

**Resource Consent Application
for**

***West Coast Regional Council – Beach
Nourishment and Sacrificial Bund***



ENVIRONMENTAL

In accordance with

The Regional Coastal Plan

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December 2016

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1.0 Executive Summary

This resource consent application made on the behalf of the West Coast Regional Council relates to a proposal to provide beach nourishment and a sacrificial bund located at Neil's Beach.

It is subject to the statutory requirements and the provisions of the Regional Coastal Plan.

Overall, the application to provide beach nourishment and a sacrificial bund is a discretionary activity. It is concluded that any adverse environmental effects will either not be adverse or can be adequately mitigated through conditions of consent. It is considered that significant positive effects will result from the development of beach nourishment and a sacrificial bund such as protection of dwellings and the airstrip within the Neil's Beach community.

The following assessment concludes that, subject to conditions of consent, the actual and or potential adverse effects on the environment will be less than minor and the proposal will not be contrary to the objectives and policies of the Regional Coastal Plan or the New Zealand Coastal Policy Statement. Overall, it is considered that the outcomes from the proposal will achieve the purpose of the Regional Coastal Plan, the New Zealand Coastal Policy Statement and RMA.

2.0 Application detail

Applicant

West Coast Regional Council

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Land Owner

Awarua Ahu Whenua Trust – Paul Owen

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Consultant

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Site Details

Site location: Neil's Beach

Legal Description:

- Sacrificial Bund, Lot 1 Deposited Plan 3786
- Beach Nourishment, DOC Stewardship area, Conservation Unit Number E38001

Relevant Plan(s) for the Activity for Consent: Regional Coastal Plan

3.0 Proposed activity

Neil’s Beach Community is located west of the Arawhata River mouth, approximately 30km south of Haast. The site of concern has experienced 3 – 4 metres of erosion per year, with approximately 20 metres of the foreshore being eroded. Until recently, there has been a protective dune protecting the Neil’s Beach Community however, the dune has now completely disappeared, leaving waves to directly erode some of the properties. The proposed activity is required to protect the Neil’s Beach Community from further erosion as without any action, erosion will continue and dwellings and infrastructure will potentially become uninhabitable.

The proposed activity will be carried out in two stages. The first stage is a sacrificial bund (100m of this has already been constructed as emergency works) and the applicant would like to add to the sacrificial bund in the future, in accordance with the rate of erosion. When the bund construction has been completed, the bund will be approximately 250 in length and 1.5m high.

The second stage is beach nourishment. The applicant intends to carry out beach nourishment in approximately six months. Nourishment will accelerate returning the shoreline to a more stable condition. Both stages will require material being sourced from a nearby slip (see Appendix C for slip location). The two stages of construction will complement each other and will provide an increased level of erosion protection to the adjacent properties and assist in restoring the former beach profile.



FIGURE 1 PHOTOGRAPH OF THE EMERGENCY SACRIFICIAL BUND THAT HAS BEEN ESTABLISHED

4.0 Site description & existing environment

Neil's Beach, between Haast and Jackson's Bay, is a small community consisting of approximately 15 homes and an airstrip. The beach is used for recreational purposes such as fishing and walking. Refer to the maps in Appendix A and B for a layout of the location and proposed location of the sacrificial bund and nourishment.

The land that the sacrificial bund and nourishment is proposed to be on is owned by the Awarua Ahu Whenua Trust. The site borders Department of Conservation (DOC) land, and is where the proposed beach nourishment is proposed to be located.

The proposed site of work consists of pebbles and cobblestones as well as finer, more well-rounded gravel of schist origin. Vegetation in the area includes Broom, Himalayan Honeysuckle and Cabbage Trees. The proposed activity does not require any vegetation removal.

Once the proposed activity has occurred, the Neil's Beach community will be better protected from the adverse effects of erosion.

5.0 Activity timeframes and methodology

The activity consists of two stages of work.

1) Sacrificial Bund

- Material was sourced from a slip approximately 0.5km from the location of the bund for the retrospective work and will be sourced from the same location for the proposed ongoing work
- The bund is proposed to be completed to a length of approximately 250m (100m of this has already been completed due to the requirement of emergency protection) and approximately 1.5m high, this will be carried out over several stages as required.
- Council approved contractors will load, cart, place and compact the slip material –compacted layers of fill to be no greater than 300mm

The sacrificial bund will act as protection, reducing the exposure of the Neil's Beach community to waves and further erosion. The bund will also help to prevent ocean water flooding within the dwellings.

2) Beach Nourishment

- Will be done in several stages as required.
- Material will be sourced from a slip approximately 0.5km from the location of the beach nourishment location.
- Work on beach nourishment is likely to begin within six months of the granting of this consent.

Beach nourishment will accelerate returning the shoreline to a more stable condition, reducing the effects of erosion on the Neil's Beach community.

Both forms of erosion protection will be ongoing. The sacrificial bund and nourishment will work as an effective combination. For both stages of work, contractors that will be approved by the Regional Council will undertake the work, occurring during daylight hours, Monday – Saturday, however, it is possible work would be done outside of these timeframes if there is an emergency, although the likelihood of this is low. Machinery such as dumptrucks, diggers and rollers will be used to retrieve and pack in material.

6.0 Overall statutory framework

The statutory planning framework that applies to the resource management aspects of this application includes:

Resource Management Act 1991

The Resource Management Act 1991 (RMA) provides the statutory framework for the management of natural and physical resources. The purpose of the Act is to “*promote the sustainable management of natural and physical resources*” where sustainable management means:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

Sections 104 and Sections 105 to 107 apply to applications for resource consent and set out the matters, subject to Part 2, which must be considered when deciding an application.

New Zealand Coastal Policy Statement (NZCPS)

The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement under the Resource Management Act 1991 (‘the Act’). The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

This NZCPS is to be applied as required by the Act by persons exercising functions and powers under the Act; and regional policy statements, regional plans and district plans must give effect to the NZCPS.

7.0 Assessment of environmental effects

Section 104 (1) states that a consent authority must have regard to a number of matters when considering an application for resource consent.

In the case of the subject application, those considerations include the actual and potential effects of an activity on the environment, the relevant provisions of a national or regional policy statement, a regional plan, a district plan, any other relevant statutory document, and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

The following assessment addresses all relevant considerations under s104 of the RMA.

9.1 Erosion and sediment control

The sacrificial bund and beach nourishment are made up of slip material comprising of a well graded crushed rock with a small amount of silt. The material will be compacted in 300mm lifts so erosion and sediment issues will be less than minor.

9.4 Cultural values

The proposed activity will not have any impact on cultural values. In the event of an accidental archaeological discovery, the following protocols will be taken:

- All work will be stopped
- The relevant people will be contacted
- Work will commence again once the discovery is dealt with

9.5 Flooding

The proposed activity will reduce the likelihood of flooding within the Neil's Beach community as it will protect the community from wave and ocean inundation.

9.6 Water quality

The proposed activity is unlikely to affect water quality as there will be no activity or discharge into both of the Arawhata River or Tasman Sea; as the activity will be undertaken above the mean high tidal zone and the likelihood of sediment or erosion is minimal given the location of the bund and beach nourishment and the nature of the material being utilised.

During the activity, machinery will be well serviced to ensure there will be no leaks or spills into the receiving environment.

9.7 Ecology

The activity is considered to be low impact and to have a less than minor effect on the surrounding ecology. The material used is locally sourced and will meet the definition of clean fill. There is potential of temporary disturbance to bird species as the work is carried out, this will be managed by ensuring that contractors carrying out the work are aware of species in the area and if possible,

avoiding doing work during peak times of nesting. To prevent the introduction of weeds to the area, machinery will be cleaned regularly. There will be minimal effects on the Arawhata River or the Tasman Sea therefore they have not been included in the assessment against ecology.

9.8 Vegetation

Vegetation found in the general area includes; Broom, Himalayan honeysuckle and cabbage trees. The bund will be in front of vegetation, as vegetation acts as another form of erosion protection it is the best interest to not clear any vegetation. There will be no introduction or removal of vegetation involved with the proposed activity therefore the impact on vegetation is anticipated to be less than minor.

9.10 Noise

Noise will not exceed the permitted dB rule of 55dBA L, and will be within working hours of 7.00am and 6.00pm, avoiding times of peak recreation use. There is the potential for work to take place outside of normal working hours if there is an emergency, although the likelihood of this is low.

9.12 Landscape and amenity values

The effects on landscape and amenity values are expected to be less than minor. The sacrificial bund and nourishment will be constructed with a well graded crushed rock with a small amount of silt that will blend into the natural landscape.

9.14 Positive effects

It is considered that significant positive effects will arise from the proposal as follows:

- Protection of dwellings and infrastructure.
- Reduction in land being eroded, which will in turn minimise sediment generation into the Tasman Sea.
- Protection of airstrip.
- Overall protection of the Neil's Beach community.

9.15 Overall assessment of effects

Overall, it is considered that the proposed beach nourishment and sacrificial bund will have less than minor adverse effects on the environment and will enable the Neil's Beach community to be protected from the effects of erosion.

It is also appropriate for the Council to consider whether the proposal may create any cumulative effects that may arise over time or in combination with other effects. It is considered that there are no such effects in this instance. Conditions of consent will serve to address any such effects. The proposal has been carefully designed to minimise potential adverse effects.

Overall, it is considered that the potential adverse environmental effects of the proposal are less than minor.

8.0 Maintenance and monitoring

Monitoring will be done in two parts. During construction, monitoring will be done by the manager of the contractors. Once the construction has been completed, the Neil's Beach rating district will be responsible for further monitoring.

This will include:

- Monitoring the effects of the sacrificial bund and beach nourishment
- Monitoring the requirements for further nourishment/bund work

9.0 Duration of consent and lapse period

The anticipated duration of the proposed activity will be ongoing. Therefore, it is requested that this resource consent is granted for a 25 year duration.

It is requested that the lapse period is extended in accordance with s125(1A)(b) to ten years, to allow for the applicant to start the work when it is required – the start date is dependent on the rate and impact of erosion, so this lapse period is requested as a contingency measure.

10.0 Planning assessment

Overall it is assessed that with consideration of the proposed activity and the rules as detailed below, that two resource consents are required, and overall the activity is considered a discretionary activity in accordance with the relevant planning documents; as outlined below.

12.1 West Coast Regional Policy Statement

The Regional Policy Statement (RPS) provides a broad direction and framework for management the West Coast's natural and physical resources under the Resource Management Act 1991 (RMA). It includes objectives, policies and methods (including rules) to address the regionally significant issues including coastal use and management.

The RPS is the operative regional policy statement in the West Coast Region, and so full statutory weight applies.

The West Coast Regional Council notified the Proposed Regional Policy Statement (PRPS) during 2015, and received numerous submissions.

As the PRPS is still in a proposed state, and cannot be made operative until the hearing and appeal processes has been resolved.

As part of the preparation of the AEE, the RPS and PRPS has been reviewed.

The proposed methodology and controls outlined in this AEE have been developed with the recognition of the receiving environment and its identified values; and to ensure that these values are protected and the effects of this proposal are no more than minor. The keys aspects of the proposed methodology and controls include:

- Doing the work within daylight hours and within standard working hours to minimise the impacts on the neighbouring dwellings from construction noise and vehicle movements;
- Avoid doing the work during peak recreational seasons such as summer, to minimise the impacts on beach users and visitors;
- Ensuring machinery is clean, to prevent introducing weeds to the area
- Ensuring that the fill material meets the definition of clean fill.

It is considered that with the implementation of the proposed methodology and controls, the values of the receiving environment can be protected.

Overall, it is considered that this application is consistent with the applicable objectives and policies of the RPS and the PRPS.

The relevant objectives and policies for this application are:

Operative West Coast Regional Policy Statement

OBJECTIVE 10.4 The avoidance of environmental and property losses due to erosion and inundation.

POLICY 10.4.2 Ensure that coastal protection works in areas of current development achieve the desired outcome while avoiding adverse environmental effects, including consequential erosion, accretion or inundation elsewhere.

POLICY 10.4.3: Ensure that the best practicable options for the future are adopted to manage coastal hazards.

Proposed West Coast Regional Policy Statement

Coastal Environment

Objective 4. Ensure that coastal hazard risks potentially affecting existing development are managed so as to enable the safety, and social and economic wellbeing of people and communities.

Policy 5. In areas of significant existing development likely to be affected by coastal hazards, a range of options for reducing coastal hazard risk should be assessed. This should include recognition that hard protection structures may be the only practical means to protect people, property, and infrastructure

Natural Hazards

Objective 1.

The risks and impacts of natural hazard events on people, communities, property, infrastructure and our regional economy are avoided or minimised.

Policy 4.

The appropriateness of works and activities designed to modify natural hazard processes and events will be assessed by reference to:

- a) The levels of risk and the likely increase in disaster or risk potential;*
- b) The costs and benefits to people and the community;*
- c) The potential effects of the works on the environment; and*
- d) The effectiveness of the works or activities and the practicality of alternative means, including the relocation of existing development or infrastructure away from areas of natural hazard risk*

12.2 The Proposed West Coast Regional Coastal Plan (January 2016)

The Proposed West Coast Regional Coastal Plan (January 2016) (the PCP) specifies the controls (objectives, policies and regional rules) on natural and physical resource use of coastal resources.

As part of the preparation of the AEE, the PCP has been reviewed and assessed.

The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement under the Resource Management Act 1991 ('the Act'). The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

This NZCPS is to be applied as required by the Act by persons exercising functions and powers under the Act; and regional policy statements, regional plans and district plans must give effect to the NZCPS.

Overall it is assessed that with consideration of the proposed activity and the rules as detailed below, that two resource consents are required, and are considered a discretionary activity in accordance with the PCP; as outlined below:

Sacrificial Bund

- Section 12.2.3 Rule 13 – Discretionary Structures

No other rules permit this structure, so the above rule applies.

Beach Nourishment

- Section 12.3.4 Rule 25 – Other Disturbance Activities

No other rules permit this deposition, so the above rule applies.

When assessing resource consent applications, the West Coast Regional Council will have particular regard to, but not be limited to, the relevant PCP objectives and policies for this proposal, as outlined below:

Sacrificial Bund

Objective 5.2.1

To provide for structures to be located within the coastal marine area, while avoiding, remedying, or mitigating adverse effects.

Policy 5.3.2

New and existing structures will be required to be maintained in a structurally sound and tidy state, and should blend as far as is practicable with the adjoining landscape to minimise the visual impact of that structure on the natural character of the area.

Policy 5.3.5

When considering resource consent applications for coastal protection structures, have regard to whether the structure is the best practicable option, taking into account:

- (a) any environmental, social, cultural, and economic effect and costs;*
- (b) the safety of people and communities;*
- (c) whether the structure is proposed in a Coastal Hazard Area in Schedule 3C, and the priority ranking;*
- (d) whether the works are likely to be properly maintained over the long term;*

(e)the design of the proposed structure and likely effects at either end.

Objective

6.2.1

To provide for disturbance, extraction, removal of natural material, deposition, and reclamation in the coastal marine area, in appropriate places and forms, and within appropriate limits to manage adverse effects.

Policy 6.3.1

Provide, where appropriate, for the protection, restoration or enhancement of natural or man-made defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.

Beach Nourishment

Objective

6.2.1

To provide for disturbance, extraction, removal of natural material, deposition, and reclamation in the coastal marine area, in appropriate places and forms, and within appropriate limits to manage adverse effects

Policy 6.3.6

For reclamations, and deposition of material other than rock for erosion protection works, consideration will be given to the reasons for undertaking the activity in the coastal marine area, and to any other available alternatives.

The proposed activity meets the above policies and objectives, with the activity being the best practicable option for coastal protection. The structure will be maintained in a structurally sound and tidy state, and due to the nature of the material being used, the structure will blend in as far as practicable with the adjoining landscape. The safety of the community has been considered and the works will be maintained over the long term.

Overall, the works are assessed as not resulting in any more than a minor adverse effect on the environment and are consistent with the objectives and policies in the PCP.

11.0 Consultation

Potential affected parties included:

- Immediate landowner (Paul Owen, Awarua Ahu Whenua Trust)
- DOC (Beach nourishment will be done on DOC land)

Both Paul Owen and the Department of Conservation have been contacted and the proposed activity has been explained. Written approval from both parties will be forwarded to council once received.

12.0 Part II of the Act

Part II of the Resource Management Act 1991 (the Act) sets out the Purpose and Principles of the Act.

Section 5 of the Act sets out the overriding purpose, which is the sustainable management of natural and physical resources.

The Act states that sustainable management means:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations; and*
- (b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment”.*

It is considered that the proposal is not contrary with the Act’s purpose to “promote the sustainable management of natural and physical resources”. As stated above, the proposal is small scale, will protect the community, and there will not be any adverse environmental effects which are considered to be more than minor arising from the proposal.

Section 6 of the Act sets out the Matters of National Importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetland, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:*
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) The protection of historic heritage from inappropriate subdivision, use and development:*
- (g) The protection of protected customary rights.*

The proposal will be consistent with Section 6 matters, specifically those matters contained in s.6(a), (d) and (e) which are relevant to the application. The proposal will not impact on any outstanding landscape features. The proposed earthworks will not adversely affect water quality.

Section 7 of the Act defines 'Other Matters' to which particular regard shall be had in decision making under the Act.

Sub sections (a), (b), (c), (d), (f) and (h) are considered to be relevant. They relate to kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, the intrinsic values of ecosystems, the maintenance and enhancement of the quality of the environment, the protection of the habitat of trout and salmon. As discussed in the assessment of effects for this proposal, any adverse environmental effects associated with the proposal will be less than minor. This includes effects in relation to water quality, ecosystem values, amenity (including visual amenity) and earthworks.

There are no known relevant matters in terms of Section 8 of the Act, which relate to the Treaty of Waitangi.

It is considered that this proposal satisfies the Purpose and the Principles of the Act.

13.0 Notification

There is no longer a presumption that that a Council must publicly notify a resource consent application. Under section 95A the Council has discretion whether to publicly notify an application for resource consent. The application is now only required to be publicly notified if:

- The Council decides under section 95D that the activity will have or is reasonably likely to have adverse effects on the environment that are more than minor, or
- If the applicant requests it, or
- If a rule or national environmental standard requires it.

As concluded within this report, the effects on the environment will be less than minor.

The applicant does not request that the application be notified.

There are no rules or national environmental standards which require the notification of the proposal.

In terms of affected persons, under section 95B, if the Council does not publicly notify an application, the Council must decide if there are any affected persons or affected order holders (customary rights order holders). Under section 95E, the Council must decide that a person is an 'affected person' if adverse effects on them are minor or more than minor (but not less than minor).

It is considered that the affected parties with this proposal are the Awarua Ahu Whenua Trust and DOC as the proposed activities take place on their land however, the effects of the proposed activities on both parties is said to be less than minor; and written approval from these parties will be provided once received.

There are no affected order holders (customary rights order holders).

In conclusion, no persons are considered to be adversely affected by the proposal to an extent which is minor or more than minor. It has been concluded that the effects of the proposal on the environment are less than minor and there are no rules or national environmental standards which require the notification of this proposal. Therefore, it is considered appropriate to process this application on a non-notified basis.

14.0 Conclusion

Overall it is concluded that in the overall context of this proposed activity, the actual and potential effects on the environment will be less than minor.

The proposal is not contrary to the relevant objectives and policies of the relevant regional planning documents.

No persons are considered to be adversely affected by the proposal to an extent which is minor or more than minor.

It is considered that the proposal is consistent with Part II of the Resource Management Act.

Overall therefore, it is considered that coastal permit may be granted subject to appropriate conditions. While no proposed conditions have been provided in this application, it is requested that any draft conditions are proposed through the processing of the consent, these be forwarded for review and comment.

Charlotte Phelps

VSC Environmental

December 2016

Appendices:



APPENDIX A. AERIAL PHOTOGRAPH SHOWING THE PROPOSED LOCATION OF THE SACRIFICIAL BUND

Proposed Location for Beach Nourishment



APPENDIX B. AERIAL PHOTOGRAPH SHOWING THE PROPOSED LOCATION OF THE BEACH NOURISHMENT



APPENDIX C. AERIAL PHOTOGRAPH SHOWING THE LOCATION OF THE SLIPS THAT THE MATERIAL WILL BE SOURCED FROM