

**SUBMISSION
ON AN APPLICATION FOR RESOURCE CONSENT
UNDER SECTION 96
OF THE RESOURCE MANAGEMENT ACT 1991**

Office Use Only



PART A: DESCRIPTION OF APPLICATION

CONSENT NUMBER:

APPLICANT:

RC-2022-0039

WEST COAST REGIONAL COUNCIL

DESCRIPTION OF PROPOSED ACTIVITY:

TO CONSTRUCT A SEAWALL

LOCATION:

HOKITIKA - NORTH BEACH (STAFFORD ST TO RICHARDS DRIVE)

PART B: SUBMITTER DETAILS

Full name/s	NIGEL SNOEP		
Postal address	[REDACTED]		
I am the owner/occupier (delete one) of the following property:	[REDACTED]		
Primary contact person/s	NIGEL SNOEP		
Email address	[REDACTED]		
Phone number/s	Home:	Business:	
	Mobile:	Fax:	

Signature:	Date:
	03 JULY 2023
Name (BLOCK CAPITALS):	
[REDACTED]	

*If this is a joint submission by 2 or more individuals, each individual's signature is required
A signature is not required if you make your submission by electronic means.*

- I/we **support** the application numbers indicated by a tick on the back of this form
- I/we **oppose** the application
- I/we **neither support nor oppose** the application

(tick one)

(tick one)

I/we **wish to be heard** in support of my/our submission.

I/we **DO NOT wish to be heard** and hereby make my/our submission in writing only.

If you wish to be heard, and others make a similar submission would you consider making a joint case with them at any hearing

Yes No

If you indicated you wish to be heard, you will be sent a copy of the S.42A Officer's Report and a copy of the Decision once it is released. Please indicate below which format you would like to receive these documents in:

Electronic (CD) copy Hard (paper) copy

I/we **have** served a copy of my/our submission on the Applicant as per Section 96(6)(b) of the RMA

Yes *This submission*

My/our submission is that: (state in summary the nature of your submission. Clearly indicate whether you support (1) The Application gives undue weight to artificially protecting the township with further hard structure where the town has had a history of creep towards the sea, and not enough weight is given to:

- (a) Existing promises (now legal obligations in the form of directly relevant Resource Consent Conditions for the adjoining 2013 seawall immediately to the south) to properly understand what the existing seawalls are doing to the environment and what an extension might do, or
- (b) New Zealand Coastal Policy Statement (NZCPS) Policy 26 – Natural Defences against coastal hazards, or
- (c) Detailed thought to alternative solutions to a seawall, including a cost / benefit analysis.

I/we seek the following decision from the Local Authority:(give precise details)

continued.

See continuation sheet.

Important information – please read carefully

Public information

The information you provide is public information. It is used to help process a resource consent application and assess the impact of an activity on the environment and other people.

Your information is held and administered by the West Coast Regional Council in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. It is therefore important you let us know if your form includes any information you consider should not be disclosed.



THE WEST COAST
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Continuation Sheets (12 pages)

I oppose the Application

My submission is that: (Continued from submission form)

- (2) The proposed northern seawall extension is likely to further disrupt coastal sediment dynamics along the beach and may become a self-fulfilling prophecy in exacerbating coastal erosion, much like the other rockwork placed since the 1960's around the river mouth and along some 2.2km of the beach fronting the town to the north of the river.
- (3) The Application fails to explicitly identify the failure of the only consented section of seawall (650m length of seawall fronting the CBD) to perform as stated in the 2013 AEE:
- (a) *'the works will be obvious in the short term but will quickly be covered in sand and beach vegetation and simply become part of the fore dune systems', and*
 - (b) *'The additional benefit of the seawall is that the beach will be given the opportunity to accrete and in conjunction with the existing rock groyne field, accrete to a stage where future erosion cycles will not threaten freehold land adjoining'.*

A sand dune, vegetated or otherwise, has not formed in front of, or over the 2013 seawall in the 10 years since it was built. Nor has the owner or Consent Holder attempted to undertake any remediation works as required by WCRC RC13131 Condition 19(iv).

The proposed northern seawall extension is to front the freehold land adjoining at the northern end of the 2013 seawall that this 2013 seawall was promoted to protect by encouraging accretion of the beach. It would seem that the protection offered by the 2013 seawall is now in doubt.

- (4) The Application fails to acknowledge or address the Conditions of Consent (WCRC RC13131 Condition 19(ii)) to properly understand the receiving environment and establish definitively whether or not the 2013 seawall fronting the CBD is having an adverse or positive effect on the surrounding receiving environment, including the location of the proposed adjoining northern seawall extension and, whether repositioning this 2013 seawall landward, or indeed removal or repositioning at least some of the rock now around the river mouth and along the foreshore might be an alternative less expensive, but still effective solution in the short to medium term to reduce risk to the township until a more permanent solution can be agreed upon.

The Applicant [Detailed Design Report (Attachment 6 Addendum to AEE page 84) that is part of S92(1) Further Information Request response], appears to acknowledge that the 2013 seawall has had an adverse effect on the environment without acknowledging the promises in the 2013 AEE and goes on to suggest that the proposed extension will perform similarly:

- (a) *'The existing revetment presently interrupts the supply of backshore sediment in the area south of the proposed revetment extension. Site observations and historical satellite images indicate beach narrowing/lowering/steepening through the central and northern sections of*

the existing revetment and beach widening/ increase in levels/ flattening at the southern beach (refer to Figure 1a, 1b). As noted above, while the revetment extension remains covered with beach material, coastal processes are expected to continue as at present and cumulative effects of the existing and proposed revetments are expected to be similar to the existing revetment effects’, and

- (b) *‘Based on shoreline movements between Stafford Street and Richards Drive over the 2013 to 2021 period following construction of the existing revetment, such effects might extend some 900m north of the proposed revetment extension’.*

No solution is offered to rectify the poor performance of the 2013 seawall, (RC13131 Condition 19(iv)), just more seawall and the possibility the seawall extension may adversely affect more of the northern beach beyond town.

The Applicant (AEE Section 5.4.1b) acknowledges that once the wall is exposed:

- (c) *Once this situation has arisen, the proposed seawall, as with any “hard” structure, may exacerbate wave reflection from the seawall during events that reach the seawall. Wave reflection from seawalls can result in localised scouring at the seawall toe and subsequently lower the sand levels of the beach. The lower sand levels result in deeper water in front of the rock wall, which in turn allows larger waves to reach the seawall structure’ – a self-fulfilling prophecy, much like what is currently happening with the 2013 seawall.*

The Tonkin & Taylor Peer review also cites the potential to adversely affect those further along the coast due to end effects:

- (d) Page 1 point 3: *‘seeks to transfer the relatively small impoundment loss effects from the project area to the north and these are expected to be limited to within some 900m of the northern end and manifest as a slight increase in existing erosion trends’.* This is probably what the 2013 seawall has done to the site of the proposed northern seawall extension.
- (e) Page 2 table item 2 Long term trends: *‘While SLR has been taken into account for water level it is unclear if beach adjustment over time including present and future trends have been considered. This speaks to the requirement of the seawall and the potential effects of the seawall both in the short and medium terms.’ Doesn’t seem to be addressed ‘potentially also affected by impoundment loss from the temporary seawall construction’*
- (f) Page 3 table item 8 Effects on beach performance: *‘No discussion on impoundment effect of the wall (and cumulative effects of this and adjacent wall) on shoreline evolution either in short, medium or long term’.....’ conclusions that the combined revetments potentially reduce the volume of sediment available to the net northerly longshore transport’ i.e. it will have an adverse effect.*

It is somewhat disappointing that the Peer Reviewer didn’t pick up on the failure of the existing 2013 seawall to perform as promoted in the 2013 AEE and ask why. I understood from the Tai Poutini Resources Ltd letter on behalf of the WCRC (S92(2) 28 April 2022), asking for a peer review that the Peer Reviewer was to *‘look for any gap in the Application’.*

I also question whether the Peer Reviewer was made aware of a letter report from BECA to the WCRC dated 20 December 2020 (Comment on Existing Seawall Design) in which:

- (a) Numerous 'insufficiencies' are identified in the 2013 rockwork design
- (b) The statement on page 1, last para: *'It is noted that the rock wall will not provide long term protection to the township'*
- (c) The statement on page 8, 2nd para: *'The translation of energy along the seawall as a result of the oblique wave approach and the reduced sediment supply over time have the potential to result in end effect erosion. Retreat as a result of this effect of the beach scarp between the end of the current seawall and Hampden Street groyne is evident since the 2013 construction and is likely to occur at the northern end of the proposed seawall extension...'* and
- (d) Page 8, 3rd para: *'The extension of the rock protection to Richards Drive will result in a continuous revetment in excess of 2000m long. The extent of end effects beyond a seawall is related to its length. While the magnitude and nature of effects are site and environment specific, there is thus the potential for the influence.....(on the) commercial buildings and treatment ponds...'*

This letter report is not mentioned anywhere in the Application documents or the Peer Review.

- (5) The proposed seawall has the potential to affect the amenity value of what has been, until September /October 2022, the last remaining natural beach environment fronting the township.

The Application places undue reliance on a the beach already being covered in rock to justify placing more rock from a visual point of view, (AEE Section 5.3.8) when that rock (about 10,000 tonnes) which was dumped there in September / October 2021 was placed there without any attempt at formal justification.

In the lead up to the September / October 2021 rock dump, the WCRC attempted to issue itself a variation on existing RC13131 in April / May 2021 on the basis that the 2013 Consent Application (WDC and WCRC separately) contained numerous 'typos', but were forced to surrender the Consent variation RC13131v1 they awarded themselves and went on the dump the rock anyway under RMA S330 emergency provisions. No attempt to date has been made to apply for a retrospective resource consent within the time frame prescribed by the RMA.

- (6) The Application is deficient in that:
 - (a) It fails to identify explicitly a reason for the Application other than a mere assertion that there is an erosion threat and government money is available to spend.
 - In Section 4 of the AEE – *Reason for Application* – it only refers to regulatory planning rules. Surely this is not a valid reason for constructing a seawall. There is certainly no explicit instruction, to my reading, to build a seawall in any of the plans cited and living on the beach front is entirely voluntary.
 - The Application is stretching what the WDC planning rules allow, to make it fit. [RC-2022-0039 RC220053 S92(1) Further Information Request – item 15]:
'The construction of a sea wall on the road reserve is not listed as a permitted, controlled, restricted discretionary or discretionary activity within Part 6 of the

Westland District Plan. The activity is also not a permitted activity for the underlying zone as per 8.7 of the Westland District Plan’.]

- From recent media reports, the funding for the seawall appears to have been diverted to the river wall, so the funding reason likely falls away. Besides, the original agreement with the Government was co-funding with the community expected to pay for about half the cost.
- The site of the proposed northern seawall extension is outside the ‘Hokitika Coastal Hazard’ and Coastal Alert Hazard’ Overlay shown on planning maps [Te Tai O Poutini Plan – Information Sheet – Coastal / Land Instability Hazards, 22 April 2022].
- The Applicant infers in the AEE (figure 2-2) that a 1m sea level rise may be expected during the term of the consent sought, but has not justified this – it is well outside NZ Government general advice for a 15 year term [1m sea level rise is not expected until year 2100 under worst case RCP8.5 conditions], nor does the figure identify any significant seawater inundation hazard to the northern beach properties due to a 1m sea level rise, plus 0.4m storm surge plus river flood. The AEE Basis of Design Report (Appendix C, page 7) adopts a more modest SLR of 0.12m for which there is no seawater inundation risk to the northern part of town.
- Most statements around erosion are **qualitative** only and no attempt has been made to **quantify** likely future beach or shoreline trends, with and without a seawall extension, in terms of probability, or indeed should a seawall be built, what the residual risk is.
- From my LGOIMA requests to the WCRC over the last 2 years no annual beach monitoring reports (WCRC RC13131 Condition 19(ii); *An assessment of the effects of the seawall on coastal and shoreline dynamics*’), have been produced by the Consent Holder since 2014 when RC13131 was awarded, nor have any enforcement or breach notices been issued.
- Also there has been no site specific data collected such as volumes of sediment being transported in the adjacent receiving environment upon which to undertake modelling of coastal processes. Erosion is just one part of sediment transport. Accretion is another. Similarly no bathymetry data has been collected for the seabed beyond the Low water mark, so this hasn’t been considered in detail [AEE Appendix C page 147 of pdf, Basis of Design Report – ‘*LINZ Chart NZ 72 Cape Foulwind to Heretaniwha Point (does not include bathymetric data for the nearshore area at the site)..... Given the importance of the topographic information for the design, WCRC’s approval to proceed on this basis is sought*’ .]
Hokitika beach consists of longshore bars out in the surf zone. These bars are the first line of defence to the beach from waves and serve to dissipate most of the big wave energy. Not accounting for the presence of bars, I suggest severely distorts the transfer of offshore wave energy to the inshore environment.
- The MHWS Profile Survey Oct 2021 is in the form of a shapefile which is not readily readable without specialist software, so this data is not easily accessible to the public – it could be anything.

- (b) Policy 24 (Identification of Coastal Hazards) of the New Zealand Coastal Policy is not addressed [AEE Section 9.2 covers parts of the NZCPS but skips Policy 24 entirely, in particular the effects of climate change on coastal sediment dynamics]

Insufficient attention to coastal sediment dynamics has been identified in overseas literature as being a major deficiency in many Assessment of Environmental Effect /Environmental Impact Reports.

[EuroSION – A guide to coastal management practices in Europe 2004, page 20, Lesson 5; *'The lack of consideration for coastal sediment transportation processes in EIA procedures is undeniably emphasised by the poor level of sensitisation of project developers and EIA practitioners. Denial or underestimation of the impacts of human interference in the coastal zone, which possibly intensify coastal erosion problems results in a less than effective approach'.]*

[CIRIA C693 The Rock Manual, Section 6.3.2.2: *'The exact plan layout of a structure will be the subject of beach process studies and possibly computational and physical modelling. For complex sites, physical models may be required so that structures can be aligned and positioned correctly.....The geomorphology of the area, layout of existing structures, position and interaction with sandbars, spits and other features are important considerations.'* The Applicants AEE, section 2.2 identifies this specific site as complicated]

[US Army Corps of Engineers – Coastal Engineering Manual (EM1100-2-1100: 2008), Section I-1-3 Definitions, b. Coastal engineering: *'The Coastal Engineer must consider the processes present in the area.....sediment processes (sources, transport paths, sinks, characteristicslong term environmental trends, and Section IV-1-7'Coastal structures such as jetties, groins, seawalls, bulkheads and revetments are probably the most dramatic cause of man induced erosion.....Any coastal structure will have some effect on local sediment dynamics and in some cases the effect may extend downdrift many kilometres'*]

[Engineers Australia – Coastal Engineering Guidelines; for working with the Australian coast in an ecologically sustainable way, page 7: *'Coastal engineers and others charged with making planning and management decisions must be aware of their duty of care to understand the physical coastal environment, how that impacts on chemical and biological matters, and finally, the consequences of their decisions'*, and Section 2, page 9; *'Coastal climates are highly variable and extremely demanding; information and data about coastal processes at specific sites are often inadequate; coastal ecosystems are complex and often not well understood'*, and Page 27, Coastal Protection and Management: *'Coastal engineering activities may include seawalls, revetments.....data collection programs for the understanding of coastal processes for the design of coastal engineering works and for the modelling of the impacts of both*

engineering works and management practices upon the coastal environment under various developmental and climatic scenarios.]

[NIWA Report: Managing and adapting to erosion at Cobden Beach, prepared for WCRC, 2017 concludes with:

'The southern section of the beach will continue to change as the defences surrounding the car park continue to interfere with natural beach processes', and

'Placing a properly constructed revetment may result in further detrimental environmental effects' and

'The fundamental issue is that the car park and associated infrastructure have been located too close to the active shoreline']

In Section 7.1 of the AEE it is stated that a 2019 review, *'suggests that the sediment transport process has a significant onshore-offshore component'*. This statement contains two possible flaws. Firstly the beach exists in the first place so there must be some material being deposited. Second, since 1988 when man-made structures (groynes) were put on the beach, rockwork has been added along the beach, both of which are likely to have artificially disrupted sediment deposition and the rockwork is likely to have made the groynes less effective. Ongoing interference with the beach has become a circular argument.

The beach existed quite happily for many years before man came along and the beach built out in the 1960's in the period between the early river mouth timber training walls (which deteriorated) and the significant rock works that were later placed on the beach, so the statement in the AEE Section 9 in regards Policy 26 of the NZCPS; *'Natural defences such as regular beach enhancement are not considered practicable in this high energy environment'* is somewhat unsupported. The real problem is that the town has crept too close to the sea and subsequent man-made structures in the active coastal zone have likely exacerbated the conflict by pushing it elsewhere.

- (c) The AEE on page 7, Section 2.2, refers to *'regular survey monitoring of the exposed section of coastline by WCRC since 2003'*, however only survey information from 2018 onwards is included in the Application and it shows that the shoreline in that period has not yet reached the base of the groynes installed in 1988 suggesting that erosion in the 1980's was much worse. A 1943 historic shoreline recorded in the Application shows much worse erosion in the past, worse than 1988, yet ongoing subdivision and development of private properties was allowed by the regulating authorities, particularly the blocks from Tudor Street to Richards Drive and seaward additions between Stafford Street to Camp Street in 1964 with Beach Street extended in the late 1980's.
- (d) The Application fails to provide any reference to any report as required to be produced by Condition 7 of WDC RC130082 for the 2013 seawall identifying whether erosion has crossed the trigger line requiring further action.

- (e) The AEE on page 7, Section 2.2 states that *'Modelling of coastal processes has not been undertaken on the basis of the existing body of literature available, the complicated conditions at the site. And the WCRC's timeline for consenting and construction'*. The body of literature is not explicitly identified and the WCRC response to a LGOIMA enquiry revealed no modelling has been undertaken in the past for this site (for example: 3km of beach either side).
- (f) No attempt is made to predict future shoreline trend over time should no seawall be built.
- (g) The principal report the AEE cites (Gibb, 1988) was done some 35 years ago and events have moved on since then. The beach is now almost entirely lined with rock in some form.
- (h) The Application fails to identify any significant public asset, or existing infrastructure of national or regional importance at risk as per NZCPS Policy 27(1)(c) that would justify spending about \$5M of public funds (media reports). The inference is that the unformed legal road must be being protected.

The WCRC Regional Policy Statement 2020, Section 6; Regionally Significant Infrastructure does not identify unformed roads as being of regional importance. The statement in the AEE Section 9.3 that a seawall itself is defined as significant regional infrastructure is a circular argument - a seawall is not put there to protect itself.

- (i) In the absence of identification of any significant public asset at risk it might be inferred from
 - (a) the WCRC Hokitika Rating District Asset Management Plan 2021-2024, on page 4 (*sunset point area has no private land behind it so does not justify a permanent protection option*), and
 - (b) AEE statement in Section 9 under NZCPS Policy 27 Comment; *'The proposal to extend the existing seawall from Stafford Street to Richards Drive has been assessed as the best solution for protection of private property from further erosion and flooding in the short to medium term.*that the wall is being built to protect private property which would be contrary to Policy 27(4) of the NZCPS.

I have no major objection to a wall being built on the landward side of the private property line providing it is not done with public funds and does not affect the amenity value of the beach. A sheet pile type seawall would fit on private property and intrude less than 1m into the property – this is a viable alternative, although much more expensive, that has not been discussed in detail in section 7 of the AEE.

One of the problems with a rock revetment as proposed, is that it occupies a lot of space so the statement in the AEE at the conclusion of Section 9.2; *'While the structure will be located on "public land" in the form of legal road, there is no realistic alternative'* is true in that it is unlikely to fit on private land without significant disruption. Its size in this case, is a hindrance that forces it onto public land. That shouldn't be an excuse when there is a viable alternative

such as a sheet pile type wall (which unfortunately will have a greater impact on the receiving environment in form of interaction with the sea and beach sediments).

[WCRC September 2022 News, page 4: What can I do after a weather event when it has affected my land?:

'Council does not fund the building of floodwalls or seawalls for the benefit of individual properties', and

'Unfortunately building walls is not always the best option for the future']

The WCRC Regional Policy Statement 2020, Chapter 11, Explanation to Policy 4 concludes: *'Consequently, those who benefit from the works or services should pay for them'*. Pushing the costs onto a wider rating district is morally questionable.

- (j) The Application fails to provide a cost benefit analysis of alternatives as required by the WCRC Regional Policy Statement 2020, Section 11; Natural Hazards, Policy 4(b). Any analysis in the AEE is solely qualitative – no actual dollar figures are provided to allow comparison and ranking of alternative options.
- (k) The proposal in the AEE, Appendix E to have Consent Conditions while laudable in theory has been proven somewhat useless in that the Applicant has shown scant regard for the Consent Conditions for the adjoining 2013 seawall. An example is that the existing 2013 seawall Conditions are not even mentioned in the current Application.
- (l) The term sought for consent is unclear. On the WDC Application form it is listed as indefinite. Elsewhere it is 15 years.

I am not necessarily against seawalls per-se when there is an obvious need, but I believe that the current proposal is likely to result in a repeat of the failure of the 2013 seawall, built by the same Applicant.

Furthermore, I believe that there are probably less expensive and still effective solutions than more seawall in the short term. There will still be a risk – as with most affordable solutions the risk does not reduce to zero. I suggest that the Hokitika community does not have the money to spend on lavish projects and every penny should be turned over multiple times.

It is of some concern to me that neither the Application, nor the Public Consultation (morning of 15 June 2023) covered the existing legal obligations on the Applicant and from this, members of the public may not have been given the full picture.

I seek the following decision from the local Authority:

1. Reject the Application on the basis that it is incomplete and in insufficient detail and contains numerous conflicting statements and omissions.
2. Enforce the Applicant to undertake forthwith a detailed assessment of the effects of the 650m long 2013 seawall on coastal and shoreline dynamics as per the relevant existing WCRC RC13131 Condition 19(ii) to establish definitively whether the existing 2013 seawall is causing adverse effects to the northern beach.
3. Enforce the Applicant to forthwith rectify the failure of the 2013 seawall to perform as stated in the 2013 AEE and WCRC Hokitika Rating District Asset Management Plan 2021-2024.
4. Enforce the Applicant to apply forthwith for a retrospective Resource Consent for all of the currently unconsented ad-hoc rock dumped along about 1.5km of the beach between the Hokitika river mouth and Richards Drive. [The WCRC Asset Management Plan refers to Ad-hoc rock.]
5. Require the Applicant to collect sufficient data to undertake a quantified coastal sediment dynamic analysis as per NZCPS (Policy Statement 24(1)(h)(iii)) to establish what the likely future adjoining shore line trends will be should the proposed northern seawall extension be built and become exposed to the sea.
6. Require the Applicant to further develop alternatives to a seawall in more detail, including a cost benefit analysis as per the WCRC Regional Policy Statement. Alternatives ideally should include consideration to removal or realignment of existing coastal rockwork from Stafford Street all the way south to the Hokitika River mouth.

My biggest concern around these suggested decisions is that it will come at considerable additional cost to the community – some of them the Consent Holder for the 2013 seawall is already committed to. It is a reminder that living close to the beach comes at a cost – the biggest moral question is; who should pay for it?