
H D Glass

Date 11 January 1980

Ref

7/2

The Dist Commr of Works  
MWD  
HAMILTON



ATTENTION: Mr A R Attwood

Your ref: 47/16 of 3 December 1979

**SAND AND SHINGLE LICENCE**

**KUAOTUNU FORESHORE :**

APPLICATION FOR M A HODGE FOR ADDITIONAL 300 M<sup>3</sup> FOR THE YEAR  
ENDING 31 MARCH 1980

I inspected the Kuaotunu beach with an officer from the  
Hauraki Catchment Board on the 10th of January 1980.

On the Eastern end of the beach there was evidence of recent  
sand and shingle extractions (possibly just before the Xmas break).

These extractions had left the beach in a very untidy condition  
and almost hazardous particularly for small children.

There was no evidence that any attempt had been made to smooth  
over the beach prior to Xmas break.

The beach gave no appearance that the extractions had been worked  
in a manner which I had recommended in my previous reports and in  
fact had been worked in a very irresponsible manner with no thought  
of the conditions laid down in the licence or consideration to the  
public at large.

The inspection also revealed that the sand dunes to the west of the  
beach have been eroding at an alarming rate.

This erosion could be the result of natural cyclitic conditions  
or accelerated erosion brought about by the extractions.

We therefore think it would be most unwise to allow additional  
material to be removed from the beach other than what was  
originally approved.

In addition to allow further sand and shingle to be removed  
would we feel only be an encouragement to Mr Hodge in thinking  
that this sort of thing would be on going i.e each year he would  
ask for further quantities over and above his original amounts.

It has been brought to my notice that sand from the beach has  
been finding its way to places like Thames, Tairua, Coromandel  
and other areas outside the Whitianga area.

DLSS



( ) and from this beach should be only allowed for the local building industry.

In conclusion we strongly recommend no further quantity be approved for the remainder of this year and that Mr Hodge be reminded that within the next few years sand removals from this beach are likely to be stopped or at least reduced.

I have taken photographs of the beach and sand dunes which I will send on as soon as they come back from being developed.

A W Stewart  
Resident Engineer

per:



H D Glass



Ministry of Works  
and Development

P.O. Box 123 Paeroa

Telephone 8725

Inquiries to

H D Glass

Date

7 March 1980

Ref

7/2

The District Commissioner of Works  
MWD  
HAMILTON

ATTENTION: Mr A K Attwood

SAND AND SHINGLE LICENCES

A A SIMPSON  
M R HODGE

KUOATUNA FORESHORE



54/14/7/5  
File +  
return

*insipient  
foredune?*

The site was inspected by Mr G Ertel of the HCB, and myself on the 6th of March. We found that since January of this year sand had built up along the dune foreshore and in particular in front of the Pitoone stream mouth. However the overall beach profile is not as high as it was 3 years ago this being due to two reasons:

- i) \* The number of recent storms (over the past year) from the north east which have caused extensive erosion and
- ii) the sand removal operations.

The overall effect of the lower beach profile has been that during moderate storms the sand dunes suffer erosion that would not normally occur.

With the onset of winters likely storms plus the sand extraction operations, this beach could see quite massive erosion of the sand dunes over the next 6 to 8 months.

All in all it appears that the beach is in a trough of it's normal accretion/erosion cycle and that too much sand removed at this time could cause an imbalance of material needed as a buffer against this winter's storms.

We are pleased to see that AA Simpson has reduced his application from 750m<sup>3</sup> to 400m<sup>3</sup> this year, but MR Hodge has remained at 600m<sup>3</sup>.

Our recommendations are

- i) A A Simpson be granted permission to remove 400m<sup>3</sup>
- ii) M R Hodge be granted permission to remove 500m<sup>3</sup> only ~~only~~ not the 600m<sup>3</sup> he applied for.
- iii) If Mercury Bay Ready Mix apply again this year for their usual requirement of 1000m<sup>3</sup> they be reduced to 800m<sup>3</sup> only.

Because of the present state of this beach particular care must be taken with the extraction of the sand.

For the present no sand should be removed near the sand dunes. The sand should only be taken from the seaward side of the area immediately in front of the SH 25 and Bluff road intersection.

Also during the extraction operations the sand where practicable should be removed to help keep the Pitoone stream mouth open in the position shown on applicants plans.

When sand is being removed other than when keeping the stream mouth open i.e. when the beach itself is being worked the extraction must be done in a tidy manner and left safe for the public at large not as seen in the attached photo which was taken last January.

Attached are photos taken at the times of the inspection.

P N Sutton  
Acting Resident Engineer  
per:

  
(H D Glass)

Regional Secretary  
Marine Division, Min of Transport Private Bag  
Auckland  
Your file 54/14/7/4 of 4.2.80 and 54/14/7/5 of 20.2.80  
Referred for your action.  
Information.  
D.O. file 47/16  
133 80 B.J. BUTCHER  
D.C. of 1983

At yesterday's Hauraki Catchment meeting serious concern was expressed at the issue of licenses where little supporting data was available. I wish to check with the Board's staff before confirming or otherwise this report by the Resident Engineer.

AKA



**Ministry of Works  
and Development**

District Office

Dey St.

Private Bag, Hamilton

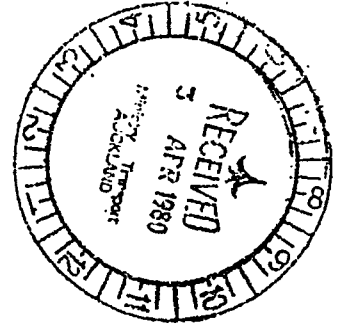
Telephone 62 899

Telex NZ 2777

Inquiries to Mrs R I Crichton Date 1 April 1980

Ref 47/16

Regional Secretary  
Marine Division  
Ministry of Transport  
Private Bag  
AUCKLAND



ATTENTION P D Spackman

SAND AND SHINGLE LICENCES : PERIOD 1/4/80 - 31/3/81

Your references (1) 54/14/7/4 dated 4 February 1980,  
(2) 54/14/7/5 dated 20 February 1980,  
(3) 54/14/6/5 dated 13 March 1980.

Application by A A Simpson Limited and Mr M R Hodge to extract sand from the Kuaotuna Foreshore and application by Parry Bros Limited to extract sand from the Whangapoua Harbour entrance.

The resident engineer, Paeroa, has submitted adverse reports on all of the above three applications.

In view of the Hauraki Catchment Board March 1980 resolution which reads:

"That the Board express its opposition to any removal of sand from any beach, in advance of adequate information, and suggests that the Ministry of Transport fund a beach survey on the lines of that carried out for Whiritoa Beach.", the district water and soil officer recommends that no sand licences be issued for at least six months when the situation may be reviewed.

B J Butcher  
District Commissioner of Works  
Per

  
(R I Crichton)

DWleM\*EY

Private Bag  
AUCKLAND

Telephone: 773-400

54/14/7

5 September 1980

The District Commissioner of Works  
Ministry of Works & Development  
Private Bag  
HAMILTON

Attention: Messrs H.D. Glass/R. Nichol

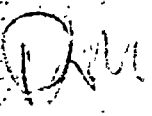
KUAOTUNU SAND SYSTEM STUDY PROPOSAL

Further to our meeting of 27 August 1980 and subsequent discussion of the above proposal. Could you please supply a list of available data you have on record for Kuaotunu/Matarangi Spit/Whangapoua area.

In regards to costing of operations, could you give estimates on the following:-

1. Monthly surveys of two or four profiles at Kuaotunu Beach from an already established survey peg to low water mark. I envisage this would only require the use of a level.

You mentioned the possibility of borrowing the Ministry of Works and Development boat. Could you please give details including on-board equipment such as depth sounder. Could you also give details of the terms, if any you would require for its use.

  
D.W. le Marquand  
for Regional Secretary for Transport

KUAOTUNU SAND SYSTEM STUDY PROPOSAL : PRELIMINARY  
VISIT TO INVOLVED PARTIES

T.C.D.C.

Mr Bill Sloan (Area Engineer Whitianga) was unavailable. Left copy of the proposal for his comments. He had earlier stated that he was willing to establish bench marks.

M.O.W.D. (Paeroa)

Messrs R. Nichols and H.D. Glass stated that they were unable to do anything other than write reports without funds to charge to. However, they were keen to see the study undertaken. I have written to them to obtain a quote for the cost of monthly surveys and the hire of their boat for sediment samples and offshore survey.

They have data available such as photos, reports etc. which can be used.

Hauraki Catchment Board

Messrs D. Smith, Caddie and P. Dell were very keen to see the study undertaken as they have already done some preliminary work in the area including two profiles established and surveyed as well as other miscellaneous data. They are going to send an itemised list of the available data.

They indicated that sifting and various plotting of diagrams could be carried as internal costs but the other (survey work:- surveys, sample collection) would need to be paid for. They are also supplying a costing on the parts of the proposed that will require funds.

P.O. Box 7  
Te Aroha

R. W. Harris D.S.C. B.E.  
Chief Engineer

J. M. Morrison,  
Secretary.

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Please Quote

2/3

In your reply

T.G.D.C.

Telephone 48-099

Telegraphic Address "Catchment"

59 WHITAKER STREET,  
TE AROHA

3 September 1980

Mr D.W. Le Marquand,  
Marine Division,  
Ministry of Transport, Auckland.

Dear Mr Le Marquand,

Re: Kuaotunu Beach - Sand System Study

Please find below an outline of costs for the proposed study. Due to the long distance from the Boards base in Te Aroha, transport costs and time are fairly expensive.

The University of Waikato have already carried out some investigative work in the area, and I will collect this information in the next few weeks.

I have broken the costing up into sections:

Survey cost to level and survey 4 sections and benchmarks - including office time (1 vehicle - 4 people). This would be only done once.

\$400

To profile sections - onshore - offshore  
(1 days work, 5 man team).

1 Raytheon echo sounder	\$28.50/day
1 Boat and Trailer	\$76.00/day
1 Range finder	Borrowed
1 4 wheel drive 31c/km	\$124.00 (400km)
1 Surveying vehicle 20c/km	\$80.00 (400km)
5 Hauraki Catchment Board Staff	\$220.00

\$528.50

Office time to reduce and interpret

\$100.00

Total Cost per completed Survey

\$628.50



If only land surveys were carried out the boat could be dropped. This cost then 2-10

If only land surveys were carried out the extra labour, vehicle and boat could be dropped. This cost then to survey land sections;

1 vehicle	\$80.00	
3 Staff	\$150.00	\$230.00
		<hr/>
Sediment Sampling, using the boards dredge		\$230.00
It would take an estimated two days to collect		<hr/>

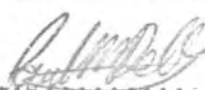
Sediment Sampling, using the boards dredge sampler would be carried out. It would take an estimated two days to collect the samples depending on the area covered. A "largish" boat would be required as long distances from shore would be necessary. Enquiries into a boat will be made by both yourself and ourselves.

Manpower		
3 Staff - 2 days		\$300.00
Accommodation		\$ 70.00
Echo-sounder		\$ 50.00
Vehicle (for boat)		\$180.00
Cost of boat is unknown until further enquiries.		<hr/>
A meeting of boards staff and yourself		\$600.00

Cost of boat is unknown until further enquiries.

A meeting of boards staff and yourself for midday on 22 September 1980 at Kuaotunu Beach has been arranged.

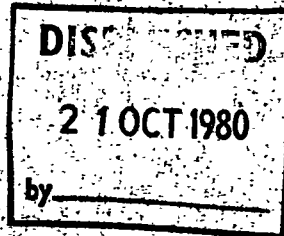
Yours faithfully  
R.W. Harris  
CHIEF EXECUTIVE OFFICER  
AND CHIEF ENGINEER

per.   
P.M. Dell  
Scientist



AKE:KS  
CMA

1.10.80



21-10-80

The Secretary  
Kuaotunu Citizens and  
Ratepayers Association  
RD 2  
WHITIANGA

Dear Madam

**SAND REMOVAL FROM KUAOTUNU BEACH**

As your letter was copied to me for enquiry it would appear appropriate that I should reply rather than the Secretary for Transport.

The beach was closed temporarily as it was felt that the extraction was causing erosion and erosion if allowed to continue can prove extremely expensive to arrest.

The principal concern of the Ministry of Transport is the preservation of the coastline. Extraction of sand places pressures on the coast which, particularly on the east coast, can lead to considerable erosion. A number of beaches have already been closed to sand extraction and attention is being given to the other beaches from which extraction takes place. Additionally the amount which may be taken has been substantially reduced on a number of other beaches.

The deposits of sand may appear huge, but the balance between accretion and erosion is very precarious and an apparently insignificant action can alter the situation in a most significant way. Extraction of sand from a beach is apparently an insignificant action, but can destroy the balance and lead to severe erosion problems.

It is hoped to introduce a study of sand movement on Kuaotunu Beach with a view to determining the effect, more exactly, of extraction. Should the study show an adverse effect then consideration will have to be given to closing the beach, as has already been done elsewhere.

The decision to close the beach temporarily was not taken lightly, but was taken having regard to the opinion of those who must be considered expert in the field of erosion and erosion control. The closure was for six months and the beach will be reopened at the end of that time. The effect of continuing extraction will be monitored and if necessary the rate of extraction may be reduced, until the result of the resource study becomes known.

The beaches, particularly below Mean High Water mark belong to the people of New Zealand, and must be managed for the benefit of the country. Erosion is of benefit to no one.

Yours sincerely

(Signed) COLIN McLACHLAN

Minister of Transport



# MINISTRY of TRANSPORT

PRIVATE BAG, WELLINGTON 1  
TELEPHONE: 721-253  
TELEGRAMS: TRANSPORT

AURORA HOUSE,  
THE TERRACE,  
WELLINGTON 1

17 October 1980

The Minister of Transport

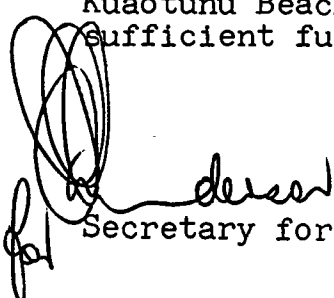
## SAND REMOVAL FROM KUAOTUNU BEACH

The letter to the Secretary of the Kuaotunu Citizens and Ratepayers Association prepared for your signature has been referred back to the Ministry for further comment.

The closing of beaches for their preservation is an ongoing activity of your Ministry as part of the management of the sand resource on the foreshore. Such action is only taken after consultation with the local Catchment Board and with the Water and Soil Division of the Ministry of Works and Development. The existing legislation is considered to be sufficient for the purpose.

Studies are being undertaken in conjunction with Local Bodies and the Ministry of Works and Development to expand the body of knowledge available to help management become more effective in dealing with the sand resource.

Kuaotunu Beach is to be the subject of such a study when sufficient funds can be found for the purpose.

  
Secretary for Transport

<b>FILE</b>
..... / ..... / .....
Initials: <i>ph</i>

P.F. 30/10/80

**DISPATCHED****- 9 SEP 1980**

by \_\_\_\_\_

8 September 1980

Mrs G M Moore  
Secretary  
Kuaotunu Citizens and  
Ratepayers Association  
R D 2  
WHITIANGA



Dear Mrs Moore

On behalf of the Hon C C A McLachlan I acknowledge your copy of a letter dated 4 September addressed to the Secretary, Marine Division, Ministry of Transport concerning the removal of sand from Kuaotunu Beach.

Your letter will be placed before the Minister at an early opportunity.

Yours sincerely

J W Bagrie  
Private Secretary

SECRETARY FOR TRANSPORT

For draft reply please.

A handwritten signature in blue ink, appearing to read 'J W Bagrie', written over the typed name.

Private Secretary



## MINUTE SHEET

Department: .....

Subject: .....

File No. ....

Date: 16/10/80

To—

CMA

Sunday for Transport raised  
the attached memorial to PMS  
for appropriate action

The Minister feels that the  
matter raised would be dealt  
with in the Harbour Amendment Bill  
Suggest you send memorandum to  
Minister explaining what the  
position is

BARRY LAWSON  
x633

# Kuaotunu Citizens and Ratepayers Assn

R.D.2 WHITIANGA

4th September 1980.

The Secretary,  
Marine Division,  
Ministry of Transport,  
Private Bag,  
AUCKLAND.

RECEIVED
- 8 SEP 80
MINISTER'S OFFICE

Dear Sir,

re, SAND REMOVAL FROM KUAOTUNU BEACH.

At a recent meeting of the above Association it was decided to write to you expressing the deep concern of a majority of members to your rather sudden decision to stop all license-holders from removing sand from the Kuaotunu Beach.

We have no idea why this decision was reached and can only assume that it was at the request of some minority ratepayers in the area. Presumably they have built their houses and have no thought for the the extra expense incurred by the people who have still to do so.

We would like to ask if your decision is final, and was there any thought given to the idea that it might have been a courteous gesture to consult some of the residents in the local and surrounding areas as to the economic disaster this may, and indeed has caused to local industry.

We also point out that the place from which the sand is taken is not in any danger of erosion, in fact the sea itself takes away and builds up the sand without any license at all.

The very idea of this area with its huge deposits of sand, having to import from as far away as the Whangaparua Peninsular, seems to the local people to be ludicrous, and certainly not in the interest of fuel-saving, and keeping small local industries in a position to keep on employing their usual quota of the local work-force.

If you have what seems to your Department to be firm evidence to justify your decision, we would deem it a courtesy for you to convey this evidence to us.

We also ask that you consider other local areas for the removal of sand and give thought to the idea that each beach in the whole Mercury Bay Area be used in rotation, this would then surely remove any feeling of insecurity for every local resident.

We feel that there should not be a total ban on sand for the area, and that sand from local beaches should be available as of right to local people. Taken from the correct place on any beach it could do little, if any harm.

Would it be possible for you to acquaint us of the date of your next visit to the area and perhaps some of our people could meet you.

We would point out to you, that, though this is a small area in your large jurisdiction, it is none the less very important to us all, and we ask that you really look very hard at the situation, and meet as many people as possible before making any decision.

Yours faithfully,

(S.S.)

G. M. Moore  
Secretary.

For your information and enquiry.

G. M.

54/15/48

1 October 1980

✓ The County Clerk  
Ohinemuri County Council  
P.O. Box 17  
PAEROA

*Records  
Return to CMA*

Dear Sir

SAND EXTRACTION - WHIRITOA BEACH

With reference to your letter of 29 August 1980 (811) and subsequent to the visit to the beach of officers from the County Council, Catchment Board, Ministry of Works and Development and Ministry of Transport.

In your letter the Ministry was advised that Council resolved to ask the Minister to take action under Section 244 of the Harbours Act.

Inspection of the beach shows that it is in an accreted state with no evidence of erosion. It would be extremely difficult to justify an application of Section 244.

Discussion in your offices gave an indication of a possible change in Councils attitude to this matter.

Before applying to the Ratepayers Association it would be of great help if the Ministry could be advised of Councils present attitude to sand extraction from Whiritoa Beach.

Yours faithfully

*A.K. Ewing*

A.K. Ewing  
for Secretary for Transport

FILED BY  
FILED  
2 - OCT 1980  
by RECORDS

FILE  
\_\_\_\_/\_\_\_\_/\_\_\_\_  
Initials: \_\_\_\_\_



**Ministry of Works  
and Development**

District Office

Dey St.

Private Bag, Hamilton

Telephone 62 899

Telex NZ 2777

Inquiries to Mr A K Attwood Date 24 September 1980 Ref 96/130000

~~Commissioner of Works~~

ATTENTION Mr R K Howard

**WHIRITOA BEACH**

Your reference 75/10/56 of 29 May 1980 to Hauraki Catchment Board.

... Attached are two copies of plan 2/398/1/3204/1 prepared by the district surveyor from Title surveys ranging from 1896 to 1975 of the foreshore in the vicinity of the 68382 block of Maori Land on which the sand pit is sited. The plan has been prepared with the use of a plan variograph and hence is not as accurate as one prepared from offsets from a coordinated line. For the purposes of the exercise though it clearly shows that MHWM has progressed about 40 metres seawards over the years and hence can be said to be at variance with Christopherson and McLean reports.

You will note that the plan depicts two lines attributable to the 1918 survey. One line is the reproduction from the plan of that year (ML 10985) and the other is the reproduction from the plan of 1975 which adopted in part the 1918 survey. This difference is attributable to scaling and plotting errors. I am forwarding copies of the plans to Marine Division Auckland and head office, Hauraki Catchment Board and Dr T R Healy of the University of Waikato.

The Hauraki Catchment Board has still not responded to your above referenced letter. I understand that they are not willing to take a firm line of action until further data is to hand. In view of the progression of MHWM I believe that there is no urgency in funding being made available from the limited NWASCO funds. Any further research should in the first instance in my opinion, be limited to minerological analyses and characteristic ash shower configurations and not to expensive off shore drilling.

B J Butcher  
District Commissioner of Works  
Per

(A K Attwood)

Encls



**Wide format was located here in this file**

**To view the wide format image(s) please go to the end of this document**

**The numbers listed below are also on the wide format image(s) that belong here**

**5060**



AE:SR

Mar. Admin

26/8/80

29.8.80

**The Minister for the Environment**


**SAND MINING - WHIRITOA BEACH**

Officers of this Ministry have had preliminary discussions with Officers of the Ministry of Works and Development, Water and Soil Division regarding the problem of sand extraction at Whiritoa Beach.

A visit to the area is contemplated for on-the-spot discussions with the local Catchment Board.

A decision on how best to tackle the problem will be made subsequent to the visit.

(Signed) COLIN McLACHLAN  
Minister of Transport

 desal  
28.8.80  
albury



54/15/48

min 1952

14 August 1980

MINISTER OF TRANSPORT



Office of

WELLINGTON, N.Z.

SAND MINING - WHIRITOA BEACH

In 1978 I received several letters expressing concern about the effects of sand mining on Whiritoa Beach, Coromandel. The substance of the complaints was that sand mining was likely to cause erosion of the dune and to threaten holiday homes in the adjacent subdivision.

A Maori Trust (Whangamata 6B3B2) issued a licence for the taking of sand for a period of three years from 1 April 1979 at a rate of 4300 cubic metres/year. The operation is within the district scheme provisions, and is a continuation of activity that has been going on for some 30 years. Royalties amount to some \$24,000 a year gross.

i.e. \$5.60 cumm.  
royalty?

After lengthy inquiries I establish that there was insufficient information available, but that the Hauraki Catchment Board had commissioned Dr McLean, University of Auckland, to carry out an investigation. His report was completed early this year.

In replying to my correspondents, I indicated that I considered that the matter was essentially the responsibility of the local and regional authorities concerned but that I would consider raising the problem with you when Dr McLean's report became available. In summary, Dr McLean concludes that the Whiritoa sand system is small and confined, and is one that does not receive or lose significant amounts of sand through natural processes. The present major loss is undoubtedly from mining, and the quantities extracted are not made up by new sand coming from off-shore or from the small streams flowing across the beach. The evidence suggests that there is insufficient sand to maintain an equilibrium without continued erosion of the foredune. His final conclusion is:

" In these circumstances it is most probable that continued sand mining will further deplete the reservoir (of sand) and induce further erosion. "

Given the scientific evidence now available, it seems to me that it would be prudent to restrict sand mining at Whiritoa

...

Beach. I have been advised that under Section 244 of the Harbours Act 1950 you have power to curb mining where it is likely to detrimentally effect foreshore and dune stability. I would be grateful if you would give consideration to taking such action.



MINISTER FOR THE ENVIRONMENT

SECRETARY FOR TRANSPORT

For draft reply.  
~~For reply by directions~~  
~~For comments.~~  
~~Referred.~~

*John McLaughlin*  
18. 8. 80



Subject:

Department: .....

File No.: .....

Date: .....

Whiriaoa Sand Removal

To -

Head Office

Seco (H &amp; F)

Atto Sandy

Ewing

Please find photocopy of what we have on our file.

There is a report by Dr R.F. Mclean on the area. He wrote this for the Hawaiki Catchment Board. The report gives evidence to suggest that the beach is a closed system. Any removals likely to lead to erosion.

I think Keith Whitehouse had a copy of this report on his files.

I have written to mines asking of their involvement in the area and am awaiting their reply. Shall forward reply onto you.

D.W. Le Marquand



FILE HELD BY

H &amp; F

54/15/48

20 February 1980

The President  
Whiritoa Ratepayers Association  
P.O. Box 3266  
AUCKLAND

Dear Sir

I have received your letters of 24 and 25 January 1980 concerning the extraction of sand at Whiritoa Beach.

You mention that you had sent an earlier letter to the ministry to which you had not yet received a reply. That letter went to our Auckland office and they were advised by this office of this ministry's involvement in this matter and advised to reply to you on 2 August. Our Auckland office may however have been under the impression that this office had replied direct to you; be that as it may we apologise for not replying.

As far as this ministry is aware the situation at Whiritoa Beach is that the sand mining operation takes place above High Water Spring Tides and is not subject to a licence issued by the Ministry of Transport. Therefore we are not in a position to answer the queries raised in your letter of 24 January. It is unfortunate that the letter of 14 June 1979 from the Commission for the Environment gave you the impression that it was this ministry which issued the licences for the extraction at Whiritoa. In fact the licence to extract sand at Whiritoa Beach is issued by the Maori Trustee, pursuant to the provisions of the Maori Affairs Act 1953, as the land concerned is Maori land.

The ministry does however have certain limited powers to control sand extraction on land adjacent to the coast where such extraction could lead to erosion. We are not in a position to exercise these powers without strong scientific evidence to show that extraction may be leading to erosion.

The report prepared by Dr McLean for the Hauraki Catchment Board may provide such evidence and at the present time this ministry and the catchment board are discussing what action could be taken.



As you are aware this is a difficult and contentious matter and it is not desirable to indicate the exact nature of any action this ministry may take until we have finalised our discussions with other bodies.

Yours faithfully

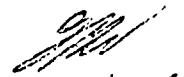
G.K. Whitehouse  
for Secretary for Transport

The Regional Secretary  
Private Bag  
AUCKLAND

Attention: P. Spackman

  
G.K. Whitehouse

P.S. 7. have not included a copy of D- at 6 hours report  
it is to be used for photography. However report makes it clear  
that such extraction at wharves beach is likely to lead to erosion.

  
11.10.1954



CONFIDENTIAL

54/15/48

20 February 1980

The Secretary  
Hauraki Catchment Board  
P.O. Box 7  
TE AROHA

Dear Mr Morrison

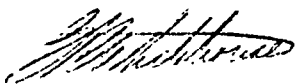
REMOVAL OF SAND AT WHIRITOA

Thank you for the copy of the report on Whiritoa Beach, prepared by Dr McLean, which you sent to the ministry. For some time now the ministry has been concerned that sand extraction at Whiritoa may be having an undesirable effect on the beach however, we have been reluctant to act until such time as good technical evidence existed to show that this was so.

Under section 244 of the Harbours Act 1950 it is an offence to remove sand from a beach or adjacent land without the consent of the Minister of Transport if there is a likelihood that such extraction will lead or is likely to lead to erosion. The present extraction operation at Whiritoa is a case in point and has not been consented to by the minister. In view of the sizable investment, the Whiritoa subdivision, at risk due to erosion it is unlikely that the minister would consent to long continued extraction of sand in this area.

I would be pleased to know whether your board would support this ministry in any moves we may make to have the extraction operations at Whiritoa stopped.

Yours sincerely



G.K. Whitehouse  
for Secretary for Transport

54/15/48

20 February 1980

The County Clerk  
Ohinemuri County Council  
P.O. Box 17  
PAEROA

Dear Sir

**SAND EXTRACTION : WHIRITOA BEACH**

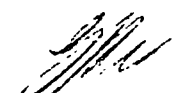
The Ministry recently received a copy of the report on sand extraction at Whiritoa beach prepared by Dr R.E. McLean for the Hauraki Catchment Board. The report makes it clear that the present sand extraction operation at Whiritoa could lead to erosion of the beach, thus putting a large investment, the Whiritoa subdivision, at risk.

The Ministry of Transport represents the Crown as owner of the foreshore and seabed round New Zealand and administers this area through the Harbours Act 1950. As a land owner we are concerned to see that nothing is done which could cause erosion of the foreshore and there are powers in the Harbours Act to ensure that this does not happen. The section of the act which is relevant to Whiritoa is section 244 which makes it an offence to remove any material from an area adjacent to a beach without the consent of the Minister of Transport if removals are likely to lead to erosion.

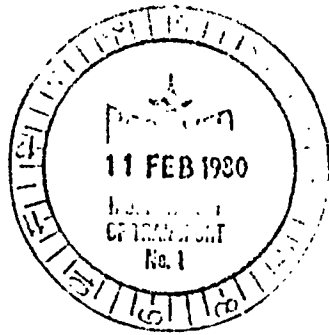
Clearly in view of the data in the McLean report, if the minister did not give his consent to the extraction operation at Whiritoa it would have to cease.

Before we take any action in this matter this ministry would like the views of your council on whether the extraction operations at Whiritoa should be controlled.

Yours faithfully



G.K. Whitehouse  
for Secretary for Transport



Whiritoa Ratepayers Assn,  
P.O. Box 3266  
AUCKLAND

25 January 1980

Mr Keith Whitehouse,  
Harbours & Foreshore section,  
Ministry of Transport,  
Private Bag,  
WELLINGTON.

Dear Sir,

✓ Enclosed please find a copy sent to us by the Commission for the Environment re the sandmining at Whiritoa Beach.

Please can you indicate what action the Ministry of Transport will be taking now the McLean report is completed (Dec 1979). Our Association is vitally concerned and we would appreciate your co-operation on this matter.

Yours faithfully,

*M. J. MacAroy*

M.J. MacAroy  
PRESIDENT

Enc.

# COMMISSION FOR THE ENVIRONMENT

Department of the Environment  
P.O. Box 111, Auckland

Office: NRS 5/5C

100 Beach Road  
Auckland  
New Zealand  
Tel: 619 100

19 June 1979

Mr M P Cooke  
32 Browns Avenue  
Paparanga  
AUCKLAND

Dear Mr Cooke

I am sorry that it has taken so long to follow up your letter of 30 October concerning:

- (a) the effects of sand extraction on Whiritoa Beach;
- (b) the role of the Commission for the Environment; and
- (c) how local residents may help in investigations that may be warranted.

The present position is that the Trustees of the land have recently executed a deed, granting rights to Provincial Transport Limited to remove up to 4,317 cubic metres of sand per year for a period of 3 years from 1 April 1979. This sand has such specialised uses as sand blasting.

A number of local residents wrote to the Minister for the Environment about the removal of sand at Whiritoa Beach. I enclose a copy of the Minister's reply for your information. Following these enquiries the Commission for the Environment contacted the trustees for the owners of the land, the Ministry of Transport, the Hauraki Catchment Board and the Ohinemuri County Council. I shall review the information gathered through these enquiries.

## (a) Effects of Sand Extraction at Whiritoa Beach

At the heart of the issue is the question whether Whiritoa Beach sand system is open or closed. A beach, which receives little or no "new" sand from offshore, rivers, cliffs or other beaches, is described as a closed sand system. In a closed system the quantity of sand within the beach and off-shore remains constant, although the quantity present in the major parts of sand system, the frontal dune, the beach, and off-shore, is highly variable, depending on the type and severity of wave action. However, if sand is removed from the beach or foredune which is part of the active sand system by stormy conditions or sand extraction, the

forodune and beach are likely to erode. On a beach which receives the sand from other areas, an open sand system, the likelihood of erosion is lessened if the amount of sand removed by sand extraction and leaving the system is less than the amount of sand entering the system.

If the Whiritoa Beach system is a closed system or has only small quantities of sand entering it, in insufficient quantities to replace the sand which is being removed by sand mining, as suggested by Mr Max Christopherson of the University of Waikato in his unpublished 1977 M.Sc thesis in Earth Sciences entitled

"The Effect of Sand Mining on the Erosion Potential of Whiritoa Beach",

it is possible that sand mining could be causing or enhancing erosion of the frontal dune. Consequently the Hauraki Catchment Board asked Dr Roger McLean, of the Geography Department, University of Auckland, to prepare a report to examine Christopherson's contention that the Whiritoa Beach sand system is partially or possibly a completely closed system. Dr McLean's study is almost complete. There are several further sand samples to be analysed which were obtained from the beach and off-shore from Whiritoa which require a mineralogical examination to determine their source.

(b) The Role of the Commission for the Environment

I enclose copies of our annual reports since our inception in 1972. These reports show the scope of the work the Commission is involved in. It must be understood that the Commission for the Environment has no executive authority (namely, an Act of Parliament) but works through other local authorities and government agencies. In this case the executive agency involved is the Ministry of Transport, who issue licences to extract sand from Whiritoa Beach. Hence the Commission cannot authorise any study or investigation although through other government departments and local bodies it may initiate and complete studies itself or encourage other bodies or individuals to carry out the study.

(c) How could Local Residents help in investigations that may be warranted?

Local residents could be of assistance in a variety of ways, especially if a long-term monitoring programme is adopted by the Hauraki Catchment Board and Ohinemuri County Council. If local residents are willing to offer such assistance they should contact the Hauraki Catchment Board or the Ohinemuri County Council who are likely to coordinate these studies, in consultation with Dr McLean, of the University of Auckland or a student of either Dr McLean's or Dr Terry Healy of Earth Sciences, University of Waikato.

Possible Future Action

Once the type of sand system is determined, the effects of sand extraction on Whiritoa Beach can be re-evaluated by the Ministry of Transport. If sand mining is found to be detrimental to Whiritoa Beach, the Ministry of Transport can stop the removal of sand under the Harbours Act 1950.

Another possible course of action is that the Ohinemuri County Council could take legal action against the Trust under the Town and Country Planning Act 1977, if sand mining was found to be detrimental to

"the preservation of the natural character of the coastal environment and the margins of lakes and rivers and the protection of them from unnecessary subdivision and development".

I have sent a copy of this letter to the Ministry of Transport and have asked them to advise you of their action taken when they have received Dr McLean's report.

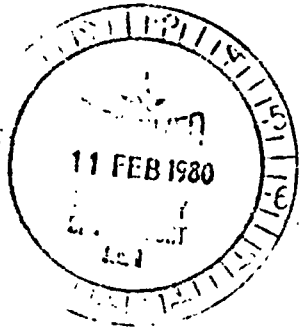
I hope this information furthers your understanding of the situation at Whiritoa.

Yours sincerely

*Ken Murray*

Ken Murray  
for Commissioner for the Environment

Enc.



Whiritoa Ratepayers Assn,  
P.O., Box 3266,  
AUCKLAND.

24 January 1980

Mr Keith Whitehouse,  
Harbours & Foreshore Section,  
Ministry of Transport,  
Private Bag,  
WELLINGTON.

Dear Sir,

✓ Enclosed is a copy of a letter sent by us dated 8 July 1979. Please can we have a reply, as one has not been received yet.

Further to this letter, please can you answer these queries:-

- a) The expiry date for the current licence to mine Whangamata Block 6B3B2.
- b) Is this renewed on an annual basis?
- c) To whom is it issued?
- d) How long (approx) has sand been mined from the present site at the south end of Whiritoa Beach?
- e) What quantities were permitted to be extracted over the 1970-79 period?
- f) Has sand mining taken place at the north end of Whiritoa Beach? If so, when and by whom?
- g) What responsibility does the Ministry of Transport have in monitoring the quantities extracted?
- h) Is the Ministry of Transport responsible for either the erection of the concrete posts denoting the 2 chain seaward limit of the sandmine at Whiritoa since most posts have disappeared?

We would appreciate an early clarification of these points.

Yours faithfully,

*M. J. MacAroy*

M.J. MacAroy,  
PRESIDENT

Enc.



Flat 3, 6 Evelyn Rd,  
Howick,  
Auckland.  
8th July 1979.

The Chief Officer,  
Marine Division.

Dear Sir,

I am writing on behalf of the Whiritoa Beach  
Ratepayers Association.

I read with much interest an article in the "Auckland Star"  
(Wednesday July 4th.) describing the curbing of sandmining  
on beaches and offshore, by your Ministry, due to erosion problems.

You may or maynot be aware that ratepayers at Whiritoa Beach  
( 16 km north of Waihi), have for many years been very concerned  
about continuing large scale sand mining at their beach, by  
Provincial Transport Ltd. The sand mining is carried out within  
100 metres of housing at the beach.

In the last year very severe erosion of the foredunes occurred  
and we believe the continued sand mining is not allowing a  
natural recovery of the beach system.

Mr Christopherson of Waikato University, under the supervision  
of Dr Healy, did a study on Whiritoa Beach, and concluded  
that the beach was a "closed system" and that continued sand  
mining would lead to beach erosion and loss of property.  
Dr Healy described the sand mining here as a "serious case".  
("Bay of Plenty Times" 30/7/77)

Ratepayers of Whiritoa are so concerned about the continued  
sand mining, they have engaged a solicitor at considerable  
expense to try to stop this activity. Many ratepayers have infact  
threatened to withhold rates from the Ohinemuri County Council  
until the activity is stopped. As ratepayers we have received  
no assistance from the Ohinemuri County Council.

At present Dr McLean of Auckland University is doing a study  
on the erosion problem at Whiritoa for the Hauraki Catchment Board.

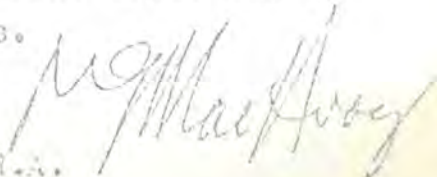
The Ratepayers Association is very concerned to learn that a  
licence to remove sand from the beach has just been extended  
for a further 3 years even though the study of the beach by  
the Hauraki Catchment Board has not been completed yet.

We have pleaded with politicians, the Catchment Board, the  
Ohinemuri County Council, and Ministries of Environment and Works,  
for at least 7 years, to stop the sand mining, without any  
success to date.

We would be very grateful if your department could help to  
solve this problem, as it appears that the Marine Dept. has the  
power to issue and revoke sandmining licenses.

Yours faithfully,  
M.J. Mac Avey,

President W.R.A.



54/14/77  
Flat 3, 6 Evelyn Rd,  
Howick,  
Auckland.  
8th July 1979.

The Chief Officer,  
Marine Division.

Dear Sir,

I am writing on behalf of the Whiritoa Beach  
Ratepayers Association.

I read with much interest an article in the "Auckland Star"  
(Wednesday July 4th.) describing the curbing of sandmining  
on beaches and offshore, by your Ministry, due to erosion problems.

You may or maynot be aware that ratepayers at Whiritoa Beach  
( 16 km north of Waihi), have for many years been very concerned  
about continuing large scale sand mining at their beach, by  
Provincial Transport Ltd. The sand mining is carried out within  
100 metres of housing at the beach.

In the last year very severe erosion of the foredunes occurred  
and we believe the continued sand mining is not allowing a  
natural recovery of the beach system.

Mr Christopherson of Waikato University, under the supervision  
of Dr Healy, did a study on Whiritoa Beach, and concluded  
that the beach was a "closed system" and that continued sand  
mining would lead to beach erosion and loss of property.  
Dr Healy described the sand mining here as a "serious case".  
("Bay of Plenty Times" 30/7/77).

Ratepayers of Whiritoa are so concerned about the continued  
sand mining, they have engaged a solicitor at considerable  
expense to try to stop this activity. Many ratepayers have in fact  
threatened to withhold rates from the Ohinemuri County Council  
until the activity is stopped. As ratepayers we have received  
no assistance from the Ohinemuri County Council.

At present Dr McLean of Auckland University is doing a study  
on the erosion problem at Whiritoa for the Hauraki Catchment Board.

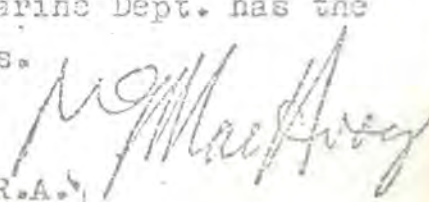
The Ratepayers Association is very concerned to learn that a  
licence to remove sand from the beach has just been extended  
for a further 3 years even though the study of the beach by  
the Hauraki Catchment Board has not been completed yet.

We have pleaded with politicians, the Catchment Board, the  
Ohinemuri County Council, and Ministries of Environment and Works,  
for at least 7 years, to stop the sand mining, without any  
success to date.

We would be very grateful if your department could help to  
solve this problem, as it appears that the Marine Dept. has the  
power to issue and revoke sandmining licenses.

Yours faithfully,  
M. J. MacAvoy,

President W.R.A.







MINISTRY OF TRANSPORT

FILE : RETURN

MOT 5

INTERNAL MEMORANDUM

Our Ref.: 54/15/48

Your Ref.: 54/14/7

To: The Regional Secretary  
Private Bag  
AUCKLAND

From: Head Office

Date: 2 August 1979

Subject: Attention: P. Spackman

SAND REMOVALS : WHIRITOA

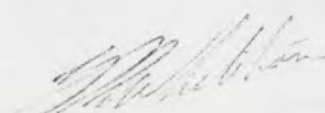
Your memorandum of 23 July attached a letter from the Whiritoa Ratepayers Association. The sand removal operation which is the cause of the ratepayers concern is conducted above mean high water under a licence under the Maori Affairs Act 1953. The extractors work the licence by digging a large hole which is then filled up by sand pushed into it during storms.

At the present time the Hauraki Catchment Board are using Dr R.L. McLean of Auckland University to prepare a report on the extraction operation. In particular Dr McLean is investigating whether or not the Whiritoa Beach is a closed sand system. If the beach is a closed system then sand extraction could well decrease the sediment supply, leading to erosion. You might like to contact Dr McLean to see when his report is to be presented to the Board.

It would be possible, if the area is part of a "closed sand system" to use section 244 of the Harbours Act to stop or limit the extraction. However, it is probably wise to keep the possibility fairly quiet as, I believe, this whole problem could very easily get into the political area.

It would probably be best for you to write to the Ratepayers Association and say that; (1) we do not issue this licence and that the Auckland Star article was only referring to those licences issued by this Ministry; (2) we are however awaiting the results from investigation into the problems at Whiritoa and when we receive these we will see what action, if any, the Ministry can take.

If you have any queries on this problem please do not hesitate to contact me.

  
G.K. Whitehouse  
for Secretary for Transport



MINISTRY OF TRANSPORT



MOT 5

Our Ref.: 54/15/48

Your Ref.: .....

INTERNAL MEMORANDUM

To: The Regional Secretary  
Private Bag  
AUCKLAND

From: Head Office

Date: 21 December 1978

Subject: Attention: Mr D.J. Greig

SAND REMOVALS : COROMANDEL COAST

Thank you for your memorandum of 12 December 1978 and the enclosed reports. I would be pleased if you would maintain contact through the Ministry of Works and Development with the Hauraki Catchment Board. It looks as though they are prepared to do a resource survey in the area and we would be very interested in obtaining a copy of this.

I have noted the recommendations made by Ministry of Works and Development on the various proposed sand extraction sites and in general I agree with them. I would however suggest that the sand extraction sites which the ministry recommends should be policed by the Thames Coromandel District Council would be better policed by the Hauraki Catchment Board. You should sort this one out before the start of the 1979 licensing year.

G.K. Whitehouse  
for Secretary for Transport





YOUR REF 54/14/7 P.T. 2

OUR REF 7/377

## OFFICE OF THE MAORI TRUSTEE

CHARLES HEAPHY BUILDING  
ANGLESEA STREET  
TELEPHONE 84 579  
PRIVATE BAG HAMILTON  
TELEGRAMS MAORIFAIRS

13 October 1978

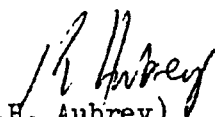
The Regional Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
AUCKLAND.

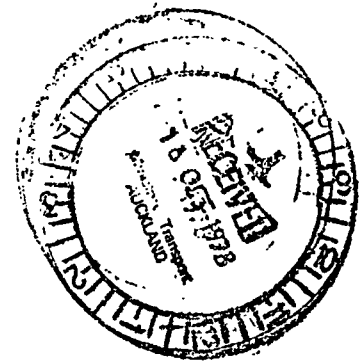
Attention Mr D. Greig

WHIRITOA BEACH

1. We acknowledge receipt of your memorandum dated 10 October 1978.
- ... 2. For your information we enclose a copy of a letter which was sent to Mr A. Campbell on 4 October 1978.

Yours faithfully,

  
(R.H. Aubrey)  
for Maori Trustee



Encl.

4 October 1978

Mr A. Campbell,  
Whiritoa Beach,  
C/- Post Office,  
WAIHI.

Dear Mr Campbell,

Thank you for your letter, received on 4 October 1978.

Whanganata 6B3B2 is Maori land but this does not mean that the Department has any control over it at all. The only time that the Department can exercise control over Maori land is by virtue of an empowering order from the Maori Land Court. Maori land is privately owned land and only the owners have a right to use it or instruct anyone in its use unless there is an Order of the Court giving some Organisation, such as the Department or a trustee, power to deal with the land.

What you indicate is happening is unfortunate, but there is nothing that I can do to stop what is going on. We recently had an approach from Mr F.A. Levett, Kon Tiki Road, Whiritoa, concerning the erosion and we told him that the land was vested in trustees by the Maori Land Court on 24 November 1976. Prior to this, Mr W.T. Castle had a grant to extract sand but this expired on 30 September 1976. The Trustees in whom the land is now vested are :-

William Thomas Castle

135 Luke Street East,  
OTAHUHU.

Connie Greaves

P.O. Box 221,  
WAIHI.

Paul Kotara

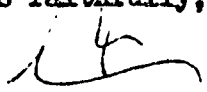
59 Kiwitea Street,  
Sandringham,  
AUCKLAND.

James Ian Howart

C/- McCaw, Smith and Arcus,  
N.Z.I. Building,  
Garden Place,  
HAMILTON.

I feel that you have no option but to address your fears to the present trustees. If you don't get satisfaction from them, I am afraid then that you would have to consult your legal adviser.

Yours faithfully,

  
(M.G. McKellar)  
District Officer



713-400



54/14/7 PT 2

10 October 1978

Mr A. Campbell  
Whiritoa Beach  
c/o Post Office  
TAHITI

Dear Sir

WHIRITOA BEACH

In reply to your letter of 2.10.78 with a copy of a circular to Katapayers, I would advise that the area of removal is from Maori land above Mean High Water Ordinary Spring Tides and is outside the control of this Ministry.

During earlier investigations it was found that the licence is issued by the Maori land owners to a part owner of the land and is administered by the Maori Trustees and this fact could cause difficulties in taking action to close the area to extraction.

However a copy of this letter will be referred to the Hauraki Catchment and Regional Water Board and the Maori Trustee Hamilton who may be able to assist in this matter.

Yours faithfully

D. Greig  
for Regional Secretary for Transport

The Secretary  
The Hauraki Catchment & Regional Water Board  
P.O. Box 7  
TE AROHA

Dear Sir

Copy for your information together with a photocopy of the correspondence under reply and circular to Katapayers.

/Cont.



The extraction of sand from the private land behind the foredune has caused some complaint over past years but being above M.H.W.C.S.T is outside our jurisdiction. In investigating the matter previously in conversation with the County Clerk it was understood that the Council might declare the area a reserve, but it is likely that the problems of Maori ownership may have been insurmountable.

It is understood that the extractor is the Paeroa Transport and during a previous visit in the early part of this year extraction had taken the extraction area to the lowest observed for a considerable time.

This matter is referred to your Board for such action as you think fit in view of the danger of erosion to the adjacent sub-divided land.

Yours faithfully

D. Greig  
for Regional Secretary for Transport  
Encl.

The Maori Trustee  
Department of Maori Affairs  
Private Bag HAMILTON

Copy for your information together with a photocopy of correspondence and circular received.

The complaint is deferred for your action while it may not be possible to cease operations a limit on the amount removed might allow reinstatement of the extraction area, however, if as is inferred that the bay is a closed compartment there will be little or no replacement.

D. Greig  
for Regional Secretary for Transport

Encl.



Marine Department 34/10/11  
Clayton House 104-111  
Anglo S. Street Hamilton  
Dear Sir  
A Campbell  
Whitton Beach  
P.O. White

I am writing this letter on  
behalf of the Whitton Ridge Owners. Re the taking  
of sand from the sand pit at the South end  
of the beach (Block CB 3 B 2 Whangamata)  
which is Maori land. One of the four  
trustees is Mr J. I. Stewart solicitor  
Hamilton. The reason for the letter is  
that after the last storm about 2 or 3  
weeks ago, the erosion was frightful.  
The northern lagoon, sand dunes, Gully Club  
ground, were all badly eroded.

Now we have a Scientific Report on the  
beach (Christophersen Report from the  
Waikato University) which proves that  
the movement of sand on this beach is  
N. to South. So the taking of sand  
on the southern end, must erode the  
hole beach. As this beach is a closed

This is the start of their direct  
action effort. This group has been given  
the go ahead by Ratfayers. Mrs  
I myself was appointed by Ratfayers to  
write to any Department Local Body  
Members of Parliament etc and appeal  
for help. 12 month or so ago a  
resident of Winton was almost  
fined for taking one tractor bucket  
load of sand from the beach.

But because the Block of Beach is  
owned by Maori people they can take  
10000 of some of sand and endanger <sup>the beach</sup>

Now Sir I hope your Department  
can give us advice on how to stop  
our beautiful beach from being  
spoiled and our sections going down  
to the sand pit

Yours faithfully  
A. Campbell

Please give us an urgent reply  
ac

This could mean a disaster if we have another storm. As the sand pit was empty prior to the storm and completely filled to overflowing after the storm which lasted 24 hours.

According to Mr Christopher the sand in the pit and surrounding would be approx 20000 cubic metres.

Now we would like the removal of sand stopped. It is no good waiting for the damage to be done, and then fighting in court about who pays or who is to blame. Let us leave the sand pit full as it is now for the peace of mind of the people of Whareroa. There are enough laws to safeguard the beach. But the trouble is the local bodies will not use them. I am on the phone or I will come in to have a talk with your Dept. My Phone 513 Whangamata exchange.

I am enclosing a notice from the W.E.G. Whareroa Erosion Group.

Whiritoa Erosion Group (W.E.G.)  
P.O. Box 3266,  
AUCKLAND, 1.

11th September 1978

Dear Whiritoa Ratepayer,

A large group of Whiritoa ratepayers have got together and have decided to send this letter to all Whiritoa ratepayers.

Recently storms have caused severe erosion to the beach, especially at the south end adjacent to the sand quarry site ("sandpit" - see diagram) and at the northern lagoon.

Whiritoa Beach is a "closed" beach (ie: there is little or no sand replacement from other areas of the coastline to Whiritoa beach which is bounded at both ends by rocky headlands.)

It is in our opinion, and in recent scientific opinion (Christopher Report) that massive sand removal from the southern end of the beach is causing dangerous erosion to the entire beach, and if unchecked soon will result in the loss of many properties to the sea and/or severe flooding of lower lying back properties, in the near future.

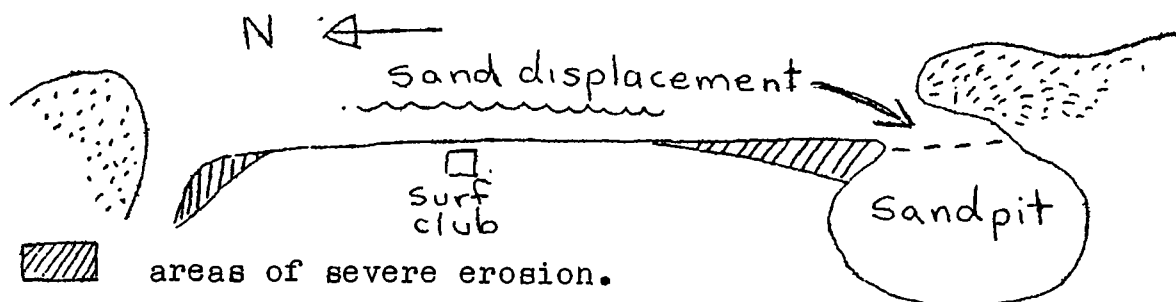
As you are aware, a Ratepayers "Sand Removal Committee" has been working very hard on this problem for some time. They have corresponded with the Ohinemuri County Council, Politicians, Catchment Boards, The Sandpit owners, etc. etc. However, no positive progress has been made due to the lack of action from the Ohinemuri County Council.

The following may be a radical decision but in our opinion is urgently necessary to safeguard our properties, as no other methods of approach have met with any success.

We suggest that all Whiritoa ratepayers withhold\* their next rate payments until positive and decisive action is taken by the Ohinemuri County Council to stop all commercial sand extraction from Whiritoa Beach on a permanent basis.

When such decisive action is taken by the Ohinemuri County Council you will be advised of the County Council's decision and that payment of rates be made.

The following is a diagram of the beach, indicating the sand quarry site and the major areas of beach erosion.



There is natural dumping of large quantities of sand into the sandpit by the sea. The sand is then commercially extracted from the sandpit and the pit is allowed to fill again, thus causing more loss of sand from this "closed" beach and thus endangering the whole beach.

It is suggested that YOU as a ratepayer can make the Ohinemuri County Council take positive action to stop all further sand removal from this beach by withholding your rate payment and by signing the following form and sending it to: The County Clerk, Ohinemuri County Council, P.O. Box 17, Paeroa.

\* It is suggested you deposit your rate payment into an interest earning account to cover the late payment penalty of 10%.

2-----

W.E.G.

As a concerned Whiritoa ratepayer I am withholding my rate payment until the Ohinemuri County Council takes immediate action stopping all further commercial sand removal from Whiritoa Beach; and makes a public statement setting out such action.

Name:  
Address:

Signed: -----

Date:

P.O. Box 7  
Te Aroha

R. W. Morrison S.C. B.E.  
Chief Engineer

J. M. Morrison  
Secretary

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Telephone 48-099

Telegraphic Address "Catchment"

Please Quote

2/3/126000-131000

In your reply

59 WHITAKER STREET,  
TE AROHA

The Regional Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
AUCKLAND

Attention: Mr D. Greig

Dear Sir,

## WHIRITOA BEACH

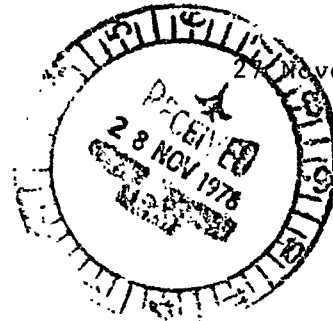
Receipt of copy of your letter 54/14/7 Pt. 2 dated 10 October 1978 to Mr A. Campbell is acknowledged. It was referred to the last meeting of Board's Executive Committee, together with other letters related to the extraction of sand from Whiritoa Beach.

As you may know, Dr R. McLean of Auckland University is preparing a report for Board on the subject and Board is currently waiting for this to come to hand before giving the matter further consideration.

Yours faithfully,  
J.M. Morrison  
SECRETARY

LSH:CJM

per.....  
*R. S. Hale*



24 November 1978

54/14/7 Part 2

10 October 1977

Mr F.A. Levett  
Ken Tiki Road  
Whiritoa  
C/- MAIHI POST OFFICE

Dear Sir

SAND EXTRACTION : WHIRITOA

The extraction of sand from Whiritoa has been again investigated by this Ministry and advice has been taken from the Secretary for Transport, Wellington.

As you are possibly aware, the sand extraction area is sited above Mean High Water Mark and is therefore outside the control of this Ministry. It is understood that extractions are subject to a licence issued by the Maori Trustee in favour of a Mr Castle who is a part owner of the land from which the sand is extracted. While this matter was taken up some time ago by this Ministry, it is suggested that if you wish to pursue this matter, you should correspond with the Department of Maori Affairs, Hamilton.

Yours faithfully



D.J. Greig  
for Regional Secretary for Transport





## MINISTRY OF TRANSPORT

MOT 5

Our Ref.: 54/15/48  
GKW:MS  
Your Ref.: 54/14/7

## INTERNAL MEMORANDUM

To: The Regional Secretary  
AUCKLAND

From: HEAD OFFICE .. HARBOURS & FORESHORES

Date: 29 September 1977

Subject: SAND REMOVAL : WHIRITOA BEACH

Your memo of 9 September refers. We have looked into this matter before and would agree that section 242 of the Harbours Act provides some power to regulate this extraction. However, before envoking the powers of section 242 we would need to have the agreement of the Maori Trustee. However, there are problems with taking this course of action.

The licence under which sand is removed from Whiritoa Beach is in the form of a licence issued by the local Maori landowners and administered by the Maori Trustee. The problem is that the licence is made in favour of Mr Castle, who is a part-owner of the land, and therefore because of this relationship the local Maori Trustee does not wish to become involved in litigation over the matter.

Perhaps the best way to overcome the problem would be to approach the Maori Trustees drawing their attention to the complaint made by Mr Levett and asking them to enforce the provisions of the licence which has been issued. I hope this provides some directions.

G.K. Whitehouse  
for Secretary for Transport

Walter M. Smith

SGHAN

54/11/7 Part 2

9 September 1977

The Chief Engineer  
Hauraki Catchment Board & Regional  
Water Board  
P.O. Box 50  
NGATA

Dear Sir

SAND REMOVAL : WHIRITOA BEACH

A copy of the letter of complaint dated 13 August 1977 from Mr P.A. Levett was received by this office and as at that time a further investigation on a different matter was required of this Ministry, the opportunity was taken to examine the extraction area administered by the Department of Maori Affairs and it was found that sand had been extracted to a lower level than has been previously observed and it would appear that some minorursions outside the boundary of the approved area had taken place. It was also observed off the marker posts only two were standing. One situated towards cliff area and one at the apparent boundary in between the sub division and the beach. I have been unable to define the ownership of the land between mean high water and the boundary of the Maori Land Title although this was discussed with Mr Stewart, the Engineer for Ohinemuri County. It would appear that if extraction takes place at the present rate, there is a possibility of the sea encroaching and possibly causing erosion to the adjacent land.

Yours faithfully

D.J. Greig  
for Regional Secretary for Transport

HEAD OFFICE  
Attn: S.E.O. Harbours

Referring to your previous request 54/15/48 of 6 March 1974, a further examination of this area is undertaken and has shown that the extraction of sand from Maori Land could possibly allow the entry of the sea over the leased extraction area possibly cause erosion to the adjacent sub division. A check of Section 244 of the Harbours Act 1950 relating to Section (3) would appear to give this Ministry some authority to control such works and your comments are requested.

D.J. Greig  
for Regional Secretary



To—

30/8/77Whitaker Sand Investigation

A letter from Mr. Leach

Area of extraction which is Maori Land was checked, at that time 12.15pm two trucks were being loaded & it appeared that the extraction was confined to inside the fenced area. Although it was evident some sand was being taken from around of fence. Only two trucks left in place.

The intrusion outside the Maori Land is no doubt into Gresham Reserve being the fence area between m.u.w. & the boundary of the Maori Land. There is very little sand left available in the Maori Land extraction area.

Trace Mr. Duckhouse who was responsible for the extraction shown on the photograph. He is a part time employee of Chesham County, the fenced area is his own property. The sand removed is sold by the Surf Club for donations. Mr. Duckhouse was warned that extraction must cease & the Club should apply for a permit. While with Mr. Duckhouse Mr. Leach viewed & the control of the Mining explained & the authority regarding the extraction from the Maori Land. Trace Dept could at times

To—

He taking some pictures the m/s over  
to quote Mr. Hevett.  
Mr. Hevett is aware of the steel club  
and sales set up but had no objection  
to this apparently

## Whirōa Beach Sand

Dear Sir

I am writing to you  
re the removal of sand from  
off the beach, I am not referring  
to the sand at the southern  
end of beach which there has  
been so much controversy over  
lately with contractors & Maori  
sand gills. This is private  
people or persons removing sand  
along the centre of beach with  
just scoops or large machines  
this person is getting it for  
residents, friends, & others I understand.

We are very proud of our  
Beaches & I always understood  
it an offence to take sand  
off beaches to this extent.  
I feel there should be notices  
put up especially around  
the centre of the division

at the end of the first or second  
short streets past the Surf Club  
Building going South on the left.

The main offender is a permanent  
resident who should know  
better & also works for the  
Council. (Chrimure)

Enclosed is a photo to prove  
what is really going on at this  
beach.

Hoping you will do something  
about this matter as others  
will be doing likewise.

Thanking you. I am  
A Concerned  
Beach lover.





Y Ref: 123000-131000



L.A. Levett,  
Kon Tiki Road,  
Whiritoa,  
c/o Teihi L.O.

18 August 1977



Hauraki Catchment Board &  
Regional Water Board,  
59 Whitaker Street,  
TE AROHA.

Attention: H.W. Harris  
Chief Engineer and Executive Officer

Dear Sir,

Thank you for your letter of 19th April 1977 and your promises therein, though no information has been forthcoming so far.

For your information as to what is happening in this area. The Provincial Transport Company, now despairing of the weather shifting the sand as usual into their section, because once more they are down to rock bottom, sent their employee to gather all his recent loads from the beach itself. In his honest endeavours to do a good job he has undermined the marker posts travelling deep into the beach. This situation I reported to the Ministry of Works Changeovers on 11 August 1977. The Ministry of Works representative came to Whiritoa on 16 August 1977, seeing me, he stated that his Ministry has no responsibility reference the beach situation.

If this mining of beach sand is to be condoned by the Catchment Board ad infinitum then within ten years there will be no Surf Club plus peoples private property will disappear.

It seems that the only way to conflict with arbitrary and arrogant companies is to AIR these problems for New Zealand to condemn.

It is no good Provincial Transport Company stating that it was a new driver because it is known who he was, the most experienced driver they have, a Mr. Sergeant.

Yours faithfully,

c.c. to:-

The Marine Division, Hamilton  
Mr. L.C. Schultz MP

HARBOURS & FORESHORES  
AUCKLAND

*F. A. Levett*



The Senior Clerk, Ministry of Transport,  
P.O. Box 166, TAURANGA.

Regional Office, AUCKLAND.

27 July 1976

PROVINCIAL TRANSPORT : SAND REMOVALS, WHIRITOA

Your memorandum of 26.7.76 refers.

Complaints re the removal of material from this area were investigated in 1974, the removal area being Maori land and the authority to remove being given by the Department of Maori Affairs, Hamilton and no removal licences are issued by this Ministry.

...

If you will examine the enclosed sketch you will note there are a line of posts erected along the beach above M.H.W.O.S.T. and these indicate the outer boundary of the Maori land. It would appear that on the land being subdivided no foreshore reserve was taken in this area and it is only at exceptionally high tides assisted by wind and wave action that any tidal effect has been observed beyond the top of the beach. I have been given to understand that the method used is to wait until the extraction site builds up during storms and then begin removals and during many visits only this area has shown signs of extraction.

If the complaint can substantiate that removals are taking place below M.H.W.O.S.T. the report will be fully investigated.

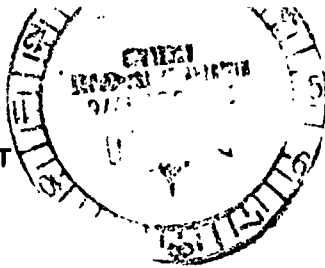


D. Greig  
for Regional Secretary

Enc.



MINISTRY OF TRANSPORT



MOT 5

Our Ref.: .....

Your Ref.: .....

INTERNAL MEMORANDUM

To: Mr. D. Gregg  
Ministry of Transport  
Harbour & Foreshores  
AUCKLAND

From: Tauranga Sub-Office


Date: 26 July 1976

Subject: COMPLAINT REGARDING ILLEGAL REMOVAL OF SAND

Mr. Taylor of Taylor Brothers Carriers, P.O. Box 25, Katikati, has informed me that Provincial Transport, Paeroa, have been removing sand, from what is believed Crown Land, illegally for several years in excess of 150 cubic metres weekly, from a beach located close to the Whiritoa Lagoon, north of Otonga Point, on the east coast of the Coromandel Peninsula.

From what I can gather Maori land fronts onto the beach and Provincial Transport have to obtain authority from the owners to remove sand within the boundaries relying mainly on storms to wash sand up from the beach onto the land. Apparently due to the infrequency of storms, there has not been sufficient quantity of sand washed up, forcing the excavators onto the beach.

Mr. Taylor is inquiring whether or not Provincial Transport have a permit or authority to remove sand from the beach itself.

  
(J.R. Hubner)  
Senior Clerk

Published at Auckland, on [date] 19 April 1980

SUBJECT: Sand Removal at Whiritoa

## SAND RIDDLE UNSOLVED

Herald Corres Waihi placed some responsibility on that body.

A meeting with the Hauraki Catchment Board has brought the Ohinemuri County Council no closer to a solution of the Whiritoa sand problem.

The county chairman, Mr B. W. Fisher, asked whether the board was considering action to stop sand mining at Whiritoa.

But the board chairman, Mr M. W. Madill, said the council was the body to take action on the matter.

The question of whether the Town and Country Planning Act should be used to stop sand mining was raised.

### Four Acts

Mr D. R. Jordan said while a report indicated that sand removal could aggravate dune erosion, he doubted if there were sufficient grounds for a successful move to stop the mining.

The town planner, Mr I. G. McIntyre, said four acts had some bearing on the matter. He doubted whether the Town and Country Planning Act was the appropriate act to use.

### Complicated

The catchment board had the power to make bylaws under the Water and Soil Conservation Act and this

Mr McIntyre was told the board would have difficulty in finding provision in the act which would be effective in stopping sand mining at Whiritoa.

He conceded the legal situation was complicated and said it was unwise to take any action before expert advice had been obtained from a solicitor familiar with this area of the law.

The Ohinemuri County Council adopted a recommendation from its town and country planning committee that the council solicitor be consulted.

FILED BY

FILED IN

*File - 54/15/48*  
*7/5/80*

IN THE MATTER OF THE TOWN  
AND COUNTRY PLANNING ACT 1953  
AND AMENDMENTS

BETWEEN

THE PROPRIETORS OF MATAORA  
NOS. I AND II BLOCKS INC.

APPELLANT

AND

HAURAKI CATCHMENT BOARD, AND  
OTHERS

RESPONDENTS

EVIDENCE OF DR TERRY HEALY:

THE EFFECT OF SAND MINING ON

MATAORA BEACH

1. QUALIFICATIONS AND EXPERIENCE

I am a Senior Lecturer in Earth Sciences at Waikato University. I graduated M.Sc.(Hons.) from Auckland University (1967) and Ph.D. from Monash University (1970). I have lectured and undertaken research into coastal erosion and sediment dynamics since 1970, initially in the Faculty of Applied Science at the University of N.S.W., and subsequently (since May 1973) at Waikato University. The following M.Sc. research theses have run under my supervision:

- G. Marks (1975). Sedimentology of Omaro Barrier Spit, Whangapoua Harbour, Coromandel Peninsula.
- R.J. Davies-Colley (1976). Sediment Dynamics of Tauranga Harbour and the Tauranga Inlet.
- K.G. Harray (1977). Beach Erosion and Sediments at Waihi Beach.
- B. Richmond (1977). Geomorphology and Modern Sediments of Ohiwa Harbour.
- A M.J. Christophersen (1977). The Effect of Sand Mining on the Erosion Potential of Whiritoa Beach.
- K. Murray (1978). Ecology and Geomorphology of Maketu Estuary, Bay of Plenty.
- J. Dahm (in prep.). Sediment Dynamics and Sand By-passing at the Tauranga Entrance.
- P. Dunham (in. prep.). Sediment and Structures in the Firth of Thames.
- A. Miller (in. prep.). Sedimentology and Bedforms in Whangarei Harbour, Northland.
- D.E.B. Smith (in prep.). Beach Dynamics and sediments in Mercury Bay.
- J. White (in prep.). Sediments of Waikareo Estuary, Tauranga Harbour.

I am the author of several papers on coastal erosion and sediment dynamics. Under my supervision the University of Waikato on behalf of the Bay of Plenty Catchment Commission undertook a Coastal Erosion Survey for the entire Bay of Plenty sandy littoral system from Opape

Waihi Beach. Numerous reports and surveys on coastal erosion potential and dune management have been carried out for other Bay of Plenty local authorities including the Whakatane District Council, Tauranga County Council, Bay of Plenty Harbour Board and the Hauraki Catchment Board.

## 2. BEACH GEOMORPHOLOGY

Mataora Beach is geomorphically a "pocket" or "bay" beach enclosed by a headland on its southern end and terminating at high cliffs to the north.

The lithology of the adjacent cliffs both north and south of Mataora consist of the Beeson's Island volcanics of Miocene age. These rocks are mainly weathered hypersthene andesite flows. The rocks outcropping in the catchment of the Mataora Stream which flows onto the beach at its southern end, are also mainly of the Beeson's Island volcanics group.

In contrast the rocks outcropping to the north of Whiritoa beach are Minden Rhyolites.

Mataora Beach is not typical of most of the larger Coromandel and Bay of Plenty Beaches in that it is not surmounted by a series of Holocene sand dunes. Thus the modern sand is strictly limited in quantity.

A frontal dune backing the beach is absent along all but the southern 200m of Mataora Beach. In the north a low terrace, capped by Rotoehu Ash demonstrates that this feature is Pleistocene in age.

South of Mataora Beach, the coastline is cliffed for 10 km, while to the north 2 km of cliffed coast separates Mataora from Whiritoa beach.

## 3. BEACH SEDIMENTOLOGY

Investigation of the sedimentology and mineralogy of the Mataora Beach sands was partly carried out by Christophersen (1977) under my direction, and has been extended in the evidence presented here.

Following standard sedimentologic techniques, the samples were acid digested and sieved at  $\frac{1}{4}$  phi intervals. The mean grain sizes of the samples from Mataora Beach were determined and are listed below:

	<u>South End</u>	<u>North End</u>
<u>Dune:</u>	1.2 $\phi$ (0.43mm)	1.3 $\phi$ (0.40mm)
<u>Back beach:</u>	0.6 $\phi$ (0.65mm)	0.65 $\phi$ (0.64mm)
<u>Berm:</u>	0.9 $\phi$ (0.54mm)	0.89 $\phi$ (0.54mm)

The mean grain size on the berm at Mataora is between 0.6 - 0.9 $\phi$  (0.5 - 0.7mm) and would be described texturally as *well sorted near symmetrical leptokurtic coarse sand*.

Subsequent analyses carried out in February 1978 on samples from the berm, the offshore bar, and 500m offshore from Mataora Beach produced the following data:

	<u>Mataora South</u>	<u>Mataora North</u>
Berm	1.1 $\phi$ well sorted	1.1 $\phi$ well sorted
100m offshore	1.3 $\phi$ moderately well sorted	1.4 $\phi$ moderately well sorted
500m offshore	-	2.9 $\phi$ well sorted

These samples are shown as an exhibit.

The Mataora Beach sands are generally much coarser than the Whiritoa Beach sands to the north, which have a mean grain size of between 1.0 - 1.25 $\phi$  (0.25 - 0.50mm) and are *well sorted to very well sorted mesokurtic to leptokurtic sands*.

The difference in sand grain textural properties between the two beaches indicates that each beach possesses its own distinctive sediment populations, and thus there is little interchange or mixing of sediment between the two beaches. Nor is the origin of the sand on each beach likely to originate from a common source such as littoral drift.

Reference to Fig. 1 which compares the grain size distribution curves from various locations at Mataora Beach shows:

- i) The beach and offshore bar samples have closely similar curves and are essentially composed of the same sedimentary facies.
- ii) The sample from 500m offshore is very much finer sand and clearly comes from a different environment. There is virtually no overlap - less than 5% - of sediment size between the 500m offshore sand and the beach sand.
- iii) The sediment coming down the Mataora stream is also different to the beach sands, although there is some overlap of the curves, indicating that up to 30% of the sand coming down the stream may end up on the beach.

#### 4. MINERALOGY

Light Minerals: The 2-4 $\phi$  sieved fractions were separated into light and heavy (magnetic) minerals using the Franz Magnetic Separator.

Each fraction was mounted on glass slides following standard petrographic procedures, and analysed under the petrological microscope. Each slide was subjected to more than 300 point counts.

The analysis of light minerals is illustrated in Fig. 2. From the analysis it is evident that:

- i) the rocks outcropping in the cliffs to the north of Mataora are very glass rich and presumably contribute to the very high glass content of the sediments 500m offshore;
- ii) the beach and bar sands are both quartz rich in the north with a Feldspar/Quartz ratio of 0.63 - 0.74; but in the South the beach sands are relatively less quartz rich with the Feldspar/Quartz ratio 1.47 - 1.52. This indicates the cliffs to the north are more erodable, as quartz is a mineral highly resistant to weathering.

The rocks outcropping in the cliffs around Mataora Beach are hard porphyritic andesites containing quartz and plagioclase feldspar

phenocrysts. There are also abundant hypersthene phenocrysts and augite microphenocrysts. The rocks in the cliff to the north are glass rich.

### Heavy Mineral Analyses

It has been shown by numerous overseas workers (e.g. Judge 1970) that pocket beaches can be identified by analyses of the heavy minerals in the beach sands.

The table below (From Christophersen 1977) presents a detailed petrological analysis of the heavy mineral suites from Mataora and Whiritoa beaches in relation to the major rock types which occur in the area:

HEAVY MINERAL ASSEMBLAGES (Percent)

Mineral	Mataora Beach	Beeson's Island Volcanics (Haywood, 1974)	Whiritoa Beach	Minden Rhyolites (Haywood, 1974)
Hypersthene	30-70	43-82	37-47	20-70
Hornblende	5-16	0-12	20-35	20-33
Magnetite (Opaques)	2-5	5-10	15-35	26-80
Cumingtonite	2	-	2-3	-
Augite	1-4	8-43	<1	-

Source: M.J. Christophersen (1977)

Based on the above figures it is seen that

- (a) Whiritoa sands possess a heavy mineral component which is closely allied to the Minden Rhyolites which outcrop in the cliffs to the north of Whiritoa; and
- (b) the Mataora sands are closely allied to the Beeson's Island Volcanics which outcrop around Mataora Bay.

Evidently there appears to be no interchange of sediment between Mataora and Whiritoa, and this is a major line of evidence for regarding each beach as a closed system.

To further investigate the origin of the beach sediments, the heavy mineral fraction of the samples given in Fig. 2 were analysed, as well as the heavy minerals in the cliffs outcropping to the north and south of Mataora Beach. The results are given in Fig. 3. From this analysis it is seen that:

- i) All offshore samples possess larger quantities of magnetite, which is a reflection of hydraulic equivalence and wave sorting.
- ii) Biotite is weathering out of the cliffs at the north but is not present in the Mataora stream sediments.
- iii) Cumingtonite is present in the beach, bar and stream sediments, having been weathered out of the surficial tephra deposits.



iv) Hypersthene is of low concentration 500m offshore but is high in the beach and bar sands reflecting the proximity of the adjacent hypersthene-rich source rocks.

v) Augite comprises 2-7% of the beach and bar sands, and the cliffs around Mataora are high in Augite.

The significant conclusions are:

(a) The analysis here shows greater variation in composition than the samples analysed by Christophersen, but the broad mineralogical correlations are the same;

(b) There are notable percentages of augite in Mataora Beach and bar sands but virtually no augite offshore or in Whiritoa Beach Sands. This is significant because augite does not occur in rhyolites, as outcrop in the cliffs to the north of Whiritoa Beach.

#### 5. THE EXTENT OF MATAORA BEACH SEDIMENT

The beach possesses a well developed berm along its entire length. However, a well formed frontal dune system is absent.

Such coarse sand in an exposed beach such as this is very susceptible to wave and wind entrainment and mobility. Perusal of the available air photo runs from 1948 shows substantial dune blow-outs and loose blowing transgressive sand.

At present frontal dunes occur only along the southern quarter of the beach. Here the dunes rise 6-8 m above mean high water mark. This is the area from which it is proposed to extract sand. The dunes do not show a uniform topography but have been subjected to wind erosion and blowouts.

There is no frontal dune at all along the northern half of the beach. A paleodune of consolidated weakly lithified sand merges into a terrace at the northern end of the beach. Both features are capped by tephra (the Rotoehu Ash) which was deposited about 40,000 years ago.

Thus the extent of modern sand consists of three components:

- (a) the frontal dunes occurring only along the southern quarter of the beach. It is assumed that these are composed entirely of Holocene sands but this may not be the case. They may veneer by 2-4 m a subsurface paleodune.
- (b) The beach sands incorporated in the berm and backbeach zones, and
- (c) the subtidal sands immediately adjacent to the beach which form the low tidal swash platform, trough and offshore bar.

As clearly illustrated in Figure 2 the sand beyond 300-400 m from the beach <sup>is</sup> sedimentologically and mineralogically substantially different and do not interchange or mix with the Mataora beach and bar sands.

#### 6. MATAORA BAY - A "CLOSED SYSTEM" BEACH

From a general understanding of beach behaviour, Mataora Beach would be expected to be a closed system i.e. the beach sands are specific to that beach, and do not originate from or are being replenished by littoral drift.

The possible sources of beach sediment for Mataora Beach are

(i) Erosion of the adjacent cliffs

Marine and subaerial erosion of the adjacent cliffs during the past 5000-6000 years (since sea level attained its approximate present position) is probably the main contributor of sediment to Mataora Beach, as indicated by the mineralogical analyses.

- (ii) Onshore Creep of Sands from the Continental Shelf and  
(iii) Littoral Drift (from the north)

Onshore creep of shelf sands and littoral drift are not contributing much sediment to Mataora Beach. If they were it would be expected that beach sands at Whangamata, Whiritoa, Mataora and beaches further south would all show a large degree of uniformity. This is not the case. Our research to date and the evidence present here indicates that each beach possesses a high degree of specificity in its mineralogy and sedimentology, and that the beach sands are limited in extent. Moreover the offshore gradient is steep so that large fluxes of shelf sands in this area are unlikely.

- (iv) Input from the Mataora Stream from weathering and erosion of its catchment

The contribution of sand to the beach from normal erosion processes of the Mataora Stream in its catchment is unknown. The mineralogical analyses already presented show Cumingtonite is present in the stream and beach sediments, while Figure 1 indicates that up to 30% of the stream bedload is compatible with the beach grain size distribution curves. However the absolute sediment input from Mataora Stream is likely to be very small as there is very little sandy bedload in the present stream bed.

## 7. ESTIMATION OF AVAILABLE FREE BEACH SEDIMENT

Mataora Beach is 1 km long. An approximate estimate of the volume of beach sand, based on my field notes and air photo analysis, is outlined:

Frontal Dunes (southern part of beach only):

4 m high x 160 m long x 50 m wide = 32,500 m<sup>3</sup>

Beach

2 m high x 1000 m x 20 m wide = 40,000 m<sup>3</sup>

Total sand in beach and dunes = 72,500 m<sup>3</sup>

Offshore

The width of the offshore bar component of the nearshore-beach-dune system (refer Healy, Harray and Richmond, 1977) in which sediment sizes and mineralogies are equivalent to the beach is illustrated in Fig. 4. The volume of sand involved is unknown.

Assuming that the total volume of the nearshore-beach-dune system at Mataora has been accumulating since the sea more or less attained its present level some 5000-7000 years ago, then the natural accumulation rate of sand to the system (from weathering of the

adjacent cliffs as well as input from the Mataora Stream) throughout the Holocene would only be of the order of 40-55 m<sup>3</sup> per year.

## 8. SUMMARY AND CONCLUSIONS

- (i) Geomorphically Mataora Beach is a pocket beach which normally implies an isolated sedimentary system that is not interacting with or replenished by a littoral drift system.
- (ii) Analyses of the sediment textural parameters and heavy mineral suites of beach sands from Mataora and Whiritoa by Christophersen (1977) clearly show that the source rocks which weather to the beach sands are different for each case. Whiritoa beach sediments are derived from weathering of the Minden Rhyolites; Mataora sands from weathering of andesites of the Beeson's Island Volcanics Group.
- (iii) The main sedimentary input into the modern beach system is from weathering of the adjacent cliffs since sea level attained its approximate present position some 5000-6000 years ago. Some sedimentary input occurs from the Mataora stream but the volumes are not large. The average rate of sand input into the Mataora beach system has been about 40-55 m<sup>3</sup> per year.
- (iv) The coarse sand grains comprising Mataora Beach only extend 300-400 m offshore, and the sand in the near-shore-beach-dune system is a finite resource.
- (v) If sand extraction is to occur in a closed system beach the result will be:
  - (a) erosion of the frontal dune causing retreat of the dune face. In the case of Mataora this may initiate further sand blowing and deflation of some "tapu" ground; and would eventually, I expect, cause damage to the Pohutukawa trees which stand on the dunes;
  - (b) a lowering of the general beach height as depletion of the beach sand continues. This will cause accelerated erosion of the low terrace at the northern end of the beach, which again will promote damage to the Pohutukawa trees on the edge of that terrace.
  - (c) If extraction rates are severe enough I expect that the entire beach sand could disappear and eventually only a boulder beach remain, as presently exists in the small bay immediately to the south of Mataora. It should be noted that the 1948 and 1961 air photos show that bay to have been mainly a sandy beach.
  - (d) Sand extracted would not be naturally replenished by littoral drift.
- (vi) In a wider context, this beach is one of the few remaining un-subdivided beaches in the Coromandel. In the future this now rare coastal land resource is likely to come under pressure either (a) for coastal subdivision by the present landowners  
or (b) for designation as a coastal park or reserve and even perhaps a marine reserve.

In either case the beach will ultimately be used for human activity. Should sandmining be permitted, the sand resource will be

depleted and drastic environmental changes will most certainly occur. If indeed the resource will eventually be used for human activity there seems little point in first despoiling the beach resource and environment.

And finally, the practise of sand extraction would be contrary to the sentiments expressed in the Town and Country Planning Amendment Act 1973 which states (Section 2B)

"The following matters are declared to be of national importance and shall be recognised and provided for in the preparation implementation and administration of regional and district schemes:

(a) The preservation of the natural character of the coastal environment .... and the protection of them from unnecessary subdivision and development".

## 9. REFERENCES

- Christophersen, M.J. 1977 (unpublished): Beach Erosion at Whiritoa Beach. M.Sc. thesis, University of Waikato.
- Hayward, B.W. 1974: Geology and eruptive history of the Table Mountain area, Coromandel Peninsula. *N.Z. Jnl. Geology and Geophysics* 17: 403-422.
- Healy, T.R.; Harray, K.G. and Richmond, B. 1977: The Bay of Plenty Coastal Erosion Survey, Occasional Report No. 3, University of Waikato, Department of Earth Sciences.
- Judge, C.W. 1970: Heavy Minerals in Beach and Stream Sediments as indicators of Shore Processes between Monterey and Los Angeles, California. U.S. Army Corps of Engineers, Coastal Erosion Research Centre, Tech. Memorandum 33, 44pp.
- Schofield, J.C. 1967: Sheet 3 Auckland "Geological Map of New Zealand 1:280,000", D.S.I.R. Wellington.
- Schofield, J.C. 1970: The Coastal Sands of Northland and Auckland. *N.Z. Jnl. Geology and Geophysics* 13, 767-824.

FIG. 1 MATAORA BEACH - GRAIN SIZE DISTRIBUTIONS

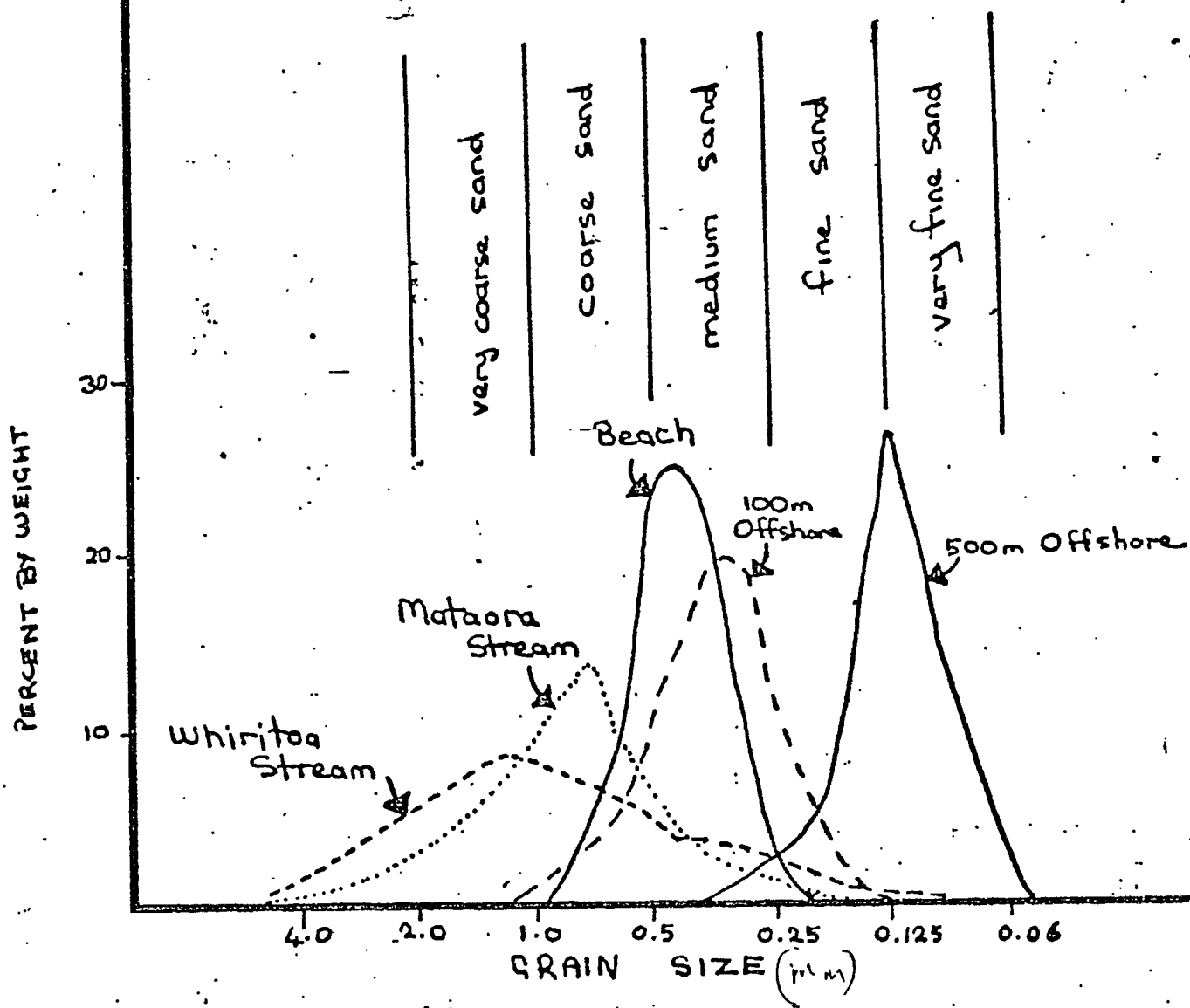
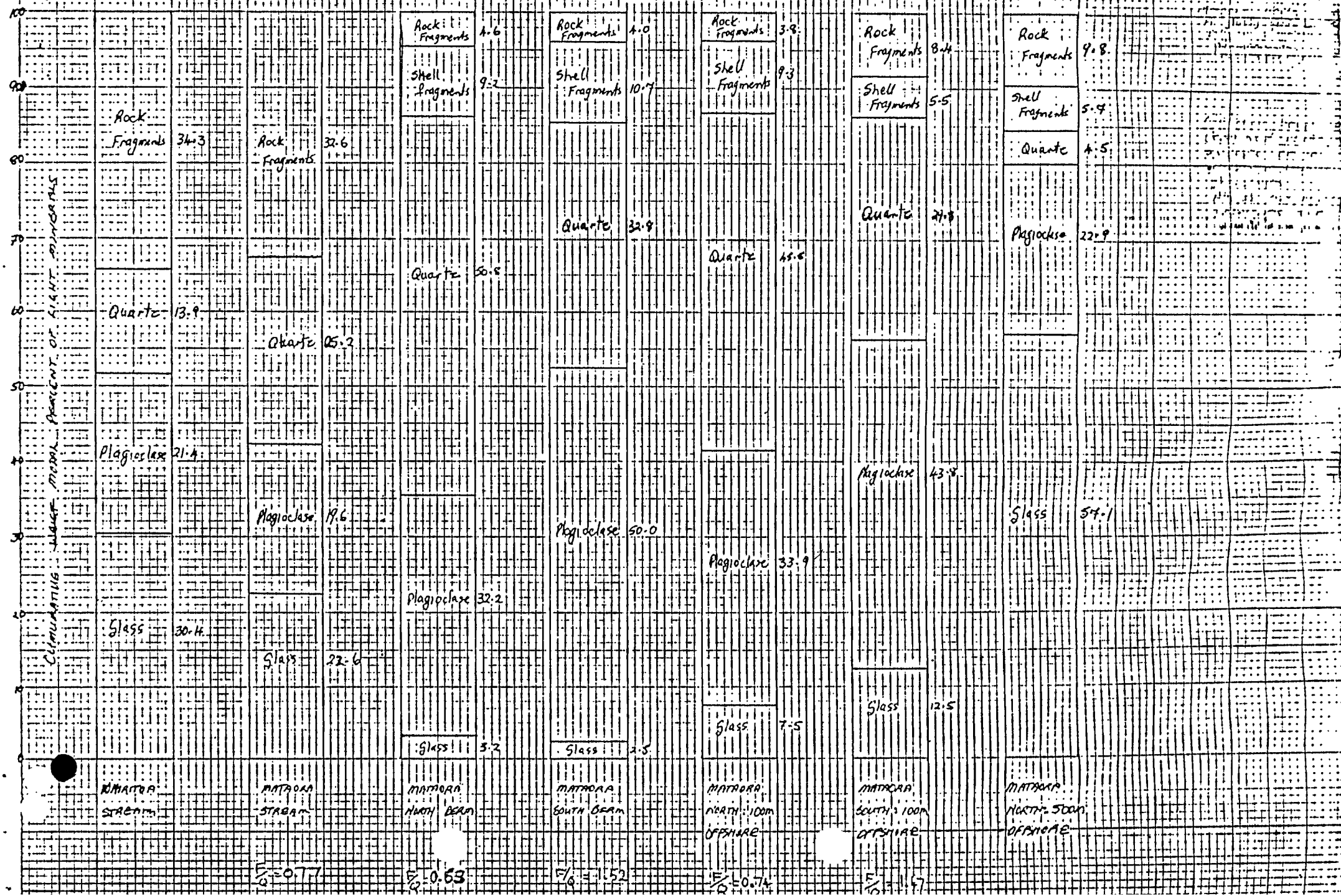


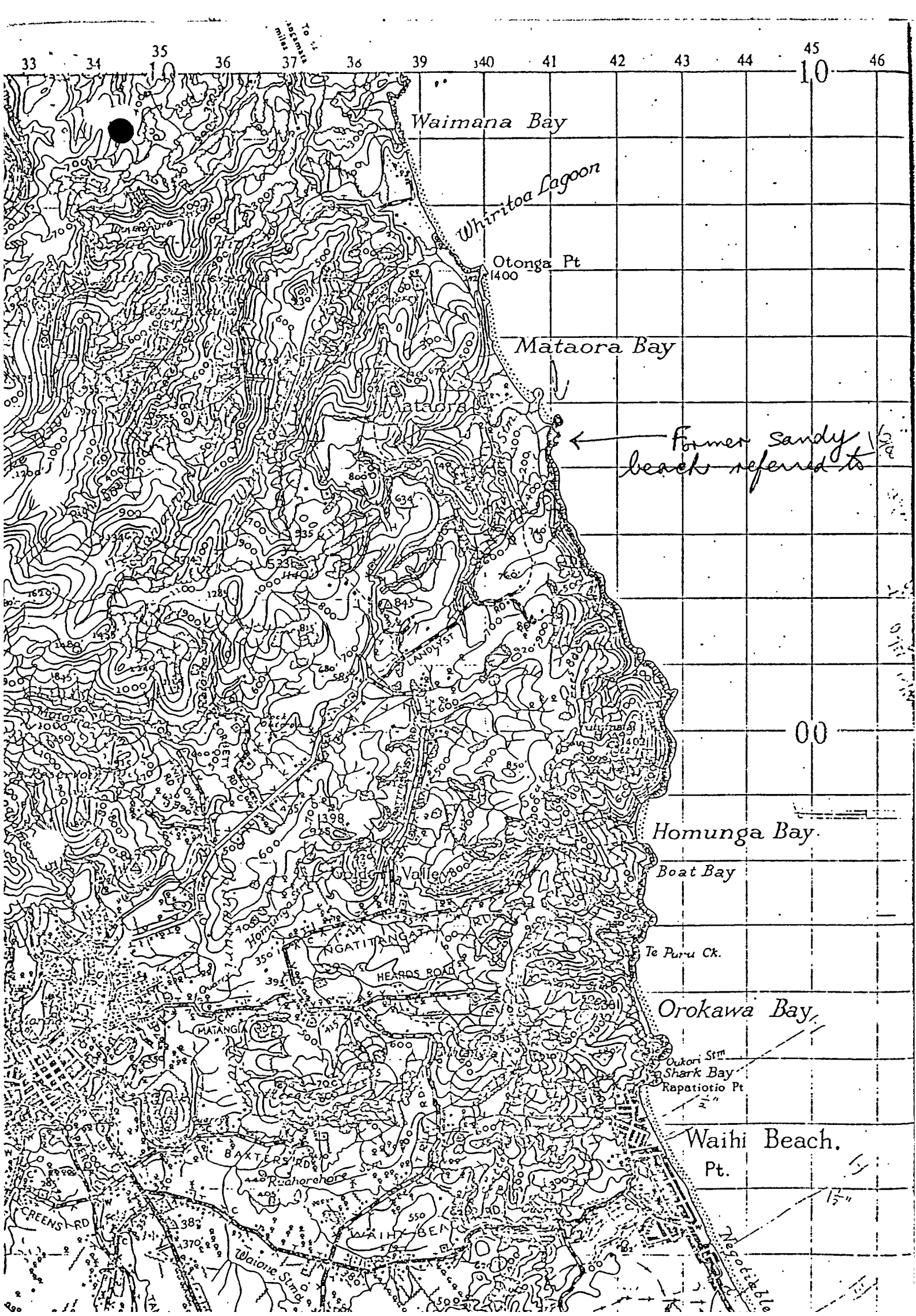
FIG. 2 MATAORA BEACH - ANALYSIS OF LIGHT MINERALS



Cumingtonite:

[illegible]





IN THE MATTER of the Town and  
Country Planning Act 1953 and  
its Amendments

AND

IN THE MATTER of Appeal No.  
27/78 by The Proprietors of  
Mataora Number 1 and 2 Blocks  
under Section 23D of the Act  
against a decision of the  
Chinemuri County Council to  
disallow a conditional use  
application for the removal  
and sale of sand from Mataora  
Bay.

Statement of evidence by RUSSELL GORDON McQUOID Dip. T.P. (Auck.) MNZIS  
Senior Planning Surveyor Department of Lands and Survey Hamilton on behalf  
of the Minister of Works and Development.

1 THE APPEAL

- 1.1 The appeal relates to a conditional use application for permission to  
remove and sell sand from the southern portion of the beach at  
Mataora Bay. Attached plans numbers 1 and 2 refer and I herewith  
produce an enlarged print of aerial photo SN 3798 B/24 and oblique  
photographs of Mataora Bay taken by myself. *Feb 78 Jan 78*

The subject land is zoned Rural in Council's operative district  
scheme.

- 1.2 The Minister of Works and Development objected to the application  
on the grounds that the proposal was contrary to town and country  
planning practice and the public interest, and that

1 Uncontrolled sandmining would have a detrimental effect on  
existing and future amenities of the area.

2 The proposal was contrary to Section 2B (a) of the Act.

Council subsequently refused to give its consent to the application.

2 INVOLVEMENT BY DEPARTMENT OF LANDS AND SURVEY

- 2.1 The Department of Lands and Survey is directly concerned with  
protection of the environment as administrator of the Reserves Act  
1977. Under that Act it is responsible for the protection,  
acquisition and reservation of land for a variety of purposes  
including public recreational use and enjoyment.

- 2.2 The Department is also administrator of the New Zealand Walkways  
Act 1975 which provides for the establishment of a system of

walking tracks over public and private land for the enjoyment of the people of New Zealand.

- 2.3 My evidence will show that the possible future provisions of reserves and/or walkways in relation to Mataora Bay are relevant considerations in hearing this appeal.

### 3 CONDITIONAL USE CONSIDERATIONS

- 3.1 In considering the application Council was required to have regard for Section 2B of the Act which declares (inter alia) that the preservation of the natural character of the coastal environment and its protection from unnecessary development is a matter of national importance which is to be recognised through administration of Council's district scheme.
- 3.2 Council was also required to have regard for the provisions of Section 28C to ensure that
- (a) the provisions of the operative district scheme were fully respected, and
  - (b) the existing and foreseeable future amenities of the neighbourhood and the health, safety, convenience, and the economic and general welfare of the inhabitants of the district were not adversely affected.
- 3.3 Both the preservation of the natural character of the Mataora Bay coastal environment (including its protection from unnecessary development) and the protection of its existing and foreseeable future amenities are relevant considerations with regard to coastal reserves and walkways planning by the Department of Lands and Survey. Mataora Bay exists as a definite landscape unit or "coastal neighbourhood" and it contains significant amenities by virtue of its natural qualities and conditions and its low-key rural development. Past occupation by Maori people also gives it elements of a cultural and historic character.

### 4 RELEVANT DISTRICT SCHEME PROVISIONS

- 4.1 Scheme statement clause 3.3.1 requires that future development in the district be directed so as
- (a) to avoid the indiscriminate mixture of incompatible uses, and
  - .....
  - (d) to maintain and provide amenities appropriate to every locality.
- 4.2 Similarly clause 10.1 states that it is the general purpose of the Scheme to promote and safeguard the amenities of every part of the district.
- 4.3 Code of ordinances clause 2.2.3 (b) requires that in rural zones the sites of excavations which cause disfigurement to the countryside shall be progressively restored to a reasonably natural state where possible.
- 4.4 All of the foregoing provisions of the Scheme are relevant in

assessing the application and its likely effect upon the coastal environment and in particular on the Mataora Bay neighbourhood.

## 5 MATAORA BAY

- 5.1 Mataora Bay comprises a beautiful white sandy beach about 1 km long which is steeply shelving and to some degree potentially dangerous. It is bounded to the north by steep and precipitous cliffs and it sweeps in a south easterly crescent to the promontory (headland) named Mataora from which it is separated by the mouth of the Mataora Stream and adjacent lagoon (see photographs produced). The lagoon is generally shallow with a sandy floor and flat sandy edges.

The beach is backed by a partially stabilised frontal dune system which has been eroded by wind to form blowouts in places. However the land behind is well stabilised mainly with grass, some lupins and other assorted vegetation and comprises part of the flat to undulating area being farmed by the Incorporation.

As can be seen from the photographs the subject area is a flat expanse of raw sand separating the lagoon from the open sea and it adjoins the open and generally unconsolidated southern face of the adjacent sand dune which rises some 3 to 4 metres above it. From inspection of the high water mark on 28 February 1978 it appears that this application area is no more than about  $\frac{2}{3}$  of a metre above sea level and therefore its stability may not be very permanent. *4/11/78*

- 5.2 The character of Mataora Bay is that of an attractive and remote coastal enclosure with an air of peace and tranquillity, and quietness and rest. The undulating flats behind the beach are framed by steep hills on all sides rising to between 150 and 305m (500 and 1026 ft) a.s.l. Vegetation includes a large and mature grove of pohutukawas at the northern end of the beach and one small grove towards the southern end; scattered pohutukawas and other trees adjacent to the Mataora Stream and elsewhere; coastal shrubs, pohutukawas and other vegetation on the steep faces at either end of the bay and regenerating manuka, rewarewa, pines etc. on the hills backing the bay. However Mataora headland is a dome-like rocky outcrop with boulders, grass and trees scattered over steep and precipitous faces and it provides a magnificent lookout from which the coast north and south may be viewed.

Mataora Bay also has an air of 'occupation long since gone' characterised by the old school and teacher's house still standing, the old Maori meeting house now fallen down, and the 'TAPU' area at the southern end of the beach which is shown on both the application plan and Maori Land survey plan no. 12260 dated April 1921. This latter plan (copy of part attached as plan no. 3) also shows the locations of the native settlement buildings then present and the associated cultivations.

## 6 RECREATIONAL POTENTIAL

- 6.1 From the foregoing description and also field inspections it is obvious that Mataora Bay has considerable potential for certain kinds of coastal recreational use and enjoyment. In this respect it

was classified in the Department's coastal reserves survey in 1969 as being of national significance for coastal reserves purposes in association with the adjacent coastline from Whiritoa to Orokawa Bay. Plan no. 4 attached shows the extent of existing reserves in this locality.

- 6.2 That is not to say that the area should ever be serviced with a public road for recreational use. On the contrary I believe Mataora Bay is one of those remote coastal locations which should definitely not have road access but which should be available for enjoyment by those who are keen enough to tramp into the bay by traversing the coastline. Access of course is already possible by boat although no landing rights are available to such parties.
- 6.3 Mataora Bay and adjacent coastline contain natural beauty and grandeur with definite and considerable potential for various forms of outdoor recreation, e.g. coastal tramping and associated camping together with fishing, surfing, underwater exploration, photography, nature study, and enjoyment of its remoteness. In particular a coastal walkway would be a valuable recreational facility incorporating features of rugged coastline, attractive bays, sandy beaches, and various lookout points with magnificent views.
- 6.4 Any public recreational provisions could be made by land acquisition for public reservation or other suitable means under the Reserves Act, or by securing access rights without any land acquisition under the Walkways Act, or by a combination of suitable means.
- 6.5 District scheme provisions should ensure adequate and necessary control of permitted land uses to protect both the existing and foreseeable future amenities of Mataora Bay and to thereby protect the potential of the area for possible future recreational use and enjoyment by a relatively small but definite sector of the public.

## 7 POSSIBLE EFFECTS OF PROPOSED DEVELOPMENT

- 7.1 If the removal of sand from the area proposed was likely to lead to sea movement across that area and movement at the base of the adjacent dune face (labelled on plans numbers 2 and 3 as 'TAPU' ground) then adverse environmental effects could result. If that face started to erode sea movement and/or windblow could cause further breaking down of the whole dune at the southern end of the beach and could also quite possibly endanger the small pohutukawa grove. Dune breakdown might also be caused by the movement and passage of extraction machinery and vehicles if sufficient stabilisation measures were not possible without detrimentally affecting the character and amenities of the area.

If the proposed sand extraction was likely to make the whole area in that vicinity more vulnerable to sea and wind erosion then some adverse consequences might be inevitable particularly in view of the very low level of the subject area and the adjacent unconsolidated dune face. Any such adverse result would be a serious environmental change that should not be permitted to arise.

- 7.2. If the removal of sand from the subject area was not naturally replenished at a sufficiently fast rate it might possibly affect the shape and form of this whole area by enlargement of the Mataora Stream

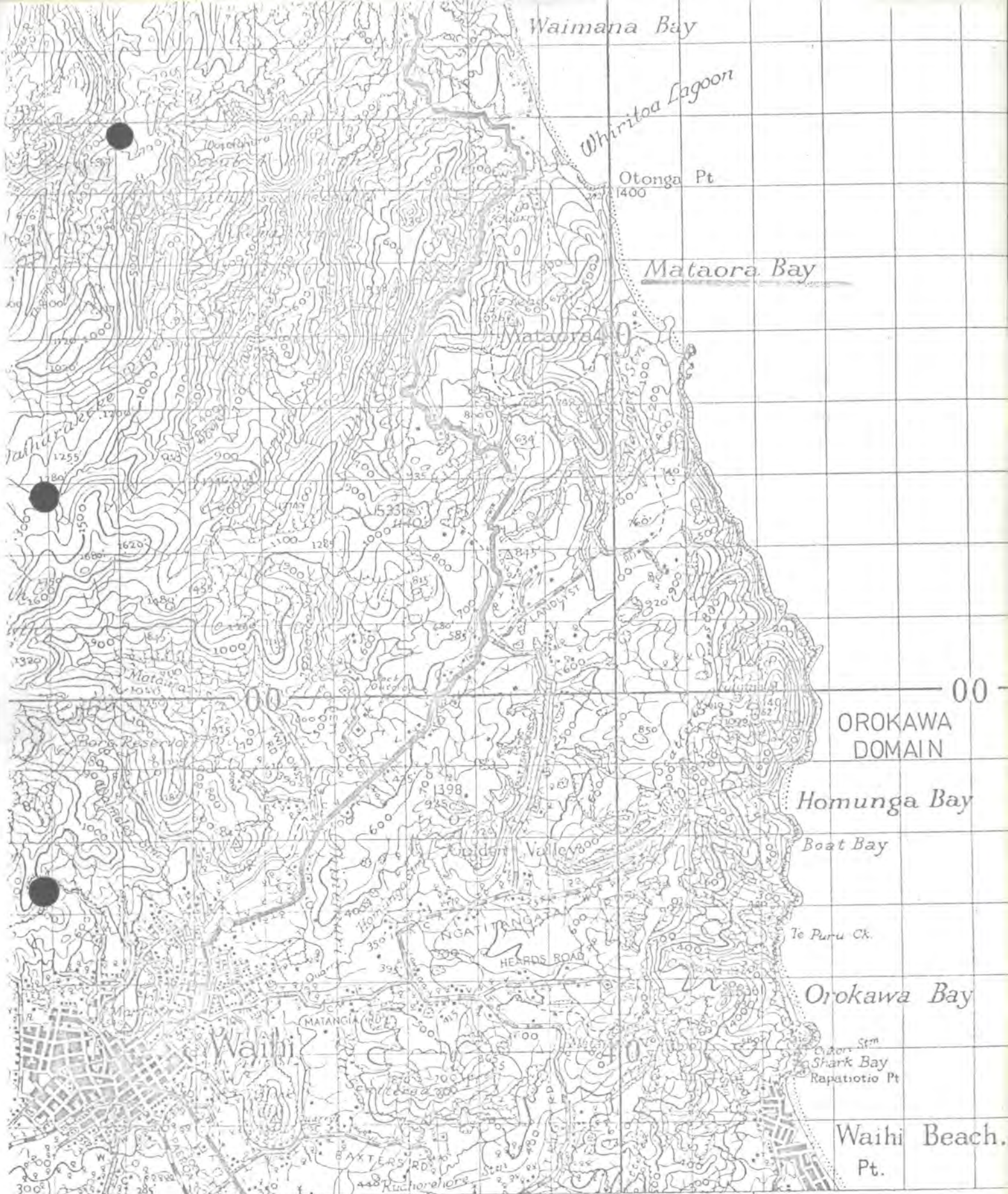
mouth and lagoon. In turn this could consequentially affect movement of the sand along the remainder of the beach which if sufficiently disturbed could lead to erosion of the land behind. If such a process of sand depletion, sand movement, wind erosion and dune breakdown was permitted to arise it could possibly affect the whole beach even to the extreme possibility whereby unnaturally induced sand movement finally resulted in only a stoney beach remaining.

- 7.3 The permitting of works resulting in such adverse effects would be very detrimental to the natural qualities and attractions of this coastal environment thereby breaking down and destroying the characteristics that should be preserved and protected. Thus the potential of the beach and bay for public recreational use and enjoyment would be seriously affected by these environmental changes and opportunities for realisation of that potential would be either lost or severely impaired.
- 7.4 Mataora Bay contains no signs of present human habitation and this of course contributes significantly to its character of remoteness and peacefulness. However sand winning operations would impinge on the quiet and restful atmosphere and would also change its character to some degree. Loader-dozers, trucks and possibly other machinery and buildings etc. would both visually and audibly conflict with and adversely affect the existing qualities and conditions that contribute to the pleasantness and harmony of this coastal neighbourhood and to its possible better enjoyment for future recreational use.
- 7.5 If the situation was permitted to arise whereby any of the aforementioned adverse effects resulted then the sand winning operation would be in contravention of the Act, the Scheme and good planning practice as follows:
- (a) failure to preserve the natural character of the coastal environment and to protect it from unnecessary development would contravene Section 2B (a) of the Act.
  - (b) failure to protect the existing and foreseeable future amenities of the neighbourhood, which amenities include the character and suitability of the area for recreation would contravene Section 28C (3A) (b) of the Act and also clauses 3.3.1 (d) and 10.1 of the Scheme statement.
  - (c) failure to prevent the possible incompatible mixture of indiscriminate uses (namely sand winning and recreation) would contravene clause 3.3.1 (a) of the Scheme statement.
  - (d) proper restoration of the landscape to a reasonably natural state could be very difficult and perhaps impossible and the resultant disfigurement would contravene clause 2.2.3 (b) of the Code of Ordinances.

## 8 CONCLUSIONS

- 8.1 Although the site of proposed operations is only a small part of the whole beach the delicate nature of the area and the type of proposed land use are such that very real conflicts could occur with results adversely affecting not only the application area but possibly also the whole bay and its existing and potential amenity as a coastal recreational and scenic resource.





LOCALITY MAP

MATAORA BAY

PLAN N° 1.

LOCAL AUTHORITY OHINEMURI COUNTY SOUTH AUCKLAND LAND DISTRICT

SCALE 1:63360 (1 inch to 1 mile)

PREPARED BY  
WS

DATE  
23/5/78

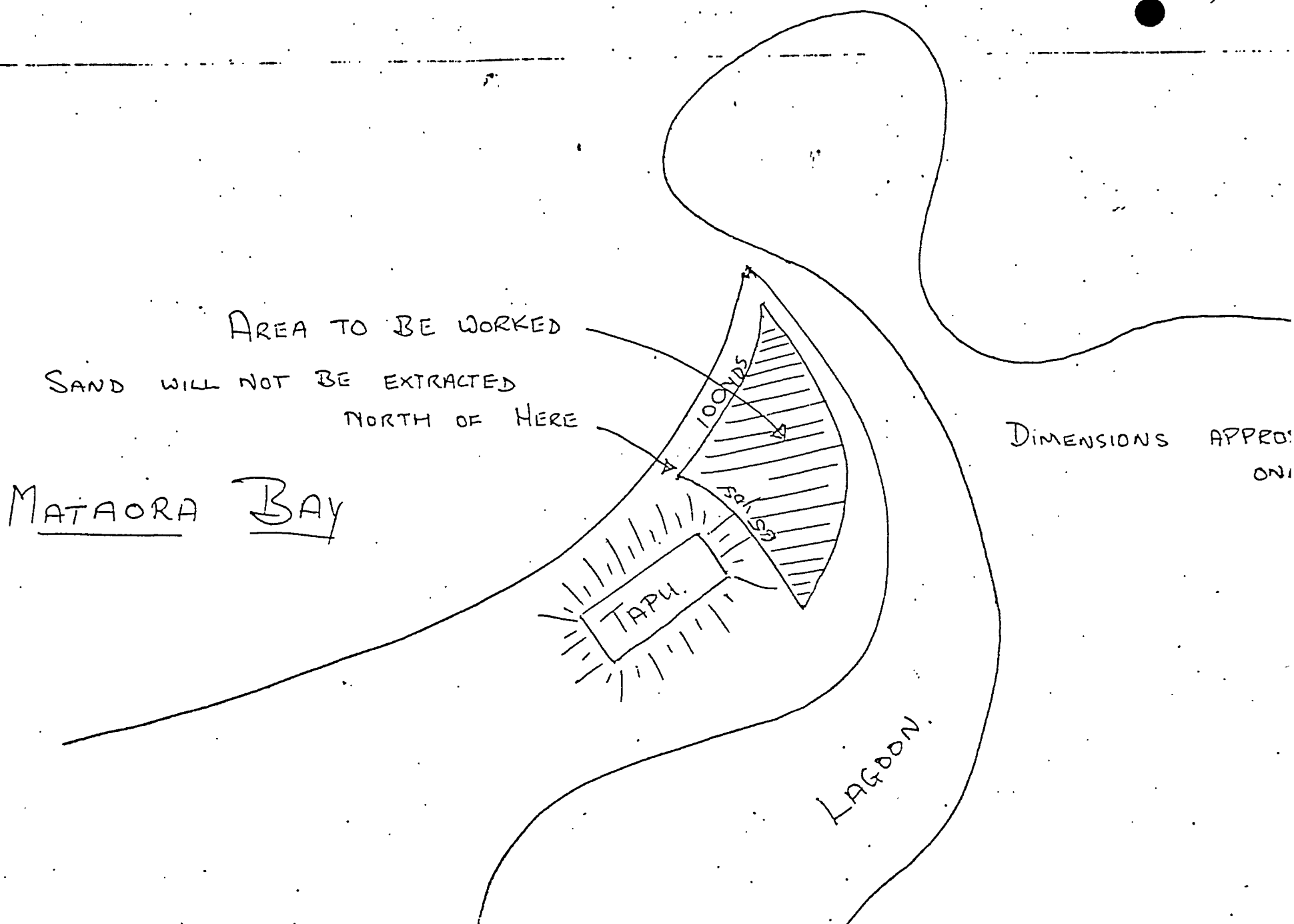
CHECKED BY

FILE  
8/5/235/53

Map Reference  
NZMS 1  
Sheet N53 & Pt N54





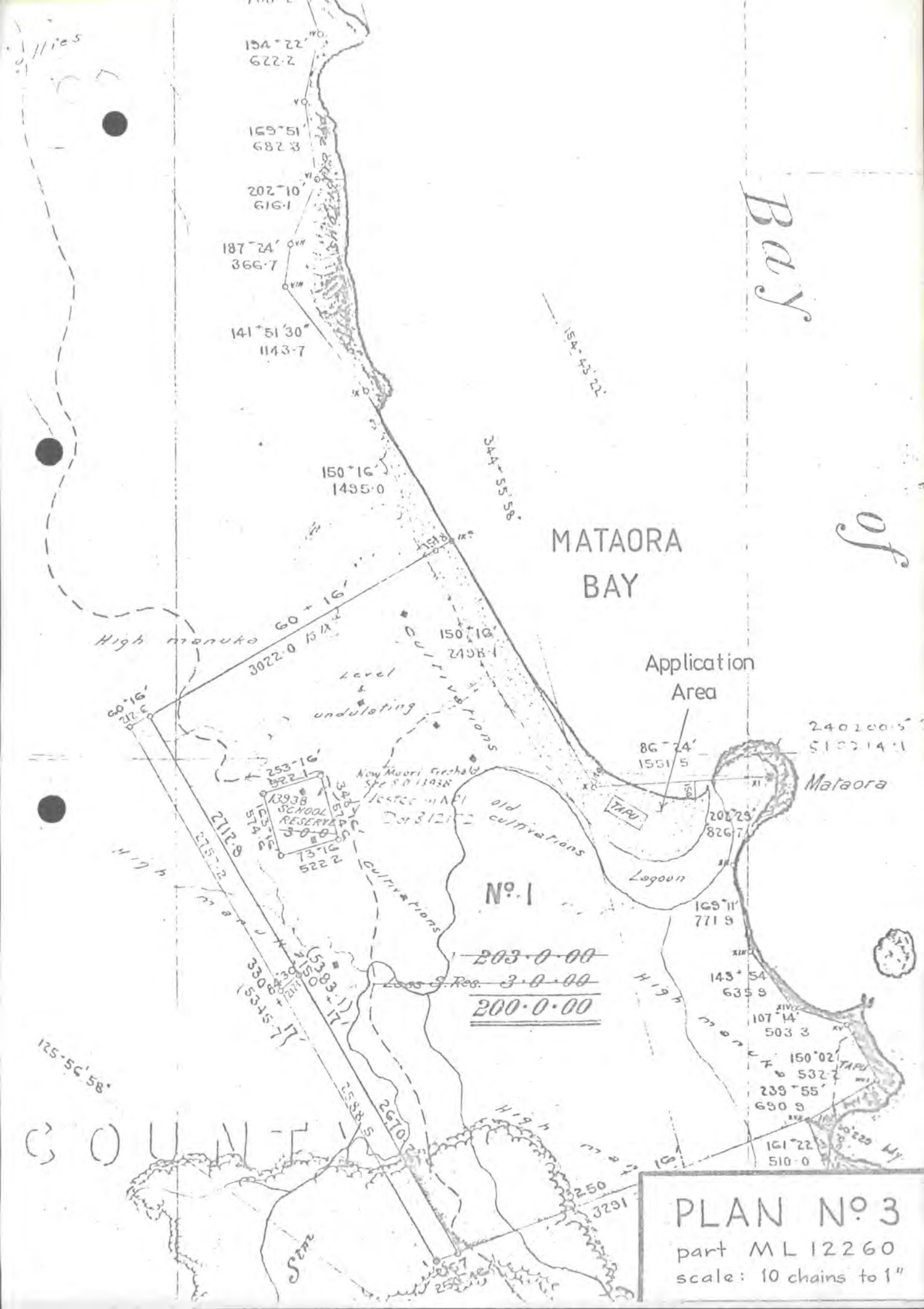


MATAORA Bay

DIMENSIONS APPROXIMATE

PLAN No 2

copy of plan supplied by applicant.



Bay  
of

# MATAORA BAY

Application Area

240100.5  
5102.14.1

Mataora

No. 1

203.0.00
3.0.00
200.0.00

PLAN No 3  
part ML 12260  
scale: 10 chains to 1"



PLAN No. 4.  
existing reserves  
scale: 1 mile to 1 inch

IN THE MATTER of the Town and  
Country Planning  
Act, 1953 and its  
Amendments

AND

IN THE MATTER of an Appeal by  
the Proprietors of  
Mataora Numbers I  
and II Blocks  
Incorporated against  
the decision of the  
Ohinemuri County  
Council to decline  
their Application  
under Section 28(c)  
of the Act.

Statement of Evidence by Peter John Nixon.

My name is PETER JOHN NIXON. I hold a Bachelor of Arts Degree in Geography and Geology from University College, London, and a Diploma in Town Planning from the University of London. I am a Member of the Royal Town Planning Institute, and am currently employed as a Planning Officer in the Hamilton District of the Ministry of Works and Development.

1. INTRODUCTION

- 1.1 This appeal relates to an application for consent to Conditional Use for the removal and sale of sand from the southern portion of the beach at Mataora Bay on land zoned Rural in the operative District Scheme. It appears from the appellant's site plan that the sandmining operations would be confined to an area measuring approximately 65 yards by 100 yards immediately north of a tidal lagoon at the southern end of the bay.



1 I have examined the site and from my observations have concluded that Mataora Bay is a steeply - shelving sandy beach approximately 1 kilometre in length, enclosed by a prominent rocky headland at its southern end, and terminating in high cliffs to the north. The Mataora Stream flows onto the beach at its southern end forming a shallow tidal lagoon. The proposed sandmining operation would be located on a low sandpit between this lagoon and the main part of the beach. The southern part of the beach is backed by a line of frontal dunes rising some 6-8 metres above Mean High Water Mark. These dunes do not show a uniform topography, and appear to have been subjected to some wind erosion and "blowouts". The land behind the dune belt is well stabilised mainly with grass and some lupins and comprises part of the flat to undulating area being farmed by the Incorporation.

1.3 The general character of the area surrounding the Appeal site is that of an attractive and remote coastal enclosure framed by steep hills on all sides rising to between 150 and 300 metres above sea level. The bay has many of the attractive landscape elements typifying the Coromandel coastline - for example, prominent cliffs, groves of Pohutukawas, steep bush covered slopes, a fine white sandy beach, and a belt of sand dunes.

1.4 From the application, it appears that the appellant's sandmining operation would be confined to a level tongue of sand between the beach and the lagoon of the Mataora Stream, with sand being removed in such a way so as to avoid causing erosion of the beach.

1.5 In the context of this Appeal, I consider:

(a) That the proposed sandmining operation would be contrary to the provisions of the operative District Scheme.

(b) That sandmining would be detrimental to the natural character of Mataora Bay and its surroundings, and as such would be contrary to Section 2B(a) of the Act.

(c) That such an operation would be unnecessary in terms of Section 2B(a).

1.6 This evidence is directed to supporting and expanding on the above views.

2. RELEVANT DISTRICT SCHEME PROVISIONS:

2.1 The site of this appeal falls within the Rural Zone in the Operative District Scheme. Mining and Quarrying of natural materials is regarded as a conditional use in this zone, and is subject to compliance with the standard conditions in Ordinance 2.2.3 controlling the disposal of spoil in such a way as to avoid disfigurement of the countryside, and providing for the progressive restoration and planting of worked-over areas.

2.2 Though the Rural Zone clearly provides for sandmining as a conditional use, it would of course not be appropriate to regard such an operation as being necessarily suitable everywhere in the zone. In this context, I would not

consider extractive industry to be a necessarily suitable activity in all parts of the Rural Zone in Ohinemuri County. Certain areas in the zone would be particularly sensitive to the impact of sandmining, irrespective of the fact that such a use is conditional in the zone. Examples of such areas are where workings would be physically intrusive or difficult to screen or restore, erosionally unstable areas, or areas of identified landscape value. Proposals for extractive industry in such areas would need to be carefully considered in relation to the criteria in Section 28C (3A) of the Act.

- 2.3 In addition~~ed~~ to rural zoning, other policies in the District Scheme are relevant to this proposal. Clause 3.3.1 of the Scheme Statement requires that future development in the district be directed so as 'to avoid the indiscriminate mixture of incompatible uses', and Clause 10.1 states that it is the general purpose of the Scheme 'to promote and safeguard the amenities of every part of the District'. Clause 2A on Page 9 of the Scheme Statement declares the following matter to be of national importance to be recognised and provided for in the District Scheme:

'The preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development'.

- 2.4 Examining this proposal in relation to the above policies, I consider a sandmining operation at Mataora would be incompatible with the objective in Clause 10.1 to safeguard the amenities of the district and contrary to the policy of coastal preservation in Clause 2A for the following reasons:



- (a) Evidence is before the Board to indicate that this proposal is located on a 'closed system beach' where the removal of sand could lead to future erosion of the beach and adjoining sand-dunes, if this evidence is accepted.
- (b) The bay and its surroundings form a distinctive 'landscape unit' of considerable natural character, which presents a clear-cut example of Coromandel coastal scenery.
- (c) Sandmining on this beach could seriously affect the future potential of the area for passive recreation, and lead to land-use conflicts contrary to Clause 3.3.1 of the Scheme Statement.

2.5 The operative District Scheme is currently under Review, and as part of this process, it is evident from the Respondent's reply Paragraph 5 (iii) that Council intend to strengthen controls on development in Mataora Bay by zoning the Bay as a coastal reserve in the forthcoming Review. Until such a control is incorporated into the Scheme, I consider it important to protect areas of coastline which at present only come under conventional Rural zoning provisions.

### 3 NATIONAL PLANNING POLICY - SECTION 2B(a) OF THE ACT

3.1 Section 2B(a) of the Town and Country Planning Act has been specifically incorporated into the operative Scheme at Clause 2A, and is therefore a general policy of the Council in the implementation of the District Scheme.

The objectives of Section 2B(a) as incorporated into the Scheme contain two aspects or limbs which are relevant to this proposal. These are:

- (i) The preservation of the natural character of the coastal environment;
- (ii) The protection of this environment from unnecessary subdivision and development.

3.2 Dealing with point (i) I consider that Section 2B(a) is specifically aimed at preserving the character of those sections of coastline that are in a rural, bush, or forest - covered state; in other words those parts of the coastline which have not been modified by residential subdivision or other non-rural uses. This section is also concerned with the preservation of significant natural elements of the coastline in their existing state, and with safeguarding them from any development which would be detrimental, or be likely to be detrimental, to their visual significance.

3.3 In the context of Mataora Bay, there are certain scenic elements in and around the bay which are considered worthy of preservation under Section 2B(a). These would include the prominent rocky headland fringed with Pohutakawa trees south of the proposed workings, the lagoon of the Mataora Stream, sand dunes at the rear of the beach, and the groves of Pohutukawas at the north end of the bay. A further element in the scenic quality of the coastline is the undeveloped nature of the land immediately adjacent to the beach, and the location of the Bay in a natural basin surrounded by bush-covered hills.

3.4

Though a sandmining operation would not necessarily affect all these elements, it could quite clearly affect some of them. For example, the lagoon, dune-belt, and Maori Burial Ground which directly adjoin the proposed workings. If the beach does not have an adequate sand supply, as has been suggested in expert evidence which is before the Board, the detrimental effects of such workings would be both extensive and permanent. The workings could result in erosion of the frontal dunes and Maori burial ground, damage to the Pohutukawa trees, and a general lowering of the beach level. Visual effects of the operation would extend over a much wider area, in particular a sandpit would be visible from the prominent conical headland at the south end of the bay, which at present is a fine viewpoint for this section of coastline. In other words, this proposal would result in the destruction of the very elements in the character of the coastline which Section 2B(a) and Clause 2A of the Scheme seek to preserve.

3.5

Mataora Bay and its surroundings are at present in an undeveloped rural state. Looking at the east coast of the Coromandel Peninsula generally, there are very few remaining bays or beaches which have not been in some way modified by coastal development. Where such areas are not protected by reserve designations or special coastal zoning techniques, as at Mataora, they are at risk from development which could be detrimental to their character. It is in these areas of coastline that the provisions of Section 2B(a) should be strictly applied. The preservation of Mataora Bay in its existing undeveloped state is therefore not just of academic importance; it is something which in the context of the Coromandel Peninsula as a whole should be deemed to be very important.

3.6

To summarise, there is considerable doubt, in my view, as to:

- (a) Whether it would be possible to extract sand without causing erosion of the beach and wider erosional effects on surrounding features such as the 'tapu' ground, dune belt, and Pohutukawa trees, even assuming that the sandmining operations were confined to the small area indicated by the appellants.
- (b) Whether the natural character of the coastline would remain unaffected by such workings, given point (a). As this proposal is clearly capable of causing serious environmental changes, it is contrary to the objectives in Section 2B(a) of the Act and Clause 2A of the Scheme of preserving the natural character of the coastal environment.

#### 4. NECESSITY FOR THIS PROPOSAL

- 4.1 The second limb of Section 2B(a) directs that the coastal environment should be protected from unnecessary subdivision and development. Defined in relation to this proposal, the word 'unnecessary' is taken to mean whether it is essential to extract sand from this area, and whether the uniqueness of this sand as a resource would override all other considerations. In other words, one could only argue that sandmining is necessary at Mataora if such sand has unique properties and was unattainable elsewhere. The appellants will therefore need to demonstrate that this proposal is necessary in terms of Section 2B(a).

4.2 The necessity to extract sand from Mataora Beach should be considered in relation to the distribution and availability of beach sand resources in the Coromandel and Bay of Plenty areas generally. Beach sand is a widely distributed resource along both the east coast of Coromandel and in the Bay of Plenty, though most large-scale sandmining operations are confined to the Bay of Plenty area where coastal sand deposits are more extensive than in the Coromandel. Sand resources in the Coromandel Peninsula are largely confined to estuary areas on the east coast, for example in Whangapoua, Whitianga and Whangamata Harbours, where there are large, continuous areas of beach and dune sand. The extraction of these coastal sands for use in the building industry has been mainly concentrated at Kaotunu and in Whangapoua Harbours, where the sand is taken by dredging off shore. ~~Valuable sand supplies have been obtained in the Whitianga area where the acid volcanic rocks have eroded rapidly.~~ Beach sand has also been extracted periodically from Whiritoa Beach, approximately 2 kilometres north of Mataora Bay.

4.3 If the sand at Mataora is only intended for use as an aggregate or for building purposes, it could in my view be extracted from other locations on the Coromandel coastline where much larger areas of beach and dune sand exist, for example the Whangamata, Whitianga and Whangapoua inner harbour areas referred to in Para.4.2. Confining sandmining to these harbour areas would perhaps give a greater choice in the location of workings and allow workings to be located away from the open coastline to minimise adverse visual or erosional effects. If sandmining operations are to be allowed on this coastline at all, they should be directed to this type of coastal situation rather than to remote, scenically valuable coastal areas such as Mataora, where sand resources are strictly limited in quantity.

- 4.4 In view of the remoteness of this site and the nature of the coastline, a sand-mining operation at Mataora Bay would probably ~~not~~ be a difficult operation. The existing access track to State Highway 25 is very steeply graded in places and would need to be substantially improved to accommodate trucks and extraction machinery. The site lies 3 kilometres to the east of the state highway and 250 metres below it. The very remoteness of the workings would make it difficult to enforce any conditions on the proposal controlling the extent of the workings and/or any rates of extraction proposed.
- 4.5 In terms of Section 2B(a), the necessity for extracting a low value raw material from a very remote area of coastline, given that coastal sand deposits are available elsewhere in the Coromandel and Bay of Plenty Areas, ~~is~~ <sup>is</sup> considered ~~of~~ of very minor significance compared with the necessity to preserve the natural character and erosional stability of this coastline, which both the Act and the District Scheme regard as a matter of national importance.

5. CONCLUSION

- 5.1 The land subject of this Appeal, and the adjoining coastline, fall into the category of a coastal area which requires protection under Section 2B(a) of the Act. ~~It is~~ <sup>It is</sup> considered particularly important to preserve this section of coastline as it is only at present protected by Rural zoning and is not the subject of coastal reserve designations or coastal zoning provisions.

5.2 From my examination of the site and its surroundings, I consider the scenic quality of Mataora Bay to be a 'non-renewable resource' which could not be returned to its original state once a sand-mining operation takes place. Expert evidence before the Board indicates that sand resources on this beach are similarly non-renewable in that the beach does not have an adequate sand supply. Sand-mining would directly affect both these resources by visual effects on the coastline and erosional damage resulting from the removal of sand. To promote such a situation would be contrary to the directions and intentions of Section 2B(a).

107 -

107 - Whangapoua Harb -

lic. for 2876 cu. m.  
Parsons Bros.

Waikanae - total for 3 operators.  
2350 cu. m.

Whangawaka - none at present.



No. 27/78

IN THE MATTER of the Town and Country  
Planning Act 1953

AND

IN THE MATTER of an appeal under Section  
28D of the Act.

BETWEEN THE PROPRIETORS OF MATAORA  
NUMBERS 1 & 2

Appellants

AND OHINEMURI COUNTY COUNCIL

Respondent

BEFORE THE NUMBER ONE TOWN AND COUNTRY PLANNING APPEAL BOARD

Messrs A. R. Turner S.M. (Chairman)  
G. R. Tutt  
R. E. Hermans

HEARING at TE AROHA on the 25th day of May 1978.

COUNSEL J. R. Powell for appellant  
R. G. Stout for respondent  
N. R. Watson for M.O.W.D.  
E. D. Morgan for Hauraki Catchment Board

### DECISION

This appeal is against the respondent's refusal to consent to the abstraction of sand from a beach front.

The appellants are the owners of a block of land containing 2901 acres situated on the coast at the western end of the Bay of Plenty, just south of Whiritoa. The land is situated in the Rural zone under the respondent's operative district scheme and the property is run as a sheep and cattle station.

The appellants' property includes the physical feature known as Mataora Bay which comprises a white sandy beach about 1 km. long and the headlands at each end of the beach.

In the Rural zone the quarrying, mining and processing of materials occurring naturally in the area is a conditional use. The appellants applied to the respondent for consent to "the removal and sale of sand from the southern portion of (their) said land adjoining Mataora Bay". They supported their application with a plan defining the land from which sand is to be taken as an area approximately 100m. long and 65 m. wide, which consists of three sand dunes situated on a spit at the southern end of the Bay. The spit lies between the sea and a creek which debouches into

the sea against the southern headland. In evidence it was said that about 2000 cu. m. of sand would be taken annually.

The respondent refused its consent to the application. The relevant grounds of refusal were:-

- (a) That the proposal is contrary to Section 2B(a) in that the removal of sand would directly affect the visual character of the coastline, increase the risk of erosion and have a detrimental effect upon existing and future amenities; and
- (b) That the beach is a closed sand system of limited extent and therefore any excavation would deplete the sand resource to the detriment of the environment.

This appeal followed from that decision..

The principal contentions advanced for the appellants on the hearing of the appeal can be summarized as follows:-

- (i) That approximately 1000 acres of their property is as yet undeveloped and the considerable royalties from sand abstraction would give the appellants capital for development of that land for farming purposes;
- (ii) That the beach cannot be seen from the public road and that consequently sand can be removed without detriment to the amenities; and
- (iii) That the removal of sand would not have the adverse effect on the beach system asserted by the respondent particularly in view of the fact that sand has been taken from Whiritoa Beach for many years without apparent adverse effects.

Section 28C(3A) of the Act requires that in allowing or refusing an application for consent to a conditional use, the Council (and the Board on appeal) shall have regard to:-

- (a) The suitability of the site for the proposed use determined by reference to the provisions of the operative scheme; and
- (b) The likely effect of the proposed use on the existing and foreseeable future amenities of the neighbourhood and on the health, safety, convenience and the economic and general welfare of the inhabitants of the district.

Section 2B of the Act declares certain matters to be of national importance and requires them to be recognised and provided for in the preparation, implementation and administration of regional and district schemes. Among those matters are:

"The preservation of the natural character of the coastal environment ... and the protection of (it) from unnecessary subdivision and development". Allowing or refusing an application for consent to a conditional use is part of the administration of a district scheme; and therefore the relevant requirements of Section 2B must be brought into account in determining this appeal. The requirements of that Section are not absolute; it is a case of weighing all the facts and circumstances and applying the relevant sections of the Act. In some cases the requirements of Section 2B may be held to be the paramount consideration; in other cases, not.


The respondent's district scheme does not give any guide as to the suitability of a site for the quarrying and mining of materials occurring naturally in an area. That does not surprise us, because minerals must be quarried or mined at the places where they are found. But quarrying and mining are difficult land uses from a planning point of view, because in many cases the operations adversely affect the amenities of the neighbourhood and are incompatible with the adjacent land uses. Yet without quarries and mines our economy would suffer drastically; they are activities which must be accommodated, though they are not entitled to be accommodated at any price in land use terms.

The respondent's district scheme contains no guide as to the manner in which the requirements of Section 2B are to be fulfilled in its district.

If sand could be taken from Mataora Beach without permanent damage to the environment and without substantial change to the character of that part of the coastal environment, then in our opinion there would be no grounds for refusing the appellants the consent they seek. However the respondent asserts that Mataora Beach is essentially a "closed" sand system i.e. that unlike many other beaches the sand there is a finite resource not being replenished or added to in any significant quantity; and the removal of sand from the beach would inevitably, adversely and permanently, affect the character of the beach.

We turn to examine that assertion bearing in mind that the onus of proof of it must be upon the respondent and that when considering the likelihood of future events we do not have to be satisfied that they will certainly occur, only that there is a sufficiently substantial probability that they will occur.

The evidence in support of the assertion was given by a Senior Lecturer in Earth Sciences, Waikato University and by a Senior Lecturer in Geography, Auckland University. They were agreed that unlike Whiritoa, only 2 km. north, Mataora is an isolated sedimentary system that is not interacting with or replenished by a littoral drift system to any significant extent. They formed that opinion from an



examination of the geomorphology of the beach and from an examination of its mineralogy and sedimentology and a comparison of them with those of Whiria Beach. They expressed the opinion that the main sedimentary input into the present beach system is from the weathering of the adjacent cliffs and from the stream but that the volumes are not large - one of those witnesses estimated that the input is about 40-50 cu. m. per year; the other said that it is "negligible". Both expressed the opinions that removal of sand on the scale proposed by the appellants would set in train a number of short and long term environmental changes to the beach; that if extraction rates are severe enough the sand on the beach would move southward as the shoreline attempted to attain a new equilibrium condition; that the character of the beach and the dunes would alter through erosion and that it is possible that the sandy beach would partly or wholly disappear and a boulder beach remain.


The appellants did not adduce any expert evidence in rebuttal.

We find from the evidence that Mataora Beach is at present a very beautiful beach in attractive surroundings. Notwithstanding the conversion of some of the adjacent land to pasture the whole has a pleasing natural character. We further find that the beach is essentially a closed sand system of limited extent with a negligible natural volume of replenishment. Hence any abstraction of sand from that system must upset the balance of the system, and depending upon the volume and rate of abstraction, must permanently change the beach. We hold that the probability is that if abstraction proceeds at the rate proposed by the appellants major adverse permanent changes will occur to the present natural character of the beach and that the probability is sufficiently substantial that it must be taken into account in determining this appeal.

We said earlier that the requirements of Section 2B are not absolute. However clearly the requirement to preserve the natural character of the coastal environment has the objective of conserving a finite resource, and it is proper to construe the requirement as extending to prevent erosion of a part of the coastline and the preservation of a sandy beach in its present beautiful state, notwithstanding that the beach is not at present used or enjoyed by many people.

The abstraction of sand from the beach would be to the economic advantage of the appellants, and the fact that it would produce capital to enable them to develop the balance of the property for farming purposes is a factor in favour of the application. But we find from the evidence that there are other sources in the district from which sand may be taken - though they are not extensive.

Having considered all the evidence and submissions we have concluded that this is not a case where the needs of the district for sand and the economic advantage of the appellants over-ride the conservation objective of Section 2B; indeed that in the circumstances of the case that conservation objective is the

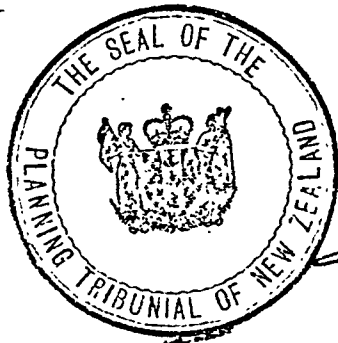



over-riding consideration. In our opinion the decision appealed against is correct.

For the foregoing reasons the appeal is dismissed.

The appellants had some justification for asking that the decision appealed against be reviewed. We do not award costs against them.

GIVEN BY THE PLANNING TRIBUNAL this 30<sup>th</sup> day of June 1978.



  
.....  
Chairman (A.R. Turner S.M.)  
Number One Division  
Planning Tribunal

IN THE MATTER OF THE TOWN  
AND COUNTRY PLANNING ACT 1953  
AND AMENDMENTS

BETWEEN

THE PROPRIETORS OF MATAORA  
NOS I AND II BLOCKS INC.

APPELLANT

AND

HAURAKI CATCHMENT BOARD, AND  
OTHERS

RESPONDENTS

Statement of evidence by Dr R.F. McLean

## 1. BACKGROUND

My name is Roger Fairbairn McLean and I am a Senior Lecturer in Geography at the University of Auckland. I was formerly a lecturer in geography at the University of Canterbury (1964-72) and research fellow in geomorphology at the Australian National University (1972-77) and have lectured, undertaken research and published several papers in coastal geomorphology. I have read the evidence and cross-examination of Dr Terry Healy on the effect of sand mining on Mataora Beach given on 10th April 1978 and visited the site on 8th May 1978.

## 2. MATAORA COASTAL COMPARTMENT

(a) I am satisfied that the Mataora coastal compartment is essentially a closed sedimentary system with boundaries delimited by a rocky headland in the south and coastal cliffs in the north. The seaward boundary is located some 350-450 m offshore at a depth of about 8 m below low water level, while the landward boundary is marked in the southwest by a lagoon and stream channel and elsewhere by a grassed sloping terrace made up of Pleistocene aged deposits. Neither the depth or configuration of the basal boundary of the sandy body is known.

(b) The sands within the compartment so delimited almost certainly have accumulated during the last 6000 years, that is since sea level first reached around its present position in the Holocene. The limited quantity of sand that has been deposited in this time together with its similarity with adjacent rock types, suggests that it has been supplied from local sources notably from erosion of the back-beach Pleistocene deposits, weathering of adjacent sea cliffs and denudation of slopes in the local stream catchments. It has not been derived from outside sources by littoral drift.



(c) It is also likely that the rate of supply to the Mataora coastal system was greatest some three to six millenia ago, that it has diminished since then and that at present supplies of fresh material are negligible. In this sense the coastal sands at Mataora can be regarded as relict or fossil, or in other words, a non-renewable resource.

### 3. SAND MOVEMENT WITHIN COMPARTMENT

Although there are variations in textural and mineralogical properties of sands within the Mataora coastal compartment as for instance between sub-tidal, beach and dune sands, it is apparent that such variations result from environmental fractionation of common source materials and not from contrasting sources. Movement of sand between nearshore, beach and dune environments by wave, current, stream and wind action has taken place in the past and will take place in future as components of the coastal system attempt to attain an equilibrium state relative to one another and to the processes acting on them. Thus artificial removal of sand from any part of the Mataora coastal compartment will have ramifications elsewhere in the system. Clearly the total quantity of sand removed, the rate that it is mined and the site from which it is taken are important elements in attempting to determine the effects of sand mining on the coastal system.

### 4. SAND MINING SITE

(a) I believe that the proposed site for sand extraction is in the southern portion of the beach in an area bounded by the lagoon and stream outlet on the west and south, the shoreline in the east and 'tapu' area of high dunes in the north. The area to be worked is about 100 m long and 65 m wide and consists of three dune mounds that extend above ~~ve~~ high water level. It is intended that sand will be taken only from above high water level.

(b) At the time of my site visit high water swash mark reached to the base of the dune mounds and there was evidence of recent wave washover into the

lagoon in the southern portion of the subject area. It was also clear that this sector of the shore is the most unstable part of the entire coastal embayment due to its proximity to the lagoon and stream outlet on the one hand and the headland on the other. The latter controls a strong rip current, directed offshore, immediately to the east of the proposed area to be worked, and results in steep beach-face slopes ( $14^{\circ}$ ) here. Instability is also indicated by the sparse vegetation cover of the dunes and large areas of bare sand. Considerable interchange and frequent movement of sands between nearshore, beach, dune and lagoonal environments is indicated.

#### 5. POSSIBLE RESULTS OF SAND REMOVAL

In my view, if sand is extracted from the proposed area, the result will be to set in train a number of short and long term environmental changes in this and neighbouring areas. In the short term the lagoon outlet may shift northwards and could result in erosion of the southern portion of the 'tapu' area, while the resulting deficit of sand in the subject site is likely to be replaced initially by sediment eroded from the seaward face of the 'tapu' area. Such disturbances here would encourage wind erosion of the dunes in the 'tapu' area and endanger the pohutakawa grove there. In the longer term, and with continual sand removal, the subject area would almost certainly be replenished by sand from updrift (northerly) sources as the whole shoreline attempts to attain a new equilibrium condition. It is conceivable that sand would be removed entirely from the narrow northern sector which may lead to erosion of the Pleistocene deposits behind and finally to the depletion of the whole sand reservoir.

#### 6. SUMMARY

In summary I conclude:

- (i) The Mataora coastal compartment is essentially a closed sedimentary system with a finite, non-renewable sand resource.

- (ii) Contemporary sand supplies to this system are negligible.
- (iii) Sand extracted from any part of the system will not be naturally replenished by littoral drift but will be recruited from elsewhere within the local area.
- (iv) The proposed site for sand extraction is located in the most unstable part of the entire coastal compartment.
- (v) Sand extracted from the subject area will affect existing or future amenities of the neighbourhood notably by accelerated coastal erosion and sand loss.

By S -  
W -

207- If you want replenishment, this  
is the best site

I assume there is a thin veneer of  
sand here.

here -

207.

Ohinemuri County Council

Phone: 8609  
 Address all Correspondence to  
 the County Clerk.

YOUR REFERENCE: 54/15/48

28 April 1980

Secretary for Transport,  
 Ministry of Transport,  
 Private Bag,  
WELLINGTON 1

In Your Reply Please Quote:

M.W. PARKER

File No.



P.O. Box 17,  
 Paeroa.

ATTENTION: Mr G.K. Whitehouse

Dear Sir,

RE: SAND EXTRACTION: WHIRITOA BEACH

Further to the discussion which took place in my office on 17 April 1980 I wish to confirm in reply to your letter of 20 February 1980 that Council has resolved to obtain a legal opinion from a lawyer competent in this area of the law.

The Council made this decision after receiving advice from its town planning consultant, Mr I.G. McIntyre of Murray-North Partners Ltd of Auckland. The solicitor acting for the Whiritoa Ratepayers' Association had requested Council, as a result of the recommendations made by Dr. R.F. McLean in his report on the Whiritoa Beach sand system, to serve a notice under Section 77 of the Town and Country Planning Act 1977 on the Trustees as owners of the sand pit, and upon Provincial Transport Limited, who are operating the sand pit, to cease all further removal of sand from the pit. However, Mr McIntyre informed Council that he was not sure if Section 77 gave the Council absolute control.

I will advise you further after an opinion has been received through the County Solicitor from counsel.

Yours faithfully,

M.W. PARKER  
COUNTY CLERK



B4 6/8/80

- has legal opinion  
 arrived -

*[Handwritten signature]*  
 1/5/80

GKW: MJG

54/15/48

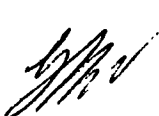
25 March 1980


The Vice President  
Whiritoa Ratepayers Association  
40 Kon Tiki Road  
WHIRITOA

Dear Sir

Thank you for your letter of 5 March 1980 concerning the sand extraction situation at Whiritoa. As I mentioned in my letter of 20 February, the Ministry is discussing with the Hauraki Catchment Board whether or not action can be taken against this problem. The Ohinemuri County Council have also been asked for their comments. A decision will be made on what action will be taken in due course. Your comments about the persons removing sand from the area have been noted. However, as I have pointed out before, they are not operating under a licence from this Ministry and it would therefore not be proper for me to comment on whether their actions constitute a breach of the licence.

Yours faithfully

  
G.K. Whitehouse  
for Secretary for Transport

DISPATCHED
31 MAR 1980
by RECORDS
FILE
28/4/80
Initials: 

*Return to H/9/1*  
*31/3/80*

H. F. Rem. 1209

54/15/48

P.O. Box 7  
Te Aroha

R. W. Harris, S.C. B.E.  
Chief Engineer

J. M. Morrison,  
Secretary.

Please Quote

1/22/0

In your reply

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

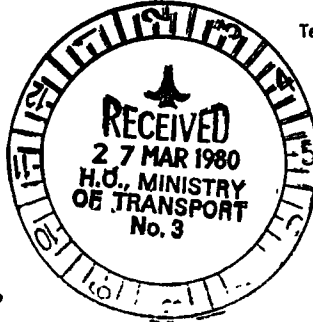
2/3/126000-131000

Telephone 48-099

Telegraphic Address "Catchment"

59 WHITAKER STREET,  
TE AROHA

25 March 1980



The Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
WELLINGTON

Attention: Mr G.K. Whitehouse

Dear Sir,

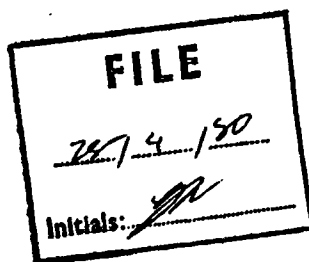
## REMOVAL OF SAND AT WHIRITOA

Your letter 54/15/48 dated 20 February 1980 is acknowledged and has been placed before Board. Board resolved to support your Ministry. However, the matter is a complex one and it would seem to me that it would be desirable for us to discuss the matter and, if you have not been there in person, have a joint visit to the Beach. I would therefore be pleased if you were free to travel up here on a suitable mutually convenient early date. I understand that you are away from your office this week, but trust that it might be possible to come to some arrangement early next week.

Yours faithfully,  
R.W. Harris  
CHIEF EXECUTIVE OFFICER  
AND CHIEF ENGINEER

LSH:CJK

per..... *R. S. Hale* .....



# Ohinemuri County Council

Telephone: 8609

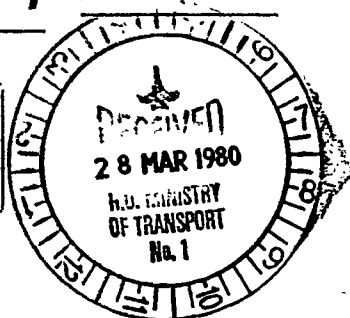
Address all Correspondence to  
the County Clerk.

YOUR REFERENCE: 54/15/48

In Your Reply Please Quote:

M.W. PARKER

File No.



P.O. Box 17,  
Paeroa.

Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
WELLINGTON.

ATTENTION: Mr Whitehouse

Dear Sir,

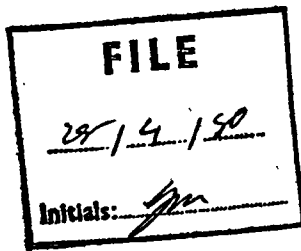
RE: SAND EXTRACTION: WHIRITOA BEACH

In reply to your letter of 20 February 1980 I have to advise you that a meeting has been arranged for 10 April 1980 in this office between representatives of this Council and the Hauraki Catchment Board to discuss the McLean report. Attempts have been made to have an earlier meeting but this has not been possible.

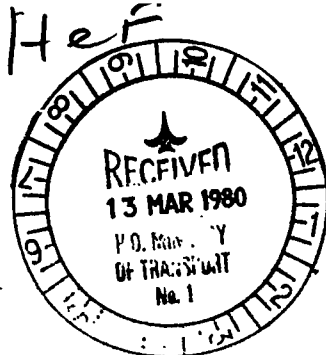
I will let you know the outcome of this meeting in due course.

Yours faithfully,

*M. W. Parker*  
M.W. PARKER  
COUNTY CLERK







40 Kon Tiki Road  
Whiritoa.

5 March 1980

Ministry of Transport,  
Marine Division,  
WELLINGTON.

Attention: Mr. Keith Whitehouse

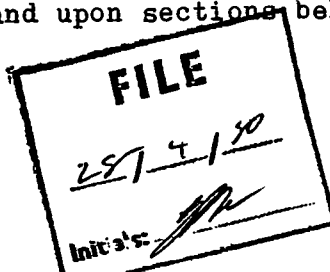
Subject: Escalation of Sand Extraction - Whiritoa

Dear Sir,

Despite Dr. McLeans report upon the on and off-shore survey at the above beach the following events, today, took place.

1. The Ohinemuri County Council had arranged for a meeting re the sand issue for Thursday 6 March. Residents rang the Council office for permission to be present at the meeting. I being one was told that it had been brought forward and they were at that moment sitting. Clever don't you think? Anyway the final message to me was "nothing definite would be decided today because they have not had yet a meeting with the Hauraki Catchment Board for their translation of the report". That must be very difficult; so the delay is for another month before the next meeting 1.4.80.
2. Provincial Transport, the Company holding the Trustees Licence to extract sand, who have already exceeded their quota for the year did not send their men and machines in but lo and behold another contractor turned up from Whangamata (Whyte Contracts Ltd) fully equipped with a massive front end loader and two lorries. I asked the manager of the firm (Mr. J.A. Whyte) if he had a licence to extract the sand, his reply was "no but he had been given permission by Provincial Transport to extract what he wanted", so eight lorry loads went out!

I feel you must agree that sub contracting on the licence held must be illegal: already the Deunhouwer family (residents) are laying in quantities of sand upon sections belonging to them for their own requirements.



Please, please can you help us to preserve the coast line  
of this wonderful little beach? "A Closed Sedimentary System"

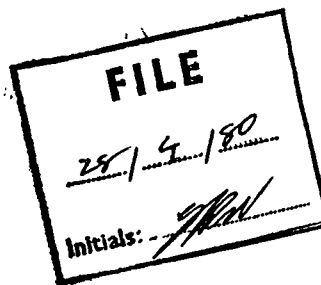
Yours truly,

*F.A. Levett*

F.A. Levett  
Vice President,  
Whiritoa Ratepayers Association

P.S.

All photographs taken to prove statements.



P.O. Box 7  
Te Aroha

H & F

54/15/48

Please Quote

23/126-131.

In your reply

J. M. Morrison,  
Secretary.

R. W. Harris D.S.C. B.E.  
Chief Clerk

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Telephone 505 (3 lines)

Telegraphic Address "Catchment"

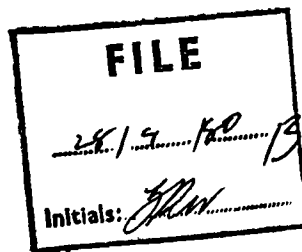
59 WHITAKER STREET,  
TE AROHA

*The Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
Wellington.*

25 FEB 1980

Dear Sir,

Your letter dated 20.2.80. (reference 54/15/48.) is acknowledged. I would advise that it has been referred to the appropriate section for consideration.



Yours faithfully,  
J.M. Morrison  
SECRETARY

per.....

ECB:CJM

GKW:KD

54/15/48

20 February 1980

The President  
Whiritoa Ratepayers Association  
P.O. Box 3266  
AUCKLAND

Dear Sir

I have received your letters of 24 and 25 January 1980 concerning the extraction of sand at Whiritoa Beach.

You mention that you had sent an earlier letter to the ministry to which you had not yet received a reply. That letter went to our Auckland office and they were advised by this office of this ministry's involvement in this matter and advised to reply to you on 2 August. Our Auckland office may however have been under the impression that this office had replied direct to you; be that as it may we apologise for not replying.

As far as this ministry is aware the situation at Whiritoa Beach is that the sand mining operation takes place above High Water Spring Tides and is not subject to a licence issued by the Ministry of Transport. Therefore we are not in a position to answer the queries raised in your letter of 24 January. It is unfortunate that the letter of 14 June 1979 from the Commission for the Environment gave you the impression that it was this ministry which issued the licences for the extraction at Whiritoa. In fact the licence to extract sand at Whiritoa Beach is issued by the Maori Trustee, pursuant to the provisions of the Maori Affairs Act 1953, as the land concerned is Maori land.

The ministry does however have certain limited powers to control sand extraction on land adjacent to the coast where such extraction could lead to erosion. We are not in a position to exercise these powers without strong scientific evidence to show that extraction may be leading to erosion.

The report prepared by Dr McLean for the Hauraki Catchment Board may provide such evidence and at the present time this ministry and the catchment board are discussing what action could be taken.

28/4/80  
Initials: *gn*

BU 20/4/80 ✓  
*gn*  
RMO/1044/

DISPATCHED  
21 FEB 1980  
by RECORDS  
KS

As you are aware this is a difficult and contentious matter and it is not desirable to indicate the exact nature of any action this ministry may take until we have finalised our discussions with other bodies.

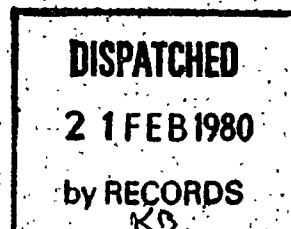
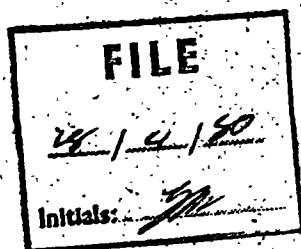
Yours faithfully

G.K. Whitehouse  
for Secretary for Transport

The Regional Secretary  
Private Bag  
AUCKLAND

Attention: P. Spackman

  
G.K. Whitehouse





CRW:KD

54/15/48

20 February 1980

The Secretary  
Hauraki Catchment Board  
P.O. Box 7  
TE AROHA

Dear Mr Morrison

REMOVAL OF SAND AT WHIRITOA

Thank you for the copy of the report on Whiritoa Beach, prepared by Dr McLean, which you sent to the ministry. For some time now the ministry has been concerned that sand extraction at Whiritoa may be having an undesirable effect on the beach however, we have been reluctant to act until such time as good technical evidence existed to show that this was so.

Under section 244 of the Harbours Act 1950 it is an offence to remove sand from a beach or adjacent land without the consent of the Minister of Transport if there is a likelihood that such extraction will lead or is likely to lead to erosion. The present extraction operation at Whiritoa is a case in point and has not been consented to by the minister. In view of the sizable investment, the Whiritoa subdivision, at risk due to erosion it is unlikely that the minister would consent to long continued extraction of sand in this area.

I would be pleased to know whether your board would support this ministry in any moves we may make to have the extraction operations at Whiritoa stopped.

Yours sincerely

*G.K. Whitehouse*  
G.K. Whitehouse  
for Secretary for Transport

29/4/80

Initials: *GM*





54/15/48

20 February 1980

The County Clerk  
Ohinemuri County Council  
P.O. Box 17  
PAEROA

Dear Sir

**SAND EXTRACTION : WHIRITOA BEACH**

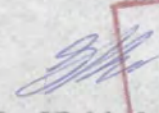
The Ministry recently received a copy of the report on sand extraction at Whiritoa beach prepared by Dr R.E. McLean for the Hauraki Catchment Board. The report makes it clear that the present sand extraction operation at Whiritoa could lead to erosion of the beach, thus putting a large investment, the Whiritoa subdivision, at risk.

The Ministry of Transport represents the Crown as owner of the foreshore and seabed round New Zealand and administers this area through the Harbours Act 1950. As a land owner we are concerned to see that nothing is done which could cause erosion of the foreshore and there are powers in the Harbours Act to ensure that this does not happen. The section of the act which is relevant to Whiritoa is section 244 which makes it an offence to remove any material from an area adjacent to a beach without the consent of the Minister of Transport if removals are likely to lead to erosion.

Clearly in view of the data in the McLean report, if the minister did not give his consent to the extraction operation at Whiritoa it would have to cease.

Before we take any action in this matter this ministry would like the views of your council on whether the extraction operations at Whiritoa should be controlled.

Yours faithfully

  
G.K. Whitehouse  
for Secretary for Transport





J. M. Morrison,  
Secretary.

HAURAKI CATCHMENT BOARD  
and  
REGIONAL WATER BOARD

Telephone 48-099

Telegraphic Address "Catchment"

59 WHITAKER STREET,  
TE AROHA

14 February 1980

The Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
WELLINGTON

Dear Sir,

## WHIRITOA BEACH REPORT

I have to advise that the above report, produced by Dr R.F. McLean on Board's commission, was presented to Board at its last meeting, and adopted. I enclose a copy for your information.

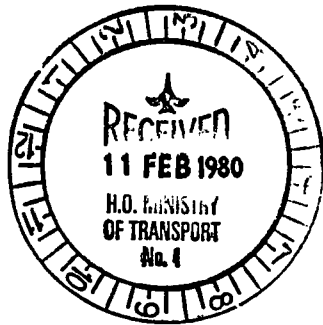
Yours faithfully,  
J.M. Morrison  
SECRETARY

LSH:CJK

per A.N. Hall

Mr K. Whitehouse - H+F

54/15/48



Whiritoa Ratepayers Assn  
P.O. Box 3266  
AUCKLAND

25 January 1980

Mr Keith Whitehouse,  
Harbours & Foreshore section,  
Ministry of Transport,  
Private Bag,  
WELLINGTON.

Dear Sir,

✓ Enclosed please find a copy sent to us by the Commission for the Environment re the sandmining at Whiritoa Beach.

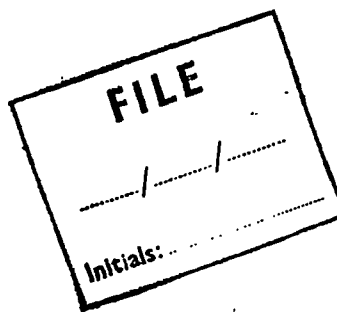
Please can you indicate what action the Ministry of Transport will be taking now the McLean report is completed (Dec 1979). Our Association is vitally concerned and we would appreciate your co-operation on this matter.

Yours faithfully,

*pp. S. A. Moore*

M.J. MacAroy  
PRESIDENT

Enc.



$\mathbf{A} = \mathbf{A}^T \in \mathbb{R}^{n \times n}$ ,  
 $\mathbf{A} \in \mathbb{R}^{n \times n}$ ,  
 $\mathbf{A} \in \mathbb{R}^{n \times n}$ ,  
 $\mathbf{A} \in \mathbb{R}^{n \times n}$

Mr M P Cooke  
32 Browns Avenue  
Paparanga  
AUCKLAND

I am sorry that it has taken so long to follow up your letter of 30 October concerning:

- (a) the effects of sand extraction on Whiritoa Beach;
- (b) the role of the Commission for the Environment; and
- (c) how local residents may help in investigations that may be warranted.

The present position is that the Trustees of the land have recently executed a deed, granting rights to Provincial Transport Limited to remove up to 4,317 cubic metres of sand per year for a period of 3 years from 1 April 1979. This sand has such specialised uses as sand blasting.

A number of local residents wrote to the Minister for the Environment about the removal of sand at Whiritoa Beach. I enclose a copy of the Minister's reply for your information. Following these enquiries the Commission for the Environment contacted the trustees for the owners of the land, the Ministry of Transport, the Hauraki Catchment Board and the Ohinemuri County Council. I shall review the information gathered through these enquiries.

## (a) Effects of Sand Extraction at Whiritoa Beach

At the heart of the issue is the question whether Whiritoa Beach sand system is open or closed. A beach, which receives little or no "new" sand from offshore, rivers, cliffs or other beaches, is described as a closed sand system. In a closed system the quantity of sand within the beach and off-shore remains constant, although the quantity present in the major parts of sand system, the frontal dune, the beach, and off-shore, is highly variable, depending on the type and severity of wave action. However, if sand is removed from the beach or foredune which is part of the active sand system by stormy conditions or sand extraction, the

foredune and beach are likely to erode. On a beach which receives the sand from other areas, an open sand system, the likelihood of erosion is lessened if the amount of sand removed by sand extraction and leaving the system is less than the amount of sand entering the system.

If the Whiritoa Beach system is a closed system or has only small quantities of sand entering it, in insufficient quantities to replace the sand which is being removed by sand mining, as suggested by Mr Max Christopherson of the University of Waikato in his unpublished 1977 M.Sc thesis in Earth Sciences entitled

"The Effect of Sand Mining on the Erosion Potential of Whiritoa Beach",

it is possible that sand mining could be causing or enhancing erosion of the frontal dune. Consequently the Hauraki Catchment Board asked Dr Roger McLean, of the Geography Department, University of Auckland, to prepare a report to examine Christopherson's contention that the Whiritoa Beach sand system is partially or possibly a completely closed system. Dr McLean's study is almost complete. There are several further sand samples to be analysed which were obtained from the beach and off-shore from Whiritoa which require a mineralogical examination to determine their source.

(b) The Role of the Commission for the Environment

I enclose copies of our annual reports since our inception in 1972. These reports show the scope of the work the Commission is involved in. It must be understood that the Commission for the Environment has no executive authority (namely, an Act of Parliament) but works through other local authorities and government agencies. In this case the executive agency involved is the Ministry of Transport, who issue licences to extract sand from Whiritoa Beach. Hence the Commission cannot authorise any study or investigation although through other government departments and local bodies it may initiate and complete studies itself or encourage other bodies or individuals to carry out the study.

(c) How could Local Residents help in investigations that may be warranted?

Local residents could be of assistance in a variety of ways, especially if a long-term monitoring programme is adopted by the Hauraki Catchment Board and Ohinemuri County Council. If local residents are willing to offer such assistance they should contact the Hauraki Catchment Board or the Ohinemuri County Council who are likely to coordinate these studies, in consultation with Dr McLean of the University of Auckland or a student of either Dr McLean's or Dr Terry Healy of Earth Sciences, University of Waikato.

Initials: \_\_\_\_\_

/3..



### Possible Future Action

Once the type of sand system is determined, the effects of sand extraction on Whiritoa Beach can be re-evaluated by the Ministry of Transport. If sand mining is found to be detrimental to Whiritoa Beach, the Ministry of Transport can stop the removal of sand under the Harbours Act 1950.

Another possible course of action is that the Ohinemuri County Council could take legal action against the Trust under the Town and Country Planning Act 1977, if sand mining was found to be detrimental to

"the preservation of the natural character of the coastal environment and the margins of lakes and rivers and the protection of them from unnecessary subdivision and development".

I have sent a copy of this letter to the Ministry of Transport and have asked them to advise you of their action taken when they have received Dr McLean's report.

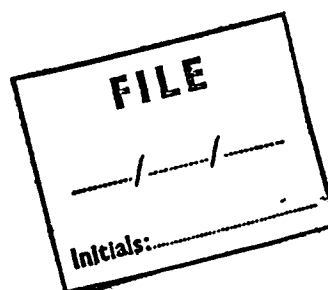
I hope this information furthers your understanding of the situation at Whiritoa.

Yours sincerely

*Ken Murray*

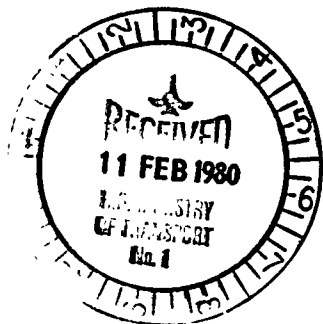
Ken Murray  
for Commissioner for the Environment

Enc.



Mr K. Whitehouse - H x f

54 / 115 / 48



Whiritoa Ratepayers Assn,  
P.O. Box 3266,  
AUCKLAND.

24 January 1980

Mr Keith Whitehouse,  
Harbours & Foreshore Section,  
Ministry of Transport,  
Private Bag,  
WELLINGTON.

Dear Sir,

✓ Enclosed is a copy of a letter sent by us dated 8 July 1979. Please can we have a reply, as one has not been received yet.

Further to this letter, please can you answer these queries:-

- a) The expiry date for the current licence to mine Whangamata Block 6B3B2.
- b) Is this renewed on an annual basis?
- c) To whom is it issued?
- d) How long (approx) has sand been mined from the present site at the south end of Whiritoa Beach?
- e) What quantities were permitted to be extracted over the 1970-79 period?
- f) Has sand mining taken place at the north end of Whiritoa Beach? If so, when and by whom?
- g) What responsibility does the Ministry of Transport have in monitoring the quantities extracted?
- h) Is the Ministry of Transport responsible for either the erection of the concrete posts denoting the 2 chain seaward limit of the sandmine at Whiritoa since most posts have disappeared?

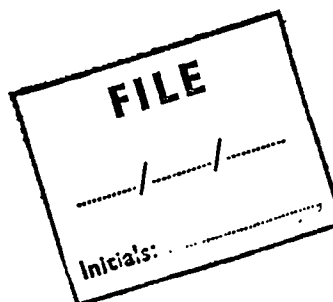
We would appreciate an early clarification of these points.

Yours faithfully,

*M. J. MacAroy*

M.J. MacAroy,  
PRESIDENT

Enc.



Flat 3, 6 Evelyn Rd,  
Howick,  
Auckland.  
8th July 1979.

The Chief Officer,  
Marine Division.

Dear Sir,

I am writing on behalf of the Whiritoa Beach  
Ratepayers Association.

I read with much interest an article in the "Auckland Star"  
(Wednesday July 4th.) describing the curbing of sandmining  
on beaches and offshore, by your Ministry, due to erosion problems.

You may or maynot be aware that ratepayers at Whiritoa Beach  
( 16 km north of Waihi), have for many years been very concerned  
about continuing large scale sand mining at their beach, by  
Provincial Transport Ltd. The sand mining is carried out within  
100 metres of housing at the beach.

In the last year very severe erosion of the foredunes occurred  
and we believe the continued sand mining is not allowing a  
natural recovery of the beach system.

Mr Christopherson of Waikato University, under the supervision  
of Dr Healy, did a study on Whiritoa Beach, and concluded  
that the beach was a "closed system" and that continued sand  
mining would lead to beach erosion and loss of property.  
Dr Healy described the sand mining here as a "serious case".  
("Bay of Plenty Times" 30/7/77)

Ratepayers of Whiritoa are so concerned about the continued  
sand mining, they have engaged a solicitor at considerable  
expense to try to stop this activity. Many ratepayers have in fact  
threatened to withhold rates from the Ohinemuri County Council  
until the activity is stopped. As ratepayers we have received  
no assistance from the Ohinemuri County Council.

At present Dr McLean of Auckland University is doing a study  
on the erosion problem at Whiritoa for the Hauraki Catchment Board.

The Ratepayers Association is very concerned to learn that a  
licence to remove sand from the beach has just been extended  
for a further 3 years even though the study of the beach by  
the Hauraki Catchment Board has not been completed yet.

We have pleaded with politicians, the Catchment Board, the  
Ohinemuri County Council, and Ministries of Environment and Works,  
for at least 7 years, to stop the sand mining, without any  
success to date.

We would be very grateful if your department could help to  
solve this problem, as it appears that the Marine Dept. has the  
power to issue and revoke sandmining licenses.

Yours faithfully,  
M.J. Mac Avoy,

President W.R.A.

FILE



H x F.

54/15/48

2/3/126000-131000

1/22/0

P.O. Box 7  
Te Aroha

R. W. Harris B.Sc. B.E.  
Chief Engineer

J. M. Morrison,  
Secretary.

Please Quote

as above

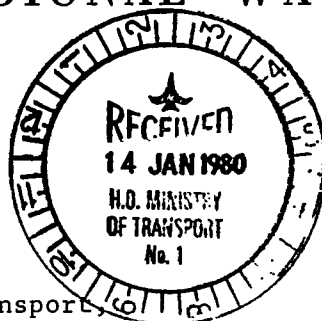
In your reply

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Telephone 48-099

Telegraphic Address "Catchment"

59 WHITAKER STREET,  
TE AROHA



11 January 1980

Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
WELLINGTON.

ATTENTION: Mrs J.M. Miller

Dear Madam,

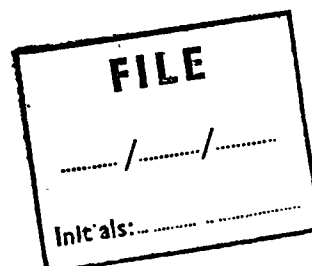
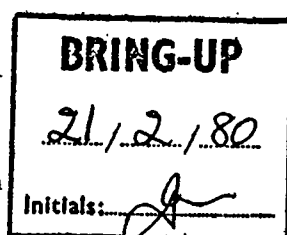
## SAND EXTRACTION - WHIRITOA BEACH

A report by Dr R MacLean regarding the nature and characteristics of Whiritoa Beach will be received and considered by the Board at its February meeting (Thursday 7th to be precise). I would presume that a determination of the effects of sand extraction and a copy of the relevant report will be available following this meeting.

Yours faithfully,  
R.W. Harris  
CHIEF EXECUTIVE OFFICER  
AND CHIEF ENGINEER

per ... *D.H. Smith* .....  
D.H. Smith  
Design Engineer

DHS:WJVM



P.O. Box 7  
Te Aroha

J. M. Morrison,  
Secretary.

R. W. Harris D.S.C. B.E.  
Chief Engineer

H v F.

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Telephone 505 (3 lines)

Telegraphic Address "Catchment"

54/15/48

Please Quote

2/3/126-131

In your reply

59 WHITAKER STREET,  
TE AROHA

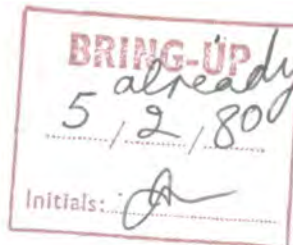
*The Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
Wellington*



Dear Sir,

Your letter dated 3.12.79 (reference 54/15/48) is acknowledged. I would advise that it has been referred to the appropriate section for *reply*.

Yours faithfully,  
J.M. Morrison  
SECRETARY



ECB:CJM

per *Bayle*

54/15/48

3 December 1979

The Chief Engineer  
Hauraki Catchment Board  
P.O. Box 7  
TE AROHA


Dear Sir

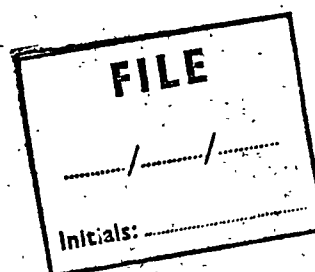
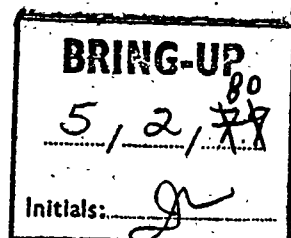
**SAND EXTRACTION - WHIRITOA BEACH**

Further to your letter of 28 June 1979, your reference: 2/3/126000-131000, please advise when you expect to be in a position to let us know the results of the survey of Whiritoa Beach. We have received further representations from the Ratepayers Association expressing great concern at the continued extraction of sand from the beach.

As we wish to determine as soon as possible the effects of sand extraction in the area, we will appreciate an early reply.

Yours faithfully

  
J.M. Miller, Mrs  
for Secretary for Transport



54/15/48

54/14/7

The Regional Secretary  
Private Bag  
AUCKLAND

Head Office

2 August 1979

Attention: P. Spackman

**SAND REMOVALS : WHIRITOA**

Your memorandum of 23 July attached a letter from the Whiritoa Ratepayers Association. The sand removal operation which is the cause of the ratepayers concern is conducted above mean high water under a licence under the Maori Affairs Act 1953. The extractors work the licence by digging a large hole which is then filled up by sand pushed into it during storms.

At the present time the Hauraki Catchment Board are using Dr R.L. McLean of Auckland University to prepare a report on the extraction operation. In particular Dr McLean is investigating whether or not the Whiritoa Beach is a closed sand system. If the beach is a closed system then sand extraction could well decrease the sediment supply leading to erosion. You might like to contact Dr McLean to see when his report is to be presented to the Board.

It would be possible, if the area is part of a "closed sand system" to use section 244 of the Harbours Act to stop or limit the extraction. However, it is probably wise to keep the possibility fairly quiet as, I believe, this whole problem could very easily get into the political area.

It would probably be best for you to write to the Ratepayers Association and say that; (1) we do not issue this licence and that the Auckland Star article was only referring to those licences issued by this Ministry; (2) we are however awaiting the results from investigation into the problems at Whiritoa and when we receive these we will see what action, if any, the Ministry can take.

If you have any queries on this problem please do not hesitate to contact me.

  
G.K. Whitehouse  
for Secretary for Transport

BU 15/10/79 ✓

DISPATCHED  
- 7 AUG 1979  
by RECORDS  
Initials: \_\_\_\_\_

Please  
check up  
catchment  
board  
- a moderately  
strong letter

H.F. (Mr K Whitehouse)  
MINUTE SHEET

54/15/48  
Department: MOT MSA

Subject: Provincial Transport Ltd  
Whiritoa

File No: 54/14/123

Date: 23/7/79

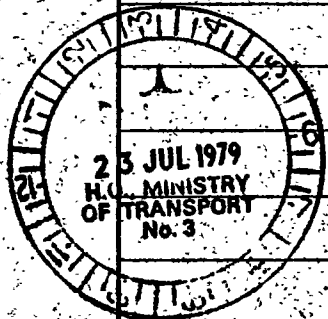
To—

Head Office  
SEO(HORS)

Attention:

K. Whitehouse

✓ Enclosed is a copy of a letter sent to us by Whiritoa Rate Payers Association. We have no knowledge of Provincial Transport Ltd applying for a licence and no licence has been issued to them by this office. Please advise what should be done.



A. Vitale  
for Reg Sec Transport

Flat 3, 6 Evelyn Rd,  
Howick,  
Auckland.  
8th July 1979.

The Chief Officer,  
Marine Division.

Dear Sir,  
I am writing on behalf of the Whiritoa Beach  
Ratepayers Association.

I read with much interest an article in the "Auckland Star"  
(Wednesday July 4th.) describing the curbing of sandmining  
on beaches and offshore, by your Ministry, due to erosion problems.

You may or maynot be aware that ratepayers at Whiritoa Beach  
( 16 km north of Waihi), have for many years been very concerned  
about continuing large scale sand mining at their beach, by  
Provincial Transport Ltd. The sand mining is carried out within  
100 metres of housing at the beach.

In the last year very severe erosion of the foredunes occurred  
and we believe the continued sand mining is not allowing a  
natural recovery of the beach system.

Mr Christopherson of Waikato University, under the supervision  
of Dr Healy, did a study on Whiritoa Beach, and concluded  
that the beach was a "closed system" and that continued sand  
mining would lead to beach erosion and loss of property.  
Dr Healy described the sand mining here as a "serious case".  
("Bay of Plenty Times" 30/7/77)

Ratepayers of Whiritoa are so concerned about the continued  
sand mining, they have engaged a solicitor at considerable  
expense to try to stop this activity. Many ratepayers have in fact  
threatened to withhold rates from the Ohinemuri County Council  
until the activity is stopped. As ratepayers we have received  
no assistance from the Ohinemuri County Council.

At present Dr McLean of Auckland University is doing a study  
on the erosion problem at Whiritoa for the Hauraki Catchment Board.

The Ratepayers Association is very concerned to learn that a  
licence to remove sand from the beach has just been extended  
for a further 3 years even though the study of the beach by  
the Hauraki Catchment Board has not been completed yet.

We have pleaded with politicians, the Catchment Board, the  
Ohinemuri County Council, and Ministries of Environment and Works,  
for at least 7 years, to stop the sand mining, without any  
success to date.

We would be very grateful if your department could help to  
solve this problem, as it appears that the Marine Dept. has the  
power to issue and revoke sandmining licenses.

Yours faithfully,  
M.J. Mac Avoy,

President W.R.A.





Mr Whitehouse H x F

54 175 / 48

P.O. Box 7  
Te Aroha

R. W. Harris D.S.C. B.E.  
Chief Engineer

J. M. Morrison,  
Secretary.

Please Quote

2/3/126000-131000

In your reply

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Telephone 48-099

Telegraphic Address "Catchment"

59 WHITAKER STREET,  
TE AROHA

28 June 1979



The Secretary for Transport,  
Ministry of Transport,  
Private Bag,  
WELLINGTON 1

Attention: Mr G.K. Whitehouse

Dear Sir,

## SAND EXTRACTION - WHIRITOA BEACH

With reference to your letter 54/15/48 of 9 May 1979.

A survey of Whiritoa Beach involving offshore sampling and sounding was completed at the end of May 1979. The data is at present being collated and the samples are being analysed for grain size distribution, mineralogy etc. When the results of this analysis are completed the determination of the closed or open nature of the beach supply system will, hopefully, be somewhat clearer. I shall be pleased to advise you of the results of the recent survey when they become available.

Yours faithfully,

R.W. Harris

CHIEF EXECUTIVE OFFICER  
AND CHIEF ENGINEER

ODP:CJK

per.....

*Handwritten signatures and initials:*  
BU 15/8/79  
[Signature]  
[Signature]

<b>FILE</b>
____/____/____
Initials: _____

54/15/48

9 May 1979

The Chief Engineer  
Hauraki Catchment Board  
P.O. Box 7  
TE AROHA

Dear Sir

**SAND EXTRACTION AT WHIRITOA BEACH**

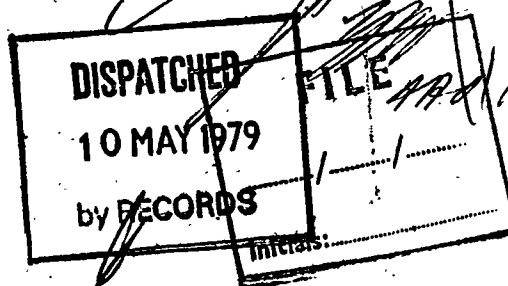
Recently this Ministry has had discussions with the Commission for the Environment concerning the effect of sand extractions at Whiritoa Beach. The area from which sand is extracted is above the area administered by this Ministry. However, the Ministry is interested in any sand extraction operations immediately adjacent to the coast which may interfere with the coastal sand system.

Following our discussions with the Commission for the Environment I wrote to the University of Waikato seeking further information about the nature of the sand system within the area. Although the university was able to provide us with some background information on sediment movement in the area they referred us to you as they feel that you are more fully informed of the overall implications of sand extraction etc in the area.

I would be pleased to receive your comments on the sand extraction operations at Whiritoa Beach. The Ministry is concerned that sand extraction from this area may be taking sand from what is essentially a closed sand system, and in so doing enhance the likelihood of erosion. I would be pleased to receive your comments in due course.

Yours faithfully

  
G.K. Whitehouse  
for Secretary for Transport



Mr Keith Whitehouse

54/15148



cc: The Secretary of Transport  
Ministry of Transport  
Private Bag  
WELLINGTON

Attn Keith Whitehouse

Please advise Mr Cooke of your action on this matter  
after you have received Dr McLean's report.

cc: Hauraki Catchment Board  
P O Box 7  
TE AROHA

I enclose a copy of a letter from a resident of  
Whiritoa Beach. Please could you keep me informed  
on the progress of the investigations at Whiritoa.

cc: Ohinemuri County Council  
P O Box 17  
PAEROA

I enclose a copy of a letter from a resident of  
Whiritoa Beach. Please could you keep me informed  
on the progress of the investigations at Whiritoa.

cc: Mr Alan Willoughby  
Earth Sciences  
University of Waikato  
HAMILTON

For your information

<b>FILE</b>
27/6/77
Initials: <u>  K  </u>

FILED BY
FILED No. 4

*Ken Murray*

Ken Murray  
for Commissioner for the Environment

19 June 1979

*File all papers*  
*[Signature]*  
*27/6/77*

# Commission for the Environment

Feltex House, Sturdee Street, Wellington.

P.O. Box 11-244,  
Wellington,  
New Zealand.  
Telephone: 849-955

Your ref:

Our ref: NRS 5/5C

19 June 1979

Mr M P Cooke  
32 Browns Avenue  
Paparanga  
AUCKLAND

Dear Mr Cooke

I am sorry that it has taken so long to follow up your letter of 30 October concerning:

- (a) the effects of sand extraction on Whiritoa Beach;
- (b) the role of the Commission for the Environment; and
- (c) how local residents may help in investigations that may be warranted.

The present position is that the Trustees of the land have recently executed a deed, granting rights to Provincial Transport Limited to remove up to 4,317 cubic metres of sand per year for a period of 3 years from 1 April 1979. This sand has such specialised uses as sand blasting.

... A number of local residents wrote to the Minister for the Environment about the removal of sand at Whiritoa Beach. I enclose a copy of the Minister's reply for your information. Following these enquiries the Commission for the Environment contacted the trustees for the owners of the land, the Ministry of Transport, the Hauraki Catchment Board and the Ohinemuri County Council. I shall review the information gathered through these enquiries.

## (a) Effects of Sand Extraction at Whiritoa Beach

At the heart of the issue is the question whether Whiritoa Beach sand system is open or closed. A beach, which receives little or no "new" sand from offshore, rivers, cliffs or other beaches, is described as a closed sand system. In a closed system the quantity of sand within the beach and off-shore remains constant, although the quantity present in the major parts of sand system, the frontal dune, the beach, and off-shore, is highly variable, depending on the type and severity of wave action. However, if sand is removed from the beach or foredune which is part of the active sand system by stormy conditions or sand extraction, the



foredune and beach are likely to erode. On a beach which receives the sand from other areas, an open sand system, the likelihood of erosion is lessened if the amount of sand removed by sand extraction and leaving the system is less than the amount of sand entering the system.

If the Whiritoa Beach system is a closed system or has only small quantities of sand entering it, in insufficient quantities to replace the sand which is being removed by sand mining, as suggested by Mr Max Christopherson of the University of Waikato in his unpublished 1977 M.Sc thesis in Earth Sciences entitled

"The Effect of Sand Mining on the Erosion Potential of Whiritoa Beach",

it is possible that sand mining could be causing or enhancing erosion of the frontal dune. Consequently the Hauraki Catchment Board asked Dr Roger McLean, of the Geography Department, University of Auckland, to prepare a report to examine Christopherson's contention that the Whiritoa Beach sand system is partially or possibly a completely closed system. Dr McLean's study is almost complete. There are several further sand samples to be analysed which were obtained from the beach and off-shore from Whiritoa which require a mineralogical examination to determine their source.

(b) The Role of the Commission for the Environment

... I enclose copies of our annual reports since our inception in 1972. These reports show the scope of the work the Commission is involved in. It must be understood that the Commission for the Environment has no executive authority (namely, an Act of Parliament) but works through other local authorities and government agencies. In this case the executive agency involved is the Ministry of Transport, who issue licences to extract sand from Whiritoa Beach. Hence the Commission cannot authorise any study or investigation although through other government departments and local bodies it may initiate and complete studies itself or encourage other bodies or individuals to carry out the study.

(c) How could Local Residents help in investigations that may be warranted?

Local residents could be of assistance in a variety of ways, especially if a long-term monitoring programme is adopted by the Hauraki Catchment Board and Ohinemuri County Council. If local residents are willing to offer such assistance they should contact the Hauraki Catchment Board or the Ohinemuri County Council who are likely to coordinate these studies, in consultation with Dr McLean of the University of Auckland or a student of either Dr McLean's or Dr Terry Healy of Earth Sciences, University of Waikato.



Possible Future Action

Once the type of sand system is determined, the effects of sand extraction on Whiritoa Beach can be re-evaluated by the Ministry of Transport. If sand mining is found to be detrimental to Whiritoa Beach, the Ministry of Transport can stop the removal of sand under the Harbours Act 1950.

Another possible course of action is that the Ohinemuri County Council could take legal action against the Trust under the Town and Country Planning Act 1977, if sand mining was found to be detrimental to

"the preservation of the natural character of the coastal environment and the margins of lakes and rivers and the protection of them from unnecessary subdivision and development".

I have sent a copy of this letter to the Ministry of Transport and have asked them to advise you of their action taken when they have received Dr McLean's report.

I hope this information furthers your understanding of the situation at Whiritoa.

Yours sincerely

*Ken Murray*

Ken Murray  
for Commissioner for the Environment

Enc.





H x F

54 / 15 / 48

Ministry of Transport,  
Private Bag,  
WELLINGTON, 1.



C/o Earth Sciences Department,  
University of Waikato,  
Private Bag,  
Hamilton.  
24 March, 1979.

Attn Mr G.K. Whitehouse

Dear Sir,

With reference to your letter of 16 March requesting information regarding sand mining at Whiritoa Beach, I can provide you with the following:

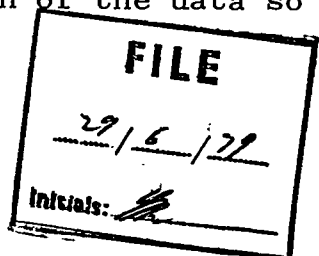
1. A M.Sc. thesis was presented to the University of Waikato by Mr M.J. Christopherson, and two copies of this currently reside in the University Library. The thesis contains observations and measurements of several beach transects over a period of approximately one year. Beach sediments are analysed, but no offshore sampling or echosounding was performed.
2. In January 1979 a survey was done of all major beaches on the East coast of the Coromandel Peninsula, and this included Whiritoa beach. Two sites were established at which the beach cross profiles were surveyed, and across which future surveys can be done. Dune, berm and swash platform sediment samples were taken and analysed for textural and bulk X-Ray Diffraction parameters. In addition, offshore profiles were echosounded off these transects, and an offshore sample was taken for analysis as above.

Tentative results of this survey indicate that all beach sediment samples have a primary modal size range of from 1.0 to 1.5  $\phi$ , whilst the offshore sample, taken approximately 600m offshore, has a primary modal size of 2.75 $\phi$ . Less than 1% of the offshore sample is of the 1 to 1.5 $\phi$  size range, and, with the exception of the northern dune sample, less than 3% of the land samples occur in the 2.75 $\phi$  size. The northern dune sample is bimodal, having a secondary mode of 10% in the 2.75 $\phi$  size.

From this data alone it would appear that either the beach is a closed system, and the offshore sample was taken from beyond the limit of beach processes at that time, or that sand is preferentially sorted into two modal groups.

3. Dr Roger McLean, Geography Department, University of Auckland is involved to some extent in beach erosion and sand mining at Whiritoa, in the absence overseas of Dr Terry Healy of University of Waikato. I have made available to him all the data so far obtained for Whiritoa Beach, and he is unconvinced that the beach is a closed system, pointing out that more offshore work is needed before this conclusion can be any more than tentative. When last I had contact with him he was intending to approach Hauraki Catchment Board regarding the possibility of conducting further field work at Whiritoa, and in particular in the area of offshore sampling and analysis.

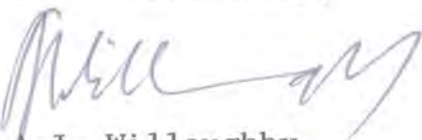
4. The Hauraki Catchment Board have been responsible for the financing of the Coromandel Coastal Survey previously mentioned, and have draft copies of much of the data so far processed. They are no doubt more fully



informed about the overall implications of the various data so far collected, and probably also realise the necessity for more data collection in the near future. Mr Roger Harris, Chief Engineer, or Mr Roger Dewhurst should be able to assist you further.

I trust that this information is of use to you, and should I be able to be of any further assistance please do not hesitate to contact either myself or the University.

Yours faithfully,



A.J. Willoughby  
Field Leader  
Coromandel Coastal Survey.





CKW:CO

54/15/48

16 March 1979

The Secretary  
Earth Sciences Department  
Waikato University  
HAMILTON

Dear Sir


SAND EXTRACTION: WHIRITOA BEACH

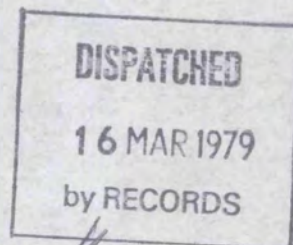
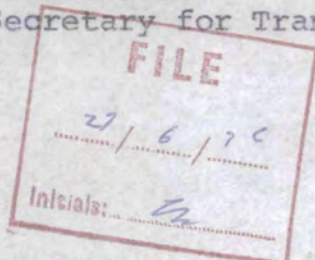
Over the last few months there have been several public outcrys about the continuing extraction of sand from an area adjacent to the southern end of Whiritoa Beach. I understand several students and members of your Department have undertaken research work in this area and would be pleased to receive copies of any papers that have been written dealing with the nature of the sediment systems within Whiritoa Bay.

If I could obtain some information which showed that the Whiritoa Beach was essentially a closed sand system this Ministry could make a good case under Section 244 of the Harbours Act 1950 for stopping the sand extractions at Whiritoa Beach.

I look forward to receiving any information you can provide in due course.

Yours faithfully

  
G.K. Whitehouse  
for Secretary for Transport





CA:LY

Our ref: NRS 5/5

6 November 1978

Mr J I Howart  
 MacCaw, Smith & Arcus  
 NZI Building  
 Garden Place  
 HAMILTON

Dear Mr Howart

I have had referred to me from the Minister for the Environment some letters about beach erosion at Whiritoa Beach. The people who have written to the Minister are concerned that sand extraction at Whiritoa Beach is a contributing, if not a major, factor to the erosion problem there.

I have been informed that you are one of the trustees for this block of Maori land and I believe that it is the trustees who have issued the licence for sand extraction at Whiritoa Beach. I would like to find out what the terms of this licence are and it would be of great assistance to me if you could answer the following questions:

*What rights have Maori trustees - to MHW Spays?*

1. To whom was the licence issued and for what period? ✓
2. Where is the extraction site located - particularly with reference to the high water level of spring tides? ✓
3. What quantity of sand may be removed and at what rate of extraction? ✓
4. What conditions were imposed on the licence - in particular those covering environmental aspects such as rehabilitation and also sequential or peripheral damage? In an earlier licence for sand extraction at Whiritoa Beach a condition was attached which permitted the controlling authority to terminate the licence if the sand extraction was prejudicial to coastal stability in this area. ✓
5. In the light of the erosion which occurred during a severe storm in July has there been any reassessment of the terms of this licence? ✓
6. Which agencies, if any, are normally contacted by the trustees when they are considering issuing a licence for sand extraction at this locality? ✓

5.

FILE

6.

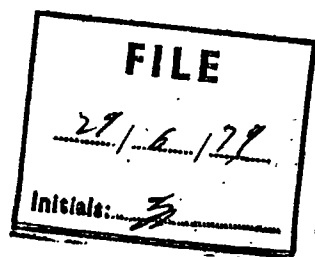
Interests:

2.

I would be grateful if you could send a copy of the current licence with your reply.

Yours Sincerely

C Almond  
for Commissioner for the Environment



# DRICON INDUSTRIES LIMITED

PHONE 68696  
P.O. BOX 71

1 HARRISVILLE ROAD  
TUAKAU

INSTANT CONCRETE

SILICA SAND BLASTING SANDS

INDUSTRIAL AGGREGATES

15th. August 78

The Chairman,  
Chinemuri County Council,  
P.O. Box 17,  
Pieroa.

Dear Sir,

Concerning an article published in last weeks Herald refering to the exposure of rocks at Whiritoa beach that have not been seen for many years,

Has it occurred to any one this could be a direct result of the buffer zone formed by a build up of sand directly in front of the pit caused by the marker posts being moved further back from the high water mark thus preventing the same sand being washed into the pit by high tidal action.

It is my contention that intelligent controlled removal of sand would benifit the beach frontage and in turn the residents who it appears are responsible for the return of the sand that is blown or washed onto their property. Is the Forest Service responsible for the removal of the sand build up on their properties on both the east and west coasts?

If the contractor removing the sand were to back blade the face at the end of each working day to restore the natural contour to the beach as is done at Papamoa and other places the sand nuisance would be reduced. No doubt you are aware that several tidal estuaries are being blocked by tidal action including the mouth of the Whakatane River, which prevented the harbour from being used and caused the local body undue expense.

Our Company has developed the sand from Whiritoa for Industrial purposes over a period of thirteen years before any sub division had taken place and the unique grain median and resonably high silica content of this sand when dried and graded make it ideally suitable for Sandblasting. We would prefer a more angular grain shape and Mr. J. Schofield of the Geological Survey Department believes such a sand could be present in off shore deposits. Our Company produces an extremely successful Ferro-Marine Plaster for Concrete boat Construction which we have small export markets for and I firmly believe the success of the plaster is largely the result of acura e grading that we take from the Whiritoa Sand plus a combination of coarser sands.

The other usage of any consequence is a grading based on an American formulation we prepare for ICI Ltd. which is used as a core material for an insecticide used here in NZ and overseas.

It is possible that these uses of sand from Whiritoa are not known and I feel it appropriate to draw your Councils attention to these facts.

Yours faithfully,

*M. J. McDonald*  
M. J. McDonald.  
Manager.





54/15/48

Keith.

If you are not already dealing  
with sand removal (from LAND)

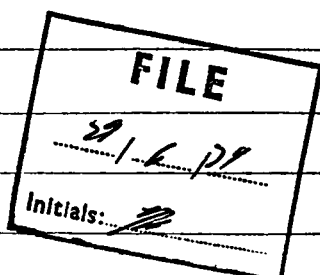
at Whiniteda (spelling correct?) please  
obtain the file - there is one.

Then discuss <sup>today</sup> with Pat Howell - C. of  
Environment - advisory of our past  
and current action.

I have said that it is preferable  
that the Haraki C. of Ruling exercise its  
powers rather than S 244 of the Act because  
(a) they are responsible for coastal  
erosion

(b) the section in our act dates back  
to Roman days when prob  
River Boards existed & that is all?

I'll discuss with me first if you  
wish.



54/15/48

The Regional Secretary  
Private Bag  
AUCKLAND

Head Office


21 December 1978

Attention: Mr D.J. Greig

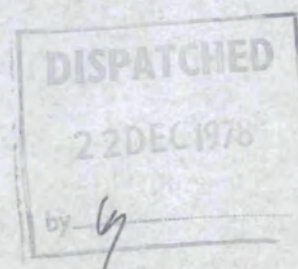
SAND REMOVALS : COROMANDEL COAST

Thank you for your memorandum of 12 December 1978 and the enclosed reports. I would be pleased if you would maintain contact through the Ministry of Works and Development with the Hauraki Catchment Board. It looks as though they are prepared to do a resource survey in the area and we would be very interested in obtaining a copy of this.

I have noted the recommendations made by Ministry of Works and Development on the various proposed sand extraction sites and in general I agree with them. I would however suggest that the sand extraction sites which the ministry recommends should be policed by the Thames Coromandel District Council would be better policed by the Hauraki Catchment Board. You should sort this one out before the start of the 1979 licensing year.

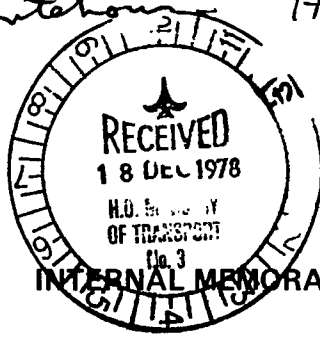
  
G.K. Whitehouse  
for Secretary for Transport

BU 29/3/79 ✓  
WAO/A/9/1





MINISTRY OF TRANSPORT



Mr Whitehouse H.F.

54 115/48

MOT 5

Our Ref.: 54/14/C

Your Ref.: 54/15/48

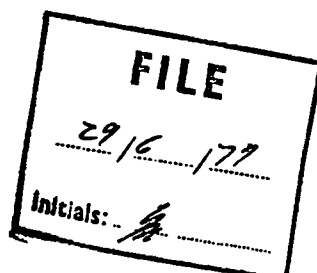
To: HEAD OFFICE  
Attn: S.E.O. Harbours  
(Mr G.K. Whitehouse)  
Subject: SAND REMOVALS : COROMANDEL COAST

From: Regional Office, AUCKLAND  
Date: 12 December 1978

Your request of 5 December 1978 for copies of the report of the Ministry of Works and Development and comments of the Hauraki Catchment Commission referring to my memorandum of 20 July 1978 (which I cannot trace), however, ... I enclose photocopies of the relevant documents.

D.J. Greig  
for Regional Secretary for Transport

✓ Encl





Mr A K Attwood

31 August 1978

47/16

Regional Secretary  
Marine Division  
Ministry of Transport  
Private Bag  
AUCKLAND

*Replacement copy for original  
that has gone astray*

SAND EXTRACTION LICENCE REPORTS 1978

Your reference 54/14 of 1 March 1978.

I am enclosing a copy of the following papers:

1. Hauraki Catchment Board policy statement on sand extraction on the Coromandel Penninsular
2. Hauraki Catchment Board letter 1/22/0 of 14 July 1978.
3. Resident Engineer, Paeroa 7/2 of 27 July 1978.

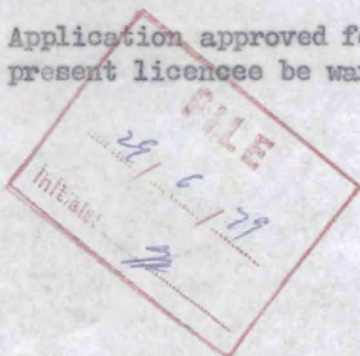
Basically we are in agreement with the recommendations of the Hauraki Catchment Board and the following summarises the recommendations for the year 31 March 1979.

1. Papa Aroha

No extractions to be licenced in the meantime until such time as there has been a build up on the beach. It has been recommended that the Thames-Coromandel District Council be responsible for policing this licence when it is in order to remove material. As the council is the remover of the bulk of the material I do wonder if it is in order for them to also control the extractions particularly in view of their past record of not abiding by the conditions of the licence. It may also be not possible for you to delegate the control of the mining to that body and I would appreciate your comments further on this point.

2. Waitete

Application approved for this year but no further licences be issued and the present licensee be warned of such action.



3. Falcon Bay

Granting of a licence as applied for recommended. Here again I would appreciate your comments on the policing of the future licence.

4. Urarema Stream

Approval of the application for this year is recommended but it is stressed that we have reservations as to the future possibility of extraction being continued here.

5. Goat Bay

It is recommended that a licence be not issued for this and future years.

6. Okahutahi Stream

It is recommended that the licence be not issued. Material could possibly be removed from the stream itself before it reaches the beach and application should be lodged with the appropriate authority.

7. Big Sandy Bay

It is recommended that this application be declined as it is believed that instability will be induced on the beach.

8. Kuaotuna Beach

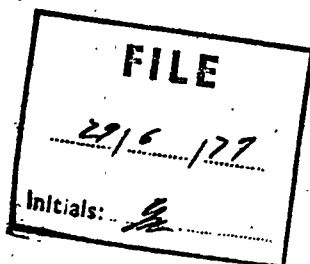
Licences may be granted for this year but it must be heavily stressed that until the beach builds up following the general lowering created by the July storm no sand should be removed. The operators should be warned that there could be curtailments of the approved amounts for next year and the long term picture is for a total cessation.

You will note that ~~these two items~~ items 9 and 10 Whangapoua Harbour and Kerita Bay have been mentioned in both the Catchment Board and the Resident Engineers reports. The Board mentioned this as a schedule of annual licences that I gave them included these two areas. The Whangapoua Harbour application was reported on much earlier this year and a licence has no doubt been issued. There has been no application for the Kerita Bay this year.

B J Butcher  
District Commissioner of Works  
Per

*J. Butcher*

(A K Attwood)







# Ministry of Works and Development

Inquiries to H D Glass

Date 27 July 1978

P.O. Box 123 PAEROA

Telephone 8725



Dist Commr of Works  
M W D  
HAMILTON

ATTENTION Mr A K Attwood

Your Ref: 47/16

## VARIOUS SAND AND SHINGLE LICENCES FOR THE 1978 CALENDAR YEAR

Sand and Shingle Licences for the period 1.1.78 to 31.12.78 - Coromandel Peninsula

I now have the Hauraki Catchment Board's report, a copy of which has been sent to you. In short this office agrees with the Board's proposals on "Recommendations" and "Conclusions" for sand extraction on beaches around the Coromandel Peninsula.

The following are this office's comments:

### 1 Papa Aroha

Application by Thames Coromandel District Council for 1000 m<sup>3</sup>/yr.

I agree with the Hauraki Catchment Board's recommendation but the policing should be the responsibility of the TCDC. I suspect that from time to time there has been other organisations or persons who have (such as Mr B Little in 1976) removed shingle from this beach. Because of the locality the TCDC would be in the best position to keep an eye on this beach and report direct to the Ministry of Transport.

As reported in my report on shingle removal from this beach in 1975 there are other sources of road material available within the area which would be quite suitable for maintenance of unsealed roads.

The cost of this material would not be a great deal more than the cost of winning shingle from the beach.

### 2 Naitete Bay

Application by W. Whitehouse for 8 m<sup>3</sup>/yr.

Agree with the HCB.

Again I suspect that there is more than 8 m<sup>3</sup> per year being taken from this beach. A walk around Mr Whitehouse's cabins and caravan park showed that there has been extensive use made of sand in the construction of concrete paths etc.

### 3 Falcon Bay

Application J. Goudie for 75 m<sup>3</sup>/yr.

Agree with HCB recommendations 2/6/78

### 4 Urarema Stream (Melsop's)

The method of removal of shingle from this beach was reported on earlier this year.

I agree with the HCB recommendations.



*DS*



5 Goat Bay

Application from TCDC for 600 m<sup>3</sup>/yr.

Agree with HCB recommendations that no more material be removed from this beach.

6 Okahutahi Stream - Sandy Bay, Port Charles

Agree with HCB recommendations.

In addition the TCDC be asked to consider opening up an old quarry east of Colville on the Colville - Port Charles Road.

This quarry was used for the supply of road metal in this area for many years. Since the closing of this quarry more and more pressure has been put on beach shingle deposits at Melsop's and Sandy Bay.

7 Big Sandy Bay, Port Charles

Application Mr B P McLeod for 250 m<sup>3</sup>/yr.

Agree with the HCB recommendations.

From the look of the beach the last time I was in the area I suspect that someone has taken material from this beach. It may have been Mr McLeod anticipating the approval of his licence. Could the TCDC be asked to police this beach for sand removals for the Ministry of Transport.

8 Fuaotuna Beach

Applications from H Hodge 600 m<sup>3</sup>/yr

A A Simpson 750 m<sup>3</sup>/yr

Mercury Bay Ready Mix 1000 m<sup>3</sup>/yr

Agree with the HCB recommendations but must add that material must only be removed when there is a good quantity of sand in the removal area and the beach be worked in manner laid down in last years recommendations.

9 Whangapoua Harbour

Application from Parry Bros for 2676 m<sup>3</sup>/yr

This application was handled earlier in the year with myself and Mr John Cox of the HCB. Your office has recieved my recommendation.

10 Kerita Bay

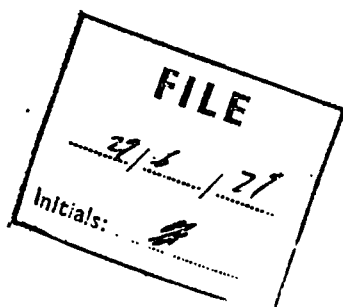
Application from Mr R F Russel for 25 m<sup>3</sup>

This application is new to me. I have no record of it.

A W Stewart  
Resident Engineer

per

(H D Glass)



P.O. Box 7  
Te Aroha

R. W. is D.S.C. B.E.  
Chief . eer

J. M. Morrison,  
Secretary.

# HAURAKI CATCHMENT BOARD and REGIONAL WATER BOARD

Telephone 48-099

Telegraphic Address "Catchment"

Please Quote

1/22/0

In your reply

59 WHITAKER STREET,  
TE AROHA

14 July 1978

The District Commissioner of Works,  
Ministry of Works and Development,  
Private Bag,  
HAMILTON.

ATTENTION: Mr A.K. Attwood

Dear Sir,

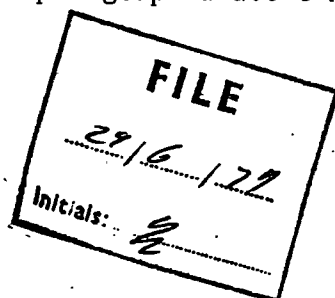
## RE: SAND EXTRACTION

COROMANDEL PENINSULA (Ref. 47/16)

Further to your letter of 5 July 1978, attached, please find a copy of the report entitled "Sand and Shingle Extraction from Coromandel Beaches and its Relation to Coastal Erosion" that was adopted at the Board's meeting of 14 June 1978. The report's "Conclusion" and "Recommendations" as set out below generally sets out Board's policy on the matter of beach material extraction.

### "CONCLUSION"

1. I am of the opinion that studies to date indicate quite clearly that beach sand should be regarded as a resource (for sand extraction) only if there is a reasonable degree of certainty that there is an adequate external source for the natural re-supply of sand to the beach in question, and then, only if both the extraction and re-supply can be achieved without undue disturbance to the day to day stability of the beach and its foredune.
2. Failure to observe these precautions will predictably increase the risk of erosion and damage to the environment.
3. For beaches where there is insufficient data available to determine whether or not the beach sands represent a "closed" system (i.e. no adequate external source for natural re-supply), then, in my opinion decisions concerning the extraction of sand should be made on the assumption that the beach system in question is a "closed" system, until, or unless the contrary can be established and the criteria in paragraph 1 above met in full.



## RECOMMENDATIONS

1. It is recommended that all beach sand extraction operations around the Coromandel Peninsula, whether current or under application, should be examined in the context of paragraphs 1 to 3 of the conclusions above. In my opinion, new applications for beach sand extraction which do not meet these criteria should be declined. Similarly, existing beach sand extraction operations which do not meet these criteria should be reviewed with the object either, of closing them down at an early date or, depending on the circumstances, phasing them out over a finite period of years. These circumstances might involve such factors as prior length of operation, dependent customers, conditions of beach and so on.
2. Because of the need to reduce or even to eliminate dependence on sand from the beaches of the Coromandel Peninsula, it is recommended that an approach be made to the appropriate public bodies, Departments of State, and members of the industry and so on to discuss the problem of sand supply.
3. It is recommended that a survey of the sand and gravel aggregate resource be initiated to determine the location and extent of the resource with the Hauraki Catchment Board district, and what effect the winning of it would have on the dynamics of the associated beach systems or other soil and water values."

Specific recommendation for those immediate applications that must be dealt with at this particular point in time are as follows:

1. Papa Aroha  
Application by Thames-Coromandel District Council for 1000 m<sup>3</sup>/yr.

### RECOMMENDATION:

That no extraction be carried out at the present time and that the channel be kept open by transferring the material down the beach.

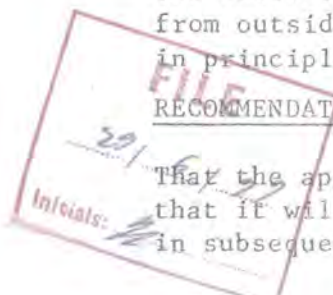
NOTE: If it becomes apparent that the material is building up along the beach, then it should be removed, but only if it is creating a problem.

X The operation should be regulated by the Thames-Coromandel District Council or the Ministry of Works and Development according to criteria set down by the Hauraki Catchment Board.

2. Waitete Bay  
Application by W. Whitehouse for 8 m<sup>3</sup>/yr.  
The beach is almost certainly a closed system without sand recharge from outside sources. While 8m<sup>3</sup> is not much, the beach should not, in principle, be used for sand supply.

### RECOMMENDATION:

That the application be approved for this year, but notice be given that it will be unlikely that any further application will be approved in subsequent years.



3. Falcon Bay

Application by J. Goudie for 75 m<sup>3</sup>/yr.

The application is for the removal of metal (which actually originates from road fill) from the bay. The operation is small and is confined to the amount of material required to keep the culvert under the highway open and to preserve access from the bay to the shore.

RECOMMENDATION:

- X That the operation should carry on under the direction of the Thames-Coromandel District Council for a specific purpose (e.g. to keep the culvert and the beach clean.

NOTE: The work is providing a public service and should be under the jurisdiction of the local body responsible for the area, i.e. the Thames-Coromandel District Council.

4. Urarema Stream (Melsop's)

Application by Thames-Coromandel District Council for 1500 m<sup>3</sup>/yr.

The operation should be tidied up somewhat. A sizable amount of material is being taken from the beach system, and there is some doubt as to whether it is being replaced. An investigation should be done to determine the extent of the resource, its replacement rate if any, and the direction of movement of the material.

If an investigation shows the shingle to be limited, it may be necessary to stop the operation or knowingly deplete the beach shingle and eventually destroy the beach.

RECOMMENDATION:

That the operation be allowed to continue with the understanding that an investigation is necessary and that the operation may have to be reduced or stopped in the future.

5. Goat Bay

Application by the Thames Coromandel District Council for 600 m<sup>3</sup>/yr.  
A very small beach, apparently a closed system.

RECOMMENDATION:

That no more material be removed at this time.

6. Okahutahi Stream - Sandy Bay, Port Charles

Application by Thames Coromandel District for 300 m<sup>3</sup>/yr.

Although there is a need to keep the stream channel open, the arbitrary removal of material from the beach system could lead to beach erosion and storm damage to residential sections and dwelling. Evidence suggests that in terms of beach stability excessive material may already have been removed.

It would be preferable to take material for roading from the stream before it reaches the beach (say at the first ford where a volume of shingle was noted) and merely shift the material on the beach away from the mouth of the stream in order to keep it open.

FILE

22/6/84

Initials: J

RECOMMENDATION:

- (a) That no farther material be taken from the beach at this time.
- (b) That the stream channel be kept clear when necessary by shifting the metal along the beach.
- (c) That metal for roading purposes be taken from the stream before it reaches the beach (e.g. from the vicinity of the first ford).

7. Big Sandy Bay, Port Charles

Application by Mr B.P. McLeod for 250 m<sup>3</sup>/yr.

Any sand extraction on this beach could induce instability to the beach system.

RECOMMENDATION:

That the application be declined.

NOTE: If it is necessary to keep the channel open, it should be done by shifting the material down the beach. Any operation of this sort should be done under the direction of the Thames Coromandel District Council.

8. Kuatuna Beach

Application for approximately 3000 m<sup>3</sup>/yr.

This is a sandy beach that is directly and indirectly likely to affect present and future residential subdivision along the coast in that area. At the present state of knowledge the volume of material seems excessive, but more information should be available after the results of the University of Waikato study come to hand.

RECOMMENDATION:

That the volume applied for be approved this year, but that notice be given that it will be reduced the following year, and depending on the results of the investigator, the operation may eventually have to stop.

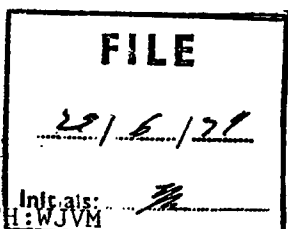
Included on the list of annual sand licence applications that was sent from the Ministry of Works and Development office in Hamilton were applications from:

- 1. ~~Perry~~ Brothers for 2676 m<sup>3</sup>/yr from Whangapoua.
- 2. Mr R. P. Russel for 25 m<sup>3</sup>/yr from Kerita Bay.

There is no information regarding these proposals at this office, so I am unable to comment on them. However, I would appreciate any information that you could supply on these, especially the proposal for Whangapoua.

Yours faithfully,  
R.W. Harris  
CHIEF ENGINEER

per *P. Hansen*.....



PVH:WJVM  
Encl.

HAURAKI CATCHMENT BOARD & REGIONAL WATER BOARD

SAND AND SHINGLE EXTRACTION FROM COROMANDEL  
BEACHES AND ITS RELATION TO COASTAL EROSION

INTRODUCTION

The purpose of this report is to provide a review of the Hauraki Board's position and possible policies as the Catchment Authority with statutory responsibility in the context of erosion, or the risk of it, in the coastal zone in connection with the extraction of beach sand. This coastal zone is not a precise concept but for present purposes may be assumed to encompass sufficient areas both above and below mean high tide levels which would enclose the location of any development or activity and which in turn might influence coastal stability, or erosion.

Plans Nos 1678 and 1683 accompany this report and show the location of beaches and the Coromandel Peninsula generally.

The various forms of development and activities in this coastal zone are the concern of a number of Departments of State as well as the territorial local Authorities. Principal central and local government agencies would include:

Ministry of Transport - Marine Division  
Ministry of Works and Development - Administration of Town and  
Country Planning and Reporting agent for Marine Division  
Department of Lands and Survey - Crown land, parks and so on  
Ministry of Agriculture and Fisheries - Fish, shellfish, etc  
County, City, Borough and District Councils

Thus, while no disrespect is interded to any of the arms of government involved in this coastal zone, the situation is highly complex and does tend to confuse the direct responsibilities of the Catchment Authority with respect to erosion.

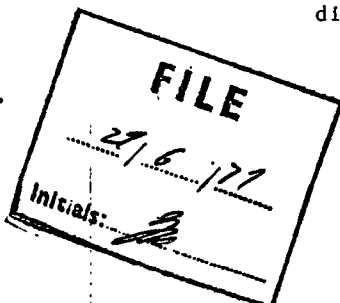
Moreover, from a technical point of view, the coastal zone has tended to be, until quite recently, a rather forgotten area with no great reservoir of knowledge and experience available to assist in the development of policies best suited to minimise erosion hazards.

Against this background, erosion phenomena related to the sand and gravel beaches situated along the Coromandel Peninsula, northwards from Waihi Beach, have been of steadily increasing concern to the Hauraki Board since the early 1970's. This led, quite early on, to specific recommendations to the territorial Local Authorities concerning "set back" distances for new coastal resort developments.

For various reasons, however, (including those already discussed), it has been much more difficult to formulate a viable overall policy concerning extraction of beach sand which would be suitable for possible adoption by the Board. Nevertheless, I am currently giving the elements of such policy the most careful consideration, and it is these elements which are further discussed in this report.

The elements are:

Coastal Investigation  
Extraction of Sand and Gravel from the beaches of the Peninsula  
Coastal resorts and industrial development





### COASTAL INVESTIGATION

While a good deal is known in a general way about, for instance, the movements and functions of the foredune on an "average" ocean beach, little is known of the specific "performance" of individual beaches. In particular, information has been almost totally lacking as to the source of beach sand on a particular beach, as to whether it is "fed" by a large external source of sand, or whether it is a "closed" system with no available re-supply.

Technical information received from Dr T. Healy of the University of Waikato and Dr R. McLean indicate there are serious risks of erosion damage to the beach when sand is removed from a beach system that has no external source of re-supply (a closed system).

For reasons of this nature, coupled with existing erosion problems affecting some coastal resort areas, the need for detailed technical and scientific investigation has become much more obvious. From investigation already completed, most notably on Whiritoa Beach, it is apparent that beach sands on a particular beach can be by no means inexhaustible, and that their removal can predictably increase the risk of erosion.

Investigations to date have covered the Waihi and Whiritoa Beaches, in each case as a thesis submitted as part of the requirements for a "Master of Science in Earth Science" - University of Waikato.

During the course of these investigations a close liaison has developed between the Waikato University, the Water and Soil Division of the Ministry of Works and Development, and the Hauraki Catchment Board and Regional Water Board together with the provision of some finance to assist the University and it's students. I believe that the Department of Earth Sciences also has other research commitments in the Coromandel Peninsula.

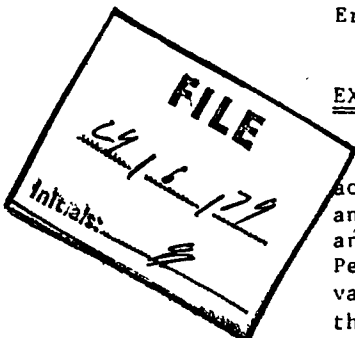
The Board is now entering into an arrangement (subject to detailed confirmation) with University of Waikato to conduct a "Coastal Erosion and Sediment Survey of the East Coromandel Coast" this coming summer. Without going into details, I understand that this is likely to involve four students for a period of up to fourteen weeks, commencing in mid-November of this year. Preliminary estimates suggest that the cost of the investigation will be in the order of \$20,000.

Knowledge related to what might be styled the "performance" of individual beaches is thus the first element in determining a policy concerning, for instance, sand extraction from the Coromandel ocean beaches and the likely risks of beach erosion. It is hoped, therefore, that this "Coastal Erosion and Sediment Survey" will be of major significance in this direction.

### EXTRACTION OF SAND AND GRAVEL FROM THE BEACHES OF THE COROMANDEL PENINSULA

Because of the various agencies involved in the administration of activities and developments in the "Coastal Zone" the Hauraki Board has had, and to some degree still has, rather incomplete information as to the extent and location of sand and gravel extraction from the beaches of the Coromandel Peninsula. I do not wish to imply a lack of co-operation on the part of the various Agencies, but rather to indicate the complexity of the situation and the need for one Body to take a lead in the matter.

There are also "grey" areas with respect to the Hauraki Board's jurisdiction in the Coromandel Division (the former Coromandel County) of the Thames-Coromandel District Council because of the fact that it is within the Hauraki Catchment District "for Regional Water Board purposes only".



Notwithstanding all these aspects, with the co-operation of the Ministry of Works and Development, a very preliminary survey has been made of the situation with respect to sand and gravel extraction. The following is a list of sand and shingle extraction proposals and operations that have come to the attention of Board staff:

East Coast - Coromandel Peninsula

Mataora Bay (sand)

(a) A proposed sand extraction operation for the removal of 2,000 cubic metres per annum is currently the subject of a pending Town and Country Planning Appeal Board decision.

(b) The Ministry of Works and Development has informed the Hauraki Board of an application for sand extraction by barge, for up to 3600 cubic metres per annum, and that the Department is unable to recommend to the Marine Division of the Ministry of Transport that the licence be granted.

Whiritoa Beach (sand)

In recent years the Ministry of Works and Development recommended to the Trustees that sand extraction be restricted to not closer than 60 metres from mean high water.

Annual extraction was originally thought to be something like 3000 cubic metres per annum, but I have no definite information on the present position, especially since the recommendation concerning the 60 metre line.

Kuaotunu Beach (sand)

The Ministry of Works and Development has requested recommendations from the Hauraki Board on an application to take up to 3000 cubic metres per annum from this beach. I understand that quantities of sand have been extracted from this beach in the past few years for supply to local industry, building etc.

Sandy Bay - Port Charles (gravel and sand)

Ministry of Works and Development has requested recommendations from the Hauraki Board on an application to take 300 cubic metres of gravel and sand for public roading from the mouth of the stream at one end of the beach. Again I understand that quantities of mainly gravel have been extracted in past years.

Others

Although I have no definite information I understand that other applications have also been made for sand extraction from Whangapoua Beach and at Port Charles.

West Coast - Coromandel Peninsula

Again, at the request of the Ministry of Works and Development various locations have been inspected, between Coromandel and Port Jackson concerning applications to take mainly gravel for public roading purposes at or near the mouths of streams. The most important in terms of quantity was located at the mouth of the Urarema Stream, being for 1500 cubic metres per annum.

NOTE: This list is almost certainly incomplete, being mostly a series of applications, or occurrences which have come to the notice of the Board.



### COASTAL RESORTS AND INDUSTRIAL DEVELOPMENTS

Given the pattern of development that has taken place in many coastal resorts, "set back" distances between the seaward edge of the foredune and the nearest buildings are already much less than I would regard as a safe minimum should movements in the foredune take place. Any additional erosion risk arising (say) from beach sand extraction could therefore still further reduce the safety margin in a stormy year, and be particularly unwelcome.

Even where "set back" distances are more adequate, sand extraction on beaches with a "closed" or relatively "closed" system, introduces an erosion risk, which, even if it lay relatively "dormant" (as it were), could eventually appear quite suddenly in a stormy year, thereby reducing the margin of safety offered by the "set back" distances which are designed more for what might be styled "normal" foredune movements. Moreover, a "dormant" erosion risk on an undeveloped beach might be particularly dangerous should development occur at a later stage in ignorance of such a risk.

There is also the point that continued sand extraction on a particular beach in the absence of an adequate external source of sand for natural re-supply would probably be accompanied by an increasing erosion risk as the beach sought increasing replenishment from the foredune areas.

In short, coastal development in the proximity of the beaches has sufficient problems from "natural" erosion without the added risk arising from sand extraction on beaches deficient in an adequate natural re-supply system.

### SAND AS A RESOURCE

To state the obvious, the supply of adequate quantities of suitable sand for industrial and other purposes is a subject of major importance.

Supply can and does come from sources other than ocean beaches namely river dredging, quarrying and crushing of rock, mining in the sense of pit operations, sand and gravel extraction where suitable gravel bearing rivers are available, and so on.

In the Auckland area, for instance, the Waikato River is believed to be a major source of sand, and it is understood that the Waihou River at one time made a substantial contribution through sand barging, although I have no information on quality. The latter has diminished to a single land based sand plant near Paeroa.

The point of these remarks is that it seems probable that beach sand in many cases may turn out to be a non-renewable resource, with the added problem of predictable increases in the erosion risk; whereas there are other sources of sand which are either renewable or, at least, are without serious erosion risks and may constitute a better compromise with environmental factors.

### CONCLUSION

I am of the opinion that studies to date indicate quite clearly that beach sand should be regarded as a resource (for sand extraction) only if there is a reasonable degree of certainty that there is an adequate external source for the natural re-supply of sand to the beach in question, and then, only if both the extraction and re-supply can be achieved without undue disturbance to the day to day stability of the beach and its foredune.

FILE

Initials:

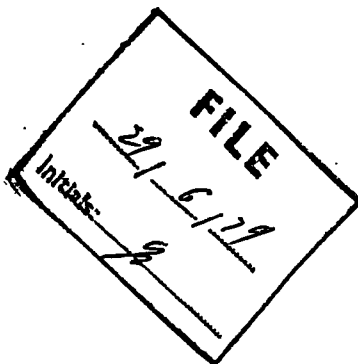
29/6/79

2. Failure to observe these precautions will predictably increase the risk of erosion and damage to the environment.
3. For beaches where there is insufficient data available to determine whether or not the beach sands represent a "closed" system (i.e. no adequate external source for natural re-supply), then, in my opinion decisions concerning the extraction of sand should be made on the assumption that the beach system in question is a "closed" system, until, or unless the contrary can be established and the criteria in paragraph 1 above met in full.

#### RECOMMENDATIONS

1. It is recommended that all beach sand extraction operations around the Coromandel Peninsula, whether current or under application, should be examined in the context of paragraphs 1 to 3 of the conclusions above. In my opinion, new applications for beach sand extraction which do not meet these criteria should be declined. Similarly, existing beach sand extraction operations which do not meet these criteria should be reviewed with the object either, of closing them down at an early date or, depending on the circumstances, phasing them out over a finite period of years. These circumstances might involve such factors as prior length of operation, dependent customers, condition of beach and so on.
2. Because of the need to reduce or even to eliminate dependence on sand from the beaches of the Coromandel Peninsula, it is recommended that an approach be made to the appropriate public bodies, Departments of State, and members of the industry and so on to discuss the problem of sand supply.
3. It is recommended that a survey of the sand and gravel aggregate resource be initiated to determine the location and extent of the resource with the Hauraki Catchment Board district, and what effect the winning of it would have on the dynamics of the associated beach systems or other soil and water values.

R.W. Harris  
CHIEF ENGINEER





Ministry of Works  
and Development

Inquiries to H D Glass

Date 27 July 1978

P.O. Box 123 PAEROA

Telephone 8725

Dist Commr of Works  
M. W. D.  
HAMILTON



ATTENTION Mr A K Attwood

Your Ref: 47/16

VARIOUS SAND AND SHINGLE LICENCES FOR THE 1978 CALENDAR YEAR

Sand and Shingle Licences for the period 1.1.78 to 31.12.78 - Coromandel Peninsula

I now have the Hauraki Catchment Board's report, a copy of which has been sent to you. In short this office agrees with the Board's proposals on "Recommendations" and "Conclusions" for sand extraction on beaches around the Coromandel Peninsula.

The following are this office's comments:

1 Papa Aroha

Application by Thames Coromandel District Council for 1000 m<sup>3</sup>/yr.

I agree with the Hauraki Catchment Board's recommendation but the policing should be the responsibility of the TCDC. I suspect that from time to time there has been other organisations or persons who have (such as Mr B Little in 1976) removed shingle from this beach. Because of the locality the TCDC would be in the best position to keep an eye on this beach and report direct to the Ministry of Transport.

As reported in my report on shingle removal from this beach in 1975 there are other sources of road material available within the area which would be quite suitable for maintenance of unsealed roads.

The cost of this material would not be a great deal more than the cost of winning shingle from the beach.

2 Waitete Bay

Application by W. Whitehouse for 8 m<sup>3</sup>/yr.

Agree with the HCB.

Again I suspect that there is more than 8 m<sup>3</sup> per year being taken from this beach. A walk around Mr Whitehouse's cabins and caravan park showed that there has been extensive use made of sand in the construction of concrete paths etc.

3 Falcon Bay

Application J. Goudie for 75 m<sup>3</sup>/yr.

Agree with HCB recommendations.

4 Urarema Stream (Welsop's)

The method of removal of shingle from this beach was reported on earlier this year.

I agree with the HCB recommendations.

*DSO*

5. Loat Bay

Application from TCDC for 600 m<sup>3</sup>/yr.

Agree with HCB recommendations that no more material be removed from this beach.

6. Okahutahi Stream - Sandy Bay, Port Charles

Agree with HCB recommendations.

In addition the TCDC be asked to consider opening up an old quarry east of Colville on the Colville - Port Charles Road.

This quarry was used for the supply of road metal in this area for many years. Since the closing of this quarry more and more pressure has been put on beach shingle deposits at Kelsop's and Sandy Bay.

7. Big Sandy Bay, Port Charles

Application Mr B P McLeod for 250 m<sup>3</sup>/yr.

Agree with the HCB recommendations.

From the look of the beach the last time I was in the area I suspect that someone has taken material from this beach. It may have been Mr McLeod anticipating the approval of his licence. Could the TCDC be asked to police this beach for sand removals for the Ministry of Transport.

8. Kuaotuna Beach

Applications from M Hodge 600 m<sup>3</sup>/yr

A A Simpson 750 m<sup>3</sup>/yr

Mercury Bay Ready Mix 1000 m<sup>3</sup>/yr

Agree with the HCB recommendations but must add that material must only be removed when there is a good quantity of sand in the removal area and the beach be worked in manner laid down in last years recommendations.

9. Whangapoua Harbour

Application from Parry Bros for 2676 m<sup>3</sup>/yr


This application was handled earlier in the year with myself and Mr John Cox of the HCB. Your office has recieved my recommendation.

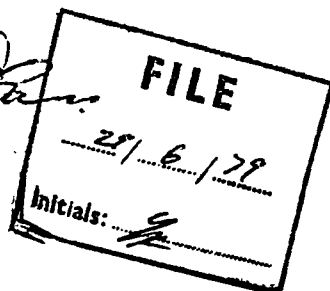
10. Kerita Bay

Application from Mr R P Russel for 25 m<sup>3</sup>

This application is new to me. I have no record of it.

A W Stewart  
Resident Engineer

per   
(H D Glass)





54/15/48

✓ The Regional Secretary  
Private Bag  
AUCKLAND

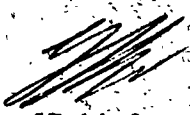
Head Office

5 December 1978

Attention: Mr D.J. Greig

**SAND REMOVALS : COROMANDEL COAST**

I refer to your memorandum of 20 July 1978. In your memorandum you mentioned that you had had advice from the Ministry of Works and Development. I would be pleased to obtain a copy of their report. I would also like to receive the comments that the Hauraki Catchment Commission made on this question.

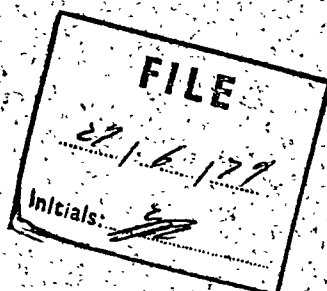
  
G.K. Whitehouse  
for Secretary for Transport

*BM 20/3/79*

DISPATCHED

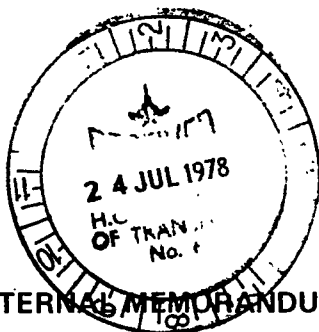
06 DEC 1978

by KNR





MINISTRY OF TRANSPORT



MOT 5

Our Ref.: 54/14/7/5  
Your Ref.: 54/15/48

INTERNAL MEMORANDUM

To: HEAD OFFICE  
Attn: S.E.O. Harbours  
(G.K. Whitehouse)  
Subject: SAND REMOVALS : COROMANDEL COAST

From: Regional Office, AUCKLAND  
Date: 20 July 1978

Your memorandum of 11 July 1978 refers.

Unfortunately I cannot trace your memorandum of 8.3.78, however, requests were made to all sand extractors in this area to look for alternative supply areas and also advice was sought from the Ministry of Works and Development regarding sand extractions from other adjacent beaches, however, there is doubt over the suitability of sand quality from other areas, also the fact of progressive urbanisation and access and it would appear that short of sand being obtained from an area well away from Coromandel, there is no alternative source.

It would also appear that with the possible closing of the Bay of Plenty to sand extraction and also I understand some difficulties in the extraction of sand from Whiritua that no alternative area exists which would be suitable.

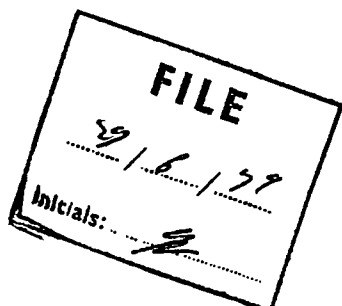
D.J. Greig  
for Regional Secretary for Transport

*D.J. Greig*

*- Self held 8.8. recommendations?*

*BU 20/9/76*

*BU 20/11/78*



GKW  
DSM

54/15/48

Regional Secretary  
AUCKLAND

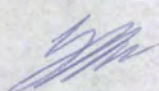
Head Office Harbours & Foreshores

Attention: Mr D. Greig

11 July 1978

SAND REMOVALS - COROMANDEL COAST

Further to my memo of 8 March 1978. I would be pleased to know whether you have had any feedback yet from the interested parties. You will recall that I had suggested that we should attempt to persuade both Mr Hodge and Mercury Bay Ready Mix to investigate alternative supplies of sand and that they may be able to come up with a similar arrangement whereby they jointly worked a small suction dredge in one of the small sand harbours in the area. I had also asked you to discuss this with Ministry of Works and Development and the Hauraki Catchment Board.



G.K. Whitehouse  
for Secretary for Transport

*BU 12/9/78* ✓  
*W*





54/15/48

Regional Secretary  
AUCKLAND  
ATTENTION: Mr D. Greig

Head Office (H'F)

8 March 1978

SAND REMOVALS - COROMANDEL COAST

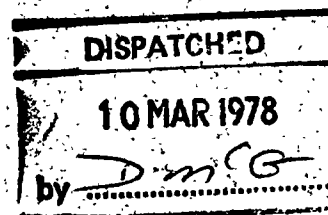
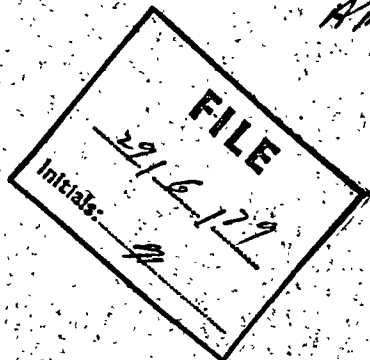
Thank you for your memorandum 9 January which included a photocopy of the report from the DCW on alternative sand extraction areas.

I have noted the DCW's comments that it is unwise to authorise any further areas of commercial extraction due to the potential erosion problems. It would also seem likely that we should attempt to move to stop all sand removals from the Kuaotunu Beach due to the erosion on the Omaro Spit.

I agree with the DCW's comment that sand companies should seek alternative supplies that do not come from the beach. Therefore I think we should attempt to persuade both Mr Hodge and Mercury Bay Ready Mix Ltd to investigate alternative supplies of sand. They may be able to come to some arrangement whereby they jointly work a small suction dredge in one of the sand harbours in the area.

This proposal to move sand extraction activities into the harbour areas probably need some discussion with the Ministry of Works and Development and also the Hauraki Catchment Board. Would you please arrange some discussion on this matter among all interested parties.

  
G. K. Whitehouse  
for Secretary for Transport





MINISTRY OF TRANSPORT

INTERNAL MEMORANDUM

54/15/48.

MOT 5

Our ref.: 54/14/7/44

Your ref.: 54/15/48

To: HEAD OFFICE From: Regional Office, Auckland

(Att: S.E.O. (Hhrs))

Date: 9 January 1978

Subject: SAND REMOVALS - COROMANDEL COAST

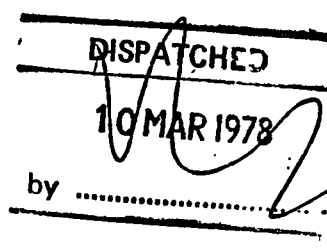
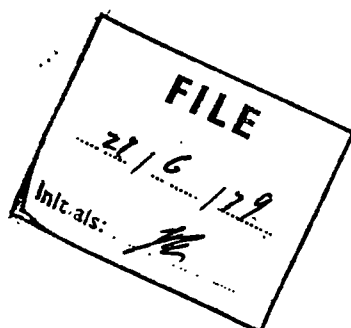
Refer your memorandum of 27.5.77.

... Please find enclosed a photocopy of the report of the D.C.W. on alternative sand extraction areas.

Referring to paragraphs five it is presumed that the proposal would be to process sand which has moved into harbour and is causing shoaling. It would appear that the building industry will be required to do some research to find a material to replace sand in concrete manufacture in the very near future.

D. Greig  
for Regional Secretary

Encl





Ministry of Works  
and Development

District Office

Dey St.

Private Bag, Hamilton

Telephone 62 899

Telex NZ 2777

Inquiries to Mr A K Attwood.

Date 4 January 1978

Ref 47/16

Regional Secretary  
Marine Division  
Ministry of Transport  
Private Bag  
AUCKLAND



COROMANDEL PENINSULA SAND REMOVALS

Your reference 54/14/7/44 of 3 June 1977.

The resident engineer, Paeroa has reported that there is a high (50%) shell content in the Otama Beach sands and that there are no worthwhile deposits at Opito bay.

Erosion is occurring at the mouth of the Otama stream of the right bank and it has been argued that removal of sand from the sand spit on the opposite bank would relieve the pressure on the eroding bank. I am however of the contrary opinion that removals would mean that storm wave action could then affect the eroding bank and so worsen the situation.

I have earlier expressed concern at the extraction of beach sands on the Coromandel Peninsula and recent studies are justifying this concern. I am not in favour of opening up further beaches to commercial extraction particularly where adjacent beaches are exhibiting signs of erosion and the reservoir of sand on any beach under review is small. Both these factors are present at Otama beach.

To the west of Kuaotuna beach the Omaro spit has retreated at its base within the past 30 years and it can be reasoned that this may be attributable to the sandmining on Kuaotuna beach as it is believed that there is a westerly littoral drift on that section of the coast but that the annual volume is small.

It is considered that the sand companies must seek alternative supplies but not from beaches. It has been reported that the harbours are acting as "sinks" for the retention of sand and substantial volumes of material after suitable processing should be available from these sources. It is obvious that costs of winning and processing such materials will be higher than that of the beach sands but increasing the royalty rates to \$5.00 and \$6.00 per cubic metre as is being or is proposed to be levied in other parts of the Coromandel Peninsula would give greater incentive to sand contractors to explore and utilise alternative sources. Would your department be in a position to increase royalty charges.

I am awaiting the resident engineer's report on the recent application for continuance of the licence for Mercury Bay Ready Mix Ltd and shall report when it is finalised.

R E Hermans  
District Commissioner of Works  
Per

(A K Attwood)



54/15/48

Regional Secretary

AUCKLAND

ATTENTION: Regional Marine Officer

Head Office (Harbours & Foreshores)


9 January 1978

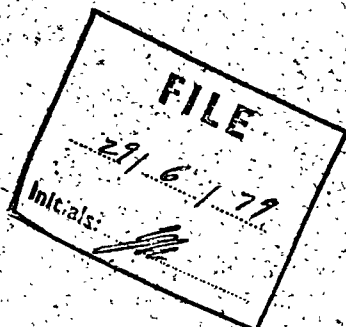
**SAND REMOVALS : KUAOTUNU BEACH**

Further to my memoranda of 27 May and 8 August, we have yet to receive any replies to the points raised in those memos. These were:

- (1) We would not relax a ban on removal of sand from Kuaotunu Beach, and for this reason Mr Hodge should seek an area to store sand for the period when sand removals are not allowed.
- (2) <sup>The</sup> A possibility of sand from Otama and Opito Bays being suitable for concrete making should be investigated by the Ministry of Works and Development.

You will recall that about this time last year Mr Hodge requested that we uplift the ban on removals of sand from Kuaotunu Beach during the holiday season. Last year we agreed to uplift this ban but warned Mr Hodge that this would not be considered again.

  
G. K. Whitehouse  
for Secretary for Transport



DISPATCHED

11 JAN 1978

by 

54/15/48

The Regional Secretary  
AUCKLAND

HEAD OFFICE - Harbours &  
Foreshores  
8 August 1977

Attention: Regional Marine Officer

**SAND REMOVALS : KUAOTUNU BEACH**

My memo of 27 May refers, and we have yet to receive any reply to the points raised in it.

They were:

- (1) We would not relax a ban on removal of sand from Kuaotunu Beach, and for this reason Mr Hodge should seek an area to store sand for the period when sand removals are not allowed.
- (2) The possibility of sand from Otama and Opito Bays being suitable for concrete making should be investigated by the Ministry of Works and Development.

We would be pleased to know what progress is being made with these matters.

  
G.K. Whitehouse  
for Secretary for Transport

DISPATCHED

AUG 1977

by 

FILE

29/6/77

Initials: 

B4 30/11/77

B4 30/12/77

54/15/48

The Regional Secretary  
AUCKLAND  
Attention: Regional Marine  
Officer  
SAND REMOVALS : KUAOTUNU BEACH

HEAD OFFICE

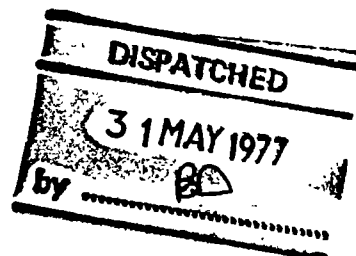
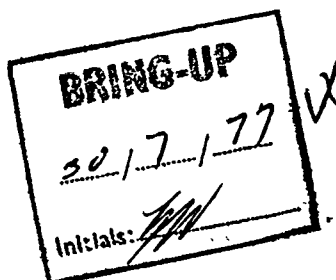
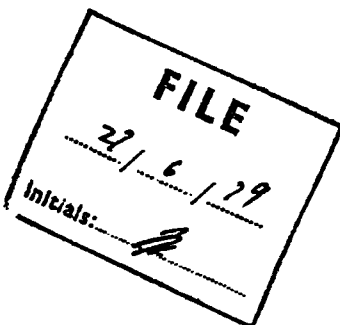
27 May 1977

Your memo of 12 April refers.

We are concerned about two points in your memo. You mention that Coast Concrete has no storage space and Mercury Bay Ready Mix space for up to 40m<sup>3</sup>. The space occupied by some 50m<sup>3</sup> is not large and if Mr Hodge wished to I am sure he could provide the space necessary for this amount. We would be most reluctant to relax the condition regarding the ban on removals during the summer holiday period. This condition is a part of the licence and therefore Mr Hodge should comply with it.

The second point regards the comment by Mr Hodge that sand at Otama and Opito Bays was not suitable for concrete making. We consider that this statement should be checked by the M.W.D. This would enable us to obtain some better idea of the available sand resources in the area which will be very necessary if we have to place further controls on Kuaotunu Beach.

  
G.K. Whitehouse  
for Secretary for Transport



# ROAD TRANSPORT DIVISION



*MINISTRY OF TRANSPORT*

PRIVATE BAG WELLINGTON 1

TELEPHONE: 711-253

TELEGRAMS: TRANSPORT

# MINUTE SHEET

Department: .....

Subject: .....

File No. ....

Date: .....

To—

Mr Whitehouse

I think we should ask

(a) Why Mr Hodge cannot find storage space - I am quite sure he could make some arrangement

(b) I think the statement by RMO that sand is not suitable in the opinion of Mr Hodge should be confirmed by MOWD.

(These points relate to 8 & 9<sup>th</sup> memo.)

Unless you see reasons to contrain - ask RMO to follow up in due course on the basis that the "time may come" when we do need to put controls in at KUAOTUNU beach.



## MINISTRY OF TRANSPORT

FILE HELD BY  
HOF

54/15/48

MOT 5

54/14/7/5  
54/14/7/44  
54/14/7/4

Our Ref.: .....

Your Ref.: 54/15/48

## INTERNAL MEMORANDUM

To: HEAD OFFICE, ..... From: Regional Office, AUCKLAND .....

Attention: S.E.O. Harbours ..... Date: 19 April 1977 .....

Subject: SAND REMOVALS : KUAOTUNU BEACH .....

1. Your memorandum of 12 April 1977 refers.
2. Satisfactory reports were received from the Ministry of Works and prior to Removal Licences being issued a call was made on Mr Hodge and his records checked against his returns. The amounts tallied and a licence has been issued with the added condition "Road access to beach to be kept clear of machinery and stockpiled materials at all times to allow public access". This road actually runs over the foreshore reserve and was put in by Mr Hodge possibly with the consent of the local authority.
3. On examining the beach, it was found there was abundant material and from previous observation there is adequate replenishment from off shore sources. The stream has changed its course owing to the build up and now runs alongside the road, however the winter rains may allow the stream to break through the spit.
4. During our discussion with Mr Hodge, it came to light that due to the cost of Mercury Bay Ready Mix taking plant to the beach, extraction and cartage is being done on their behalf by Mr Hodge under their licence, but due to a misunderstanding, returns for this material have not been made or royalty paid, each party being under the impression the other was giving this attention.
5. A call was made at Mercury Bay Ready Mix and due to the principle of the firm being on holiday, this was brought to the notice of the batching plant foreman, and a letter has been sent asking for returns and payment. No licence will be issued until this is received. Discussion at the plant shows that approximately 1 cubic metre of sand to 10 cubic metres of aggregate is used in the concrete made by the Company. Usage would appear to be about 10 cubic metres of sand per week at busy times.
6. It would appear that Messrs A.A. Simpson have given up sand extraction.
7. Coast Concrete are a small concrete product manufacturer (tanks and field drinking troughs) and are supplied by Mr Hodge.
8. Storage Coast Concrete has no storage space, Mercury Bay Ready Mix space for up to 40 cubic metres. Apart from the beach Hodge has no storage.
9. Visits were made to Otama and Opito Bays but the sand in this area although plentiful is not suitable for concrete products, according to Mr Hodge although access is quite good.



13/a below

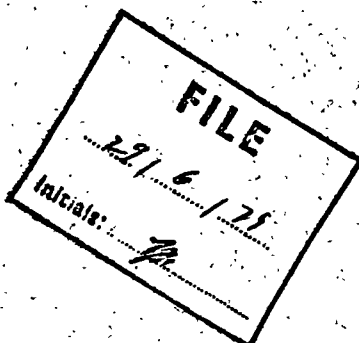
Cont... /2...



10. Kauotumu Subdivision - building of houses is proceeding very slowly and due to road condition, which is bad, the sections could have limited appeal. It is not expected that any further complaints will come from this area, at least not until next summer, in fact things have quietened down recently. A close eye will be kept on the area to keep the licencees on their toes.

*D.J. Greig*

(D.J. Greig)  
for Regional Secretary



MINUTE SHEET

Subject:

Beach Sand  
EXTRACTION.

Department:

MOT (HO)

File No.

54/13/45

Date:

12/4/77

To—

RMO

Auckland

Attention Mr. D. GREIG.

Your refs. 54/14/7/4; 52/14/7/5  
and 54/14/7/44.

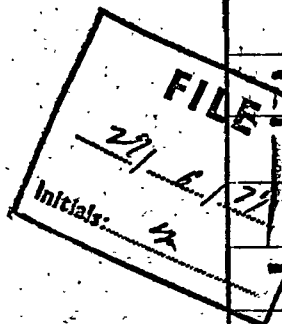
I refer to our memo. of 8 Feb 77  
concerning the problems at  
KUAOTONU WEST.

Would you please advise how  
matters are progressing in  
respect of the two main issues  
we raised:—

- (a) stockpiling
- (b) capacity of fishery to sustain  
removals in respect of licences  
issued - only one of which  
appears to <sup>be</sup> utilised.

Ref'd  
19/4

Comrey  
for S. F. T.



DISPATCHED

12 APR 1977

by

BU 14/5/77



54/15/48

Regional Marine Officer,  
AUCKLAND

HEAD OFFICE

8 February 1977

BEACH SAND EXTRACTION

KUAOTONO WEST.

Your references 54/14/7/4, 54/14/7/5 and 54/14/7/44.

I refer to the problem which arose late in January about the difficulty in obtaining supplies of sand for concrete making.

The end result was to allow a relaxation to remove material during the holiday season in respect of the licence issued to Mr Hodges.

Before further annual renewals are completed it does seem two matters need to be checked:-

1. The question as to why stock piling of a relatively small quantity cannot be undertaken, either by the supplier or the user, which appears to be Coast Concrete Ltd in this instance. I am sure this should be possible and we would need, by facts, to be convinced otherwise and therefore there should be no need to have this problem arise over the holiday period again.
2. The other issued relates to the capacity of the foreshore to sustain removal. At present the amount is limited and is shared between three contractors, Messrs Hodges, Simpson and Mercury Bay Ready Mix. My concern is that the last two mentioned contractors don't seem to be utilising their licences which means the supply system is aggravated. Simpson, according to your advice, only removed 175 m<sup>3</sup> and Mercury Bay Ready Mix took no material. On that basis, should they reapply, their requests should be seriously examined as to need for the material which might well be reallocated to Mr Hodges if he expresses a desire for more material, otherwise it might just be kept "in reserve". Please take appropriate action as you consider necessary.

B/V 10/4/77 ✓

(O.J. Conway) 11 FEB 77  
for Secretary for Transport

\* I have read yr memo and enclosed for Secretary for Transport

FILE

22/4/77

Initials: *[Signature]*

Keep area under investigation. As far as possible allowable total quantity should be reviewed and "Obstructions" on beach & other damage is not allowed

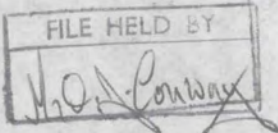


DG:MPT

Telephone No: 73-400

Northern Regional Office  
Private Bag  
AUCKLAND

54/14/7/5



8 January 1977

Mr C.G. Gillard  
93 Landscape Road  
Mt Eden  
AUCKLAND 4

Dear Sir,

REMOVAL OF SAND - KUAOTUNU BEACH

Your letter of 28.11.76 to the District Commissioner of Works, Hamilton has been referred to this office for reply.

The issue of removal licenses for the extraction of sand from below Mean High Water Ordinary Spring Tides is pursuant to the Harbours Act 1950 which is administered by this Ministry.

As you are aware sand has been removed from this beach for a great number of years and each year prior to issue of a license a report is obtained from our Technical Advisors and the amounts to be removed as endorsed on the license are strictly within the recommendation of our advisors and records are kept of the amounts removed as given on the returns made by the licenses.

Several complaints have been received in the last two years regarding the methods of removals, such complaints being more prevalent since the land close to the area has been subdivided and have resulted in the licenses issued being endorsed with stringent removal conditions. The area has been until recently subject to inspections at least twice monthly.

Regarding the placing of clay and storage of material this site is above Mean High Water Ordinary Spring Tides and outside our jurisdiction and may be subject to the consent of the Thames - Coromandel District Council.

With regard to over-extraction the licenses issued are endorsed to allow the inspection by officers of this Ministry of the records of the licensee.



...../2



Kuaotunu Beach is at present the only suitable source of building sand for the Whitianga area which has beach access and available replaceable material in any quantity and of suitable grade, and it is understood investigations may be made in the near future to institute a study to define the safe rate of extraction and you may rest assured if any danger of permanent damage to the foreshore is likely to occur, the area would be immediately closed.

Yours faithfully,

D. Greig  
for: Regional Secretary for Transport

The District Commissioner of Works  
Ministry of Works & Development  
Private Bag  
HAMILTON

Your 47/16 of 25.1.77 refers.

With the agreement of the Secretary of Transport the licenses issued for the year commencing 1/1/76 were endorsed to allow examination of the delivery notes of the licenses as well as method of removal and closure of the beach at certain holiday periods. Examination of delivery dockets will be undertaken at the first opportunity but as some loads may not be subject to recording proof of overextraction could be hard to evaluate.

Frequent inspections have been undertaken during this year and no large holes were seen at any time. I am aware that Mr Hodge is now the main extractor and there is and has been ill feeling between him and the permanent residents.

During this summer this ill feeling may have increased as a complaint has been received and referred to the Thames - Coromandel Borough Council that Mr Hodge placed large rocks over the beach access to prevent vehicular access during the period he was instructed not to work the beach.

I understand that Hodge supplies Mercury Bay Ready-Mix and or Coast Concrete at Whitianga and it is not understood where all the sand extracted is being used as building at Whitianga and Coromandel cannot require great amounts of sand. During my last visit all the vehicles of Mercury Bay Ready-Mix were standing idle in the yard. It may be that the Council has some requirement for road base work. No doubt with the recent subdivision adjacent and greater use of the beach, closure at some time is inevitable. Your advice regarding renewal of Hodge's license is noted.

D. Greig  
for: Regional Secretary for Transport

c.c H.O. Attn: S.E.O.

Copy for your information. Enclosed is copies of correspondence for your information.

D. Greig  
for: R.S.T.





# Ministry of Works and Development

District Office  
Private Bag, Hamilton  
Telephone 62 899  
Telex NZ 2777

54/14/7/5  
Dey St.

Inquiries to Mr A K Attwood

Ref 47/16

Date 25 January 1977

The Regional Secretary  
Marine Division  
Ministry of Transport  
Private Bag  
AUCKLAND

SAND AND SHINGLE LICENCE:  
KUAOTUNU BEACH - M R HODGE



Your reference 54/14/7/5 of 29 November 1976.

I enclose a copy of a letter from Mr C G Gillard of Auckland, to the resident engineer, Paeroa, regarding the operations of sand licensees on this beach. Mr Gillard has written to this department whereas it is believed he should have directed his inquiry to you, as your department is responsible for the operation of the sand extractions. Mr Gillard is obviously joining with earlier complainants on the actions of the licensees in that the beach is not being worked safely as required in terms of the licence and he is also alleging that quantities greatly in excess of the permit are being removed. I think it would be as well if you could reply to Mr Gillard with a copy to this office.

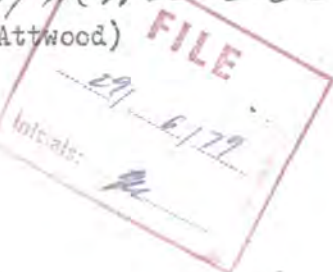
The resident engineer is becoming increasingly concerned at the continuance of the sand removals and whilst no strong evidence of erosion is at the present available. we have seen the thesis produced by a university student on adjacent beaches and in the thesis mention is made of incipient erosion. We would like to conduct a survey and investigation on the supply of sand to the Kuaotunu beach to determine the safe rate of sand extraction from it. With the present shortage of funds alternative sources are being investigated together with the provision of suitable manpower to undertake this work.

In the meantime it is considered that Mr Hodge's licence may continue for a further 12 months but only provided that he observes all conditions of the licence particularly that requiring the beach to be restored at the end of each working period and that the depth of removal does not exceed two feet. It is also considered essential that the stipulated quantities are not exceeded. You have earlier advised that enquiries were being made as to your authority to check weigh bills and other such evidence of the licensees. In view of the ever increasing written allegations and comments received by staff of this district it would seem essential that some check be instituted, and I shall be interested to know as to whether you now have such powers.

R E Hermans  
District Commissioner of Works

Per *A K Attwood*  
(A K Attwood)

Encl



(1) Reply to complainant  
(2) Minute Books  
(3) Review to be logged  
(4) Letter to Hodge sent 11-00  
Set out complaints  
essentials  
must be copied & filed



93 Landscape Rd.,  
Mt. Eden,  
Auckland 4  
28.II.76.

7/2

The Resident Engineer,  
Ministry of Works & Development,  
Paeroa.

Dear Sir,

In July of last year I wrote to my local M.P. (a new experience for me) with the request that something should be done to limit, and ultimately phase out, the removal of sand from Kuaotunu West beach (north of Whitianga), where I have a beach house with future retirement in view.

I received a reply from the Minister for the Environment (dated 9.IO. 75) with the promise that-"the environmental effects of the sand extraction would be assessed more fully before further licencing was considered"

However, as excessive sand removal is continuing unabated I am now bringing it to your attention as I understand beach damage in this area comes within your responsibilities relative to permits issued by the Ministry of Transport (Marine Div.)

I am in no way associated with any "enviromental" group but I am concerned at both the short-term nuisance, and long-term damage, which is occurring at this beautiful white sand beach. I feel that lip service only is being paid to the effect upon the environment. Please see attached "Environmental Report" which is ~~per~~required by the Transport Dept. (Marine Div.) before a permit for sand removal is issued. I have filled it in myself as an exercise I believe honestly, and am sure that if due regard were given to this report no further permits would be issued for sand extraction from the locality in question - particularly so in view of the evident disregard for quotas and conditions for removal.

Although the permits issued this year were for a total of 2350 Cu.M., it would appear that well in excess of this figure is being removed - indeed after speaking with local permanent residents

BU  
23/1/76  
FILE  
24/1/76  
CWS

as to the number of truck loads etc. and measuring holes left in the beach, my estimate of sand removed by the one local operator is about 3000Cu. M. - i.e. well in excess of his 600 Cu.M. permit!

No attempt has been made to keep the stream mouth open, as suggested in the minister's reply, as a legitimate reason for sand removal.

The beach has been turned into a quarry, with a front-end loader operating most days, and clay has been deposited on the beach to consolidate the sand for a loading and stockpile area.

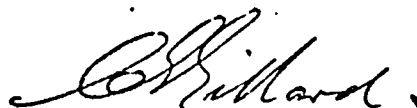
As predicted in my letter of last year, the road behind the beach (P.S.H.25) is already being menaced by the sea - (earlier than I expected) and in July of this year large rocks were seen being dumped to serve as a buttress. The beach level at the eastern end has certainly gone down in excess of two metres in the last year. Continued sand depletion will surely hasten this erosion.

I am convinced that the situation will not be controlled until all permits are withdrawn as there are no policing procedures. Could not all sand requirements be met by extraction from inland sand deposits only, unless it is clearly established that,

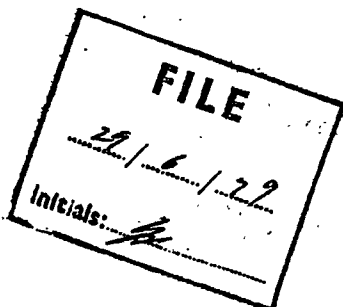
- (a) No sea erosion or other damage will ensue,
- and (b) No public nuisance will be caused.

I request that you give the above matters your consideration.

Yours sincerely,



C.G. Gillard.



# ENVIRONMENTAL ASSESSMENT

1. Describe the topography of the area from which material is to be extracted, and adjoining beach, e.g. cliffs, dunes.
2. Describe length and depth of the foreshore concerned, or adjoining.
3. Describe specification of material required.
4. Describe availability of this material at location applied for.
5. Report nearest alternative source.  
NEARBY WHANGAPOUA HBR. AREA
6. Report use of the material and demand for it.
7. Report minimum quantity required.
8. Give details of present land use behind the beach, e.g. farming (type), residential, recreational, industrial. Nearest residential areas.  
WITHIN 100 M OF PERMANENT RESIDENCES
9. Describe vegetative cover behind the beach, e.g. grass, lupins, scrub. PRESENTLY BEING DEVELOPED BY COUNCIL.
10. Report probable effect on physical environment.  
DEPLETION OF SAND CONTRIBUTING TO EROSION
11. Would the operation affect a scenic area. — YES
12. Would the operation affect the ecology, fish, shellfish or bird life. — LONG TERM CHANGES
13. Comment on any recreational activity on the beach or adjacent area which might be affected, e.g. boating, fishing, picnicking. PRECLUDES NORMAL BEACH ACTIVITY IN THE AREA THIS BEACH IS BEING INCREASINGLY USED BY THE PUBLIC
14. Would the operation involve the construction of buildings, stock piles or deep holes. — YES — YES
15. Method of extraction. FRONT END LOADERS
16. Alternative methods of extraction available.
17. Report mode of transport, e.g. barge, truck, rail and depot from which material is to be sold or distributed.
18. Report survey description of adjoining land and registered owner.  
PICNIC AREA RESERVE VESTED IN COUNCIL WITH PERMANENT HOMES IMMEDIATELY BEHIND.

FILE

22/1/77

Initials: [initials]



19. Will the operation affect any historical or archeological sites. Check with New Zealand Historic Places Trust, Local Museum and New Zealand Archeologic Association.

20. Are the operations likely to be of substantial public interest. Has there been any previous public concern about this type of operation in the region. Have any complaints been received in the last two years.

21. Will the operation create pollution, siltation or erosion.

YES

YES

ROAD EMBANKMENT (P S H 25) ALREADY THREATENED



Chairman - Simpson.

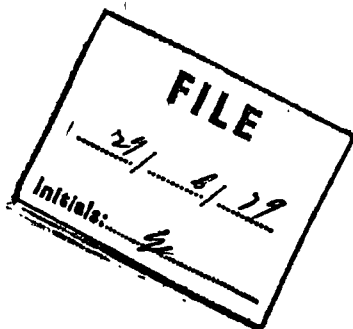
MacIntyre out.

Ineed said he was sure be OK.  
but will still check.

Hodge agreed to be careful &  
realised this month only & not  
Sat/Sunday.

I read proposed advice to Auckland  
and emphasised if there were any  
difficulties about relaxation we  
would put it over to the Association  
to explain.

JS  
24/1/77.



# ROAD TRANSPORT DIVISION

*MINISTRY OF TRANSPORT*



PRIVATE BAG WELLINGTON 1  
TELEPHONE: 721 253  
TELEGRAMS: TRANSPORT



# KUBOTUNU. RATEPAYERS.

Jan<sup>76</sup> Visiting Ratepayers.

10.

as did

- ① Hodges approached her / Coast Concrete  
Meeting was in 1976 - present contact  
by phone about 10 people.  
*Note. There is an Annual arrangement Jan of each year for  
"visiting" rate payers. was not discussed then yr.*

Mencer. nearest supply area

- ② (*I mentioned we had told contractors  
to look for alternative areas. I was aware of licence  
conditions*)

\* No idea if he can remove  
convenient dump by will run him up.

- ④ (*I said if this could be done - helpful -  
Hodges should bear in mind as he is going for new  
licences!*)

\* No residents contacted  
Chairman lines near & he will see if he  
can approach anyone there - ~~Sts~~



- ③ She doesn't know about other  
Contractors.

Comment It seems they are not interested!  
Simpson 175 m<sup>3</sup> for year & Mercury Bay ready  
m<sup>3</sup> NIL for.



Subject: \_\_\_\_\_

MRS Moore

File No. \_\_\_\_\_

Whitanga 339.

Date: \_\_\_\_\_

To—

(3)

Are the other contractors similarly disadvantaged — will they be applying *if yes - same rule*

(4)

Have the local residents who complained <sup>originally</sup> agreed. *If not then*

(5)

Can Hedges remove the sand at a time when it does not inconvenience the public and pile it somewhere *it can be taken away immediately, 25 at time*

(2)

What distance would ~~the~~ other sand have to come from if beach remains closed.

(1)

~~Are~~ Are you speaking for the Ratepayers. (Yes) — Did they decide at a meeting to approach. *(We want expression from Ratepayers)*

(6)

Still avoid weekends.

(7)

Other conditions

(8)

up to months supply during Jan

FILE

27/6/77

Initials: *MM*

# RIDDLE OF SANDS AT WHIRITOA

Staff Reporter Tauranga

Whiritoa Beach ratepayers have been requesting the removal of sand from roads and sections, but complaining about commercial sand extraction at one end of the beach.

The ratepayers want it removed from both ways, a combined meeting of the Hauraki Catchment Board and the Ohine-muri County Council was told by the county chairman, Mr D. R. Jordan, yesterday.

Both bodies had received letters from Whiritoa Beach ratepayers, expressing concern at the apparent acceleration of erosion on the beach.

Last month, 42 ratepayers signed a statement saying that they refuse to pay their present rates until the council takes action to stop commercial sand removal from the beach.

The county council feels that it cannot intervene as the owners have existing use rights under the Town and Country Planning Act. The sandpit is on Maori land, under the control of four trustees.

The chief engineer of the catchment board, Mr R. W. Harris, told the council that the Ministry of Works and Development marine division had referred the matter to the board, and an investigation would be made. After this, recommendations would be made to the county council.

"You can recommend all you like, but the law is there and the owners have the right to remove the sand," commented Mr Jordan.

Residents of Whiritoa Beach asked the council to remove wind-blown sand from roads and sections and the council had put up barriers to stop sand building up.

"They also ask us to open up the ends of the lagoons when the sand piles up. It seems that they have too much sand on one hand, and then there are complaints about its removal."

The scientist who will carry out the investigation, Dr R. F. McLean, of Auckland University, told the meeting that beaches were fickle things.

"We attempt to understand their behaviour and rate of change, and hope to be able to predict future change. But there are not simple questions," Dr McLean said.

He agreed that subdivision, building and interference with the natural contour of the foredunes could influence changes on the beach.

FILED BY  
FILER No. 12

*File 14/1/78  
gm*



B.O.P. TIMES 8/11/78

# Sand removal talks slammed

Staff Reporter

**WAIHI** — Yesterday's combined meeting of the Hauraki Catchment Board and the Ohinemuri County Council to discuss sand removal from Whiritoa was no more than a "sparring match" to see how little each could give way.

That was the opinion expressed today by Mr Alec Campbell, of Whiritoa, who has spearheaded the

ratepayers' move to stop sand quarrying, which they claim is causing serious erosion at the beach.

Mr Campbell said he was permitted to attend the meeting after ratepayers had demanded that their chosen delegates should be present, but he was not permitted to speak.

The meeting was not a county-catchment board idea — they had been forced to get together by the Minister for the Environment, Mr Venn Young.

The chairman of the meeting, Mr D. R. Jordan, the deputy county chairman, had kept reiterating that sand had been mined at Whiritoa for 40 to 50 years, Mr Campbell said.

But he overlooked the fact that the subdivision took shape only seven years ago when the sand dunes, a

natural protection, were removed, along with the pohutukawa trees along the foreshore.

In the early days only a limited amount of sand was removed by horse and cart from the other end of the beach and there were no bulldozers.

Quoting a letter from Mr Fraser-Coleman, acting Minister of Works in 1974, Mr Campbell said that the catchment board, Maori Affairs Department and the Ministry of Works and Development had met on the subject.

They had been told to do something about the sand removal and erosion problem.

Mr Coleman's letter stated that there were sufficient powers under existing legislation — what was required was the will to use the powers.

Mr Campbell said that to his knowledge this legisla-

tion had not been rescinded and contrary to Mr Jordan's statements the authorities did have the power to act.

Having represented the case to all Ministers concerned, Mr Campbell said he was later told the taking of sand was to be phased out and a careful study of the situation was to be made when the quarry lease expired in 1976.

The outcome of yesterday's meeting was that the county considered that it could not intervene as the sand quarry owners had existing use rights under the Town and Country Planning Act.

The board's chief engineer, Mr R. W. Harris, said the Ministry of Works and Development's marine division had referred the matter to the board and a scientific investigation would be made (on the effect of the mining)

FILED BY

FILED No. 12

*File 14/1/78*  
*[Signature]*

# MORE CONTROL ON SECTIONS

Issuing of building permits for some Whiritoa sections has been tightened, following complaints that permits have been allowed for properties subject to flooding.

Building inspectors for the Ohinemuri County Council have been instructed to refuse permits for sections subject to flooding, or which have inadequate drainage. Officers can issue permits at the owner's risk where foundations and drainage are

provided to the satisfaction of council inspectors.

The step has been taken at the recommendation of the council's solicitors.

An application last week from the Whiritoa Surf Club, for permission to extend its clubhouse, gave rise to a discussion on beach erosion and safe siting. The council now wants the Whiritoa Reserve classified in accordance with the Reserves Act, with land leased to the surf club being designated for "local purpose use" and the balance of the reserve for "recreation."

Sp  
anc

Wi  
Ex  
with

5-11/51

FILED BY

FILER No. 12

File  
15/11/58  
2

54/15/48  
GKW:MS

The Regional Secretary  
AUCKLAND

HEAD OFFICE .. HARBOURS & FORESHORES

Attention : Regional Marine Officer

29 September 1977

SAND REMOVAL : WHIRITOA BEACH

Your memo of 9 September refers. We have looked into this matter before and would agree that section 242 of the Harbours Act provides some power to regulate this extraction. However, before invoking the powers of section 242 we would need to have the agreement of the Maori Trustee. However, there are problems with taking this course of action.

The licence under which sand is removed from Whiritoa Beach is in the form of a licence issued by the local Maori landowners and administered by the Maori Trustee. The problem is that the licence is made in favour of Mr Castle, who is a part-owner of the land, and therefore because of this relationship the local Maori Trustee does not wish to become involved in litigation over the matter.

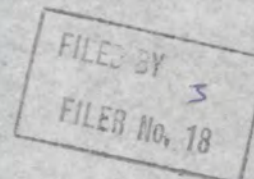
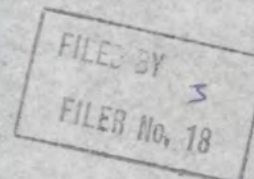
Perhaps the best way to overcome the problem would be to approach the Maori Trustees drawing their attention to the complaint made by Mr Levett and asking them to enforce the provisions of the licence which has been issued. I hope this provides some directions.

G.K. Whitehouse  
for Secretary for Transport

*File*

*3/10/77*

*11*





44F 54/15/48  
xxxx73-400

54/14/7 Part 2

9 September 1977

~~The Chief Engineer~~  
~~Hauraki Catchment Board & Regional~~  
~~Water Board~~  
P.O. Box 50  
NGATEA

Dear Sir

SAND REMOVAL : WHIRITOA BEACH

A copy of the letter of complaint dated 18 August 1977 from Mr F.A. Levett was received by this office and as at that time a further investigation on a different matter was required of this Ministry, the opportunity was taken to examine the extraction area administered by the Department of Maori Affairs and it was found that sand had been extracted to a lower level than has been previously observed and it would appear that some minor excursions outside the boundary of the approved area had taken place. It was also observed off the marker posts only two were standing. One situated towards cliff area and one at the apparent boundary in between the sub division and the beach. I have been unable to define the ownership of the land between mean high water and the boundary of the Maori Land Title although this was discussed with Mr Stewart, the Engineer for Ohinemuri County. It would appear that if extraction takes place at the present rate, there is a possibility of the sea encroaching and possibly causing erosion to the adjacent land.

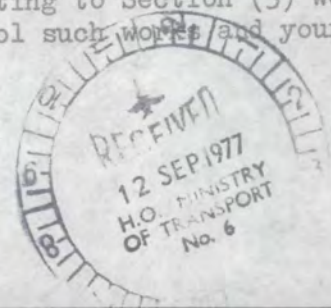
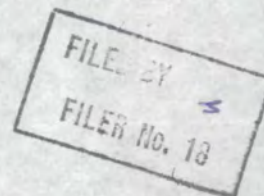
Yours faithfully

D.J. Greig  
for Regional Secretary for Transport

HEAD OFFICE  
Attn: S.E.O. Harbours

Referring to your previous request 54/15/48 of 6 March 1974, a further examination of this area has been undertaken and has shown that the extraction of sand from Maori Land could possibly allow the entry of the sea over the leased extraction area possibly cause erosion to the adjacent sub division. A check of Section 244 of the Harbours Act 1950 relating to Section (3) would appear to give this Ministry some authority to control such works and your comments are requested.

D.J. Greig  
for Regional Secretary



*D.J. Greig*  
*File*  
*3/10/77*



54/15/48

DG/PS

XXXX 73-400

*Records*  
*please place*  
*on file*  
*50/8/77*

54/14/7/44

15 August 1977

~~The District Commissioner of Works  
Ministry of Works & Development  
Private Bag  
HAMILTON~~

SAND REMOVALS

Further to our correspondence of 3 June 1977 requesting a report on the quality of the sand at Otama and Opito Bays, could you please advise if your department is able to furnish us with such information.

Any knowledge, concerning the suitability for concrete, of sand in the Whitianga area would be most helpful to us in formulating a policy regarding sand extraction permits on this coastline.

D. Greig  
for Regional Secretary  
for Transport

Head Office  
S.E.O. (Hhrs)

Attention: G. K. Whitehouse

Copy for your information. Your reference 54/15/48 memo of 8.8.77. Information was requested in a letter to M.O.W. Hamilton dated 3.6.77. No reply has been received to date.

D. Greig  
for Regional Secretary  
for Transport

*D. Greig*



6  
8  
45  
x3

54/15/48



HEAD OFFICE COMMUNICATION SERVICES
21 JAN 1977
MINISTRY OF TRANSPORT WELLINGTON

SU AKTRA URGENT  
ATTN DENIS MASON HARBOUR SECTION  
FROM CONWAY H.O.

THIS  
COPY  
FOR

PLEASE ADVISE HODGES. TODAY HE CAN REMOVE NORMAL ALLOCATION  
PER MONTH FOR WORKING DAYS JANUARY THIS YEAR ONLY PROVIDED  
COMPLIES WITH OTHER CONDITIONS OF LICENCE ISSUED 1976.  
HE MUST BE CAREFUL TO PLAN REMOVALS SO AS TO CAUSE AS LITTLE  
DISTURBANCE ON BEACH AND NOISE FACTORS AS POSSIBLE. THIS ACTION  
APPROVED ON BASIS THAT RATEPAYERS ASSOCIATION ADVISE AGREEMENT  
TO THIS RELAXATION WAS GIVEN BY RATEPAYERS REPRESENTATIVES

WNTHA 0171 21/01/77 16:09:44 ACK

*File  
54/15/48 (I think)*

*DS*

*27/1*

FILED BY  
FILE No. 20

574/157456



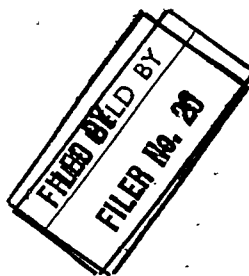
HEAD OFFICE COMMUNICATION SERVICES
20 JAN 1977
MINISTRY OF TRANSPORT WELLINGTON

SR AKTRA  
ATTN DENIS MASON MARINE DIVISION  
FROM CONWAY H.O.

THIS  
COPY  
FOR

IN VIEW OF CONSIDERATIONS GIVEN PRIOR TO ISSUE OF CURRENT LICENCES TO THREE CONTRACTORS WE DO NOT AGREE TO ANY VARIATION OF HODGES LICENCE TO ALLOW REMOVALS DURING JANUARY. FURTHER WE POINT OUT THAT IN ACCEPTING THE LICENCES THE CONTRACTORS MUST HAVE BEEN AWARE OF RESTRICTIONS AND SHOULD HAVE MADE APPROPRIATE ARRANGEMENTS

WNTHA 0134 20/01/77 15:24:42 ACK



*File*  
*20*  
*21/1*

HOF

54/15/48

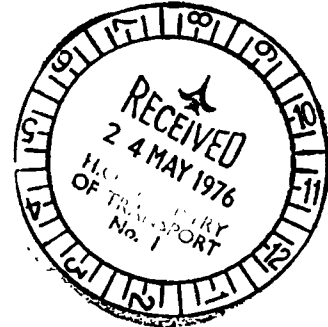


# Commission for the Environment

Birch House  
53 Murphy Street, Wellington  
Telephone ~~70403~~ 720.642

P.O. Box 12-042, Wellington North  
New Zealand

Our ref: NRS 5/5  
Your ref: 54/15/48



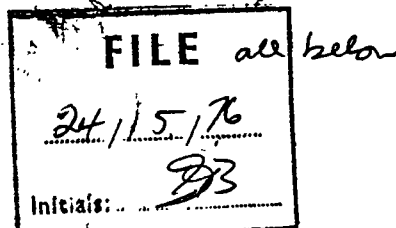
The Director  
Marine Division  
Ministry of Transport  
Private Bag  
WELLINGTON Attn: Mr I. D. Britton

## BEACH SAND EXTRACTION: KUAOTUNU WEST

Your memo of 3 May has enabled me to prepare a reply to the Kuaotunu landowners, and I enclose a copy for your information.

M. A. Ward  
for Commissioner for the Environment

FILED BY  
FILER No. 20





Mr D.E. MacIntyre  
67 Raleigh Road  
Northcote  
AUCKLAND.

DISPATCHED

12 MAY 1976

by \_\_\_\_\_

Dear Mr MacIntyre,

Since writing to you in March on the subject of beach mining at Kuaotunu West the Commission for the Environment has looked into the situation for me and has reported back.

I am advised that the Ministry of Transport, who license the sand removal operation, has issued instructions that the conditions under which sand may be removed be amended to read as follows:

- (1) Sand to be removed from the left bank of the Pitoea Stream only,
- (2) The depth of extraction over the permitted removal area not to exceed 0.5 metres (2ft approximately),
- (3) Extraction areas to be left in a smooth and tidy condition and all holes back filled,
- (4) Extraction only to be undertaken when there is a sufficient build up of material,
- (5) The amount of material allocated for any one year is not to be exceeded,
- (6) No removal to be undertaken on the following days:  
25 December to 31 January (inclusive), Saturdays, Sundays and Public Holidays.

The Ministry has advised the Commission for the Environment that the most practical way of ensuring that the operators comply with these conditions would be to appoint several land owners honorary beach rangers to keep an eye on the operators and the state of the beach. I understand that this suggestion has already been made and I recommend you and your fellow landowners consider this practical way of ensuring that damage to the beach is minimised.

With Kind Regards  
Yours sincerely

FILE

FILED BY

FILED IN 20

Prepared by: M.W. : SA  
Our ref: NRS 5/5  
12/5/76

Minister for the Environment.



IDB:  
PMG

Our 54/15/48  
your NRS 5/5

3 May 1976

The Commissioner for the Environment  
Commission for the Environment  
P.O. Box 12042  
WELLINGTON NORTH.

Attention: M.A. Ward

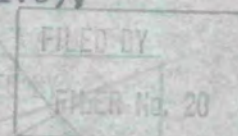
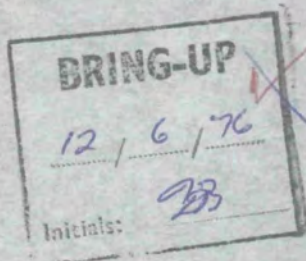
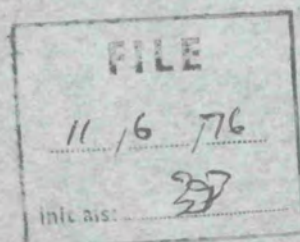
BEACH SAND EXTRACTION, KUAOTUNU WEST

I refer to your memo of 2 April 1976.

On 2 April a letter was despatched from our Auckland office advising the three operators licensed to remove sand from Kuaotunu Beach (Mercury Bay Ready Mix Ltd, Messrs A.A. Simpson and Mr Hodge) of complaints received and reiterating and expanding the conditions of their licences in terms of Section 7(a) of the licence (which states "7. This licence may be revoked upon one week's written notice to the licensee at the above address and without notice if :

(a) The Department considers damage is being done or is likely to be done to adjacent land,") The revised conditions of the licences are as set out below :

- (1) Sand to be removed from the left bank of the Pitoone Stream only;
- (2) The depth of extraction over the permitted removal area not to exceed 0.6 metres (2 ft approximately);
- (3) Extraction areas to be left in a smooth and tidy condition and all holes back filled;
- (4) Extraction only to be undertaken when there is a sufficient build up of material;
- (5) The amount of material allocated for any one year is not to be exceeded;
- (6) No removal to be undertaken on the following days - 25 December to 31 January (inclusive), Saturdays, Sundays and Public Holidays





Failure to comply with any of the above conditions leaves the operator liable to prosecution and cancellation of his licence in terms of Section 7 (b) of the licence ("(b) If the licensee, his servants, or agents shall fail to observe any term or condition hereof")

Our Auckland office was advised on 6 April 1976 to revoke the old licences and issue new licences including the conditions as set out above, plus the monthly extraction rate in each case plus the following condition relating to inspection of records:

"The licensee shall, on demand by any officer of the Ministry of Transport or by any honorary beach warden appointed by the Minister of Transport, produce for inspection such of the licensee's records relating to the removal and sale of sand as such officer or beach warden may require".

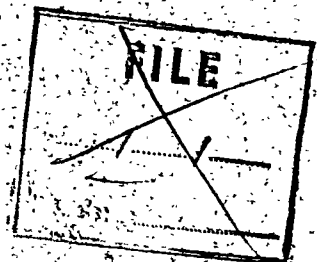
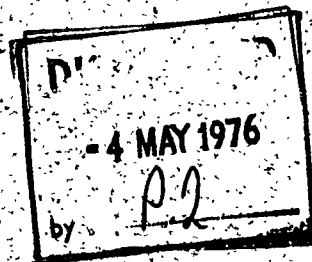
Advice that this has been completed has yet to be received by this office.

With regard to your query of the last paragraph of your memorandum it would appear that the most practical way of ensuring that the operators comply with the conditions of their licences would be to appoint several of the landowners at Kuaotunu West as honorary beach ranges to keep an eye on the operators and the state of the beach. Once the licences have been revoked and re-issued with the conditions as set out above they would then also have the power to inspect the licensee's records to check that unauthorised quantities were not being removed. This suggestion was made to residents two years ago and again just recently, but met with little success. Without any local assistance this Department can only maintain a close eye on the beach within the severely limited resources of our Auckland Region personnel.

(I.D. Britton)  
for Director Marine Division

Copy to

A.M.O.  
A.K.



MT

54/15/48

54/14/7 Part 2

Regional Secretary,  
AUCKLAND.  
Attention: D. Greig

HEAD OFFICE  
6 April 1976

KUAOTUNU SAND REMOVALS

I refer to your memo of 22 March enclosing a letter of complaint from the residents.

With regard to your last paragraph, there is no power to examine the records of licensees at present. However, a condition could be added to the licence which would empower such examination, along the following lines:

"The licensee shall, on demand by any officer of the Ministry of Transport or by any honorary beach warden appointed by the Minister of Transport, produce for inspection such of the licensee's records relating to the removal and sale of sand as such officer or beach warden may require".

I assume that licences have been issued for the whole of this year, and the only way to impose such a condition would be to revoke the present licences (which can be done upon one week's written notice) and issue new ones.

I would suggest that in view of the claims by the local residents you would be well justified in doing this, and at the same time you might also consider imposing extra conditions:

- (a) restricting the times or days on which removals can be made
- (b) imposing maximum depths for digging

Such conditions would seem to go some way towards meeting the residents' objections. For instance removal could be prohibited on perhaps Saturday afternoons, Sundays, public holidays and over the Christmas - New Year period, and excavation could be restricted to a maximum depth of, say, 12" - 18" with provision for no troughs

FILED BY

FILED NAME




*See return file to Aco(hut)*



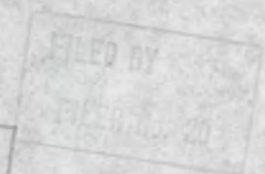
or trenches to be left after removal. It would be course be preferable to discuss the proposed new conditions with the licensees and perhaps the Resident Engineer, MOWD beforehand if this is practicable.

I do not see that such conditions would cause any great hardship to the licensees who must be prepared to make some concessions. I have not of course seen the latest licences and you may already have imposed some similar conditions.

  
 (R.J. Morrison)  
 for Director, Marine Division

P.S. As you will gather this memo was drafted before I received your minuted letter of 2 April to the 3 licensees and the attached correspondence from MOWD. It would seem that the licences have already been conditioned along the lines suggested above. The conditions outlined in your letter seem to cover the situation, although I assume that each separate licence contains a maximum rate of extraction per month.

I suggest that you write to the licensees advising them that the present licences will be revoked on a specified date, and enclose new licences to come into effect upon such revocation. These should include all the conditions mentioned in your letter, plus the monthly extraction rate per month in each case, plus the condition mentioned above relating to inspection of records.







FILE HELD BY

*Mr Morrison*

## Commission for the Environment

Birch House  
53 Murphy Street, Wellington  
Telephone ~~70403~~ 720.642

P.O. Box 12-042, Wellington North  
New Zealand

Our ref : NRS 5/5  
Your ref: 54/15/48



2 April 1976

Director  
Marine Division  
Ministry of Transport  
Private Bag  
WELLINGTON

Attn : Mr R. J. Morrison

### BEACH SAND EXTRACTION, KUAOTUNU WEST

The Minister for the Environment has again received representation from the landowners at Kuaotunu West concerning beach sand removal, and I enclose a copy of their letter.

I would appreciate it if you would consult with the Regional Marine Officer, Auckland to see if the landowners' complaints can be substantiated and if the sand removal contractors are breaking conditions of their licence.

For my Minister's reply, I would like your comments particularly on the possibility of revoking the present licence and replacing it with one incorporating the conditions requested by the landowners. What is the most practical way of ensuring that the company complies with these or any other conditions set?

*M. A. Ward*

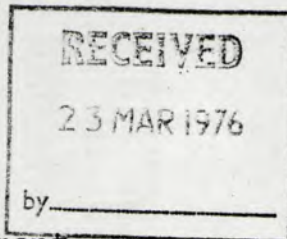
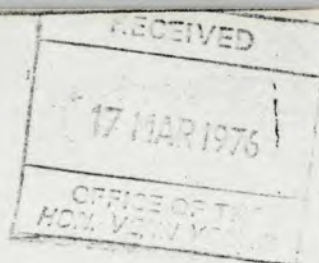
M. A. Ward  
for Commissioner for the Environment

FILE

FILED BY

FILED 10, 20





67 Raleigh Road,  
Northcote,  
AUCKLAND.

15th March 1976.

The Minister of the Environment,  
Government Buildings,  
WELLINGTON.

D. E. MacIntyre.

Dear Sir,

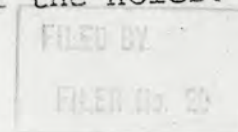
We, the property owners of the Seaside Sub-division at Kuaotunu West and surrounding areas, strongly protest at the removal of sand and aggregate from the adjacent beach. It is our wish that the sand removal in its present form, be stopped and we will be following up whatever action is necessary to get this brought about. The following facts list the grounds for our objections:-

- ...
1. A plan is enclosed showing that there are 24 sections in the sub-division adjacent to the beach. One section now has a permanent resident and many of the others are now being used by owners for holidays and weekends with increasing frequency.

There are also many other property owners in the local area affected by the sand removal.

2. Property owners are being forced off the beach by the activities of contractors. Recent examples occurred during the Christmas - New Year holidays when families were enjoying the river and beach only to have a noisy smelly from end loader come charging around the beach for periods of up to three hours at a time. This forced people off the beach and made them understandably bitter against the contractors. Section owners should have the right to use the beach closest to them without the disturbances of what has become nothing less than a quarry. The contractors activities take place every second day on an average and include Christmas Day and Sundays. The noise level is such that at times residents are forced to close their house windows to exclude the noise. A recent example of this occurred on a Sunday afternoon.
3. The beach is being left in a very bad state as the contractors make no attempt to make good the removal. Large pits and trenches up to 4' deep are left on the beach and these are unsightly and make access dangerous at night. Also stagnant water collects in some of the holes.

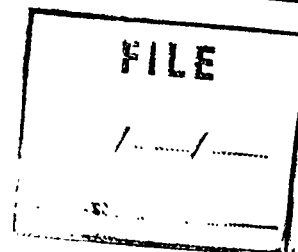
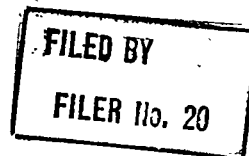
...2...



...2...

4. The quantity of sand being removed is excessive and local residents who have been keeping checks can verify this. The hole that was being used over the Christmas period had over 1000 yards taken from it and this was only one of the excavations done during the year. Three truck and trailer loads totaling about 35 yards were being taken on the average of every second day all over the Christmas - New Year period.
5. One of the arguments put forward to continue the sand removal is the obligations of the contractors to keep the river flowing. However the property owners have seen no evidence of the contractors making any attempt to aid the flow of the river. The contractors only interest is to get the sand out as easily as possible without any regard at all for the rights of other beach users.
6. It would appear that this small area of beach is being used to supply a very large area of the Coromandel Peninsular. This situation is not very fair as there are vast quantities of sand on other beaches such as Otama and Matarangi. It is only fair if sand is to be taken then one small area of one beach should not have to suffer the open destruction which is at present taking place.
7. There is evidence of erosion commencing on the base of the sandhills along the beach and this could be due to the lowering of the beach level in front of the sand hills. Large scale aggregate removal is continually going on right down to low water level and this could very possibly be lowering the beach level. This aggregate removal is also continually disturbing the beach formation causing excessive quantities of pebbles to come to the surface, making the beach unpleasant for swimming and recreation.
8. No shellfish have been found on the beach and this is hardly surprising when front end loaders are digging it up right down to low water level.

...3...



...3...

In conclusion we make the following recommendations:-

1. That the removal of sand over the Christmas period be stopped altogether. (24th December to 31st January).
2. That no further licences be granted after the completion of the existing ones.
3. That if it is necessary to grant any more licences this should only be done under more stringent regulations which can be adequately supervised by the licencing authorities.

/Encl.

Yours sincerely,

*D. E. MacIntyre* | (Property owner)

*G. S. Gillard* |

||

||

*D. F. Fraser* |

||

||

*M. J. Fraser* |

*K. M. MacIntyre* |

||

||

*G. R. Mackie* |

||

||

*G. R. Mackie* |

c.c. The Resident Engineer, Paeroa. M.O.W.  
Ministry of Transport, Auckland.

FILED BY

FILED 11. 29

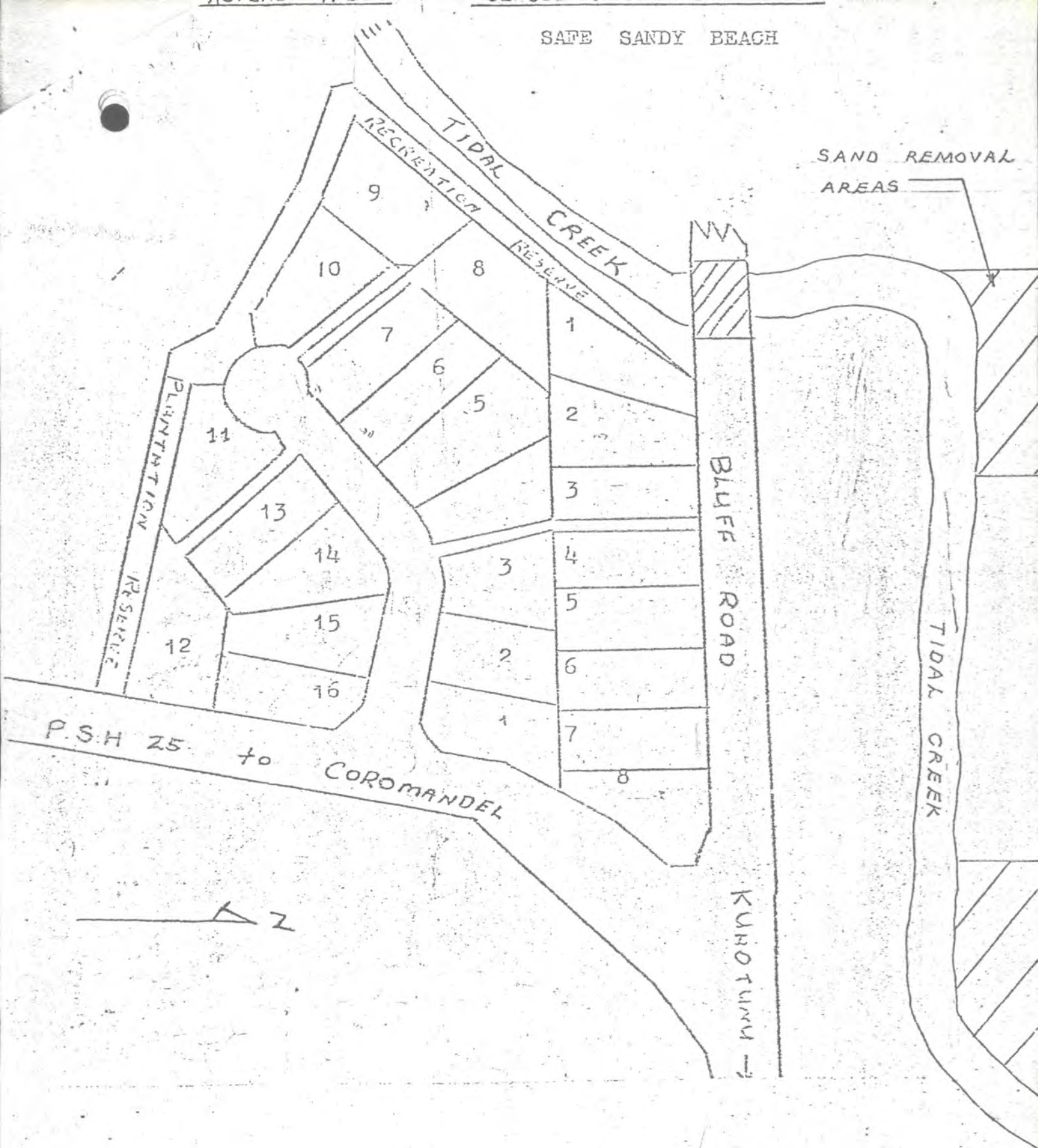
FILE

/.../...



SAFE SANDY BEACH

SAND REMOVAL  
AREAS



FILE

FILED BY

FILED 11.20



Northern Regional Office  
Private Bag, AUCKLAND 1  
Telephone: 31-656

SENT TO:  
Mercury Bay Ready Mix Ltd  
WHITIANGA

2 April 1976

Messrs A.A. Simpson  
P.O. Box 108  
WHITIANGA

Mr Hodge  
Kuaotuna Road  
WHITIANGA

Dear Sirs,

SAND REMOVAL LICENSES : KUAOTUNA BEACH

The method of removal of sand from the Kuaotuna Beach has recently led to numerous complaints being received by this office, therefore the conditions applied to the licence are reiterated and expanded in terms of Section 7(a) of the licence:

- (1) Sand to be removed from the left bank of the Pitoone stream only;
- (2) The depth of extraction over the permitted removal area not to exceed 0.6 metres (2 ft approximately);
- (3) Extraction areas to be left in a smooth and tidy condition and all holes back filled;
- (4) Extraction only to be undertaken when there is a sufficient build up of material;
- (5) The amount of material allocated for any one year is not to be exceeded;
- (6) No removals to be undertaken on the following days - 25 December to 31 January (inclusive), Saturdays, Sundays, and Public Holidays.

Failure to comply with any of the above conditions will result in prosecution and cancellation of licence.

This Ministry is aware that there are few suitable areas on the Coromandel Peninsula from which material may be extracted and it is in the licensee's interest to comply with conditions of the licence for his own and the enjoyment of the general public.

Yours faithfully,

(D. Greig)  
for Regional Secretary for Transport

Copy to:

The District Commissioner of Works  
Ministry of Works & Development  
Private Bag  
HAMILTON      Attn: Mr A.K. Attwood

Your 47/16 of 31.3.76 refers. Numerous complaints have been received by this office regarding the actions of the licensee for Kuaotuna Beach and several times, as at a meeting some two years ago on site with the local



*M. Morrison*

54/15/48

residents, I tried to get some person to act on our behalf as an Honorary Beach Ranger or report on irregularities with little success. One of the residents called last month with a list of trucks wrecking the area but the total amount would not have exceeded the total of the monthly rate of extraction and there was no advice as to which licensee was extracting. This beach is examined each time I am in the area and such visits will require an increase. I am at present in correspondence with the Director of Marine regarding my authority to examine the weighbills and other records of the licensees as is done by the Waikato Valley Authority staff.

The conditions as recommended by your reports were included in all licenses issued apart from the prohibited days. As you are aware the licensees have already had notice that this area may be closed and that they should make investigations into seeking another area.

The increase in complaints has arisen since the subdivision of the land to the rear of the beach although in the last two years the occupation of the sections has been very slow.

(D. Greig)  
for Regional Secretary for Transport

Copy to:  
H.O.  
SEO(Hhrs)



... Copy for your information with photocopies of correspondence.

(D. Greig)  
for Regional Secretary

*D. Greig*

... ✓ Encls





Subject: .....

File No. ....

Date: .....

To

Mr. Mornerin.

I am not sure how this would operate.

In a lot of cases the material is yarded and could come from various sources.

Short of having a tally clerk on the job the only way would be for each truck to have a record sheet showing permit number, dates, time, ~~vehicle~~ mileage and where material dumped or taken.

As far as this problem is concerned I agree with yr. rec. & the 3 conditions but

I think we should look into some further system to require completion of records & describe how officers say monthly when payroll should be paid etc 11/4/76



Ministry of Works  
and Development

~~200-2000~~ Private Bag  
HAMILTON

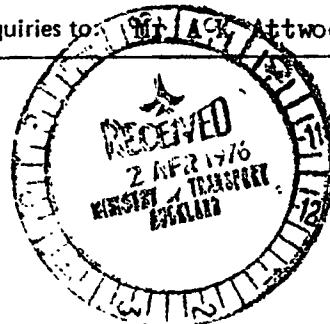
Telephone: 62899

Our Ref: 47/16

Date: 31 March 1976

Inquiries to: Mr A K Attwood

Regional Secretary  
Marine Division  
Ministry of Transport  
Private Bag  
AUCKLAND



Your Ref: 54/14/7/5 and 54/14/7/4 and 54/14/7/44

SAND AND SHINGLE LICENCES : KUAOTUNU BEACH

... In my memorandum 26 November 1975 to you I expressed concern at the continued removal of sand from this beach and also stressed the resident engineer's reservations that the nominated rates and total quantities being removed were not being observed. I now enclose a copy of the resident engineer Paeroa memorandum 7/2 of 19 March 1976 which comprises a copy of his reply to a Mr D.E. MacIntyre and his related comments to this office.

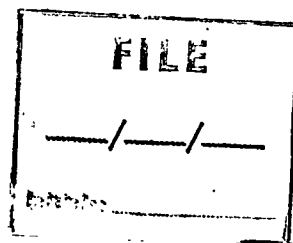
It will be sometime before the proposed study of the beaches and dunes of the Coromandel Peninsula can be put in hand. In the meantime I would suggest that every effort be made to police the conditions of the licences and that the terms of each licence be made uniform.

*Adoption of holiday restriction is recommended*

R E Hermans  
District Commissioner of Works

Per

Encl (A K Attwood)





Ministry of Works  
and Development

P.O. Box: 123 PAEROA

Telephone: 8725

Our Ref: 7/2

Date: 19 March 1976

Inquiries to: A W Stewart

Mr D E McIntyre  
67 Raleigh Road  
Northcote  
AUCKLAND

Your Ref: Your letter of 15 March 1976

Dear Sir

SAND REMOVAL : KUAOTUNU

1 Thank you for your letter. While I am disturbed at the contents of the letter I am nevertheless very pleased to be informed of what is going on because I have suspected that licence holders have not been complying with all the conditions under which their licences were granted, but have not been able to obtain proof of this.

2 You may not be aware how the licensing system works. Applicants apply to the Ministry of Transport (Marine Division) for a permit to remove a stated amount of sand (or shingle), over a stated length of time. The Ministry of Transport refer any such application which lies within my Residency to me for a recommendation.

A member of my staff inspects the site and makes a recommendation as to whether the application should be granted, either in full or in part. He also suggests any conditions which he thinks is necessary. Provided the Ministry of Transport agree with this recommendation they issue a permit. Our recommendation is forwarded via my District Office in Hamilton, and they may of course qualify any recommendation we make.

There is no provision for policing of these permits as far as I know. I am not given any funds with which to carry out such policing, or any surveys, etc., which would be necessary to establish what is occurring. Nor am I aware of any powers that I have to control any unapproved activities. In the case of the latter (e.g. taking of sand by someone known not to have a permit, exceeding the licensed quantity, or failure to comply with conditions attached to a permit) the only thing I can do is to report them to the Ministry of Transport and ask them to take appropriate action.

This I will now do as regards the licence holders for Kuaotunu Beach in so far as, according to your statements, some of the conditions have been breached.

Incidentally it would have been of use to me if you had been able to quote the names of the firms carrying out the acts you describe.

3 For your information the permits which we have recommended for approval for 1976 are:

Mercury Bay Ready Mix Limited  
A.A. Simpson  
H.R. Hodge

1,000 cubic metres  
750 cubic metres  
600 cubic metres

FILED BY  
FILER No. 20

FILE



In the case of A.A. Simpson's application he stated that the rate of removal would be "say 60 cubic metres per month". i.e. it appears he intended to take the sand at an even rate throughout the year. Neither of the other two applicants stated an intended rate of removal.

In recommending approval of the first two applications listed above the officer who handled the matter (and who was relatively new to this type of work) recommended only that "each applicant removes materials in such a method that the area is left neat and tidy and safe for the general public".

When he came to deal with Hodge's application a few months later he found that the method of sand removal which had been going on was not completely satisfactory and he recommended more stringent conditions. I also asked him to include some conditions which were of concern to me. The recommended conditions for Hodge were therefore as follows:

- i The rate of removal be no greater than 50 cubic metres per month.
- ii The sand to be taken only from the area of the beach on the left bank of the Pitoona Street, and not from the area on the right bank.
- iii The licensee must restore the working area after each extraction operation. All holes must be backfilled and the beach left in a safe, neat and tidy condition at all times.
- iv The depth of extraction not to exceed 0.6 metres (i.e. approximately two feet).
- v Extraction operations to be limited to the availability of materials at the approved site at any time.

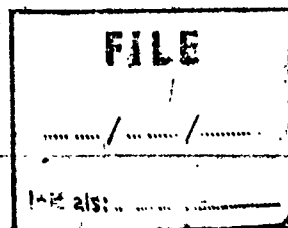
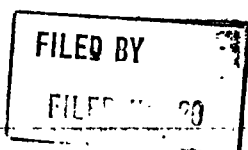
I do not know whether or not the Ministry of Transport made the licence subject to these conditions.

4. In dealing with these applications, and others for sand or shingle removal elsewhere on the Coromandel Peninsula, the officer concerned stressed to our District Office two points which were worrying us:

- i Policing of permits.
- ii Lack of information on which to base an estimate of how much sand can be taken from any one place over a particular period.

As a result the District Commissioner of Works wrote to the Ministry of Transport saying "It is our intention to formulate proposals for a detailed study of the beaches and foredunes in the Coromandel Peninsula and Bay of Plenty Coastline. The need for such a study is being created by the erosion already occurring of various parts of the coast and also the significant amounts of sand being removed under licence from some beaches. It would be as well to inform operators of this proposed study the end result of which could well be the recommendation not to issue any further licences for sand and shingle extraction from beaches".

The three applicants mentioned earlier were so informed by the Ministry of Transport. However I have heard nothing more of the proposed study. In any



case I expect it will be a lengthy process and it may be some years before the results are known. In the meantime we will have to rely on our judgement as to what quantities is it "safe" to allow to be removed each year. We do this by general observation of the state of the beach from time to time. As you know, in the case of Kuatunu, sand has been removed for many years without any signs of any permanent damage or change to the beach until the recent change which you state has occurred.

There is therefore reason to believe that provided sand removal is kept to a limited rate then the sand so removed may be replaced by fresh sand from the sea bed, which in turn is replenished by sand being brought down by rivers and streams (or shingle brought down by them which is in turn converted to sand by the action of the sea).

For the moment it largely hinges on what the allowable rate per year should be and whether in fact the licensed operators are keeping within any limits we fix.

5 Kuatunu is not the only beach in the vicinity where sand removal is permitted. Licences are also issued for the Whangapoua Harbour area.

However it is felt that the area to the left of the mouth of the Pitoona Stream is a very suitable place for sand extraction because sand does seem to replenish itself fairly readily there, and because taking of sand does help to keep the river mouth from blocking up. Access is also easily obtainable.

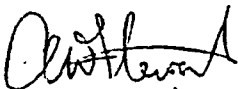
6 There is a very real need for sand and shingle for a variety of purposes and I would be reluctant to agree to any complete ban on their removal (as suggested by my District Office) except where it is felt that natural replenishment is not taking place.

7 One problem we are now faced with at Kuatunu is that (if the Ministry of Transport followed our recommendations) the three licensed operators may be working under different sets of conditions. This will make it difficult to know which license holders may be breaking these conditions. Whether the Ministry of Transport can impose further conditions at this stage (both to put all three operators on the same footing, and also to overcome some of the problems you mention e.g. working during holiday periods) I do not know, but I will try and see if this can be done.

The biggest problems of all are ensuring that all conditions set are complied with, and that there are no operators without licences who are taking the sand. Frankly I do not know how these problems can be overcome but again I will ask my District Office to take the matter up with the Ministry of Transport.

8 Once more I wish to thank you for your report on this matter and to commend you on the clear way in which you have stated your case, and made firm recommendations. While I do not agree completely with the latter I think that we are, in general, thinking much along the same lines and I hope that an improvement on the situation can be achieved by imposing some fresh conditions and by trying to see that they are enforced.

Yours faithfully

  
(A W Stewart)  
Resident Engineer

FILED BY

FILER No. 20

FILE

Continued

4

Dist Commr of Works  
M W D  
HAMILTON

ATTENTION Mr Attwood

... 1 Copy for your information, together with a spare copy for sending to  
... Ministry of Transport, plus two copies of Mr MacIntyre's letter.

2 I think this letter makes it clear that Ministry of Transport must take some action to police the permits they issue. I think this could best be done by the Marine Division's representatives at Whitianga and Coromandel, and/or perhaps by "honorary" inspectors (i.e. local people appointed to keep an eye on activities).

If a breach of conditions is established then I feel the licence should be cancelled. If sand is taken by a person whose licence has been cancelled, or who has not applied for a licence, then I feel a prosecution is warranted.

3 Would you please ask Ministry of Transport whether the condition applying to Hodge's licence can be retrospectively applied to the licences for Mercury Bay Ready Mix Limited and A.A. Simpson.

Would you please also ask whether additional conditions could be applied to all three licences. If so these conditions should be that

- a No sand removal occurs on Saturdays, Sundays or public holidays.
- b That no removal takes place over a certain period at Christmas. Mr MacIntyre has suggested from 24 December to 31 January. I think this is a little too stringent and would suggest instead from 25 December to the third Sunday in January.
- c That no one licence holder should extract sand at a rate greater than 200 cubic metres per calendar month.

4 If Ministry of Transport agrees to this they should also be asked to make it quite clear to licence holders that a breach of any of the conditions will lead to cancellation of the licence. Ministry of Transport should then arrange for regular, or intermittent policing, either by their own staff, or by local residents. Points which should particularly be watched and should lead to immediate loss of licence are:

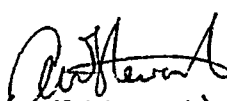
- a removal of sand from the right bank of the Pitoone Stream instead of the left bank,
- b taking sand from a greater depth than specified,
- c failure to "smooth" out the beach after working it.

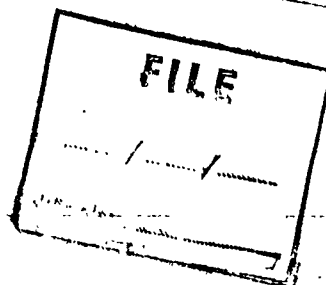
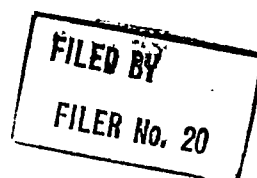
5 If it is found that removal of between 2,000 and 3,000 cubic metres of sand per year is too much, or if applicants other than the three concerned

FILED BY

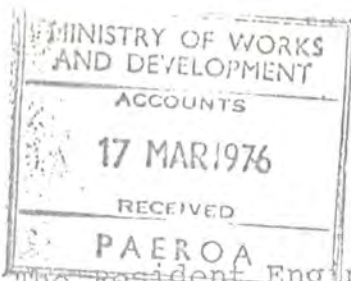
FILED No. 20

ask for permission to remove sand, then it may be necessary to restrict the quantities licensed for this area, and ask the applicants to obtain the balance (or even all) of the quantity they require from the Whangapoua Harbour. If so it will be necessary to define just what parts of the Harbour are to be worked.

  
(A W Stewart)  
Resident Engineer







The Resident Engineer,  
Paeroa Residency,  
PAEROA.

712  
67 Raleigh Road,  
Northcote,  
AUCKLAND.

15th March 1976.

D. E. MacIntyre

Dear Sir,

We, the property owners of the Seaside Sub-division at Kuaotunu West and surrounding areas, strongly protest at the removal of sand and aggregate from the adjacent beach. It is our wish that the sand removal in its present form, be stopped and we will be following up whatever action is necessary to get this brought about. The following facts list the grounds for our objections:-

- ...
1. A plan is enclosed showing that there are 24 sections in the sub-division adjacent to the beach. One section now has a permanent resident and many of the others are now being used by owners for holidays and weekends with increasing frequency.

There are also many other property owners in the local area affected by the sand removal.

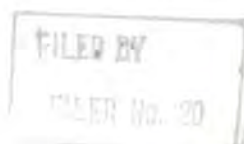
2. Property owners are being forced off the beach by the activities of contractors. Recent examples occurred during the Christmas - New Year holidays when families were enjoying the river and beach only to have a noisy smelly front end loader come charging around the beach for periods of up to three hours at a time. This forced people off the beach and made them understandably bitter against the contractors. Section owners should have the right to use the beach closest to them without the disturbances of what has become nothing less than a quarry. The contractors activities take place every second day on an average and include Christmas Day and Sundays. The noise level is such that at times residents are forced to close their house windows to exclude the noise. A recent example of this occurred on a Sunday afternoon.
3. The beach is being left in a very bad state as the contractors make no attempt to make good the removal. Large pits and trenches up to 4' deep are left on the beach and these are unsightly and make access dangerous at night. Also stagnant water collects in some of the holes.

...2...

A. W. STEWART ✓

*A. W. Stewart*  
*D. E. MacIntyre*

*Please discuss urgently.*

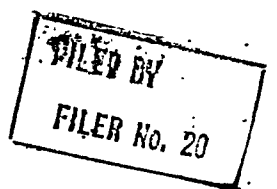




...2...

4. The quantity of sand being removed is excessive and local residents who have been keeping checks can verify this. The hole that was being used over the Christmas period had over 1000 yards taken from it and this was only one of the excavations done during the year. Three truck and trailer loads totaling about 35 yards were being taken on the average of every second day all over the Christmas - New Year period.
5. One of the arguments put forward to continue the sand removal is the obligations of the contractors to keep the river flowing. However the property owners have seen no evidence of the contractors making any attempt to aid the flow of the river. The contractors only interest is to get the sand out as easily as possible without any regard at all for the rights of other beach users.
6. It would appear that this small area of beach is being used to supply a very large area of the Coromandel Peninsular. This situation is not very fair as there are vast quantities of sand on other beaches such as Otama and Matarangi. It is only fair if sand is to be taken then one small area of one beach should not have to suffer the open destruction which is at present taking place.
7. There is evidence of erosion commencing on the base of the sandhills along the beach and this could be due to the lowering of the beach level in front of the sand hills. Large scale aggregate removal is continually going on right down to low water level and this could very possibly be lowering the beach level. This aggregate removal is also continually disturbing the beach formation causing excessive quantities of pebbles to come to the surface, making the beach unpleasant for swimming and recreation.
8. No shellfish have been found on the beach and this is hardly surprising when front end loaders are digging it up right down to low water level.

...3...



...3...

In conclusion we make the following recommendations:-

1. That the removal of sand over the Christmas period be stopped altogether. (24th December to 31st January).
2. That no further licences be granted after the completion of the existing ones.
3. That if it is necessary to grant any more licences this should only be done under more stringent regulations which can be adequately supervised by the licencing authorities.

Encl. .

Yours sincerely,

*I. E. MacIntyre* | (Property owner)

*B. J. Gillard* |

||

||

*D. F. Fraser*  
*M. J. Fraser* |

||

||

*K. M. MacIntyre* |

||

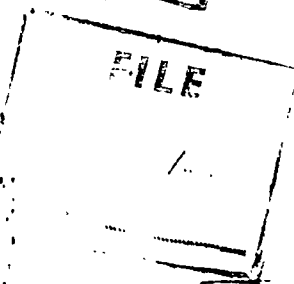
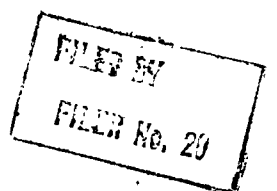
||

*J. R. Mackie*  
*J. R. Mackie* |

||

||

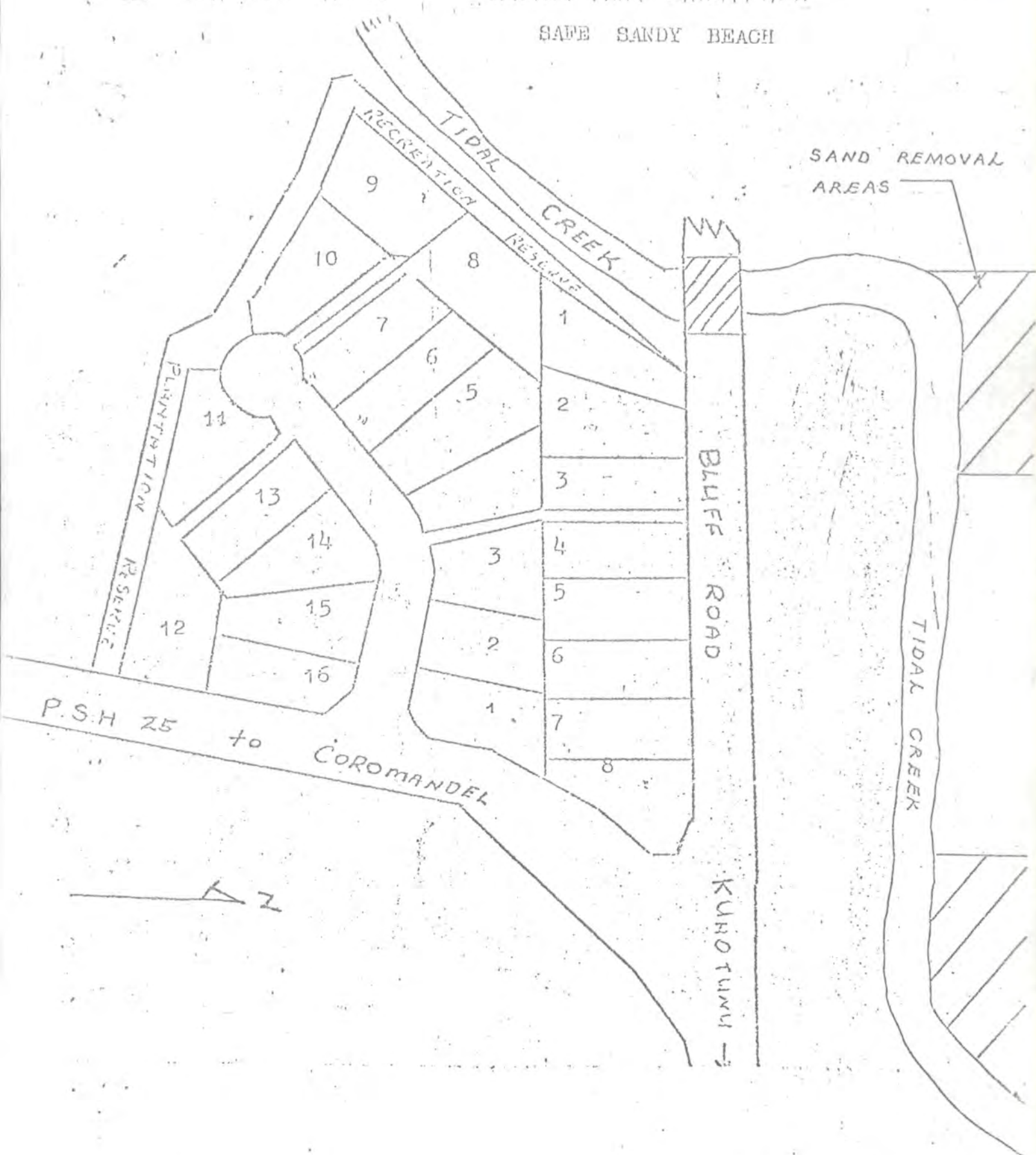
c.c. Ministry of Transport, Auckland.  
Minister of the Environment, Wellington.



KUAOTUNU WEST  
KUAOTUNU WEST

SEASIDE PARK SUBDIVISION  
SEASIDE PARK SUBDIVISION

SAFE SANDY BEACH



FILED BY  
FILE No. 20

FILE

54/15/48

Mr. Lowway

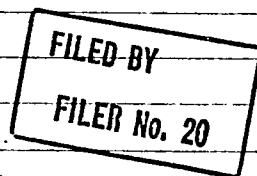
Please see memo from Denis Greig and notes by Peter McKinlay below.

It would seem to me that the provision for inspecting licensees' records should be included in all licences - perhaps such a provision could be added to the licence form when it is next reprinted.

In respect of Kwaotunn Beach, we don't know what licences have been granted this year or the conditions (if any) attached to them. Assuming however that the licences are basically the same as last year's (copies of which are on file), in view of the complaints of the residents I think that Denis would be justified in revoking the licences and issuing new ones which could contain additional conditions relating to:

- ① Inspecting records
- ② Restrictions on removal times
- ③ Maximum depths for digging

I recommend that we advise Denis accordingly.



FILE  
J. Morrison 3/3

## MINUTE SHEET

Department: .....

Subject:

Sand Remerals.

File No.

54/15/48.

Date:

30/3/76

To—

Mr. McKimley

Pse see memo from Mr Greig below Could  
you please comment on his question in the  
last para?

J. Morrison

It would require a special  
condition in the licence - condition  
4 comes close to this but you  
could add, say, "The licence  
will not be valid if demanded by any officer  
of the Ministry of Transport or of  
any Honorary Beach Warden  
appointed by the Ministry of  
Transport"



## MINUTE SHEET

Department: .....

Subject: .....

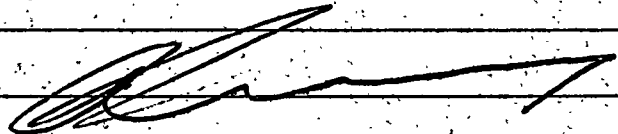
File No. ....

Date: .....

To—

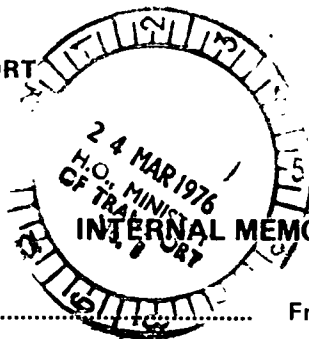
produce for inspection such of  
the licensee's records relating to  
the removal and sale of sand  
as the said officer or beach  
warden may require.

The power to terminate the  
license on one week's notice  
would allow to force such a  
condition on the licensee  
immediately if you so wished.





MINISTRY OF TRANSPORT



Our Ref.: 54/14/7 Part 2

Your Ref.: .....

To: HEAD OFFICE

From: Regional Office, AUCKLAND.

Attention: S.E.O. (Hbrw)

Date: 22 March 1976

Subject: KUAOTUNU SAND REMOVALS

.... The matter of the removal of material under licence from the beach at Kuaotuna would appear to be a matter of more concern to those persons who have now bought properties in adjoining subdivisions sited at the corner of the Coromandel Whitianga - Matarangi Spit Road and a copy of a letter received is enclosed for your information.

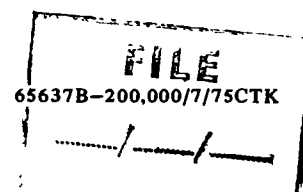
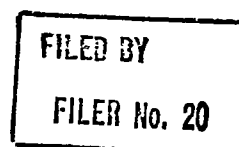
A spokesman for the residents called at this office recently and inferred that sand was being removed in excess of the licence granted. However when in discussion it was put to him that some persons residing permanently in the area be appointed to act as Honorary Beach Wardens on behalf of this Ministry it again appears that no resident is willing to act in case of repercussions from one of the sand licensees.

The only other source of sand in this area which would normally leave a supply site for Whitianga and possibly Coromandel could be between Whangamata and Paeroa but cartage of such a distance would be prohibitive. Another site could be the removal of sand by barge from outside the Kuaotunu Spit.

It is understood that the Waikato Valley Authority have the right to examine the delivery dockets of the licensees who remove sand from the Waikato River. Would you please advise if such action would be within the authority of the Harbours Act and if this would require some special delegation of authority although it is realised that such a check might not reveal the true extent of removal as possibly some would be on a cash basis.

D. Greig  
for Regional Secretary

Enc.





54/14/7

67 Raleigh Road,  
Northcote,  
AUCKLAND.

15th March 1976.

D. E. MacIntyre

Ministry of Transport,  
Private Bag,  
Customhouse,  
AUCKLAND.

Attention: Mr. Gregg.

Dear Sir,

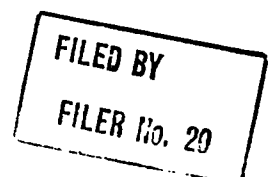
We, the property owners of the Seaside Sub-division at Kuaotunu West and surrounding areas, strongly protest at the removal of sand and aggregate from the adjacent beach. It is our wish that the sand removal in its present form, be stopped and we will be following up whatever action is necessary to get this brought about. The following facts list the grounds for our objections:-

- ...
1. A plan is enclosed showing that there are 24 sections in the sub-division adjacent to the beach. One section now has a permanent resident and many of the others are now being used by owners for holidays and weekends with increasing frequency.

There are also many other property owners in the local area affected by the sand removal.

2. Property owners are being forced off the beach by the activities of contractors. Recent examples occurred during the Christmas - New Year holidays when families were enjoying the river and beach only to have a noisy smelly front end loader come charging around the beach for periods of up to three hours at a time. This forced people off the beach and made them understandably bitter against the contractors. Section owners should have the right to use the beach closest to them without the disturbances of what has become nothing less than a quarry. The contractors activities take place every second day on an average and include Christmas Day and Sundays. The noise level is such that at times residents are forced to close their house windows to exclude the noise. A recent example of this occurred on a Sunday afternoon.
3. The beach is being left in a very bad state as the contractors make no attempt to make good the removal. Large pits and trenches up to 4' deep are left on the beach and these are unsightly and make access dangerous at night. Also stagnant water collects in some of the holes.

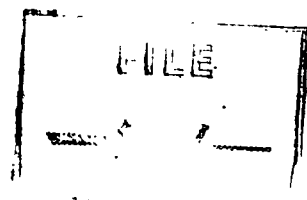
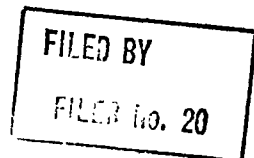
...2...



...2...

4. The quantity of sand being removed is excessive and local residents who have been keeping checks can verify this. The hole that was being used over the Christmas period had over 1000 yards taken from it and this was only one of the excavations done during the year. Three truck and trailer loads totaling about 35 yards were being taken on the average of every second day all over the Christmas - New Year period.
5. One of the arguments put forward to continue the sand removal is the obligations of the contractors to keep the river flowing. However the property owners have seen no evidence of the contractors making any attempt to aid the flow of the river. The contractors only interest is to get the sand out as easily as possible without any regard at all for the rights of other beach users.
6. It would appear that this small area of beach is being used to supply a very large area of the Coromandel Peninsular. This situation is not very fair as there are vast quantities of sand on other beaches such as Otama and Matarangi. It is only fair if sand is to be taken then one small area of one beach should not have to suffer the open destruction which is at present taking place.
7. There is evidence of erosion commencing on the base of the sandhills along the beach and this could be due to the lowering of the beach level in front of the sand hills. Large scale aggregate removal is continually going on right down to low water level and this could very possibly be lowering the beach level. This aggregate removal is also continually disturbing the beach formation causing excessive quantities of pebbles to come to the surface, making the beach unpleasant for swimming and recreation.
8. No shellfish have been found on the beach and this is hardly surprising when front end loaders are digging it up right down to low water level.

...3...



...3...

In conclusion we make the following recommendations:-

1. That the removal of sand over the Christmas period be stopped altogether. (24th December to 31st January).
2. That no further licences be granted after the completion of the existing ones.
3. That if it is necessary to grant any more licences this should only be done under more stringent regulations which can be adequately supervised by the licencing authorities.

Encl.

Yours sincerely,

*I le MacIntyre* | (Property owner)

*B. Gillard* |

||

||

*D. F. Fraser*  
*M. J. Fraser* |

||

||

*K. M. MacIntyre* |

||

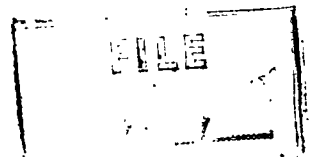
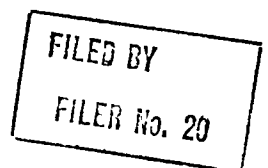
||

*B. D. Mackie*  
*J. R. Mackie* |

||

||

c.c. The Resident Engineer, Paeroa. M.O.W.  
The Minister of Environment, Wgtn.



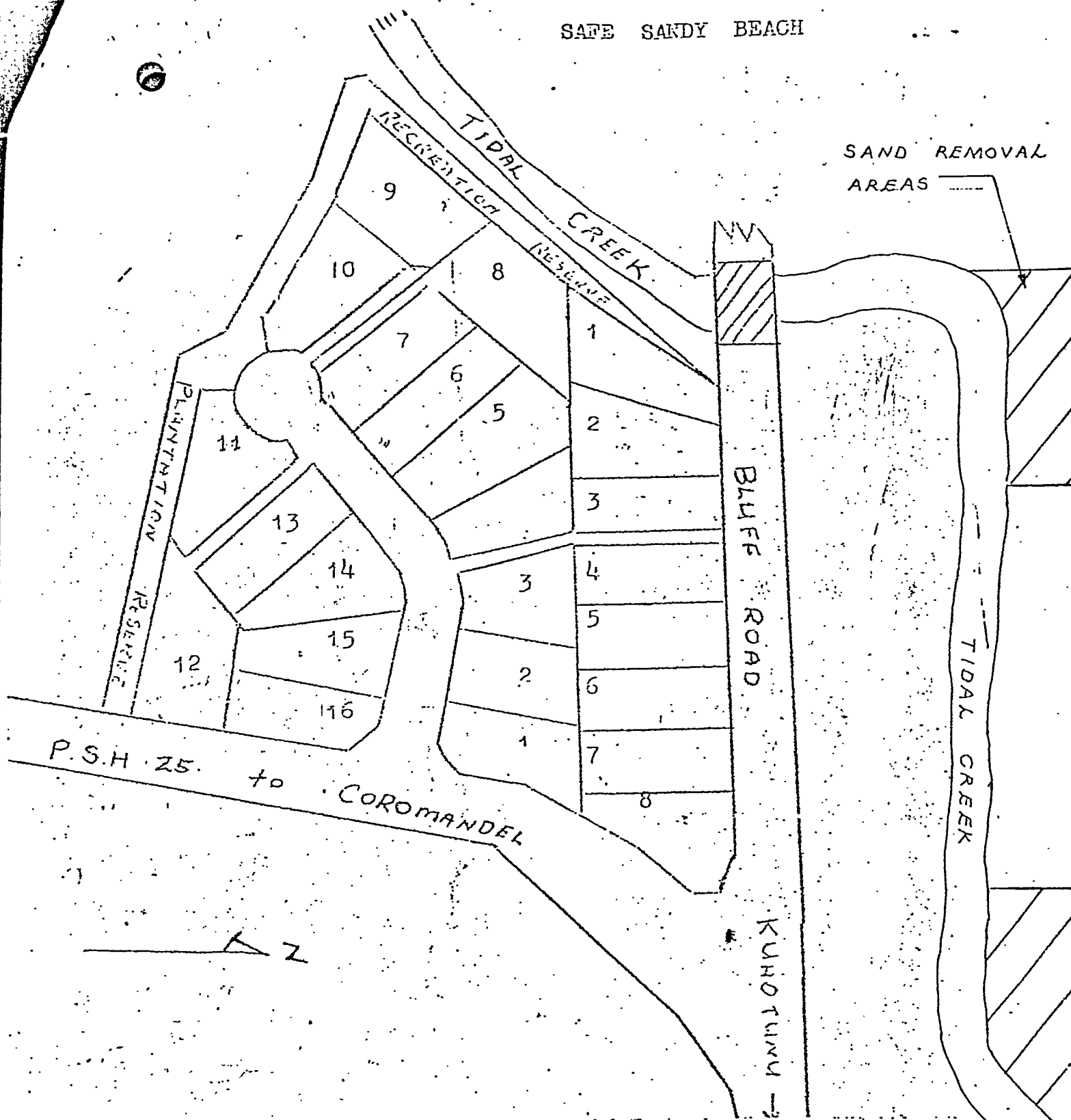


KUAOTUNU WEST

SEASIDE PARK SUBDIVISION

SAFE SANDY BEACH

SAND REMOVAL  
AREAS



FILED BY  
FILE NO. 20

Our Ref: 54/15/48

RJM:LK

8 December 1975

The Commissioner for the Environment,  
P.O. Box 12-042,  
WELLINGTON NORTH

Attention: M.A. Ward

BEACH SAND EXTRACTION - KUAOTUNU WEST

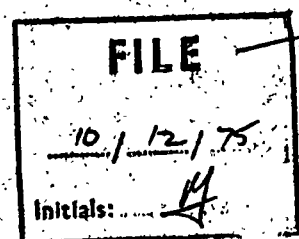
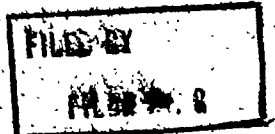
I refer to your memorandum of 2 October and apologise for the delay in replying.

... We have just issued a new set of instructions to our Superintendents of Mercantile Marine and Regional Marine Officers, and I am enclosing a copy for your information. The form of environmental assessment which you suggested (with some minor modifications) has been included in these instructions as Appendix B.

With regard to Kuaotunu West, our Auckland officer has been asked to ensure that the applicants for sand removals complete an assessment questionnaire, and if he has any doubts he should send the relevant information to us for discussion with you.

Encl. /

4  
(R.J. Morrison)  
for Director, Marine Division



all below

54/15/48

54/14/7 Pt.2

Regional Secretary,  
AUCKLAND.

HEAD OFFICE

Attention: D. Greig

5 December 1975

SAND REMOVALS - KUAOTUNU WEST

I refer to your memorandum of 10 October enclosing correspondence referred to you by the Hauraki Catchment Board.

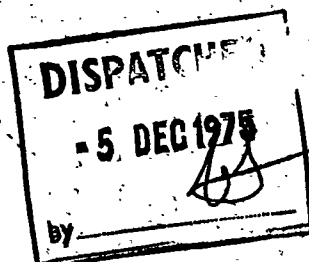
... Your earlier report of 16 September (for which I have not yet thanked you) was referred to the Commissioner for the Environment and I am enclosing for your information a copy of his reply.

I see no reason to halt all extractions at this stage if your assessment and Ministry of Works & Development reports are satisfactory, although clearly a close watch should be kept on the situation. You should ensure that the applicants complete an environmental assessment questionnaire, either our former questionnaire or the attached amended format (which is basically the one referred to in the Commissioner's memorandum and which is being included in our revised instructions on sand and shingle removals).

If you are in doubt when the assessment has been completed, you should send all relevant information to us and we will discuss the matter with the Commission for the Environment.

Encls. ✓

  
(R.J. Morrison)  
for Director, Marine Division



148 K 54/15748

MOT 5



MINISTRY OF TRANSPORT



Our Ref.: 54/14/7 Pt 2

Your Ref.: .....

To: HEAD OFFICE  
ATTENTION: S.E.O. HARBOURS  
Subject: SAND REMOVALS: KUAOTUNU WEST

From: REGIONAL OFFICE, AUCKLAND  
Date: 10 October 1975

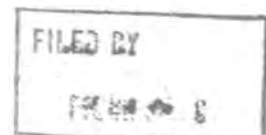
... Further to your memorandum 54/15/48 of 8.9.75 and my report of 16.9.75 regarding objections to the removal of sand from the above area, please find enclosed photo copies of correspondence received referring to the same area and referred to this office by the Hauraki Catchment Board and Regional Water Board.

As you are aware this area has been adequately reported on by our technical advisers in the past and closure of this area could cause some hardship and possibly considerable objection to licensees for this area. However it may be that your decision is that extraction of material from this area should cease and no further licences issued from 31.12.75.

Please advise your decision in this matter.

(D. Greig)  
for Regional Secretary

Att. ✓



P.O. Box 7  
Te Aroha

J. M. A. 1001,  
Secretary

R. W. F. D.S.C. B.E.  
Chief Engineer

*Records are supplied for  
for my catch*

# HAURAKI CATCHMENT BOARD

and

## REGIONAL WATER BOARD

Telephone 505 (3 lines)



3 0

The Superintendent,  
Marine Division,  
Ministry of Transport,  
Private Bag,  
AUCKLAND

Dear Sir,

SAND REMOVAL - KUAOTUNU BEACH, COROMANDEL

I enclose copies of correspondence from the N.Z. Scene Preservation Society and Mr A.C. Hamer concerning the removal of sand from Kuaotunu Beach, Coromandel for your consideration and possible action.

Yours faithfully  
J.M. Morrison  
SECRETARY

per.....*L.S.H.*

S.O. H & F

*For investigation, see B*





# NEW ZEALAND SCENERY PRESERVATION SOCIETY

P.O. BOX 2051, CHRISTCHURCH



7th August.

The Chairman,  
Hauraki Catchment and Regional Water Board,  
P.O. Box 7,  
Te Aroha.

Dear Sir,

re Removal of Kuaotuno Beach Sand

I enclose this copy of the letter sent to the Society by  
Hamer.

The Committee hope that you will be able to take some action  
the matter.

DEPARTMENT	ACTION	DATE	INITIALS
Chairman			
Secretary			
Exec. Com.			
Board			
Adm. Sec.			
Finance			
Publicity			
Research			
Legal			
Other			
FILE - INITIALS			
BRING UP			
DATE	INITIALS		

Yours faithfully,

*J. M. H. Davie*

Mrs J.M.H. Davie

Hon. Secretary.

*Greenfield*

COPY TAKEN

FILE BY

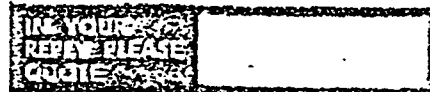
1975-8

a few weeks ago. Aut.

## OAKLEY HOSPITAL

Phone ~~XXXX~~ 867-199CARRINGTON ROAD, POINT CHEVALIER  
AUCKLAND, 2.

YOUR REFERENCE

Address reply to the  
Medical Superintendent

4 February 1975

Mrs J.M.H. Davie, B.A.  
Hon. Secretary,  
New Zealand Scenery Preservation Society (Incorporated),  
P.O. Box 2051,  
CHRISTCHURCH

Dear Madam,

I was encouraged by your 1974 Report to write and ask you if you can help in the erosion problem caused by the lifting of huge amounts of sand from Kuaotumo beach (near Whitianga) far and above the quota allowed. The contours change from month to month. The Maritime Department does nothing; the local bodies seem equally helpless. The sand is distributed as far as Hahei Southerly, I believe, to make cement. The beach is almost impossible to 'police'.

My vested interest should, of course, be declared. I own a house about 500 yards further along the road from where the sand is uplifted.

I would be grateful if you could see into this grievous matter and I am encouraged to see that there are two colleagues on the Committee.

Yours faithfully,

A.C. Hamer  
M.B., D.P.M., F.R.C. Psych.  
Surgeon Captain R.N. (Rtd.).

P.S. Anyone who has seen the documentary "River of Sand" will realise the results of removing sand from beaches.

*Aut*

PPS: A man who had lived in a house, (now burnt down), nearby called in & expressed horror at the way the beach had virtually melted away. This was a few weeks ago. *Aut*

H &amp; F

54/15/48



## Commission for the Environment

Birch House  
53 Murphy Street, Wellington  
Telephone 704003 720-642

P.O. Box 12-042, Wellington North  
New Zealand

2 October 1975

Director  
Marine Division  
Ministry of Transport

### BEACH SAND EXTRACTION - KUAOTUNU WEST

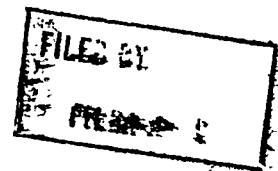
Your memorandum of 24 September and accompanying papers (Reference 54/15/48) have presented a useful summary of the beach sand extraction situation at Kuaotunu West in answer to my enquiry. It is apparent from the recent correspondence to the Minister for the Environment and earlier complaints by the Residents' Association referred to by your Auckland office that there is considerable local concern about the effects of the beach sand extraction operation in that area. The concern of the Ministry of Works & Development about sand replenishment after storms and possible removal of sand from above the high water mark are additional matters of concern.

It is apparent that the preparation of an environmental impact assessment of these operations would be useful along the lines discussed between Messrs Milne and Wendelken on 5 March 1975. An assessment could broadly follow the format suggested by the Commission in its memorandum of 21 November 1974 and would best be completed prior to consideration of licence applications in this area for 1976.

The Commission would be pleased to discuss this matter further and assist in the preparation and evaluation of the assessment.

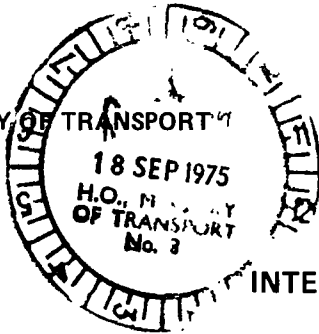
*M.A. Ward*

M.A. Ward  
for Commissioner for the Environment





MINISTRY OF TRANSPORT



## INTERNAL MEMORANDUM

Our Ref.: 54/14/7 PT2

Your Ref.: .....

To: HEAD OFFICE WELLINGTON From: REGIONAL OFFICE AUCKLAND

ATTN: S.E.O. (HBRIS) Date: 16 SEPTEMBER, 1975

Subject: SAND REMOVALS - KUAOTUNU WEST

This area of removal was subject to complaints from the Residents Association at the beginning of this year and the members of the Association were met and our procedure regarding the issue of licences was advised. Also advised of the licences issued and the total amount available for removal this current year.

While no member would <sup>Act</sup> sit on our behalf as a Honorary Beach Ranger it was given to understand they would keep an eye on the area and report any unauthorised removals. At that time although it could not be confirmed information seemed to indicate that the Ministry of Works were responsible for some unauthorised removals.

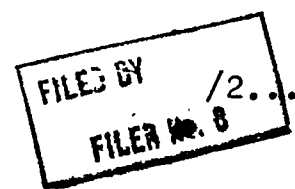
The areas at Kuaotunu from which sand may be removed are shown on the enclosed plan and while it is doubtful if the whole of the zones shown are below HWOST it often appears that much of the material is removed above this mark. From observation of the beach over a long period, recovery after extraction presents no problems and also removals assist in keeping the stream mouth open preventing any backing up beyond the bridge.

The sand in the designated areas is of good quality but at the lower tidal area is mixed with fine metal. The foreshore some ten chains towards Whitianga has a mixture of sand and surface rock and being close to SH 25 any removal could cause erosion which could affect the road. The triangular area <sup>between</sup> Bluff Road and SH25 has been recently subdivided but the older residential area is further towards Whitianga. Bluff Road runs almost to Matarangi Beach where plentiful amounts of sand seem to exist but there is little or no vehicle access.

The licensed users of sand at Kuaotuna are listed below and are mainly small operators as the area of demand would mainly be around Whitianga township. The largest user would be Mercury Bay Ready-mix and while at one time some sand from this area was taken to Coromandel it could be that the haulage costs now prohibit this use.

Sand for the area around Whangamata is extracted from Maori land at Whiritoa.

Kuaotunu apart from its easy access could be the only beach from which sand is available.



Commenting on the complainants letter:- the stream has run over the beach in the same approximate course since my first examination of this area and even in dry weather the flow would prevent stagnation.

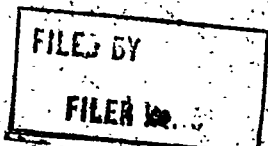
The erosion at Buffalo Beach was caused by many factors; storm, change in the pattern of the flow of the Whitianga river, and I was advised once that with the building of the road at this point the public crossing the dune area destroyed the marram grass and reduced the foredune.

LICENSEE	PERMIT NO	ALLOCATION	EXTRACTED TO DATE
A.A. SIMPSON	2611	764 cu m	NIL
M.A. HODGE	2617	600 " "	114 m <sup>3</sup> (to July 30)
MERCURY BAY READY MIX	2618	535 " "	540 m <sup>3</sup> (to July 30)

You will note that the total recommendation for the year was 2300 cubic yards (1758 m<sup>3</sup>) and that each licence is endorsed "sand to be only removed at time of high beach levels and no removals after storm conditions leave the beach in a low condition".

*✓ end*

*D. Greig*  
D. Greig  
for Regional Secretary







**Ministry of Works  
New Zealand**

P.O. Box: 123 PAEROA

Telephone: 8725

54/14/7/44

Our Ref: 7/2

Date: 26 May 1975

Inquiries to: H D Glass

Dist Commr of Works  
M W D  
HAMILTON

ATTENTION Mr P J Ryan

Your Ref:

SAND AND SHINGLE LICENCES (1) MERCURY BAY READY-MIX LTD  
(2) M R HODGE, KIMCTUNU

An inspection of the area where we have given permission to remove sand and shingle occurred on 23 May 1975, and showed no appreciable change in sand and shingle deposit on the beach.

However, as was mentioned in my report of 23 July 1974, the levels of this beach can alter quite remarkably over several weeks, which in turn can affect the quantity of sand and shingle available for removal.

This type of movement of materials on the beach usually takes place during north-easterly storms. If after such a storm the level of the beach is left low we request that the removal of sand and shingle be curtailed until a new build-up takes place.

It should be appreciated that the removal of material from the beach when the natural cycle of build and removal is at its lowest can affect this pattern. This effect could be in the form of extensive beach erosion which in turn leads to more serious problems.

With the above restrictions the application for the removal of sand is recommended.

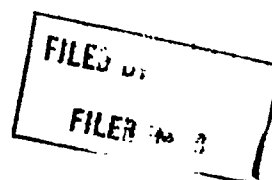
These applications now bring the total to 2300 yds for this year, which is within our recommended limit.

A W Stewart  
Resident Engineer

pp   
(H D Glass)

*advised approval 8/7/75*

*ms.*



This form must be produced when demanded by an officer or representative of the Marine Department

Reference

54/147/5

# LICENCE TO TAKE MATERIAL

Pursuant to the Harbours Act 1950

No 2617

To Mr R. Hodge  
Address: Kuaitume  
P.O. Pukitanga

You are hereby authorised on payment of a licence fee of 10s. (\$1), and subject to the terms and conditions set out below, to take and remove 600 cubic yards per hour of stone, shingle, sand, boulders, silt, mud, from an area of the foreshore below high-water mark, harbour, river bed, bed of the sea, described as Kuaitume Beach

## TERMS AND CONDITIONS

1. This licence shall expire on the 24<sup>th</sup> day of July 1955 unless sooner revoked in terms hereof.

2. The licensee shall pay to the Marine Department a royalty of all material taken and removed at the rate of 36 cents per cubic yard. metre

\*3. The licensee shall, on the first day of each month, produce for inspection to \_\_\_\_\_ at \_\_\_\_\_, his cargo book and official log book as required by section 177 of the Shipping and Seamen Act 1952, and shall thereupon pay all amounts (if any) due to date, or

\*4. The licensee shall, on the first day of each (month\*) (or of the quarters commencing in January, April, July, and October\*), produce to Marine Department at P.O. Pukitanga a record of all material removed each day during the preceding (month\*) (or quarter\*), or, if no material has been removed during that period, advise him in writing accordingly, and shall thereupon pay all amounts (if any) due to date.

5. The licensee shall not remove any material from any place which, although included in the area above described, is used in whole or in part as a public road or highway.

6. The licensee shall not assign or subcontract out the benefit of this licence.

7. This licence may be revoked upon one week's written notice to the licensee at the above address and without notice if:

(a) The Department considers damage is being done or is likely to be done to adjacent land, or

(b) If the licensee, his servants, or agents shall fail to observe any term or condition hereof

without in any event prejudice to other rights of the Department including its right of recovery of payments due hereunder.

8. Further conditions: Sand to be only removed at time of high  
beach levels and no removal to take place  
if after storm conditions leave the beach in a low  
condition

DATED this 24<sup>th</sup> day of July 1955 1956

Signature: M. Davies

Designation: Foreshore Assistant

\*Delete as necessary.

## LICENCE TO TAKE MATERIAL

Pursuant to the Harbours Act 1950

Nº 2618

To Messrs. Mercantile Bay Roaders Ltd

Address: 8 Albert Street

Whitanga

You are hereby authorised on payment of a licence fee of 10s. (\$1), and subject to the terms and conditions set out below, to take and remove 535 cubic yards per ANNUM of stone, shingle, sand, boulders, silt, mud, from an area of the foreshore below high-water mark, harbour, river bed, bed of the sea, described as KUAOTUNA

### TERMS AND CONDITIONS

1. This licence shall expire on the 31<sup>st</sup> day of November 1945 unless sooner revoked in terms hereof.

2. The licensee shall pay to the Marine Department a royalty of all material taken and removed at the rate of 36c per cubic yard net

\*3. The licensee shall, on the first day of each month, produce for inspection to at, his cargo book and official log book as required by section 177 of the Shipping and Seamen Act 1952, and shall thereupon pay all amounts (if any) due to date, or

\*4. The licensee shall, on the first day of each (month\*) (or of the quarters commencing in January, April, July, and October\*), produce to Ministry of Transport at P.O. Auckland, a record of all material removed each day during the preceding (month\*) (or quarter\*), or, if no material has been removed during that period, advise him in writing accordingly, and shall thereupon pay all amounts (if any) due to date.

5. The licensee shall not remove any material from any place which, although included in the area above described, is used in whole or in part as a public road or highway.

6. The licensee shall not assign or subcontract out the benefit of this licence.

7. This licence may be revoked upon one week's written notice to the licensee at the above address and without notice if:

(a) The Department considers damage is being done or is likely to be done to adjacent land, or

(b) If the licensee, his servants, or agents shall fail to observe any term or condition hereof without in any event prejudice to other rights of the Department including its right of recovery of payments due hereunder.

8. Further conditions: Sand to be only removed at time of beach ridges & no removals to take place if other beach conditions leave the beach in a low condition.

DATED this 14<sup>th</sup> day of July 1945

Signature: Mr. Davies

Designation: Forshore Assistant

\*Delete as necessary.





Ministry of Works  
and Development

P.O. Box:

123 PAEROA

Telephone:

8725

Our Ref:

7/2

Date: 26 February 1975

Inquiries to:

B N Fear

Dist Commr of Works  
M W D  
HAMILTON



ATTENTION Mr A K Attwood

Your Ref:

47/16 of 12 December 1974

SAND AND SHINGLE LICENCES, KUAOTUNU BEACH

Approval of A A Simpsons application and continued periodical inspection of the Kuaotunu foreshore is recommended.

This does not, however, suggest that we are entirely agreeable to allowing Simpsons, and any such other applicant, to remove sand as and when required. Rather, it stems from the fact that an inspection of the foreshore on 17 February 1975 and on many previous occasions showed no evidence of any detrimental effects from present and past sand removals.

It is also to be noted that the amount of sand required by the applicant for this, and the following year, is in line with my recommendation of paragraph 4 of my 7/2 of 2 July 1974. That is, a limit of 1,000 cubic yards per annum per applicant. Furthermore, it is expected that the total sand removal requirements by all interested parties for the current year, will be well within the maximum of 3,000 cubic yards as recommended in my same memo.

My apologies for the delay in replying.

A W Stewart  
Resident Engineer

PP *B N Fear*

(B N Fear)

Reg Secretary  
Marine Division

Your file  
Referred for your action.

D.O. file.

47/16

3/3/1975

Information.

A. E. HERMAN

D.C. of Works

Ministry of Transport Private Bag Auckland

Approval is recommended

Entered progress sheet  
ind. ✓

## LICENCE TO TAKE MATERIAL

Pursuant to the Harbours Act 1950

Nº 2611

To Mr. A. H. Simson Ltd.

Address: P.O. Box 108

Whitinga

You are hereby authorised on payment of a licence fee of 10s. (\$1), and subject to the terms and conditions set out below, to take and remove 764 <sup>NETS</sup> cubic yards per ANNUM of \*stone, shingle, sand, boulders, silt, mud, from an area of the \*foreshore below high-water mark, harbour, river bed, bed of the sea, described as Kukutonga Beach

### TERMS AND CONDITIONS

1. This licence shall expire on the 31 day of September 1975 unless sooner revoked in terms hereof.

2. The licensee shall pay to the Marine Department a royalty of all material taken and removed at the rate of 36 cents per cubic yard. NETRE

\*3. The licensee shall, on the first day of each month, produce for inspection to \_\_\_\_\_ at \_\_\_\_\_, his cargo book and official log book as required by section 177 of the Shipping and Seamen Act 1952, and shall thereupon pay all amounts (if any) due to date, or

\*4. The licensee shall, on the first day of each (month\*) (or of the quarters commencing in January, April, July, and October\*), produce to Mr. A. H. Simson Ltd. at M.S.D. P.B. Auckland a record of all material removed each day during the preceding (month\*) (or quarter\*), or, if no material has been removed during that period, advise him in writing accordingly, and shall thereupon pay all amounts (if any) due to date.

\*5. The licensee shall not remove any material from any place which, although included in the area above described, is used in whole or in part as a public road or highway.

6. The licensee shall not assign or subcontract out the benefit of this licence.

7. This licence may be revoked upon one week's written notice to the licensee at the above address and without notice if:

- (a) The Department considers damage is being done or is likely to be done to adjacent land, or
  - (b) If the licensee, his servants, or agents shall fail to observe any term or condition hereof
- without in any event prejudice to other rights of the Department including its right of recovery of payments due hereunder.

8. Further conditions: Same as in the Harbour Act 1950  
and in the Harbour Regulations 1950  
and in the Harbour Rules 1950

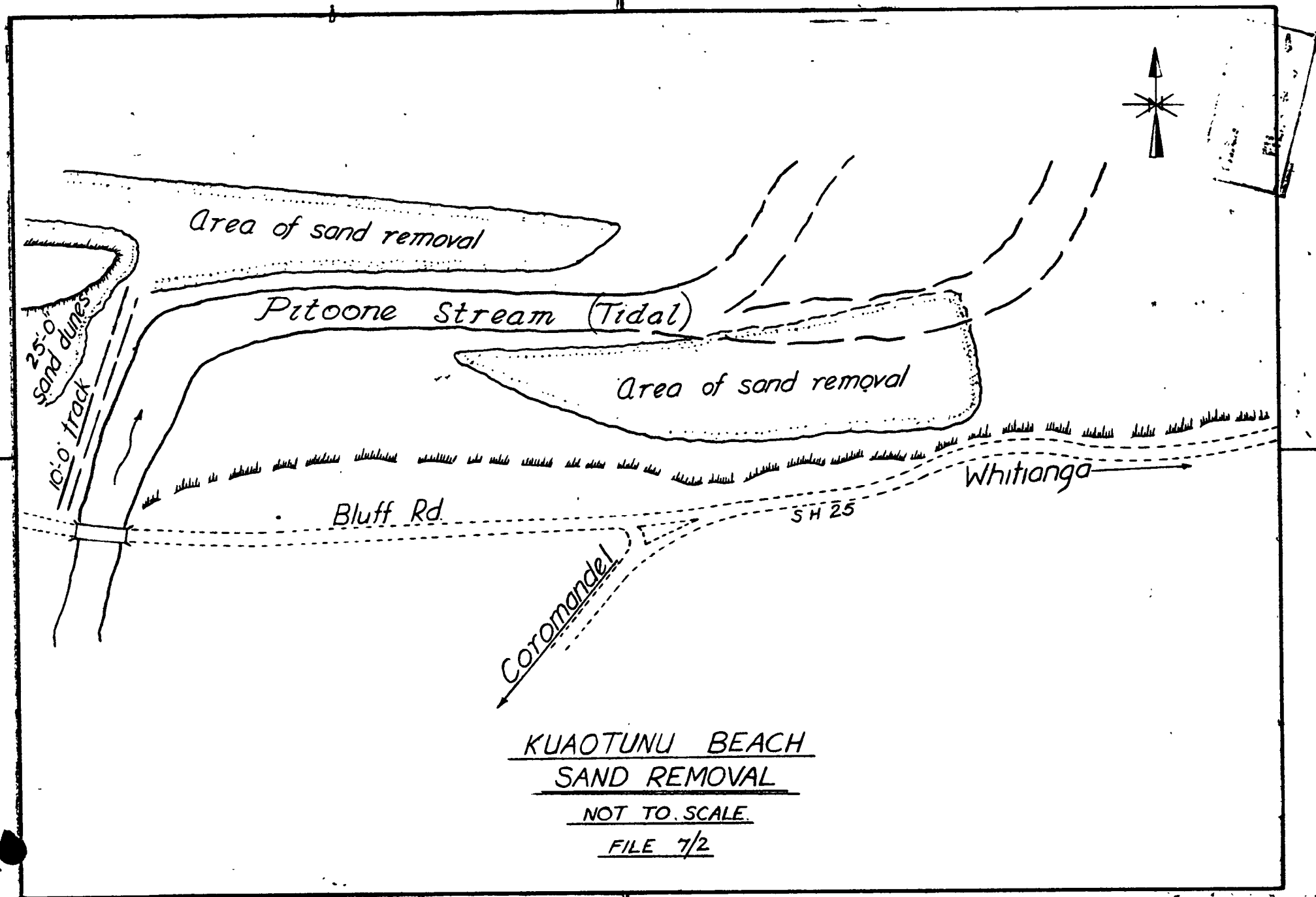
DATED this 17 day of June 1975

Signature: M. Simson

Designation: Trustee Assistant

\*Delete as necessary.





xxxx 721-253

24 September 1975

The Commissioner for the Environment,  
P.O. Box 12-042,  
WELLINGTON NORTH.

BEACH SAND EXTRACTION - KUAOTUNU WEST

I refer to your memorandum of 26 August (reference NRS 5/1).

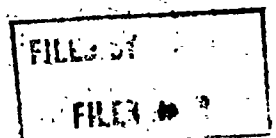
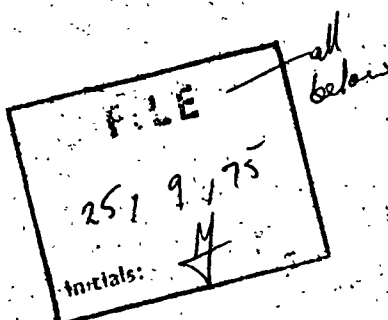
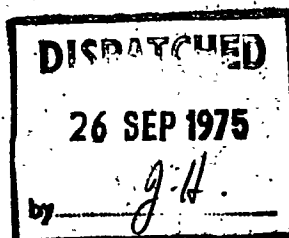
Enclosed for your information is a report from our Regional Marine Officer in Auckland, together with copies of the three licences issued, the latest reports by M.O.W.D. on the applications, and a sketch showing the areas concerned.

It would appear that the condition of this beach is influenced quite substantially by weather conditions, and the licences have been conditioned in an effort to cope with this. The consequences of sand removals from the foreshore are considered on our behalf by the Ministry of Works & Development and by our Regional Marine Officer before any licences are issued or renewed.

You may notice that Mercury Bay Ready Mix have already slightly exceeded their allocation this year, while the other two licensees are well below their allocations. Mercury Bay Ready Mix have been advised of the position, while the allocations to the other two licensees will be re-assessed before renewal is considered.

*M*  
for: (R.J. Morrison)  
DIRECTOR, MARINE DIVISION

✓ ENCLS:



8 September 1975

Commissioner for the Environment,  
P.O. Box 12-042,  
WELLINGTON NORTH

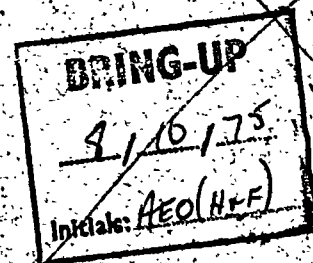
Attention: Mr J.M.K. Hill.

BEACH SAND EXTRACTION - KUAOTUNU WEST

1. I refer to your memorandum of 26 August (reference NRS 5/1).
2. I have sought a report on the matter from our Regional Marine Officer in Auckland, and will advise you further as soon as this is available.

*[Handwritten signature]*

(R.J. Morrison)  
for Director, Marine Division.



*Cancel*

54/15/48

Regional Secretary

HEAD OFFICE

AUCKLAND

8 September 1975

SAND REMOVALS - KUAOTUNU WEST

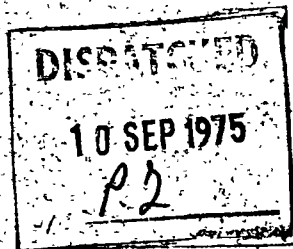
Attention: Regional Marine Officer.

... 1. The attached memorandum has been received from the Commission for the Environment regarding complaints made to their Minister about sand removals from the Kuaotuna West beach.

2. I would be grateful for your comments on the situation, details of the licences held, and perhaps copies of the latest Ministry of Works reports, so that we might reply to the Commission's request.

*M*  
(R.J. Morrison)  
for Director, Marine Division.

Encl:





59/15/48

## Commission for the Environment

Birch House  
53 Murphy Street, Wellington  
Telephone ~~XXXX~~ 70403 720.642

P.O. Box 12-042, Wellington North  
New Zealand

Ref: NRS 5/1

26th August 1975

Ministry of Transport  
Director Marine Division,  
Private Bag,  
WELLINGTON

### BEACH SAND EXTRACTION - Kuaotunu West

The Minister of the Environment has been asked to make enquiries into a beach sand removal operation at Kuaotunu West that has adversely altered the beach and a nearby stream.

... A letter from a visitor and land owner referring to this operation is enclosed and your comments are sought to enable a reply to be prepared. Details of the present extraction licence, together with information about the stream diversion are requested together with a comment on the possible long term consequences of the operation.

Your early reply would be appreciated.

J.M.K.Hill,  
for Commissioner for the Environment

Encl.



93 Landscape Road,  
Mt Eden,  
AUCKLAND 4.

2 July 1975

Mr Mike Moore, M.P.

Dear Sir,

We as a family have, over many years spent our holidays camping around various areas of the New Zealand coast line and I heartily applaud your concern for the preservation of the coastal environment.

I would like to draw your attention to the way sand is being taken from the actual beach at Kuaotunu West (North of Whitianga), where I have recently acquired a place with possible retirement in view, near the coast.

... I enclose photographs taken last April, which give some idea of the great pits on the beach. Not only is the sand being depleted on the beach but the area is most unsightly and last summer, the workings caused a nearby stream to run parallel along the beach with subsequent large scale ponding of stagnant water which became a possible health hazard to young children. Further, the long term removal of sand from this same spot will allow the sea to ultimately threaten the road and the flat land behind it, in a similar manner to the sea encroachment at Whitianga where the placement of large unsightly rocks as a buttress, has been found necessary.

Just because clean sand is handy to the road at this point and has in the past been taken from here, seems to me to be insufficient reason to allow this assault on the coastal environment to continue. I feel somebody should call a halt before it is too late.

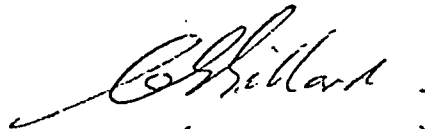
Last Easter there was a meeting of concerned rate-payers with an approach made, unsuccessfully I understand, to the County Council. However, permits are issued by the Marine Division of the Ministry of Transport on the recommendation of the Ministry of Works. Here is a situation where protection of the coastal environment is already firmly in the hands of the Government Departments and is not, I believe, being administered for the greater benefit of the people of New Zealand.

... Attached is a copy of an Environmental Assessment Questionnaire which is required with a permit application. I consider removal of sand from this clean sand beach offends under headings 8, 10, 11, 12, 13, 14, 18, 20, and 21!

Obviously sand is necessary for a variety of industries but to allow it to be taken from a beautiful beach which is increasingly being used by the public, is sacrilege.

I know you are a busy man, but because of your interest in preserving our coastline, I am requesting you as my local Member of Parliament to see what can be done to stop, or materially reduce, the issue of further permits for sand removal from this beach.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'C. Gillard', with a long horizontal flourish extending to the left.

(C.G. GILLARD)

ENVIRONMENTAL ASSESSMENT (*Rept. with sand removed permit application*)

1. Describe the topography of the area from which material is to be extracted, and adjoining beach, e.g. cliffs, dunes.
2. Describe length and depth of the foreshore concerned, or adjoining.
3. Describe specification of material required.
4. Describe availability of this material at location applied for.
5. Report nearest alternative source.
6. Report use of the material and demand for it.
7. Report minimum quantity required.
8. Give details of present land use behind the beach, e.g. farming (type), residential, recreational, industrial. Nearest residential areas. — *within 200 yds*
9. Describe vegetative cover behind the beach, e.g. grass, lupins, scrub.
10. Report probable effect on physical environment. — *depletion of sand*
11. Would the operation affect a scenic area. *2 yes.*
12. Would the operation affect the ecology, fish, shellfish or bird life. *Long term changes.*
13. Comment on any recreational activity on the beach or adjacent area which might be affected, e.g. boating, fishing, picnicing. *Precludes normal use of beach for this particular area.*
14. Would the operation involve the construction of buildings, stock piles or deep holes.
15. Method of extraction.
16. Alternative methods of extraction available.
17. Report mode of transport, e.g. barge, truck, rail and depot from which material is to be sold or distributed.
18. Report survey description of adjoining land and registered owner.

*Pierce area  
reserve vested in  
County Council  
/2.*

19. Will the operation affect any historical or archeological sites. Check with New Zealand Historic Places Trust, Local Museum and New Zealand Archeological Association.
20. Are the operations likely to be of substantial public interest. Has there been any previous public concern about this type of operation in the region. Have any complaints been received in the last two years. [yes]
21. Will the operation create pollution, siltation or erosion. [yes]

I have annotated above to show what I believe to be the true assessment

GBH



11 February 1975

The Hon. Secretary,  
Kuaotunu Citizens' & Ratepayers'  
Association, ✓  
c/- Mr V. Crocombe,  
R.D.2.,  
WHITIANGA



Dear Madam,

SAND REMOVAL KUAOTUNU BEACH

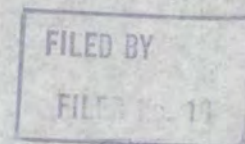
I have sent a copy of your letter of 14 January to the Regional Secretary, Ministry of Transport, Private Bag, Auckland; There is no longer a Marine Department.

The Regional Marine Officer should be in a position to advise you whether any licences to remove sand have been issued or whether these are illegal operations. If the removals are not authorised perhaps some of your members living locally could be appointed as Honorary Beach Rangers, in order to keep a watch and report such operations. This is a matter which you could take up with the Regional Marine Officer.

Yours faithfully,

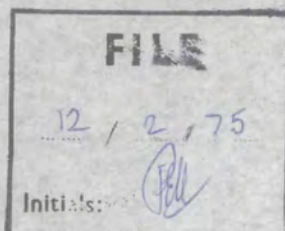
(P.E. Muers)  
for Director, Marine Division

The Regional Secretary,  
MOT  
AUCKLAND ✓



Attn: Regional Marine Officer

For your information and action please



(P.E. Muers)  
for Director, Marine Division





Secretary

Kuaotunu Citizens' and Ratepayers' Association

50 Mr V. Brocombe

R.D. 2 Whitianga

H + K 54/15/48



Jan 14 - 1975

Marine Dept  
Wellington

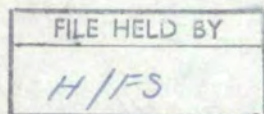
Dear Sirs,

At a meeting of the above association, held on the 4<sup>th</sup> January '75, concern was expressed over the continuing taking of sand off the Kuaotunu W beach to its obvious detriment.

Over the past year or so, many more ratepayers and permanent residents have come into the area of the Boromandel peninsula, a fact of which we are sure you are well aware, and it is felt that these beautiful beaches must be preserved.

This association would be grateful if, when a representative of the Dept. is in this area, we could be informed so as to arrange a meeting to discuss this matter

Very sincerely  
(Mrs) A M. Petrie  
Hon Sec





Mines, 10/1/63-5

Mines Department,

P. O. Box 6342, Te Aro,

WELLINGTON Ph: 70 309

26 July 1974

Commissioner of Crown Lands,  
P. O. Box 460,  
HAMILTON

ATTENTION: Mr Murphy

Removal of Sand and Shingle  
Ministry of Works and Development

I refer to your memorandum LR 46 of 22 May 1974 and advise that the matters raised could take some time to clear up and explain. I can say at this stage however, that the Mining Act 1971 did not alter the position (except in respect of Crown leasehold). There has always been authority under mining legislation to license shingle and sand removal. The new definition of "Minerals" simply clarified the position.

Until I am able to write in more detail on this matter I suggest that you continue to authorise the Ministry of Works and Development under the provisions of section 165 of the Land Act 1948. Alternatively the appropriate authority may be obtained under section 146A of the Harbours Act 1950 in respect of the navigable rivers listed in the Resident Engineer's memorandum which you enclosed.

The Director,  
Marine Division,  
Ministry of Transport,  
Aurora House,  
The Terrace,  
WELLINGTON

(R. Waterson,) *R*  
for Secretary of Mines.

Copy for your information together with a copy of correspondence under reply.

*R. Waterson*  
(R. Waterson,) *R*  
for Secretary of Mines.

FILE

1/8/74

Initials: *RW*

FILED BY

FILER No. 18

## Department of Lands &amp; Survey

TELEGRAPHIC ADDRESS: 'LANDS'

:GHG

FOR VERBAL INQUIRIES  
PLEASE ASK FOR MR

Murphy

TELEPHONE No.

82-489



OUR REFERENCE: LR.46

YOUR REFERENCE:

DISTRICT OFFICE,

P.O. BOX 460,

HAMILTON

22 May 1974

The Secretary of Mines,  
Mines Department,  
P.O. Box 6342,  
Te Aro Post Office,  
WELLINGTON

REMOVAL OF SAND AND SHINGLEMINISTRY OF WORKS

The above Department has a licence to remove sand and shingle from a number of rivers and streams on the Coromandel Peninsula. I have advised the Resident Engineer at Paeroa that all licences to remove sand and shingle are now administered by your Department and suggested that application be made. I enclose ... a copy of his letter making representations that this Department retain the right to issue a licence under Section 165. I do not agree with this and would suggest that a blanket licence be granted to the Department. I await your comments for forwarding to the Resident Engineer.

A.E. TURLEY

Commissioner of Crown Lands

FILED BY

FILER No. 18



**Ministry of Works  
New Zealand**

P.O. Box: 123, P A E R O A

Telephone: 8725

Our Ref: 7/2

Date: 17 May 1974

Inquiries to: M.H. Keegan

The Commissioner of Crown Lands,  
Department of Lands and Survey,  
P.O. Box 460,  
H A M I L T O N.

Your Ref: L.R. 46 of 2 May 1974

Removal of Sand and Shingle

1. Thank you for the information in your above memo and the application forms attached. Referring to our 7/2 of 13 April 1973 and your LR 46 of 1 March 1974 it would appear that you have only recently been advised of the proposed change in administration for the issue of sand and shingle licences.
  2. The removal of sand and shingle from river beds for road works was recently discussed with Mr. Clemick, Inspector of Mines and Quarries from Huntly. He advised that the occasional and scattered types of removals as required by the Ministry of Works and Local Authorities would operate better under Section 165 of the Land Act 1948.
  3. Since the passing of the Mining Act 1971 there appears to be an overlapping with existing Acts in some zones of control that are still to be clarified. The Ministry of Works are required to advise the Water and/or Catchment Boards of proposed workings in river beds and obtain approval before work is started. It is also necessary to ensure that there are no mining rights over the section of river bed selected for removal of shingle.
  4. The normal Ministry of Works operation of removing materials from river beds under licence benefits the Crown and the general locality of the work in two ways:
    - (a) Reasonable cheap materials are obtained for roading and erosion protection works;
    - (b) Parts of the river beds are cleared and reshaped to pass more flood water and so contribute towards a reduction in local flooding problems. When available, where work is in progress, materials from river beds are used as aggregates for metal roads, sub-base or cut-off layers under highway pavements, special filling or sub-drain materials and stone protection work to prevent erosion of road formation and river banks by sea action and flood waters.
- It is evident that Mines Department Form 2 does not conform with, and could not be applied to this type of operation. It is also evident that Mines Department do not wish to directly approve our needs.

5. (a) I therefore make formal application for the renewal of the licence for the Ministry of Works & Development to remove shingle/sand/stone from rivers on the Coromandel Peninsula under Section 165 of the Land Act 1948.

(b) The shingle-bearing rivers and areas that can be worked are listed below, using N.Z.M.S. reference :

Waitekuri River	N40 060722 to 088725 at various points over $1\frac{1}{4}$ mile of river bed.
Manaiia River	N43 974606 for one mile upstream.
Tapu River	N44 002488 to 049436 at various points over three miles of river bed.
Waiau River	N44 010684 to 028668 at various points over $1\frac{1}{2}$ miles of river bed.
Opitonui River	N44 100697 for ten chains of river bed.
Owera River	N44 139639 for forty chains downstream.
Makakirau River	N44 112602 to 143595 at various points over $2\frac{1}{2}$ miles of river bed.
Kaimarema River	N44 142594 for twenty chains of river bed.
Waiwama River	N44 194535 for ten chains of river bed.
Kapawai River	N44 204523 for sixty chains upstream.
Kirikiri Stream	N49 074193 at various points for two miles upstream and 135234 for fifteen chains of stream bed.
Puriri River	N49 130151 for twenty chains of river bed.
Tairua River	N49 234265 for forty chains upstream and the first sixty chains of the fourth branch tributary.
Wharekawa River	N49 334261 for forty chains of river bed.
Otahu River	N49 346123 for forty chains upstream.

6. An extra copy of this application is attached and copies are being forwarded to the Inspector of Mines and Quarries, Huntly.

A.W. Stewart  
Resident Engineer

P.P.

*M.H. Keegan*  
(M.H. Keegan)



GJP

12 June 1974

Maori Trustee,  
Private Bag,  
HAMILTON.

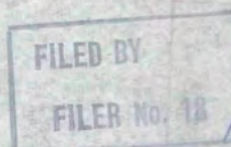
Attention: Mr McKellar

REMOVAL OF MATERIAL: WHIRITOA: COROMANDEL

1. Thank you for your memorandum 7/377 of 24 April 1974 in which you state that the Maori Trustee does not wish to become too involved in enforcing the conditions of the licence granted to William Thomas Castle.
2. It is considered that this matter is primarily between the parties to the licence and therefore the Maori Trustee is responsible for ensuring that the conditions of the licence are enforced.
3. Our concern is the erosion factor and the possibility that sand may be being taken from the Crown foreshore outside the grant.
4. While the Ministry does have power under Section 244(3) of the Harbours Act 1950 to prohibit the removal of material from any part of any land where it is likely to produce a detrimental effect on a foreshore, we would be reluctant to exercise this power in the face of the licence issued by the Maori Trustee.
5. We therefore ask that the Maori Trustee does become involved in implementing the conditions of the licence granted to Mr Castle.

RF

(H. H. J. France)  
for Secretary for Transport



15 6 74

H/FS

54/15/48



# MAORI AND ISLAND AFFAIRS DEPARTMENT

## AND MAORI TRUST OFFICE

Telegraphic Address: MAORIFAIRS  
Verbal inquiries to:

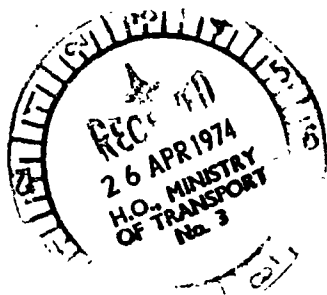
Charles Heaphy Building  
Anglesea Street  
Telephone 84 579 (8 lines)

Our reference 7/377

Your reference: 54/15/48

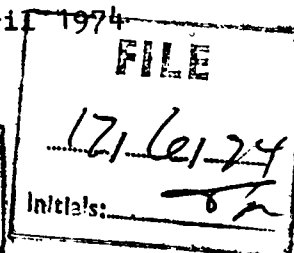
Private Bag,  
HAMILTON

The Director,  
Marine Division,  
Ministry of Transport,  
Private Bag,  
WELLINGTON, 1.



24 April 1974

FILED BY  
FILER No. 18



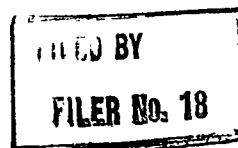
REMOVAL OF MATERIAL : WHIRITOA, COROMANDEL :  
WHANGAMATA 6B3B2

1. I acknowledge your memorandum of 1 April 1974.
2. As explained to Mr Greig, when he called at this Office, the Maori Trustee does not condone the actions of the grantee and has in fact had cause on several occasions to require the grantee to adhere strictly to the terms of his grant, especially the special provisions in the grant designed to ensure that erosion does not occur.
3. You will be aware that the Maori Trustee does not have the technical staff to deal with matters of a soil conservation nature and he must rely on the good graces of the Ministry of Works and Development and the Hauraki Catchment Board for guidance.
4. Prior to the execution of the grant and throughout its term to date, there has been constant liaison between the Maori Trustee and the Ministry of Works and Development, who in turn have been working in with the Hauraki Catchment Board. The latest report from the Ministry, dated 22 March 1974, states that if the terms of the licence are observed the pit can continue to be worked, but on a scale somewhat less than the present operations. There is nothing in the reports to indicate that Mr Castle is allowing his contractors to excavate outside of the area stipulated in the grant, but a neighbour in the adjoining subdivision, namely Mr J.A. Farmer, claims that there are signs of excavation within the reserve strip. Mr Farmer, is of course, formulating action against Castle, designed at restraining the latter's activities to the limits prescribed by the grant. The Maori Trustee, for his part, is prepared to accept the advice of the Ministry and the Catchment Board if the question of enforcement should arise.
5. A copy of the extract enclosed with your memorandum has been forwarded to Mr Castle and he has again been warned that his continued non-observance of the covenants of the grant could result in it being rescinded.
6. The conditions imposed on this grant were done at the instigation of the Ministry of Works and the Catchment Board and quite frankly, the Maori Trustee is becoming too involved in an endeavour to implement these conditions. Admittedly they are part of the grant but they were put in to suit the requirements of the above Departments.

7. The Maori Trustee is also dealing with a substantial owner in the Grantee and does not wish to become involved in litigation with him. You, as an interested party, are quite entitled to take action yourselves under Section 449 of the Maori Affairs Act 1953 and I suggest you have a close look at this. If you wish to act I have no doubt that the Maori Trustee could be persuaded to lend his name to the action. As stated, however, we do not intend to initiate the matter.

*M.G. McKellar*

(M.G. McKellar)  
District Officer  
for MAORI TRUSTEE





OJC:PBH

1 April 1974

The Commissioner for the Environment,  
Commission for the Environment,  
53 Murphy Street,  
WELLINGTON.

## REMOVAL OF MATERIAL : WHIRITOA, COROMANDEL

I refer to the letter of 1 March <sup>which</sup> Mr J.A. Farmer (of Russell McVeagh, McKenzie and Bartleet and Company) in which he made representations to you concerning the removal of sand at the above beach.

It is clear that the Maori Trustee has issued a proper Deed and that providing the contractor or grantee operates within the conditions of that Deed this Ministry is not involved except on the question of erosion.

Accordingly we have asked the Maori and Island Affairs Department at Hamilton to arrange for close supervision of the contractors excavation in this area.

From the environmental aspects it would seem from the photographs supplied to this office by our inspecting officer that the area is very exposed to easterly winds and the sea action rapidly replenishes sand removed. Whether or not there is any material ecological damage or despoiling of the area are factors which at this stage do not seem to be within our province to comment. Undoubtedly the approval given for the subdivision of land has brought this matter to the fore and whether or not it was wise for such subdivisions to be taken so close down to a beach area is also a matter of concern.

However, I attach a copy of the report of our Regional Marine Officer and photocopies of the plans and Deed which he sent to us. I regret that copies of the photographs are not available but you are welcome to see these at any time.

I hope the information given and the instructions to the Maori and Island Affairs Department a copy of which is enclosed will be sufficient for you to adequately reply to Mr Farmer.

DISPATCHED

3 - APR 1974

Dues

FILE

Initials

for

(O.J. Conway)

Director, Marine Division

FILED BY

FILER No. 13

1 April 1974

The District Officer,  
Maori & Island Affairs,  
Private Bag,  
HAMILTON.

## REMOVAL OF MATERIAL : WHIRITOA, COROMANDEL

This office recently received a complaint concerning the sand removal operations at Whiritoa. A similar letter was directed to the Commission for the Environment which asked for a report on the matter.

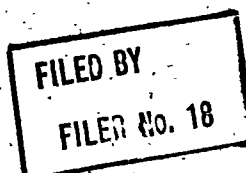
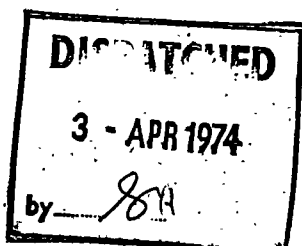
Subsequently, enquiries were made through the Regional Marine Office, Ministry of Transport, Auckland and I would like to thank you for your assistance given to the Investigating Officer, Mr Greig.

Our concern in this matter is twofold. Firstly it seems, from photographs taken of the area, that activities to remove sand are being undertaken outside the area permitted by the agreement. The other matter is that the sand removals, whether or not completely within the lease area, are causing or are likely to cause erosion of the land which has now been sub-divided for residential purposes.

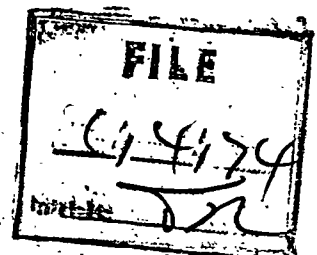
As this matter is of obvious concern to this Ministry it is asked that the Maori Trustee, as a party to the Deed signed on 21 June 1972, ensures that the grantee undertake no removals outside the permitted area nor, in removing sand, cause or be likely to cause erosion.

As a reference to this request I draw your attention to section 244 of the Harbours Act 1950, as amended and in particular to sub sections 3 and 4. A copy of this section of the Act is supplied for your information.

It is suggested therefore that regular inspections of the operations of the grantee be undertaken and, at the same time, the grantee be advised of his obligations, failure to observe making him liable to the penalty provisions of the Harbours Act.



.. / 2





At this stage it would seem that if his operations are conducted properly it should not be necessary to require consent (which may or may not be granted) and which section 3 of the Harbours Act may require if erosion is likely to occur.

It would be appreciated, therefore, if you would kindly let me have your agreement that you will arrange, and be responsible for, the continuing supervision of this area. No doubt arrangements could be made with the Hauraki Catchment Board and the Ministry of Works in this respect.

Copies of this letter have been sent to the Commissioner for the Environment, the Hauraki Catchment Board, the District Commissioner of Works, Hamilton and the Regional Marine Officer, Auckland for their information.

Enc.

(O.J. Conway)  
for Director, Marine Division

The Secretary,  
Hauraki Catchment Board,  
Box 4,  
Te Aroha.

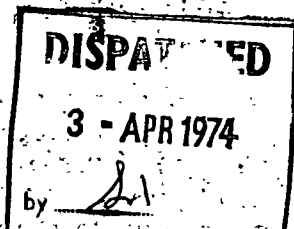
Copy for your information.

(O.J. Conway)  
for Director, Marine Division

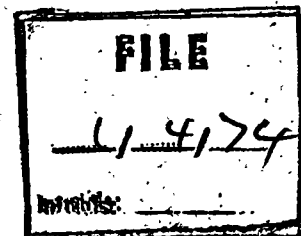
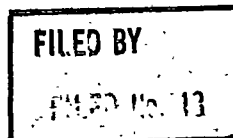
The District Commissioner of Works,  
Ministry of Works,  
Private Bag,  
HAMILTON.

Copy for your information. Thank you for the assistance given to our Officer during his investigations.

(O.J. Conway)  
for Director, Marine Division



PLEASE TUMBLE/



The Regional Marine Officer,  
Marine Division,  
Ministry of Transport,  
Private Bag,  
AUCKLAND.



Copy for your information. Your file 54/14/7 refers.  
Thank you for your very comprehensive report, supporting documents  
and recommendations. Your action in undertaking this investigation  
and report at short notice is appreciated.

(O.J. Conway)  
for Director, Marine Division

*Mr Conway H/FS 54/15/48*



MINISTRY OF TRANSPORT

INTERNAL MEMORANDUM

*Records I have well be MOT 5  
Conced file please JSC  
Our ref.: 54/14/7 22/3*

Your ref.: 54/15/48  
AEO (H&F)

To..... HEAD OFFICE: C.E.O. (HARBOURS)..... From..... Regional Office, AUCKLAND.....

Attention: Mr O.J. Conway

Date: 21 March 1974

Subject: REMOVAL OF MATERIAL - WHIRITOA, COROMANDEL

...  
Inquiries were commenced on 12 March 1974 and enclosed with this Report is a photocopy of the Deed between Maori Affairs Department and William Thomas Castle who is the Grantee of the Agreement. Also enclosed is a sketch of the Title of the land belonging to the Maori trust for whom Maori Affairs Department was acting as Agent, together with a sketch of the area taken during my inspection.

A call was undertaken on the Maori Affairs Department at Hamilton the District Officer was not available but discussion was held with Mr Hodges, Senior Titles Clerk, who has handled this matter and who it is believed was responsible for the three chain area from which excavation is prohibited. This is shown hatched on Plan No. 1 of the enclosure.

I was advised that sand had been taken from this site for a considerable number of years, materials being in great demand in the surrounding area as a cement plaster basis due to the fineness of the sand.

In the past the Maori Affairs Department, at least since the date of the agreement of 21.6.72 have relied on the Ministry of Works, Hamilton and the Hauraki Catchment Board and Water Board to do periodic checks on the condition of the removal area and apparently had received no adverse report until recently.

Resulting from the Ministry of Works advice of 27 November 1973 that encroachment of sand extraction was taking place into the three chain prohibited area. The Maori Affairs Department wrote to the Grantee, Mr Castle who was warned by letter of September 1973 that Clause 4 of the Agreement was not being observed and it is understood that resulting from this, he undertook to extract from the correct area.

Prior to December 1973 the Maori Affairs Department had Ministry of Works request ask Mr Castle to fence off the prohibited area, but there was some talk that if the area was fenced the Maori ancestors buried in the nearby Uripa would be upset at being fenced out.

Since the complaint of Mr Farmer, Maori Affairs requested a further report from the Ministry of Works. This request was confirmed at my subsequent Meeting with Mr Attwood of the Hamilton Office of the Ministry of Works.

FILED BY

FILER No. 18

FILE

141/4  
JSC

Cont'd/.....2

This impediment being the post and wire fence shown on my Plan No. 3 which runs between the sub-division area and the beach area.

At the time of my visit there were visible signs of large sand removals both inside the line of posts and to seaward (see photographs). Due to the nature of the beach it would be difficult to determine without survey the line of MHWOSt. the sea in high surf and wind conditions was actually spilling back over into one of the excavations furthest to seaward. The method of working this area is as follows:-

There is a quick build up of sand which fills up the previous excavation holes which then become above mean high water. When this occurs after easterly weather, the extractors quickly commence operations and remove this deposit of sand and possibly leave the area until an occurrence of easterly weather. It would appear that the removals on the scale lately undertaken could cause a breaching by the sea of the sub-divided land, especially if a strong easterly gale occurred during a high tidal cycle and this occurs subsequent to the extraction of sand and flooding of the area at the end of Contiki Road might be possible as the dry land in that area is relatively low.

Recommendation:

1. Unless a survey was undertaken it would be difficult due to the varying MHWOSt mark to prove that the sand is being taken from Crown Land under this Ministry's control.
2. The Maori Affairs Department, Hamilton should request a Report and recommendation from the Ministry of Works and be prepared to act pursuant to Section 11 of the Agreement and possibly stop further extraction.
3. It may be that the Hauraki Catchment Board and Water Board could assist under the Water and Soil Conservation Act.
4. Any assistance that the Department of Lands and Survey could give to the Ohinemuri County Council's efforts to have the land become subject to the Reserves and Domains Act should be given.
5. Failing the above, it would appear that the only recourse within the Harbours Act 1950 would be to invoke Section 244 (3) the latter would require considerable backing from the Ministry of Works or the DSIR Geology Section before any Court could be persuaded to rescind the existing Agreement.

*Speed*

(D. Greig)  
for: Regional Secretary

FILE	FILED BY
41-174	FILED No. 18
<i>Don</i>	

From the file at Maori Affairs it appears that there has been quite an amount of correspondence between all parties with little results. Since Mr Farmer's complaint, the District Officer according to Mr Hodges might take a stronger line with Mr Castle.

Their reluctance of Maori Affairs to envoke Clause 11 of the Agreement can be understood as it would deprive the Maori owners of revenue. I got the feeling that although Maori Affairs have power under the Agreement, they would prefer this Ministry of the Ministry of Works (who have no legislation) or the Hauraki Water Board (pursuant to the Water and Soil legislation) to act on their behalf.

It must be understood that Mr Hodges gave every assistance during my inquiry and provided the photocopy of the Agreement and had his safe searched the titles at Lands and Deeds and provided Map No. 2 from this search.

Mr Attwood at the Ministry of Works, Hamilton was then visited and he confirmed:-

1. Works have kept a watching brief and have reported from time to time that Mr Attwood agreed that while reporting they had not, and had apparently not been requested to make a recommendation. Such a firm recommendation would put the Maori Affairs in a position where they would have to take some firm action.
2. The University of Hamilton are in the process of a "Whiritoa Beach Sand Study" this being undertaken by the Geology Department, of course this study would probably cover a considerable period.
3. The Ohinemuri County Council have called an on Site Meeting for 28 March 1974 to discuss a proposal that the land be formed into a reserve.

#### Site Examination

(Refer Map 3) - Whititoa Beach is an exposed beach and in any wind from an Easterly quarter, as at the time of my visit runs a surf which is similar to that occurring on the West Coast of this Island and I estimate this surf to be at least 10' high breaking well up the cliffs and beach. This could never be a safe swimming beach. The sand is of mixed quality and contains in places an amount of shell ~~fish~~ towards the boundary fence between the sub-division and the dry beach. The rest of the area being a mixture of very fine or coarse sand over the extraction area.

To the South are high cliffs which are subject to erosion and northward on the cliffs is a tidal creek. This creek is part of the re-entrant which is probably a Lagoon and the dry beach opens to a fan-tail shape, this being the extraction area. To the north of this is a long steep beach. If no *blockage* sand was extracted from this area there is a possibility that ~~breach~~ to the creek might occur through the building up of a large dune area. As can be seen from my sketch there is a line of substantial posts running north and south across the dune area. These would appear to denote the seaward boundary of 6B3B2. It is difficult to understand why the Ohinemuri County Council allow the sub division of land where there is an impediment of foreshore access.

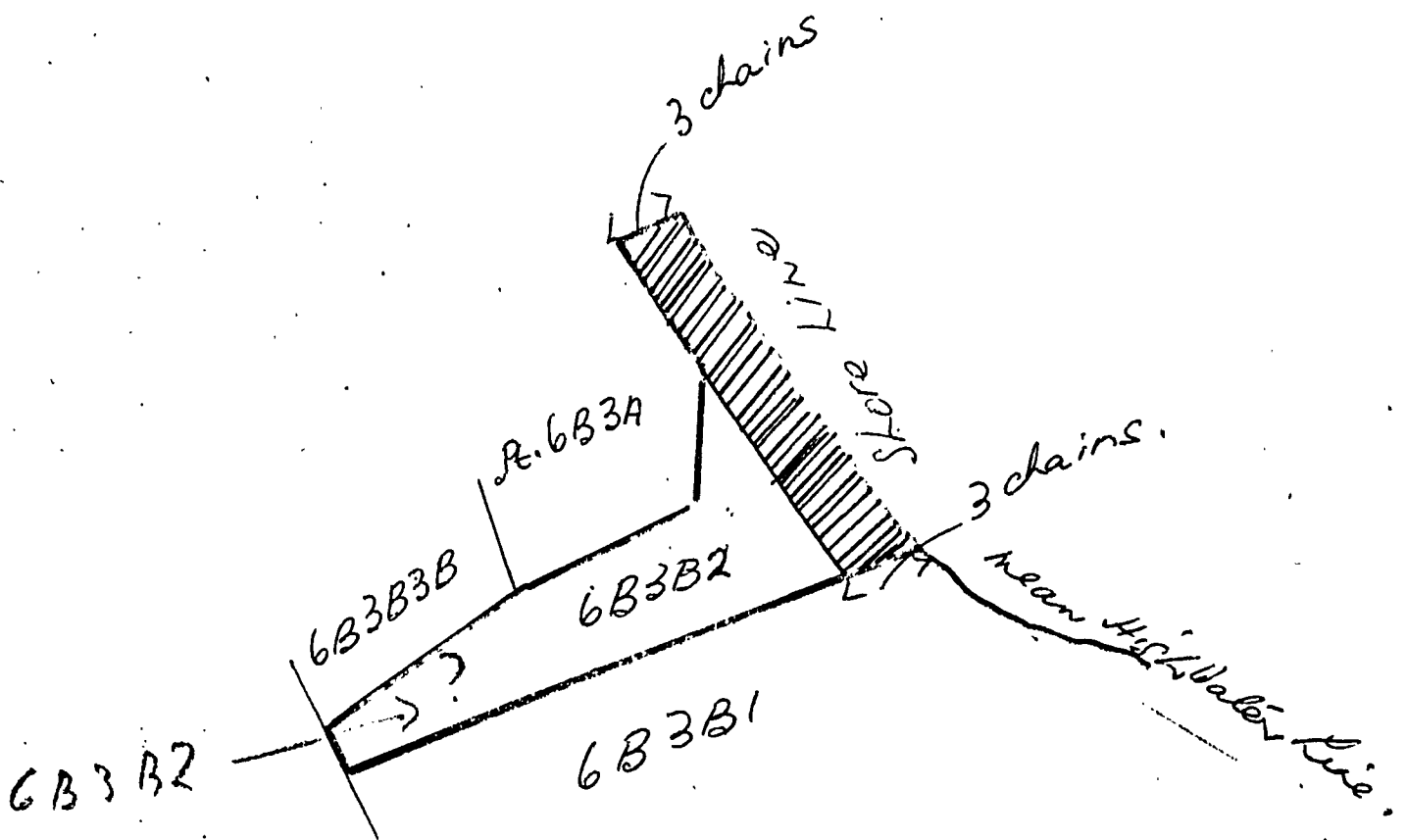
FILED BY

FILED No. 10

Cont'd/....3



①



Blk. 1. Waahi S.D.

*[Signature]*

DATED 1972

THE MAORI TRUSTEE  
Grantor

- to -

WILLIAM THOMAS CASTLE  
Grantee

L I C E N C E

FURNELL JENSEN JENKISON & HALL,  
SOLICITORS,  
THAMES

(156)

7/ 377

30/5/72  
Furnell Jensen

-7-VII-72 61110 -E1 \*\*\*\*\*0.3

- W. W. H. A.

from:

4. THE Grantee shall at all times maintain the said land in clean and tidy condition and shall work the pit efficiently and shall not remove sand from that part of the said land hatched red on the sketch plan annexed hereto and shall not remove sand from any part of the said land below a level equal to 1/10 of the distance from the landward boundary of that part of the land hatched red on the said sketch plan.

5. IF the Grantee shall during the quarrying or removal of sand do any act which may cause any change or diversion in the flow of fresh water on the said land he shall forthwith obtain the approval of the Hauraki Regional Water Board to such change or diversion pursuant to the provisions of the Water and Soil Conservation Act 1967 and shall at all times comply with the provisions of the said Act.

6. IF required by the Grantors the Grantee will fence off that part of the said land not immediately required for the quarrying of sand and shall if required by the Grantors at the termination hereof remove the said fences from the said land.

7. THE Grantee shall insure workmen and others engaged or concerned in the removal of the said sand against all claims under the Workers Compensation Act 1956 and its amendments or at common law and will indemnify the Grantors and the Maori Trustee from and against all costs claims charges and proceedings whatsoever on the part of such workmen or other persons.

8. AT the termination of this licence the Grantee shall remove from the said land all plant and machinery and shall leave the land in a clean and tidy condition.

9. THE Grantee shall forthwith upon demand pay to the Maori Trustee one half of the general rates levied upon the said land and shall be responsible for payment of half the normal land rates during the term of the within grant PROVIDED THAT the land is not otherwise occupied.

10. THE Grantee will at all reasonable times afford to the Maori Trustee or his agents or appointees full rights of ingress, egress and regress in on and to the said land and any and every building yard or enclosure thereon and the Maori Trustee or his agents or appointees may at any reasonable time inspect the manner of working the said land.

11. SHOULD the Grantee be in breach of any or more of his obligations hereunder for a period in excess of 20 days then the Maori Trustee shall be at liberty by notice in writing

*Suggesting 9  
Works that for  
be removed.*

*See*

*R M*

given by him to the Grantee to determine these presents and the term hereby granted and upon receipt of such notice by the Grantee this grant and such term shall immediately and accordingly determine but without prejudice to any one or more of the following namely :

- (a) The liability of the Grantee to pay any royalty commission and other moneys accrued but unpaid by him under this grant at the time of such determination.
- (b) The liability of the Grantee for and in respect of any breach of his obligations hereunder prior to such determination.
- (c) The rights powers and remedies of the Grantors or the Maori Trustee hereinbefore or elsewhere contained expressed or implied or otherwise bestowed upon the Grantors or the Maori Trustee.

12. IF and whenever any payment of royalty or other moneys payable hereunder shall be in arrears and unpaid for the space of 28 days whether the same shall have been formally or legally demanded or not the Maori Trustee as agent for the Grantors may levy the same by distress in the same manner and with the like power and authority as if the same were rent in arrears and these presents were a valid Memorandum of lease.

13. THE Grantee shall not assign transfer or otherwise part with the possession of the rights hereby granted to the Grantee either wholly or in part for the whole or any part or parts of the said term over the whole or any part or parts of the said land without first obtaining the consent in writing from the Maori Trustee PROVIDED THAT such consent shall not unreasonably or arbitrarily be withheld in the case of a reputable and technically capable transferee assignee subtenant under-lessee or other person and it shall be a condition precedent to the granting of such consent on each and every occasion when the same shall be sought that the proposed assignor will (at such assignor's entire cost) procure from the proposed assignee a valid Deed of Covenant in a form to be approved by the Solicitor for the Maori Trustee whereby the proposed assignee will covenant directly with the Maori Trustee as agent for the Grantors to observe and perform all covenants conditions stipulations and agreements on the part of the Grantee herein to be observed and performed.

IN WITNESS WHEREOF these presents have been executed the day and year hereinbefore written.





SIGNED by the Maori Trustee  
by

RAYMOND ALFRED PRICE

acting for the Maori Trustee  
pursuant to Section 9 of the Maori  
Trustee Act 1953 and sealed with the  
Maori Trustee's seal of office in  
the presence of :-

*R. H. Hubrey  
Legal Clerk  
Maori and Island Affairs Department  
Hamilton*



The Maori Trustee by

*[Signature]*  
acting for the Maori  
Trustee pursuant to  
Section 9 of the Maori  
Trustee Act 1953

SIGNED by WILLIAM THOMAS CASTLE  
as Grantee in the presence of :-

*W. Castle  
L. Thomson J.P.  
Retired  
10 Skerrett St.  
Mangere East.  
3/6/72.*



← SEA WARD



413352











**Wide format was located here in this file**

**To view the wide format image(s) please go to the end of this document**

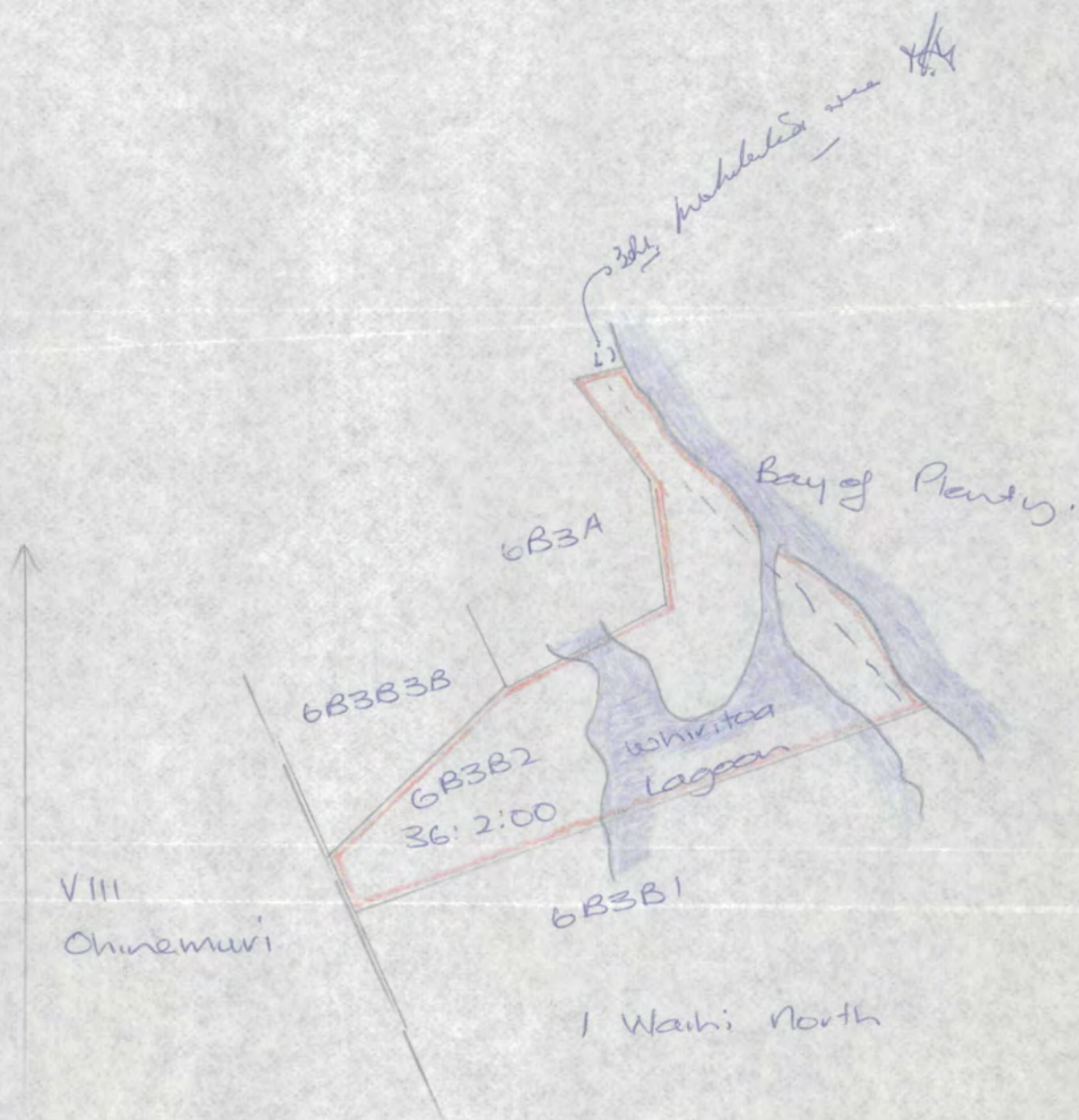
**The numbers listed below are also on the wide format image(s) that belong here**

**5061**



TITLE SEARCH

(2)



Sketch of Whangamata 6B3B2  
Scale 10 chains to 1 inch

3/10 = PROHIBITED AREA

14 March 1974

Mr E.D.R Simpson,  
Simpson Transport Ltd,  
Post Office,  
COROGLLEN.

Dear Sir,

Your letter of 19 February applying for a permit to take 250 yards of sand per month from Kuaotunu beach has been referred to me, as it had been incorrectly addressed by you to the Minister of Agriculture and Fisheries.

Licences to remove sand, shingle or other materials from the Crown tidal land are granted under Section 146A of the Harbours Act 1950, but only after a favourable report has been received from our technical advisers, that no damage will be caused leading to eroding or an inroad of the sea, and that the material will be replaced by natural causes. It is an offence to remove material unless a current licence is held.

You should address your application to the Regional Marine Officer, Ministry of Transport, Auckland with as much detail as possible, for instance, what procedure is proposed for removing the material and from exactly what position or positions it is to be taken.

Removal of sand from this beach in the past has been severely restricted, and it is probable that annual licences for the full amount permitted have already been issued for this year.

Yours faithfully,

The Regional Secretary,  
Ministry of Transport,  
Private Bag,  
AUCKLAND.

(P.E Muers)  
for Director, Marine Division

Attention: Regional Marine Officer,

For your information. Your reference 54/14/7 Pt 2.

<b>FILE</b>
15/ 3 / 74
Initials: <i>ADM</i>

*Refer to Ministerial Clerk first*

(P.E Muers)  
for Director

<b>DISPATCHED</b>
15 MAR 1974
by <i>817</i>



54/15/48  
AEO(H&F)

Regional Marine Officer,  
Marine Division,  
Ministry of Transport,  
Private Bag,  
AUCKLAND.

HEAD OFFICE

6 March 1974

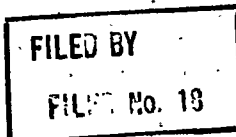
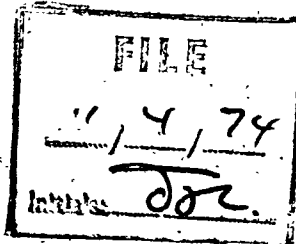
Attention: Mr D. Greig.

## REMOVAL OF MATERIAL - WHIRITOA - COROMANDEL

1. Attached is a copy of a letter referred to this office today, by hand, by the Commission for the Environment.
2. The information contained in the letter warrants an urgent investigation and it is suggested, in consultation with the Maori Trustee and the District Commissioner of Works at Hamilton.
3. Our concern is in respect of any breach of section 244 of the Harbours Act - either of illegal removal of material (i.e. not that covered by the Maori Trustee) or as set out in sub section (3) or both.
4. It would be appreciated if you could have this position investigated and a report sent here urgently together with any recommendation as to what action might need to be taken by this Ministry.
5. I would also like to know why none of the legal powers, exercisable by the authorities mentioned in the writer's second paragraph, have been invoked. A description of the powers stated to be held would be useful.

Enc. /

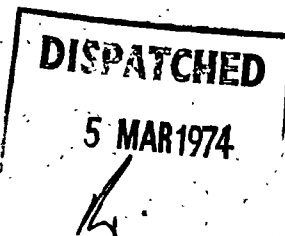
(O.J. Conway)  
for Director, Marine Division



*B/V 20/3/74*

*B/V again 29/3/74*

*B/V 15/3/74*



RUSSELL McVEAGH MCKENZIE BARTLETT & CO.

BARRISTERS, SOLICITORS & NOTARIES PUBLIC

JOHN VON LETHBRIDGE  
ROBERT LLOYD MACKY  
PETER ALAN MILLER  
JOHN HARVEY MARSHALL  
JOHN OLLIVER LUSK  
DAVID ARTHUR RHODES WILLIAMS  
JEREMY JOHN GRANVILLE BRADLEY  
BARRY JOHN MCWILLIAMS

JOHN WALLACE MCKENZIE  
EDMUND WALTER THOMAS  
COLIN JOHN FERNYHOUGH  
JOHN COLLINGWOOD KING  
WARWICK MILES BROWN  
FREDERICK WILLIAM MONTEITH MCELREA  
JAMES ALFRED FARMER  
GEOFFREY THOMAS RICKETTS

C.M.L. CENTRE  
QUEEN & WYNDHAM STREETS  
AUCKLAND 1 N.Z.

TELEPHONES 34-389, 34-069  
P.O. BOX 8  
CABLE ADDRESS "BARRISTER"

NEIL LLOYD MACKY

CONSULTANT PARTNERS  
EDGAR LLEWELLYN BARTLETT

PLEASE REFER TO: J.A. Farmer

1 March 1974

Commissioner for the Environment,  
P.O. Box 12-042,  
WELLINGTON NORTH.

RECEIVED

- 4 MAR 1974

by

Dear Mr McCoombs,

I write to inform you of a major despoilation of the beach at Whiritoa, Coromandel, which is presently taking place at the hands of a commercial contractor. The damage is transforming literally overnight an otherwise beautiful area into one which is ugly and potentially dangerous.

The contractor is removing enormous quantities of sand from the beach pursuant to a Deed granted by the Maori Trustee but in breach of the terms of that Deed. Both the Maori Trustee and the Ministry of Works in Hamilton are seriously concerned, as is also the Ohinemuri County Council and the Hauraki Catchment Board.

It would appear that each of the above authorities has put pressure on the contractor to cease or restrict his activities but with no success. While each of them possesses legal powers which could be exercised, no one of them has so far been willing to take positive action.

The position is now serious for the reasons set out in my letter of even date to the Maori Trustee (copy enclosed). I would be most grateful for any assistance which you might be able to give.

Yours faithfully,

*J.A. Farmer*

J.A. Farmer

FILED BY

FILE No. 18

FILE

*11474*  
Initials: *JA*

RUSSELL McVEAGH McKENZIE BARTLEET & CO.

BARRISTERS, SOLICITORS & NOTARIES PUBLIC

JOHN L. VON LETHERIDGE  
ROBERT LLOYD MACKY  
PETER ALAN MILLER  
JOHN HARVEY MARSHALL  
JOHN OLLIVER LUSK  
DAVID ARTHUR RHODES WILLIAMS  
JEREMY JOHN GRANVILLE BRADLEY  
BARRY JOHN McWILLIAMS

JOHN WALLACE MCKENZIE  
EDMUND WALTER THOMAS  
COLIN JOHN FERNYHOUGH  
JOHN COLLINGWOOD KING  
WARWICK MILES BROWN  
FREDERICK WILLIAM MONTEITH McELREA  
JAMES ALFRED FARMER  
GEOFFREY THOMAS RICKETTS

C.M.L. CENTRE  
QUEEN & WYNDHAM STREETS  
AUCKLAND 1 N.Z.  
  
TELEPHONES 34-369, 34-069  
P.O. BOX 8  
CABLE ADDRESS "BARRISTER"

NEIL LLOYD MACKY      CONSULTANT PARTNERS  
   EDGAR LLEWELLYN BARTLEET

PLEASE REFER TO: J.A. Farmer

1 March 1974

The Maori Trustee,  
Maori Affairs Department,  
Private Bag,  
HAMILTON.

ATTENTION: MR HODGES

Dear Sir,

Re: Your Ref. File No. 7/377 - Deed between Maori Trustee  
and W.T. Castle - Whiritoa

Further to my telephone conversation with Mr Hodges, I would confirm that my wife and I are the owners of Lot 296 Kon Tiki Avenue, Whiritoa. This land is adjacent to a part of the beach at Whiritoa being Whangamata 6B 3B2.

You will be aware that by Deed dated 21 June 1972 the rights to quarry and remove sand from that land were granted by you on behalf of the Maori land owners to an Otahuhu contractor, William Thomas Castle. This right is for a term of five years expiring 30 September 1976.

You will know that immediately to the south of the land referred to there is a lagoon and you will also know that the sand to the east to some extent rises to a bank at high-water mark and thus acts as a protective barrier to the land and also to my own land.

Within the past few days I have visited Whiritoa and have been profoundly shocked and disturbed to see the effect which Castle's excavations have had on the beach and surrounding area there. The lagoon now extends right across the Maori land as a result of the depth and breadth of excavations on it and it also now encroaches close to my own land. In addition there seems to be a real danger of erosion and even of a major breakthrough from the sea. Potentially this could prove to be damaging to my land and that of other land owners nearby. Similarly, the lagoon could become stagnant.

More importantly, Castle's activities amount to a complete lack of concern for the environmental features of the area and one can only wonder at what permanent ecological damage is being caused.

FILED BY

FILE No. 18

FILE  
1/4/74  
Initials: J.A.

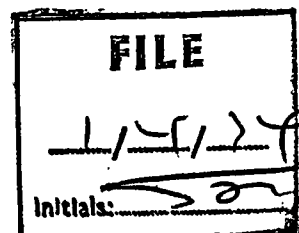
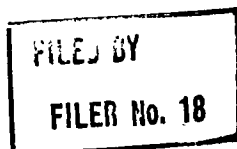
It would seem that Castle is in clear breach of his obligations under the Deed into which he entered with you and in particular is not complying with Clauses 4, 5, 8 and perhaps 13 of that Deed. Under Clause 11, you have the right thereby to terminate his rights under the Deed and I would therefore earnestly request that you do so at once before further damage is caused. In this regard, I should add that while I was at Whiritoa on my recent visit, a front end loader was working throughout the weekend extending the excavation further along the beach.

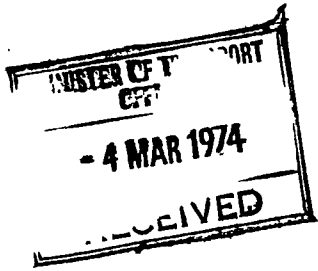
I appreciate that to some extent it is in your discretion as to what action (if any) you take under the Deed but I am sure that you are also mindful of the fact that your powers and duties in this respect are statutory in origin.

I would be pleased to hear from you as a matter of urgency what action you propose to take.

Yours faithfully,

J.A. Farmer

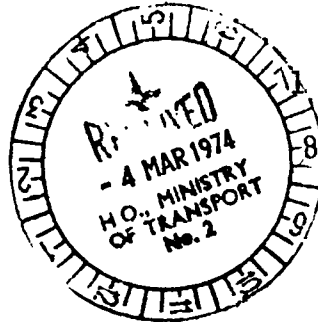




Office of the Minister of Agriculture and Fisheries

WELLINGTON, N.Z.

March 1974



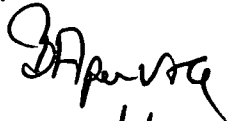
Private Secretary,  
MINISTER OF TRANSPORT:

I understand from the Ministry of Agriculture and Fisheries that the Harbours and Foreshores section of Marine normally handles the attached matter. Could you please arrange for a reply to be sent to Mr Simpson by them.

  
Private Secretary

SECRETARY FOR TRANSPORT

For draft reply.  
~~For reply by direction.~~  
For comments.  
~~Referred.~~

  
4/3/74





22 February 1974

Mr E.D.R. Simpson,  
Simpson Transport Ltd.,  
Post Office,  
COROGLLEN.

Dear Mr Simpson,

I refer to your letter of 19 February to the Minister of Agriculture & Fisheries, regarding your application for a permit to cart approximately 250 yards of sand per month from Kuaotunu Beach to Mercury Bay Readymix Ltd, Whitianga.


The Minister has asked the Director-General of Agriculture & Fisheries if he would examine the matters contained in your letter and reply further to you.

Yours faithfully,

  
Private Secretary

D.G.A.F.

Referred accordingly.





E. D. R. SIMPSON

CONTRACTOR AND CARRIER

SIMPSON TRANSPORT LTD

Post Office,  
Coroglen.

19th February, 1974.

The Minister Of Agriculture & Fisheries,  
Wellington.



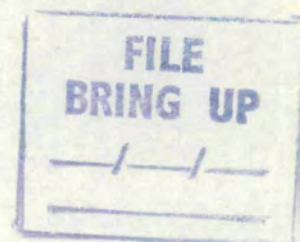
Dear Sirs,

We would like to apply for a permit to cart approximately 250 yards of sand per month from Kuaotunu Beach to Mercury Bay Readymix Ltd, Whitianga.

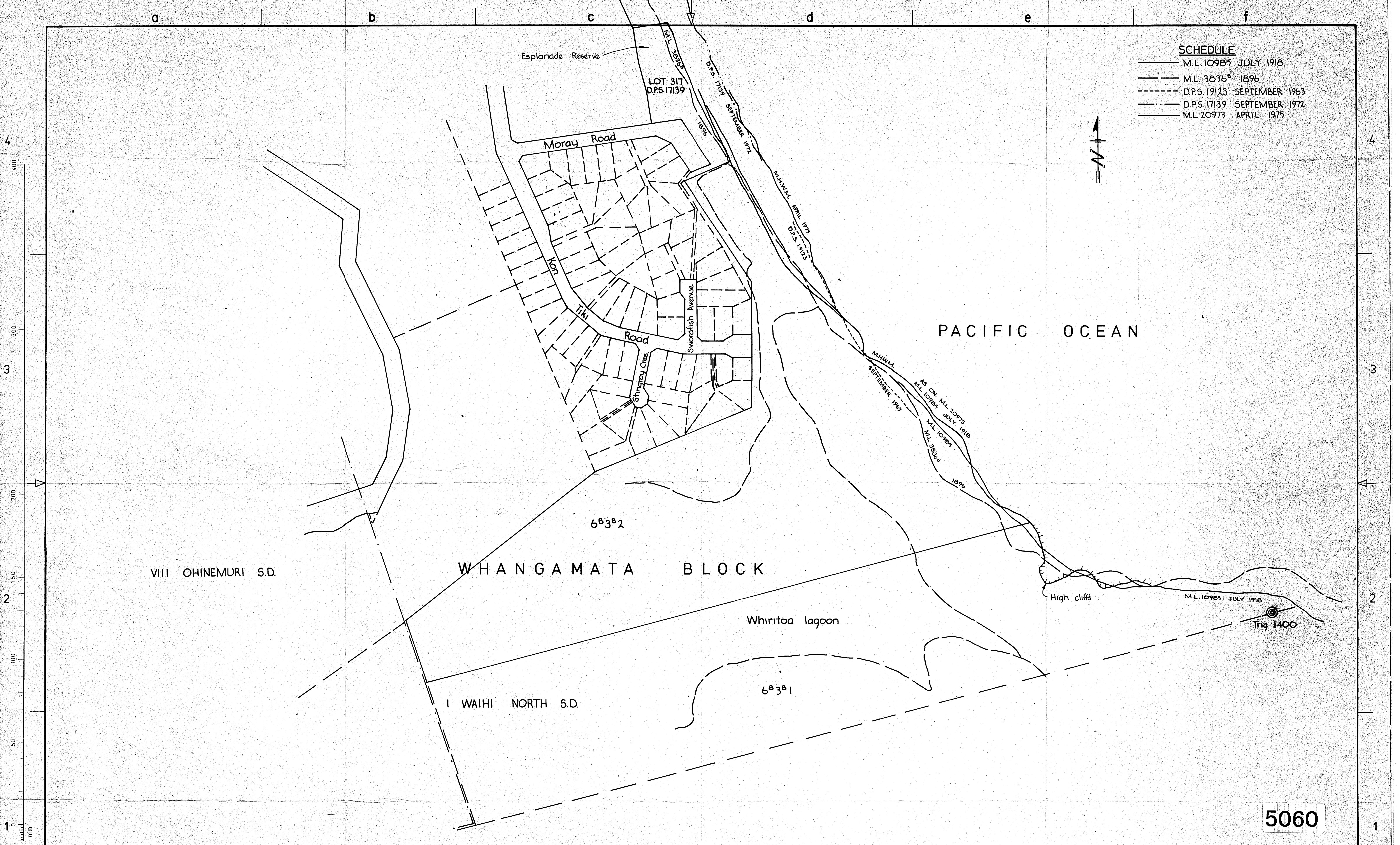
We intend tendering for the 'Supply & Deliver' contract, and would like to know if a permit is available if we get the contract.

Yours faithfully,

SIMPSON TRANSPORT LTD


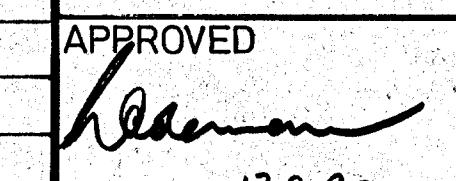







SCHEDULE	
—	M.L. 10985 JULY 1918
—	M.L. 3836 <sup>B</sup> 1896
- - -	D.P.S. 19123 SEPTEMBER 1963
- . - . -	D.P.S. 17139 SEPTEMBER 1972
—	M.L. 20973 APRIL 1975

5060

				BY	CHECKED	DATE	 Ministry of Works and Development		M.W.D.—WATER AND SOIL: FORESHORE INFORMATION WHIRITOA BEACH (N.Z.M.S. 260 T12) HISTORICAL EVIDENCE OF M.H.W.M.				ORIGINAL SCALES 1:2000		FILE			
				Drawn	R.J.M.	J.H.A.	17/9/80											
				APPROVED			 17.9.80						JOB		CODE	SHEET	REVISION	
AMENDMENTS				BY	APPD.	DATE							2/398/1		3204	1		
				Recomd.			N.C. McLEOD Commissioner										Whole numbers = mm Decimalised expressions = m unless indicated otherwise	
LOCAL OR TRACING No.				1:1			1:2		1:5									
PW. 482-A1				Rev. JAN 1977														



WHIRITOA BEACH

MAP 3

5061

