

SUBMISSION TO APPLICATION RC-2022-039 FOR A SEAWALL ON HOKITIKA BEACH

TO: West Coast Regional Council (**WCRC**)
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SUBMITTER: Hokitika Coastal Protection Alliance Incorporated (HCPA)

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INTRODUCTION

1. This submission is made on applications lodged by WCRC to extend the Hokitika Seawall between Stafford Street and Richards Drive on the Hokitika beachfront. The application is for coastal permits and land use consents because the seawall is partially within the Coastal Marine Area. The proposal involves the replacement of temporary rock protection and the extension of the existing seawall for a further 1,100m primarily on Legal Road reserve fronting the beach.
2. Hokitika Coastal Protection Alliance Incorporated (HCPA) acts as a watchdog and advocate for coastal protection in Hokitika. HCPA has engaged with the West Coast Regional Council (WCRC) and Westland District Council regarding the 2013 rock wall and various applications for extensions of this wall.
3. HCPA makes this submission as an affected party, on account of its membership and its registered purpose as an incorporated society (<https://is-register.companiesoffice.govt.nz/search/>).
4. HCPA oppose the application and wish to be heard.
5. HCPA support and adopt the submission of Nigel Snoep.

SUMMARY

6. Coastal erosion has been an ongoing concern along the Hokitika shoreline for many years. As set out in the report of Gibbs in 1987, Hokitika has a long term history of cyclic short-term erosion and accretion with regular intervals of 10, 20 and 30 years since the 1860s.
7. Avoidance or mitigation of natural hazards is one of local governments core services, to which it must have particular regard when undertaking its functions and performing any of its roles¹. Under the RMA, the management of significant risks from natural hazards must be recognised and provided for (section 6(h) RMA) and all decision must have particular regard, among other things, to the effects of climate change (s 7(i)).
8. Responses to natural hazard risks need to represent the actual risk and should be well considered. Key to this is an understanding of the vulnerability of different areas based on adequate information. Policy 24 NZCPS requires identification of coastal areas that will be affected by coastal hazards over at least 100 years, with priority for identifying areas at high risk. Policy 25 of NZCPS sets out a framework for policy development and decisions by local authorities for areas of high risk identified by Policy 24. Notably, policy 25 requires avoidance of works which will increase risk of harm from coastal hazards – in social, environment and or economic terms and also discourages hard protection structures and the promotion of alternatives, including natural defences.
9. Some hard structures including seawalls have been known to be maladaptive i.e they increase exposure and vulnerability of coastal areas².
10. A key concern of HCPA is that WCRC and WDC have selected a hard structure option in advance of adequate consideration of alternatives and in the absence of adequate assessments of the performance of existing structures (namely the existing seawall built in 2013). As a result there is an inadequate evidential foundation to support the key premise of the application: that a seawall extension to Richards Drive will provide a short to medium term protection for low lying properties presently between 25 and 40m from the upper beach erosion scarp.
11. To date, WCRC and WDC have used emergency powers to build the existing seawalls. HCPA question the legal basis on which the extensions to the seawalls built in 2019-2021 were built and seek clarification regarding whether retrospective consent will be sought for these works.
12. The AEE places reliance on outdated coastal erosion studies from 1987³ as the main background study for the proposal⁴ and fails to undertake an up to date and thorough assessment of coastal process and potential alternatives, as well as assessing the performance of the existing seawall. The AEE identifies that only a “high level consideration of alternative coastal management options” for the site has been identified⁵.
13. Previous works in the same area have resulted in disruption of coastal sediment dynamics and have exacerbated coastal erosion.

¹ Section 11A, Local Government Act 2022 (LGA).

² MFE Coastal Hazards Guide, page 190.

³ See page 2 AEE, Gibb 1987.

⁴ At 2.10.3 AEE.

⁵ At 7 Alternatives Assessment, AEE.

14. A fuller consideration of options has been pushed back to the development of an adaptive management coastal strategy with the hard structure providing a short term option. HCPA say that an adaptive management coastal strategy should take place now in advance of further hard structural works. Further, Council has not adapted by learning from the lessons of the past poor performance of adjoining seawalls.
15. The proposed seawall will impact the amenity values of the last remaining natural beach environment fronting the township, it will impact on natural character and coastal processes.
16. Ecological surveys are out of date (Cawthorn 2011). The proposal potentially results in significant adverse effects to the little blue penguins/ Korora, a nationally threatened species.
17. HCPA consider the current proposal would:
 - a. Not promote sustainable management of resources under s5 RMA.
 - b. Does not preserve the natural character of the coastal environment and provide protection of them from inappropriate use and development s6(a), will prevent public access to the coastal marine area under s6(d) and fails to appropriately manage significant risks from natural hazards under s6(h) RMA.
 - c. Fails to give adequate regard to s7 (b)(c)(d) and (f) RMA.
 - d. There is inadequate assessment of the actual and potential effects of climate change section 7(i) RMA.
 - e. Is contrary to policy 24 and 25 of the NZCPS in that it does not adequately identify the risks or avoid further risk and discourage the use of hard structures and other NZPCS policies identified below (see [45]).
 - f. Allows the continued generation of significant adverse effects on the environment.
 - g. Is contrary to the West Coast Regional Policy Statement, notably chapter 10 relating to the coastal environment and the West Coast Regional Coastal Plans and the West Coast Regional Land and Water Plan.
 - h. Is contrary to the proposed West Coast Regional Policy Statement, notably chapter 9 relating to the coastal environment.
 - i. Is contrary to provisions of the Westland District Plan.
 - j. Consider that the proposal is out of step with Ministry for the Environment guidance to Local Government: Coastal Hazard and Climate Change.

BACKGROUND

18. This proposal for a seawall seems to have originated between 2018 and 2020. In April 2020 WCRC staff applied to the Government 'shovel ready' fund for funding to build a seawall, and were successful.

19. There are no minutes from WCRC Council meetings or WCRC Council subcommittee meetings that considered or approved the intent to construct such a major piece of infrastructure. There were no professional reports available that recommended the construction of a wall of this type and in the proposed position prior to the application for funding. HCPA raise concern that the process for approval of infrastructure projects was less than exhaustive and hurried without adequate expert input.
20. The proposal for further seawall construction have relied on the funding as one justification the works. This is unsound reasoning.
21. The proposal is for an extension of 1100m to the existing Hokitika seawall between Stafford Street and Richards Drive. The existing seawall is 1500m long rock. The first 650m of this rock wall were constructed in 2013, to protect a portion of the township between Hokitika River mouth and Stafford Street. The works were started under s330 Emergency provisions with the subsequent Resource Consent Application and Decisions largely being a follow on activity.
22. In 2021, a variation to the 2013 rock wall was sought under s127 RMA which would provide a further 165m extension to the Hokitika Seawall. This variation was opposed by HCPA who wrote to WDC and WCRC in 2021 setting out its concerns. The variation was later withdrawn.
23. Later on in 2021, temporary emergency works were undertaken in sections along the beach north of the wall, extended the southern rockwork from 1500m to 2600m. HCPA query the legal basis on which emergency powers were used and seek clarification on whether retrospective consent will be sought.
24. Overall, the pattern of seawall construction has been to act now and to prepare proper planning and expert support later. HCPA consider that while there is a very real need to plan for coastal erosion and potentially construct seawalls, a proper coastal plan should be prepared in advance of any hard structures. HCPA consider the urgency under which the previous works and the current proposal is being justified is over stated. The Hokitika coastline has been subject to erosion and accretion since prior to Gibbs 1987 report. While HCPA supports works which address the potential effects of climate change, works need to be undertaken on a properly informed and assessed basis.

LACK OF ADEQUATE ASSESSMENTS

25. HCPA agree that historical record of coastal erosion provides important context for long term trends of coastal erosion and support the reference to the Gibb reports in 1987. Key to Gibbs finding is a long term history of cyclic short-term erosion and accretion with regular intervals of 10, 20 and 30 years since the 1860s.
26. At 2.2 of the AEE
The design of the seawall extension has been based on available existing information which includes historic records and interpretations of the beach characteristic and changes over the last 150 years, the performance assessment of the existing groyne field and southern section of the existing seawall, and regular survey monitoring of the exposed section of coastline by WCRC since 2003.

27. However, HCPA consider that the assessment of the existing southern section is inadequate and does not provide a basis for a further seawall.
28. The AEE notes that no modelling of coastal processes has been undertaken and that the assessment of alternatives is high level.
29. Similarly ecological reports are outdated (Cawthorn 2011) and there has been no recent analysis of existing biodiversity in the area, notably the dune system.
30. The assessment of effects to the little blue penguin/Korora note that the Korora do not use the exiting southern seawall. A key concern is therefore further impacts on the Korora from blocking access to their natural habitat by the extension of the seawall along the beach.

THE RECEIVING ENVIRONMENT

31. In April 2020 the Hokitika Beach in the area of the proposed seawall was in an erosive phase with the erosion line approaching 25-40 meters from property boundaries. From an historical perspective this was a relatively minor risk to private property. As is normal the beach has since rebuilt. The proposed seawall if constructed would in effect be largely underneath the beach as it is. Consequently, there is no clear reason for a seawall at its proposed alignment well seaward of private property, nor is there any evidence of significant risk to private property over the proposed 15 year term of its consent.
32. We accept the Hokitika Beach can have large and rapid changes in its state and that a wall could be required in the future. However, we submit that a wall built in the position proposed would always be too far from property to be warranted.

IMPACTS OF CONSTRUCTION

33. The construction of the proposed wall would destroy most of the vegetation and dunes on the foreshore. Given the generous sand accumulation of recent years, a trench with a profile of approximately 30m across and 6m deep would need to be dug. That and the resultant sand stockpiles and vehicle movements would devastate the foreshore. Building a seawall that bisects a healthy beach/dune system seems contrary to any objective to protect assets to landward. The loss of natural and amenity value is extreme and, along with the construction cost, is not warranted for a 10-15 year temporary solution to a long term problem.

COST/BENEFIT

34. The Applicant describes the proposed wall as temporary and with a life of 10-15 years. At an approximate cost of \$5million, this is not in keeping with the financial resources of a small town like Hokitika. Issuing an open ended consent for this proposal could put the local ratepayers at risk of the Applicant arbitrarily rating the community to build the wall without any justification or opportunity for recourse.

THE POSITION OF THE SEAWALL

35. Viewed from a long term perspective it is generally accepted that sea levels will rise and coastal erosion will put coastal infrastructure at greater risk in the future. Therefore it is accepted that a seawall could be a suitable response as part of a cohesive response strategy.

36. However building a wall further from the infrastructure to be protected than is absolutely necessary is not best practice. The Applicant's proposed seawall crest is 25-40 meters seaward of cadastral boundaries and buildings are further back again.
37. Compared to a wall that was built adjacent to the infrastructure to be protected, this proposed wall would be subjected to far more wave energy and erosive power than a wall built further landward. As a result of the cycles of erosion and accretion for which the Hokitika Beach is renowned, the proposed wall would be largely exposed to wave action disrupting the ability of sediment to accrete. A wall built further back would enjoy longer periods protected by dunes and would simply last longer and provide better value for money with lesser environmental impact. Important lessons can be drawn from the experience of the Hokitika CBD seawall constructed in 2013 that is immediately adjacent to the present proposal.

END EFFECTS

38. The proposed wall ends at Richards Drive at which point its toe extends into the current tidal zone. Because the cadastral boundaries do not follow the natural lie of the Coast it is at this point the wall would be most exposed to wave action. While the Applicant through its advisors has raised the likelihood of end effects effecting the Coast to the North, in this application there is no attempt to acknowledge, quantify or mitigate those risks.

ADAPTIVE MANAGEMENT

39. The AEE refers to the proposal as allowing for WCRC to plan and implement a longer term adaptive coastal management strategy, in response to Central Government legislation⁶. HCPA has consistently promoted the use of adaptive management as appropriate planning mechanism to use for coastal erosion work in Hokitika.
40. The Environment Court has described adaptive management as

*"...an experimental approach to management, or 'structural learning by doing'. It is based on developing dynamic models that attempt to make predictions or hypotheses about the impacts of alternative management policies. Management learning then proceeds by systematic testing of these models, rather than by random trial and error. Adaptive management is most useful when large complex ecological systems are being managed and management decision cannot wait for final research results."*⁷

41. The proposal does not align with an adaptive management approach. The WCRC has relied on outdated evidence to support the need for a rock wall and failed to adequately assess the application of the existing rock wall on coastal erosion. The rock wall built in 2013 provides the first stage of adaptive management approach or the baseline and for which a further rock wall is proposed or whether viable alternatives to prevent erosion should be considered. This has not happened.

⁶ At page 1, AEE.

⁷ *Golden Bay Marine Farmers v Tasman District Council* W19/2003 at [405].

LEGISLATION FRAMEWORK

Resource Management Act

42. The relevant provisions under the RMA are directive. WDC and WCRC must:
- a. Recognise and provide for the preservation of natural character of the coastal environment (including the coastal marine area) and the protection of them from inappropriate use and development.
 - b. Control the effects of the use, development, or protection of land for the purpose of maintenance of biological diversity.
 - c. Recognise and provide for the maintenance and enhancement of public access to and along the coastal marine area.
 - d. Manage significant risks from natural hazards.
43. WDC and WCRC must have particular regard to:
- a. The efficient use and development of natural and physical resources;
 - b. The maintenance and enhancement of amenity values;
 - c. Intrinsic values of ecosystems
 - d. Maintenance and enhancement of the quality of the environment
 - e. The effects of climate change.
44. The application is not consistent with the West Coast Regional Policy Statement and proposed, West Coast Regional Coastal Plan, West Coast Regional Land and Water Plan and the Westland District Plan.

The New Zealand Coastal Policy Statement

45. The application is not consistent with the NZCPS. In particular:
- a. Policy 13 and 14 preservation and restoration of natural character;
 - b. Policy 18 and 19: public open space and walking access
 - c. Policy 24- requires identification of coastal hazards. AEE section – effects of climate change on coastal sediment dynamic.
 - d. Policy 25 sets out the framework for policy development and decision by local authorities when areas potentially affected by coastal hazards have been identified in terms of Policy 24. This policy established direction on several matters, including:
 - **Avoid increasing the risk of harm from coastal hazards- in social, environment and/or economic terms**
 - Encourage change in land use or redevelopment that would increase the risk of adverse effects from coastal hazards
 - Encourage changes in land use or redevelopment that would reduce the risk of adverse effects from coastal hazards, including measures that build

resilience (through recoverability or relocation), or involve managed retreat or abandonment

- Encourage infrastructure to be located away from hazard risks where practicable
- **Discourage hard protection structures and promote alternatives, including natural defences.**

e. Policy 26 (1) & (2) – the proposal bisects the beach/dune system and hinders its function as a natural buffer against coastal hazards

f. Policy 27 (1)(d), (3) and (4) – this structure is clearly designed to protect private assets, yet is positioned on public land (foreshore and legal road) more than 23 metres away from private property. There are no public facilities requiring protection.

46. The application is also contrary to best-practice coastal hazard management advisory reports and MfE guidance on coastal hazards and climate change.

HCPA SUPPORTS THE IDEA OF A SEAWALL CONSENT FOR HOKITIKA BEACH

47. HCPA accept that erosion and wave overtopping have always threatened Hokitika and will continue to do so in the future. HCPA is an advocate of adaptive planning as laid out in 2016 advisory from MfE. We see a pre consented seawall as being an integral part of a long term coastal hazard management plan that also included enhancement of the coastal environment and appropriate planning measures.

48. To this end HCPA made its own application for a seawall consent in 2021 It was for a seawall that would be built when a trigger line was breached 10m from cadastral boundaries over the same stretch of beach being currently considered. Our application was later withdrawn as we did not have the funds to pursue it. However the HCPA application pre-empted the current one and the Applicant has knowledge of it. We have attached that application to our submission.

49. Being a pre-approved long term consent it would require a 10m trigger line to allow for its construction. We accept that there would need to be a range of nuanced conditions built around a trigger line condition as the sea does not advance uniformly. We continue to oppose any proposal without a 10m trigger line requirement for the reasons laid out in this submission.

50. We have seen the applicant build four separate walls along the Hokitika Beach in the last 10 years using the RMA emergency provisions. The results have been suboptimal due to the lack of notification, professional engineering input, and a cohesive plan.

51. We absolutely support the concept of adaptive planning and the pre consenting of future seawalls within prescribed boundaries. This means that when infrastructure is again threatened by erosion all the necessary design, planning and consultation has been done and a timely pre-approved response is possible without the need for emergency works.

52. We acknowledge the time and financial resources that have gone into preparing the application under consideration.

53. We also acknowledge that the Applicant has engaged competent professionals to undertake engineering design.

54. From the communities' perspective it would be a loss if the resources already invested in this project cannot see a positive outcome with some value.
55. We could support this application if this proposal was adjusted.

CHANGES THAT WOULD HAVE US SUPPORT THE APPLICATION

56. HCPA consider that the proposal should form part of the proposed adaptive coastal management plan and rather than being rushed through under urgency it should be considered alongside in depth coastal expert input and further consideration of alternatives as well as consideration of the benefits and adverse effects of the existing seawalls.
57. In the alternative, HCPA could support the application if it included enforceable consent conditions that follow key portions of the 2021 HCPA seawall consent application (attached). This includes, but is not limited to:
- a. A structural design that provides optimal long-term protection for private property and assets, while maintaining a naturally functioning beach environment for as long as possible;
 - b. The footprint of the seawall to be positioned as far landward as possible (ie as close as possible to the private property cadastral boundaries);
 - c. A 'trigger' rule allowing the seawall to be constructed (in staged sections) only once the beach scarp encroaches to within 10 metres from property boundaries;
 - d. Adequate monitoring of the structure, and response/repairs if adverse effects are detected;
 - e. Provision for end effects to occur;
 - f. Maintenance of adequate and appropriate public access;
 - g. Maintenance of the amenity and recreational values of the beach foreshore;
 - h. Provision for effective adaptive planning for Hokitika's coastal hazards;
 - i. Restoration of vegetation and disturbed sites, and encouragement of plantings to mitigate wave inundation;
 - j. A more appropriate term for the consent;
 - k. A decommissioning plan for the seawall that provides the option to restore the natural beach at the end of the consent term.

Hokitika Coastal Protection Alliance Inc.

DATED: 14 JULY 2023

