

13 July 2018

Hi Reece

I am responding to your email dated 8 July 2018 and directions by the Commissioner and Chair of the Port RC Hearing.

I wish to thank you for your efforts to convince the Port of Napier that in the interests of transparency, the Kirk & Single Report has been made available. I believe this report would have been of little interest and no support to the Port who were withholding this report from the public and to be used in the Environment Court.

Essentially, I am in full agreement with the Kirk & Single conclusions that the breakwater was not a contributor to erosion on Napier's northern beaches because this structure was in place for a 100 years between 1887 and 1987 and other than expected overtopping during extreme swell events, there was no significant erosion within the Bayview Littoral Cell. However, because the report does not consider the regularly deepened shipping trench, known as the Port Fairway, the content is cumbersome and almost pointless.

The Port suggested this report described up to 13 causative factors for erosion at Westshore Beach. They detailed the loss of the 'ebb tidal delta' over a staggering 50 years and declared coastal sediment via the Marine Parade did not contribute to building the delta because no material passed the Port Breakwater. We now know, the sole source of natural replenishment is from the south and sediment input from the Estuary that built the 'ebb tidal delta' was mostly fine silt and mud. This material from a Lagoon moved after rain events and whenever the material was in suspension which accounts for the insignificant contribution to the delta. Clauses 10-15 and 18 in the Executive summary contain contestable 'bollocks' but I am not an expert. The Port may have known this and could be the reason for being kept secret.

1. I will be attending the Hearing from 21st August 2018.
2. I wish to be heard and would like 20 min however, if the Applicant and Decision Makers have read my supporting information, I would be content with time to answers questions or provide comment on any issue raised.
3. I have been asked to respond on behalf of Kelly Richards, a fellow Submitter who has requested assistance to present a montage of 'before and after' photos and maps related to the Ports involvement and contribution to erosion between Hardinge Road and Bayview.

I will be assisting Kelly with a Power Point presentation and a 4 minute video which is an extract from a well referenced coastal science lesson titled "Rivers of Sand". This video depicts coastal sediment movement which is entirely relevant to the HB gravel coast. The time required will be no more than 10 minutes.

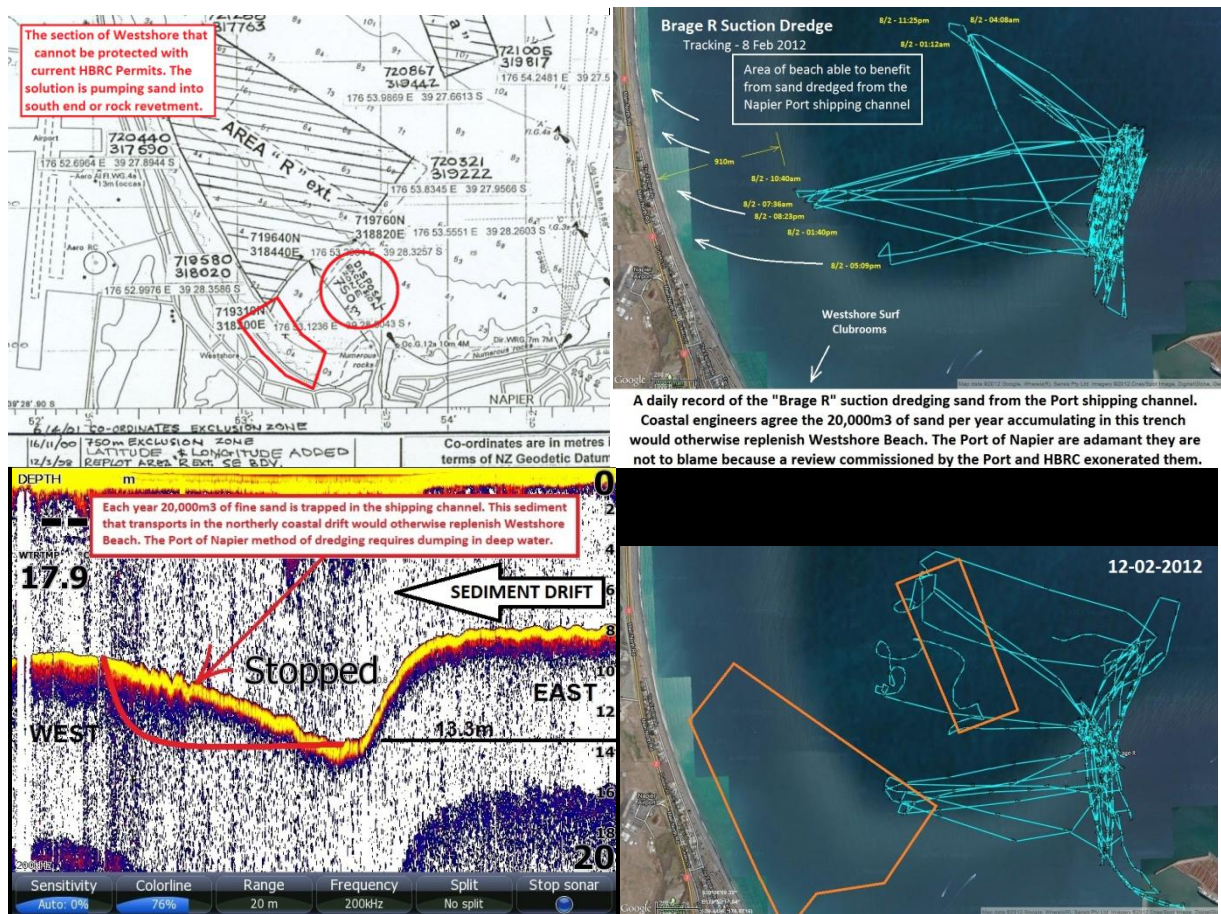
4. I do not have any experts to give evidence. I will be totally reliant on the expertise that will be provided by Dr Peter Cowell who will be representing the Napier City Council.

Thanks again
Larry Dallimore

Re: Port of Napier Application for Resource Consent for Dredging Project

Supporting information for Submission (1st May 2018) by Larry Dallimore

a) The actual problem and logical solution for the Bayview Littoral Cell	page 2
b) Napier Port email dated 5th July 2018 with attached comment	page 3
c) Comment on Napier Port Draft Memorandum of Understanding	page 5
d) Original copy of Draft Memorandum of Understanding	page 8
e) HB Regional Council description on qualification of experts	page 9
f) Directions of Commissioner Hearing Panel – No.1	page 10
g) Comment on the Napier Port Assessment of Effects on the Environment	page 11
h) Expert comment supporting the significant contribution to erosion.	page 18



OPTION 1 – Nourishment with seabed sand:

Reinstating and restoring Westshore Beach with dredged sand is the only durable and affordable solution to address existing erosion due to starvation of replenishment from the 1980's and predicted erosion due to rising sea levels from climate change.

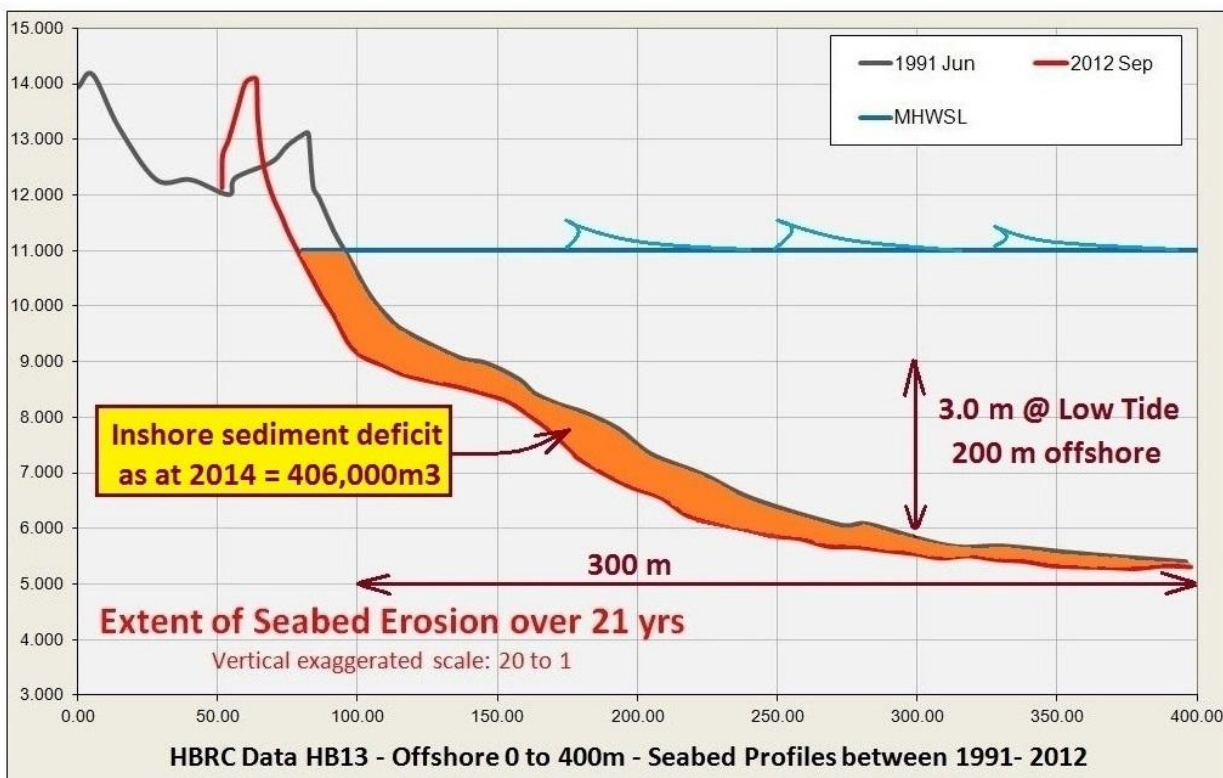
OPTION 2 – Rock Revetment with limited beaches:

The Coastal Hazard Strategy determined managed retreat was not an option and trucking in river shingle from the upper reaches of local rivers is not affordable therefore high capital cost hard engineering with local limestone rock is the only durable option without sand.

OPTION 3 – Continue the Failed Land Based Nourishment Scheme:

Devastation is certain while Councils continue to give coastal erosion low priority and the Port of Napier continue to deny responsibility and ensure zero liability for the protected Company.

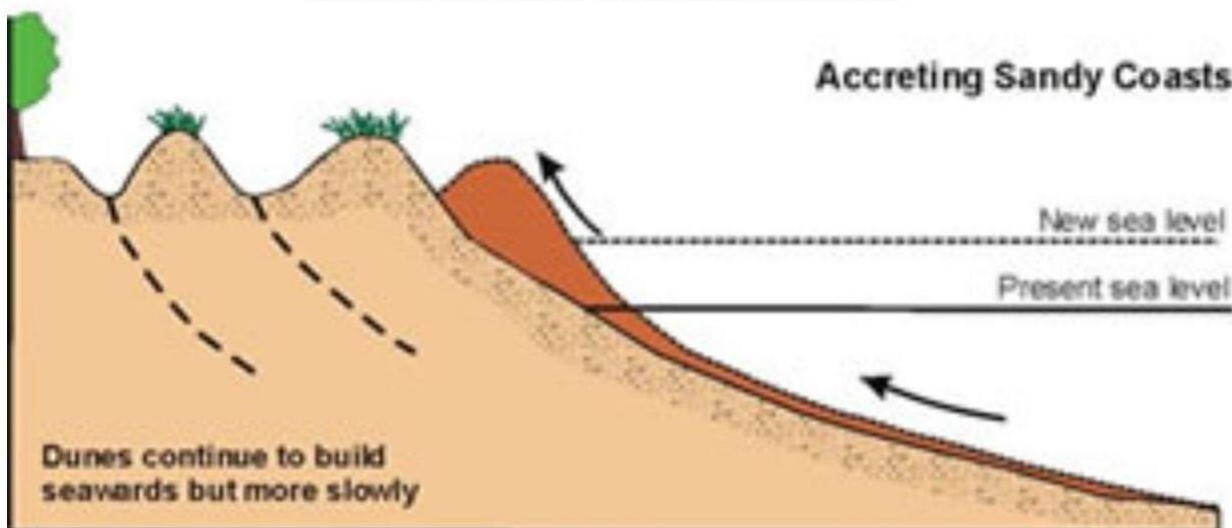
The erosion problem at Westshore Beach is not so much the beach and the backshore but the nearshore or 'sub tidal zone' 250 - 300 meters offshore



Beaches between Westshore and Tangoio were in a constant state of accretion up to 1980.

The Bayview Littoral Cell was not exposed to erosion due to lack of supplies of natural replenishment before the Port shipping channel and therefore should not be at risk of erosion from sea level rise due to climate change.

Extract: **Ministry for the Environment**
Coastal Hazards and Climate Change
Guidance Manual for Local Government in NZ



From: Larry Dallimore
Date: 24 June 2018 at 3:37:30 PM NZST
To: Reece O'Leary
Subject: Port RC Application for Harbour Dredging

Hi Reece

Could you provide the terms or broad details, as stated by Michael de Vos from the Port, for the Memorandum of Understanding for what can/could happen to the dredged sand if the Councils decide to use it to benefit Westshore Beach.

Also, any anticipated date set down for the next Pre-hearing with Fishermen, Recreational Groups, etc?

Cheers and thanks again
 Larry

Comment:

Submitters with an interest in coastal issues were denied the opportunity to attend the 2nd pre-hearing with recreational and commercial fishermen, as offered at the Pre-hearing on 20th June. From shared notes, both pre-hearings were dominated by the Port engineer and two consultants supporting new science on coastal currents and sediment movement, based on short term data.

From: Michel de Vos
Sent: Thursday, 5 July 2018 3:55 PM
To: Reece O'Leary
Cc: Erin Harford-Wright, Grant Russell (@stantec.com), Sylvia Allan, Todd Dawson
Subject: Without Prejudice - Draft MOU/SOI

Reece,

Further to the discussion the first pre-hearing, the Port is in the position to offer an MOU/SOI in relation to the longer term supply of suitable sand for use at Westshore. At present there is no second party for an MOU, and hence a Statement of Intent (SOI) is more likely.

As you know there is a clear division on what is considered suitable sand. We recognise that the Clifton to Tangoio Coastal Hazards Strategy 2017 has re-nourishment in the short term, and re-nourishment plus control structures in the medium and long terms as the preferred pathways.

Our Draft MOU/SOI (attached) recognises the work of the Clifton to Tangoio Coastal Hazards Strategy 2017, and provides certainty of supply on the basis that others obtain the relevant consent. This will ensure that any works utilising the resource goes through the rigorous RMA process and all potential effects are investigated in detail and stakeholders are consulted.

Please distribute to attendees of Pre-Hearing 1, or as required.

Regards,

Michel de Vos

Infrastructure Services Manager

Port of Napier Limited, Breakwater Road, PO Box 947, Napier 4140, New Zealand

Comment on Michel's email dated 5th July 2018:Quote:

“the Port is in the position to offer longer term supply of suitable sand for use at Westshore” and “As you know there is a clear division on what is considered suitable sand”.

Comment:

All sand from the Port of Napier shipping channel and made available to Westshore Beach since the 'Pelican' suction dredge in 2015 and the "Albatros" suction dredge in 2017 has been and will continue to be "suitable beach replenishment" for Westshore and Bayview. Mudstone, sandstone and any material that resembles rock or compacted mud is the only material that can be considered unsuitable. The word 'suitable' was introduced by the Port to describe sand able to nourish northern beaches when any sand from the Port Fairway (not contaminated sand from ship berthing areas) is most suitable for Westshore, where all grain sizes are needed to make up the beach system (per Dr Peter Cowell – June 2017).

Quote:

“We recognise that the Clifton to Tangoio Coastal Hazards Strategy 2017 has re-nourishment in the short term, and re-nourishment plus control structures in the medium and long terms”

Comment:

The Port should recognise the work of Dr Jeremy Gibb who presented a detailed report to the Napier City Council in 2003 titled "Review of the Westshore Nourishment Scheme". Worthy of mention, Dr Gibb refers to sand to replace sand as re-nourishment while land based dumping of pea-metal, pebbles and river shingle is simply nourishment. The Port could be excused for not being aware of the pivotal work and recommendations presented by Dr Gibb because the report was withheld by the Napier City Council and not released to public until March 2017. Staff were aware of the Gibb Review but apparently no Councillors were given access to this report.

Dr Gibb was commissioned to improve the efficiency, effectiveness and sustainability of beach nourishment. Dr Gibb concluded – quote "the beach system north of the Port is in deficit and entirely dependent on the Nourishment Scheme and the dumping of dredged sand inshore in Westshore Bay by the Port of Napier". Unfortunately, the Port hired and utilised larger dredges with loaded drafts that required 7.0 metre water depths to discharge which meant all good clean sand regularly dredged from the shipping channel had to be dumped at the outer Disposal Zone. Material dumped so far north and offshore could not benefit Westshore Beach and in particular, the constantly growing sediment deficit in the sub tidal zone and the nearshore.

The shipping channel or Port Fairway had been regularly deepened and cleared of huge volumes of sand by larger dredges with deep drafts for 40 years. The first suction dredge, 'GeopotesV' carried out major dredging in 1973 and the last large dredge, the 'BrageR' dumped all material offshore in 2013. The 'BrageR' was the last suction dredge to dump clean sand offshore where the material could not and did not benefit Westshore and Bayview beaches. If Dr Gibb's expert advice was put into action by the City Council soon after his recommendations in 2003, at least 400,000m³ of clean sand would have been dumped to benefit the northern end of Westshore.

Quote:

“the work of the Clifton to Tangoio Coastal Hazards Strategy 2017, and provides certainty of supply on the basis that others obtain the relevant consent.”

Comment:

See attached comments attached to the DRAFT Memorandum of Understanding.

Without Prejudice – June 2018

Draft Memorandum of Understanding / Statement of Intent

The Clifton to Tangoio Coastal Hazards Strategy 2017 identified re-nourishment, followed by re-nourishment and control structures as the preferred pathways for Westshore and Bayview.

Comment:

The Coastal Hazard Strategy was initiated in 2013 to address predicted sea level rise due to climate change over the next 100 years. The 'controlled structures' are included as an option after 20 years in the event the volumes of beach nourishment are inadequate to restore and rebuild the upper beach. Coastal scientists accept the beach will grow in height providing the nearshore and tidal zones are maintained with replenishment to counter any effects of erosion.

Current consents and ongoing solutions to address existing erosion at Clifton to Te Awanga from the 1960's, remain the responsibility of the District Council and existing erosion at Westshore to Bayview from the 1980's remain the problem for the City Council while the Regional Council monitor and manage the failed 'land based' Beach Nourishment Scheme. Evidence showing this scheme has failed to "hold the coast" as assured by Councils engineers is available in a separate report.

The current Westshore Beach nourishment solution by trucking in river shingle and screened pebbles (discarded by shingle plants) was the preferred pathway to address erosion due to climate change from November 2013 (when the Strategy was announced) until August 2017. The Chair of the Strategy, the facilitators and the Technical Advisors were presented several reports that clearly showed how replicating the natural northerly flow of sand to northern beaches would reinstate the seriously damaged nearshore and repair the 'out of control' sediment deficit. HBRC and the Strategy adopted dredged sand following a comprehensive submission to the Annual Plan, in May 2017.

Photos of improvement to the beach and nearshore profiles based on HBRC survey data were clear evidence the 83,000m³ of clean sand, suction dredged from the shipping channel and discharged in 4.0 metres off The Esplanade, was highly beneficial to coastal protection and recreational value. Dredging sand from the shipping channel with the "GeopotesV" in 1973 and the 'BrageR' in 2013 ended 40 years of good clean sand being dumped to waste at the outer Disposal Zone, well north and well offshore where it could not benefit Westshore Beach. Dredging sand with the smaller suction dredge 'Pelican' in 2015 was the first maintenance dredging where sand was made available to address the starvation of replenishment but volumes were grossly inadequate to restore the nearshore where the sediment deficit is now approaching approximately 500,000m³.

Dr Gibb identified nourishment with sand in his report to NCC 'Review of the Westshore Nourishment Scheme back in 2003. The Coastal Hazard Strategy identified re-nourishment with land based river shingle until August 2017 when they finally accepted a report from Dallimore that dredged sand was the logical and only affordable solution.

Hard engineering was the only other durable option until 2015 when the Port hired smaller dredges able to discharge in the nearshore where material could benefit the beach but without marine equipment, dredged sand cannot address erosion at the southern end. Dr Gibb's recommended solution supported by a 'Peer Review' by Prof Komar, was not 'Public Information' until released by NCC in March 2017. The dredged sand solution, presented to NCC and HBRC in various submissions by Dallimore since 2009, was validated by Dr Cowell at a seminar attended by all HB councils, the Port and Tonkin & Taylor in June 2017.

Napier Port will make suitable material from its capital and maintenance dredging consents available for the purposes of beach nourishment or other coastal protection in the vicinity of Westshore, subject to the provisos that:

Comment:

The Napier Port and the expert consultants have assessed fine sand is unsuitable for Westshore Beach without ascertaining the pre-existing grain sizes that formed and maintained a beach. This beach was a constantly growing shingle spit that retained a constant state of accretion providing nothing or nobody interfered with the natural supply of replenishment. Protruding groynes and shipping channels excavated in the seabed will impede the natural flow of sand carried by longshore currents. Coastal scientists and experts on HB coastal processes are in full agreement that sand accumulating in the Port shipping channel would otherwise replenish Westshore and beaches north to Tangoio.

- i. **Consents are obtained and held by a legitimate and responsible party** (e.g. Napier City Council and/or Hawke's Bay Regional Council (others?));

Comment:

Transferring part of the Resource Consent to another responsible party but still controlled by the Port, is unacceptable. The Consent must be conditional on all sand or sandy material dredged from the sea bed in the lee of any Port development and within the recognised northerly coastal sediment drift shall be placed within the tidal and sub-tidal zone off Westshore. The material can then restore coastal protection and reinstate a recreational beach as existed prior to the regular deepening of the shipping channel from 1973.

The Regional Council has appeared rather reckless with the solid assets handed down from the HB Harbour Board and by installing private company protection of the Port by forming HBRIC, the Company has been able to ignore responsibility to core ownership. The Company cleverly put aside responsibility for erosion below MSL and left the burden to Napier City residents. The mismanagement of erosion at Westshore has deprived almost a generation of a precious beach, once described by Mayor Arnott as "Napier jewel in the crown".

Because the Port has been so deceptive and uncooperative for so many years, there is a growing insistence for the Port to become more responsible for collateral damage from their development and an impatience for the Company to honour a commitment to repair their damage. A privately owned company would not get away with blaming the destruction of a once stable beach on an act of nature and fooling so many Councils and staff members that there was 13 to 14 causal factors. While the Port is responsible for the lack of beach replenishment and the Regional Council is responsible for the erosion problem and neither party is prepared to establish the significant cause, nobody has asked an engineer to determine the most appropriate solution. It's that simple.

- ii. That the timing of the consented works fits in with the Port's commercial and operational requirements for capital and maintenance dredging (i.e. does not require Napier Port to advance or delay its own programme, including any stages of the programme);
- iii. That Napier Port will, as far as is allowed^[1], make relevant information including data, reports, analysis and information available to assist and inform (i) above;
- iv. **That the costs of obtaining the consents in (i) lies with the applicant.** Napier Port will provide the information in (iii), to a reasonable level, at no cost to the applicant;

Comment:

The conditions of the Resource Consent for the Port of Napier to undertake Capital and Maintenance dredging should be decided by new engineers at the HB Regional Council. One of those conditions must include recognition that the Port is owned by the Regional Council which is owned by the people of the Hawkes Bay region. The conditions should recognise Westshore and Bayview beaches, the coastal reserves and city infrastructure are equal assets to all shareholders of the Port.

- v. **That any additional costs associated with moving, separating, transferring or depositing the suitable material lies with the consent holder(s),** including costs over and above the 'normal' operating and compliance costs currently incurred by Napier Port under their existing deposition coastal permit and / or any other capital and maintenance deposition coastal permit.

Comment:

There are no added or extra costs involved by dumping sand at Westshore and, as often proclaimed by Port engineers, the costs are less than having the Dredge steam out to outer Disposal Zones. No doubt there will be extra costs to placing material into the southern end of Westshore where erosion is extreme and the risks of major damage are high. Pumping sand and/or 'rainbowing' will need to be considered for the shallower southern end.

A case could be made for the Port to absorb these extra costs however a case could also be made against the Councils for allowing the problem to become serious until residents went as far as involving the Office of the Ombudsman who had to order the Councils to provide answers. If erosion at Westshore Beach was a priority for Napier City Council and fully understood, they would ensure the costs to rectify would be borne by the Regional Council. Who actually pays should be a discussion soon after the best solution has been determined.

- vi. **That any ongoing costs associated with the consents** (operating, construction, monitoring, etc) **lie with the consent holder.**

Comment:

This sort of nonsense could be expected from the owner of Company which is hoping to sell up to 49% of the shareholding without any contingent liabilities for significant damage caused to a beach in the lee of vital development over several decades.

Submitter: Larry Dallimore

Without Prejudice – June 2018**Draft Memorandum of Understanding / Statement of Intent**

The Clifton to Tangoio Coastal Hazards Strategy 2017 identified re-nourishment, followed by re-nourishment and control structures as the preferred pathways for Westshore and Bayview.

Napier Port will make suitable material from its capital and maintenance dredging consents available for the purposes of beach nourishment or other coastal protection in the vicinity of Westshore, subject to the provisos that:

- i. Consents are obtained and held by a legitimate and responsible party (e.g. Napier City Council and/or Hawke's Bay Regional Council (others?));
- ii. That the timing of the consented works fits in with the Port's commercial and operational requirements for capital and maintenance dredging (i.e. does not require Napier Port to advance or delay its own programme, including any stages of the programme);
- iii. That Napier Port will, as far as is allowed^[1], make relevant information including data, reports, analysis and information available to assist and inform (i) above;
- iv. That the costs of obtaining the consents in (i) lies with the applicant. Napier Port will provide the information in (iii), to a reasonable level, at no cost to the applicant;
- v. That any additional costs associated with moving, separating, transferring or depositing the suitable material lies with the consent holder(s), including costs over and above the 'normal' operating and compliance costs currently incurred by Napier Port under their existing deposition coastal permit and / or any other capital and maintenance deposition coastal permit.
- vi. That any ongoing costs associated with the consents (operating, construction, monitoring, etc) lie with the consent holder.

[1] May be subject to permission or approval from others.

From: Reece O'Leary
Date: 8 July 2018 at 10:41:39 AM NZST
To: All Submitters
Cc: Malcolm Miller
Subject: Direction of Hearing Commissioner- Port of Napier

Please respond by 5pm Friday 13 July

Good morning

This email relates to the Port of Napier consent application and specifically the submission that Council and the applicant received from you in relation to the application.

You have received this email because you have indicated that you wish to be heard in support of your submission or, you indicated that if others make a similar submission, you would consider presenting a joint case with them at the hearing.

Attached is a direction that Bill Wasley (independent hearing chair) has asked me to circulate to you all. Please read and note the requirements of this direction from the hearing chair.

As stated in the direction attached, **the hearing will commence on 21 August 2018 at 8.30am** - More specific details will be sent to you in a separate email once you confirm attendance. The hearing is likely to go for four days but this can't be confirmed until we know how many people wish to be heard and present evidence.

Please confirm the following by 5pm Friday 13th July:

1. If you will be attending the hearing.
2. If you wish to be heard in support of your submission and how long you would like to speak for.
3. If you are making a joint case with other submitters because your submissions are similar (please confirm who is included in this 'joint case', who will speak for the group and how long they wish to speak for.

4. If you wish to present expert evidence at the hearing.

Note: The term 'expert' means a person recognised as an expert in his or her field due to relevant qualifications and/or experience. An expert witness must exercise independent and professional judgement and must not act on instructions or directions of any person.

As detailed by the direction attached, Pursuant to RMA s41B(3) & (4), any submitter who intends to present expert evidence is to provide a written brief of that evidence to Hawkes Bay Regional Council by no later than 5pm on 13th August 2018. The Hawkes Bay Regional Council shall make available to all parties to these proceedings a copy of the submitter's expert evidence by opening of business on 14th August 2018.

Thanks in advance for responding to this email.

Reece O'Leary
Principal Consents Planner
Hawke's Bay Regional Council

HAWKES BAY REGIONAL COUNCIL**HEARING OF RESOURCE CONSENT APPLICATION BY PORT OF NAPIER LIMITED****DIRECTIONS OF COMMISSIONER HEARING PANEL: No.1**

Application by Port of Napier Limited to construct a new wharf and undertake capital dredging beneath the proposed new wharf; to undertake capital and maintenance dredging; to dispose of dredged material from capital and maintenance dredging within an offshore area; and to occupy the common marine and coastal areas for existing Port activities at Port of Napier, Breakwater Road, Napier and various locations within the Coastal Marine Area (CMA). The locations are fully described by the application for resource consent.

We have been appointed by the Hawkes Bay Regional Council (Council) to hear and determine the above application. The hearing will commence on 21 August 2018 at 8.30am, at a venue to be advised.

Having reviewed the case and the nature of the submissions, we have decided to issue directions pursuant to our powers under the Resource Management Act 1991 (RMA) to ensure an efficient and effective hearing process. Sections s41B and 41C enable Commissioners to direct that briefs of evidence be provided prior to the hearing, and that the order of business at the hearing may also be directed.

Accordingly, we make the following directions:

1. Pursuant to RMA s42A (1) & (3) and s103B (2), that the Council's section 42A report be provided to Port of Napier Limited and submitters by opening of business on 31st July 2018.¹
2. Pursuant to RMA s41B (1) & (2), that Port of Napier Limited expert evidence in chief be provided to the Hawkes Bay Regional Council by no later than 5pm on 6th August 2018. The Hawkes Bay Regional Council shall make available to all parties to these proceedings a copy of Port of Napier Ltd Limited evidence in chief by opening of business on 7th August 2018.¹
3. Pursuant to RMA s41B(3) & (4), any submitter who intends to present expert² evidence is to provide a written brief of that evidence to Hawkes Bay Regional Council by no later than 5pm on 13th August 2018. The Hawkes Bay Regional Council shall make available to all parties to these proceedings a copy of the submitter's expert evidence by opening of business on 14th August 2018.
4. Pursuant to RMA s41B(1) & (2), that if Port of Napier Ltd intends to present evidence in rebuttal of the section 42A report or any pre-circulated submitter evidence, then a written brief of that rebuttal evidence is to be presented by the witness as part of the hearings process.
5. The hearing will be conducted in the following manner:

¹ The Hawkes Bay Regional Council will make the s42A report and all evidence available on the Council website (www.hbrc.govt.nz/services/resource-consents/notified-consents/article/435) and hard copies will be available for viewing in the offices of the Hawkes Bay Regional Council during normal office hours.

² The term 'expert' means a person recognised as an expert in his or her field due to relevant qualifications and/or experience. An expert witness must exercise independent and professional judgement and must not act on instructions or directions of any person.

- The party adducing the pre-circulated evidence is to call the witness in person (unless attendance in person has been waived), commencing with the applicant and followed by submitters.
 - The witness will be introduced and asked to confirm his or her qualifications and experience.
 - The witness will not be required to present their pre-circulated evidence in full. Rather, the witness will present a written summary of their evidence as well as present any supplementary and/or rebuttal evidence (verbally or in writing) not contained in the pre-circulated evidence. Any supplementary evidence should not repeat matters already covered in the pre-circulated evidence.
 - We have no legal power to direct lay (non-expert) witnesses to pre-circulate their evidence. However, submitters and lay witnesses are welcome to pre-circulate their evidence in accordance with the above directions. If they do, the evidence will be pre-read and will be dealt with in the manner outlined above.
6. Council shall liaise with Port of Napier Limited and all submitters who intend to present evidence to establish an approximate hearing timetable and order of witnesses prior to the hearing.
7. The Commissioners will undertake a site visit commencing at 1:00 pm Monday, 20 August 2018. Representatives of all parties are invited to attend the site visit but the applicants and Council representatives at the site visit shall not be appearing at the hearing to present evidence including the section 42A report.

In respect of submitter attendance, we request that the Council arrange for up to two submitter representatives to attend.

8. In respect of any expert witnesses not being called by the applicant and where they have provided technical reports to the applicant, we request a summary statement be presented at the hearing outlining any matters and conclusions reached having considered the section 42A report and any submitter expert evidence. It is noted that at this stage no submitters have advised that expert witnesses are to be called.
9. The Commissioners request that expert witnesses caucus prior to the hearing to try to resolve any differences of opinion in their areas of expertise. We direct that this commence prior to the section 42A report being circulated so any matters can also be addressed in that report.

We require a statement to be tabled at the hearing outlining what has subsequently been agreed and/or what matters are still outstanding in respect of differing opinions. We may also require caucusing by expert witnesses during the hearing if considered appropriate in respect of any particular issue.

Dated this 5th day of July 2018



Bill Wasley
Commissioner Chair, on behalf of the Hearing Panel

Napier Port Resource Consent Application
Proposed Dredging to Deepen and Extend the Shipping Channel
Comment on Assessment of Effects on the Environment
 Volume 2 – November 2017

Proposed Disposal Area – Executive Summary – page ii

Quote:

A new disposal area is proposed some 4 km to 6 km east of the Port in water of 20m to 23m depth. The total area is 342 hectares. (Also refer to page 48 – 3.5 Disposal of Material from Capital Dredging).

Comment:

Significant volumes of this dredged material will end up back in the shipping channel. (Supported by coastal scientist, Dr Peter Cowell and coastal engineer, Laura Robichaux).

Policy Analysis – NZ Coastal Policy Statement – page vi

Quote:

While there are both actual and potential effects associated with the project. The mitigation which is either inbuilt within the project or is proposed through draft conditions has been able to ensure effects will be minor or less’.

Comment:

Refer to expert comment on effects of dredging a trench to provide access for shipping (see pages 19 & 20).

Policy Analysis – HB Regional Council Environmental Plan – page vi

Quote:

When evaluated against the policy and guidelines, the project is found to be in accordance with this Plan.

Comment:

The HBRC Environmental Plan at Rule 140e states – “Where appropriate, the dredged material must be made available for beach re-nourishment purposes”. The project has gone to great depths to ensure dredged material is not taken to Westshore Beach and the applicable rule to ensure re-nourishment purposes has been omitted for inclusion in the Assessment of Environment Effects.

Policy Analysis – Purposes and Principles of the RMA – page vii

Quote:

The project is generally in accordance with the matters set out in Part 2, including the effects on the environment have been adequately and appropriately avoided., remedied or mitigated.

Comment:

Based on research, recent events, local knowledge and work experience on coastal protection, the effects on the environment will be continuing damage if prior levels of beach replenishment are not restored.

Table 1 Summary of Effects – page viii – Coastal ProcessesQuote:

Nature of Effect: ‘Sediment supply in the coastal zone north of the Port’

Commentary: There is ‘already little contribution from south of Port to north of Port’.

Comment:

The maintenance dredging programme during the 4 years between 2014 and 2017 removed 169,504 m³ of sand from the shipping channel. The majority of this greywacke sand entered the coast from the Tukituki River and entered the northerly coastal sediment drift and transported to the shipping channel via the Marine Parade nearshore and tidal zone. The average annual input and dredged volumes of sand were approximately 42,000 m³ per year. This quantity is not a “little contribution” and certainly not ‘negligible and mitigation is vital. This replenishment source must be reinstated to return and restore coastal protection between Westshore and Tangoio.

Table 1 Summary of Effects – page x – Coastal Access and Recreational UseQuote:

Nature of Effect: Potential impact on recreational beach use.

Commentary: There is ‘no effect or potential impact which may change beach use or coastal access and mitigation is not needed’.

Comment:

Refer to expert comment on effects of dredging a trench to provide access for shipping (see pages 19 & 20).

3.5 Disposal of Material from Capital Dredging – page 49Quote:

The actual destination of the material .. will be determined by the dredge operators on the basis of its composition.

Comment:

The volume of sand that should be made available for Westshore Beach is absolutely critical for addressing existing erosion and erosion from predicted sea level rise due to climate change. When consistent clean sand is loaded into the hopper, the suitability for beach replenishment would be better determined by a representative of either Council.

5.4 Disposal of Dredged Material – page 62Quote:

.. it was noticeable that Site 1 (Inshore Zone off Westshore) appeared to have a substantially greater potential adverse effect on Town Reef (near Bluff Hill).

Comment:

This comment appears to be fundamentally wrong. The longshore current and recognised northerly sediment drift would counter any adverse effect. Wind may show suspended fine material heading in this direction but the longshore currents transport all seabed material northwards along with any fine material that re-enters a state of suspension. The coastal scientists will provide an in-depth understanding of coastal process and should find this new theory is a misconception.

5.4 Beneficial Uses of Dredged Material – page 64

Quote:

Finally, should parts of the material be found to be suitable for use at Westshore, the Port would consider making the material available.

Comment:

The Port should not have the option to consider suitability. The decision must be based on recognising clean sand just as the Port operator or the Dredge Master determined during the dredging projects in 2015 and 2017. All dredged sand material that would otherwise replenish Westshore Beach should be reinstated to rebuild the beach and restore coastal protection. Decisions should be based on sound experience.

6.1 Responsibilities – Activity within Coastal Marine Area – page 68

Quote:

(1) No person may disturb any foreshore or seabed in a manner that has or is likely to have an adverse effect on the foreshore or seabed.

Comment:

The Port of Napier has claimed Prof Komar exonerated the Company from all blame for Westshore erosion when the coastal scientist clearly did not (see page 28 – 1st paragraph of the 2005 Summary Report). In recent years, the Port stopped threatening legal action and admitted that harbour development was having an effect on erosion to Napier's northern beaches however the contribution was just 5% based on the Kirk & Single Report which the Port finally released following a request in my submission. There is nothing in this report to suggest a minor contribution because it mentions the shipping channel once by suggesting it does not fill up with material from the south. In order to comply with Section 12, 14 and 15 of the Act, the Port must be made to prove the extent of damage caused by sand being trapped in the shipping channel. When Prof Komar was asked why he overlooked the regularly deepened navigational trench, his response was - the report was a review of other reports and he was not required (by the Port) to undertake independent investigation or gather extra data. ASR Consultants commissioned by NCC in 2001 were the first coastal experts that found the shipping channel was a significant cause for erosion at Westshore. See the list of quotes and references on page 19 & 20.

6.2 Deposition Coastal Permit – page 76

Quote:

The existing coastal permit may be surrendered if consent is granted for the project, provided that the new coastal permits and conditions are favourable for the deposition regime required by the Napier Port.

Comment:

The current Disposal Zones have limited the deposition areas where material can be discharged from dredges and have a beneficial effect on areas where erosion is extensive and serious and where replenishment is vital. The Port should be allowed extra dump areas for mudstone, sandstone, etc but not allowed to surrender any coastal permits for any area where sand dumping can benefit erosion effected beaches.

7.7 Sea Swell, Waves and Currents – page 85

Quote:

This current tends to be lower speed ... and travels in a net southward direction along the coast from Westshore towards the Port.

Comment:

This may be the case in isolated swell events between SE and the NE but in almost 50 years associated with the HB coast, this would be confined to fine sand or silt in suspension and more likely related to silt and mud flowing from Estuary via the Inner Harbour outlet. In my experience, I agree with Dr Cowell who disagrees with the gyre effect and concluded the currents a more like a 'washing machine' effect.

Quote:

The current speeds are so low that they would be unlikely to move sediment on the own.

Comment:

My observation is any currents, other than the recognised northerly coastal sediment drift, would/could move fine material south in suspension and return to the north when dominant SE swells return the material to suspension. There are instances of greywacke sand on the golden sand beach at Waipatiki but not golden sand on greywacke beaches.

8.3 Material from Current Maintenance Dredging – page 97

Quote:

Most of the material that has been dredged from the Port area in the past has been deposited in the currently consented areas. In particular, since 1999, consents encouraged disposing of any coarser dredged material as close to the Westshore beach as was practical.

Comment:

All dredged material from maintaining the shipping channel since 1999 was dumped in the Outer Zones except for 2012 when the 'BrageR' suction dredge, with a loaded draft of 5.7 metres, dumped a few hopper loads of sand at the north-east boundary of Dump Zone ExtR (now known as Site 1-see front page). Not one single load of sand was dumped close enough to Westshore where the material could be beneficial or address erosion. I will produce GPS tracking for this vessel to confirm this statement is distorted or simply inaccurate. If there was any sign of benefit from these large volumes of dredged sand there would be no such thing as a 500,000m³ nearshore sediment deficit.

Quote:

Records show that some 384,000m³ have been deposited in this location (Westshore).

Comment:

The Port had continued to misrepresent their compliance with dredging consents by claiming the dredging programme was benefiting Westshore Beach because they were made aware in 2012 that dumping clean sand offshore was unacceptable. To their credit they hired the 'Pelican', a smaller dredge with a loaded draft of 4.0 metres in 2015 and for the first time in 42 years deposited sand where it could benefit the beach but only the northern end. In 2015, the 'Pelican' dredge dumped 81,000m³ of sand off the Esplanade

and in 2017, the 'Albatros' dredge dumped 81,000m³ of sand north of the Surf Club. The positive contribution is clearly obvious but totally inadequate to restore the overlooked nearshore sand deficit which needs to be reinstated and regularly maintained.

Quote:

Port Napier intends to continue to use current consents for disposal of maintenance dredging when this process is undertaken separately from capital dredging campaigns. If material is of suitable size it will be deposited in the inshore area as in the past.

Comment:

More boasting that the Port will continue to deposit sand to benefit Westshore as in the past is simply nonsense. The Port Company has been an uncooperative corporate citizen however new staff at the HBRC (the 100% owner) appreciate the problem and show a refreshing willingness to ensure a durable solution is put in place on behalf of all residents in the HB region.

The Port state that they may surrender existing dredging permits (page 76) then state on page 97 that they intend to continue to use the current consents which include the permits to dispose of sand from maintenance dredging. It is clear the Port does not want to bring sand to Westshore and expose the Company which holds the key to fixing Westshore. Replacing sand is the solution for Westshore and Bayview beaches and the liability to perform this task to replicate unimpeded beach nourishment will be ongoing.

8.4 Conclusion and Mitigation – page 99

Quote:

The potential effects in relation to coastal processes and thus to local beaches have been assessed as negligible as there will be no changes to existing patterns and variability of beach response to very slight changes in the wave environment.

Comment:

We agree the Proposed Dredging Project will not increase existing patterns of erosion. The proposed deepening and extended area of the shipping channel cannot and will not increase or decrease the average volumes of sand that fills the shipping channel on each year. If the Port does not ensure all sand is used to benefit beaches in the Bayview Littoral Cell and create a credit of sand between dredging operations, then a new problem will be created if dredging operations become necessary every 4 or 5 years instead of every 2 or 3 years.

The natural movement of sand sediment at 30,000m³ (as agreed by experts) moves in and out of the Littoral Cell and failure to maintain these volumes will result in equivalent erosion. This is why it is important to address the current nearshore seabed damage before dredged sand can be expected to maintain a balance between erosion and accretion. The wave environment at Westshore has changed considerably as a result of erosion of the tidal zone and nearshore. The inshore seabed gradient has steepened which has changed the spilling waves up to the 1980's to more noticeable tumbling waves from similar swells at Westshore and Bayview.

Quote:

There will be no increase in erosion or risk of inundation at the shore either north or south of the Port.

Comment:

The only influence to the shore south of the Port is the breakwater which protrudes east and is directly responsible for the section of the Marine Parade which HBRC survey records confirm the state is slight accretion. Pacific Beach maintained a stable shoreline even during annual extraction for the Westshore Nourishment Scheme. Due to extraction down to sea-level, this source was closed in 2014.

There will be no increase in erosion of the shoreline from Hardinge Road to Bayview because the beaches are in a permanent state of erosion (conceded by Beca Infrastructure in 2010) which means zero beach replenishment and total reliance on land-based shingle or the only durable affordable solution, dredged sand.

16.4 Summary and Conclusions – page 175Quote:

As a whole, the project activities will not generate more than minor adverse visual effects.

Comment:

This is the ultimate insult to residents old enough to be able to call Westshore Beach their childhood playground. An expansive sandy beach where thousands would gather for beach events, the Surf Club was fully occupied and thrived with a good membership, the reserve was a flat area 2 to 3 times the size with ample shade and abundant car parking, the tuatuas were plentiful and always guaranteed a feed, drag netting for snapper, soles, flounder and grubs was very popular, children were safe in the mostly gentle and the consistent waves which were great for body surfing. Beach nourishment with stinking mud and fine sand from the Ahuriri Estuary started in 1987 and slowly from around 2010, the beach has been devastated and access mainly at the southern is between difficult and impossible.

Quote:

The effects of dredging and disposal of dredged material are also considered minor or less, in terms of landscape, natural character and visual effects.

Comment:

The closing statement could only be attributed to someone who has no knowledge of the earlier beach environment or has not bothered to research the many photos taken up to the 1980's. Contributors to the local newspaper who frequented Napier's once most popular safe swimming beach now describe the beach as a disgusting mess.

25.4 Beneficial Use of Dredged Material – page 230Quote:

Napier Port has undertaken a wide range of investigations which have demonstrated that most of the material to be dredged is of a size that would not contribute effectively to the maintenance of the Westshore beach.

Comment:

This is not rocket science. The 40 years of replenishment starvation has eroded the beach tidal zone and nearshore and created a steepened gradient where in places, coarse sand (material) would not hold or stay in place. Restore the seabed profiles and fine or micro-fine sand will stay in position.

Quote:

Most of the material is so small that it would be rapidly moved away from the area, if it was deposited in an active foreshore or inshore area.

Comment:

This is an unhelpful load of nonsense. Other than totally calm sea conditions, Westshore beach material is constantly on the move which accounts for most experts agreeing to calculations that an average 30,000m³ of sediment moves south to north, every year. A seabed or beach needs all grain sizes to make a stable beach system. When the shallow sub-tidal zone is restored to pre 1980 gradients, coastline and property protection will be restored and the beach will once again be resilient to severe ocean swells. This was the case in August 1974 when a major storm created a state of emergency at Clifton/Te Awanga, 300 hectares were flooded at East Clive but Westshore required clearing driftwood at each end of the beach. Replace the sand and return protection to the beach, private property and city assets.

Quote:

There is no practical way of separating out larger material for inshore deposition.

Comment:

There is absolutely no need to separate grain sizes of sand. The coarser sand tends to stay in the tidal zone and beyond while the finer sand generally settles on the upper beach during calm conditions and return to suspension during wave events when it moves within the longshore sediment drift. I would refer any doubters to the YouTube clip titled "River of Sand", a popular reference video for coastal engineering students.

25.5 Summary – page 231Quote:

The improved understanding of the potential for sediment movement in the area gained from modelling, has led to a decision to seek consent for an offshore disposal location for dredged material.

Comment:

After many years recording and studying the coastal processes on the HB gravel coast, I find good reason to be sceptical of reliable data collected over such a short period and a lack of confidence for making decisions. The situation is simply an endless stream of experts making a case to not recognise that natural supplies of sediment are transported by a northerly coastal longshore drift until the material is trapped in a man-made trench which impedes the natural flow of sand that would otherwise replenish Westshore and beaches to the north.

Expert Comment on Utilising Dredged Sand at Westshore Beach

2001: Dr Shaw Mead

Source: ASR Report to NCC

Reference: Summary – page 1

Quote:

The Ports dredging and disposal methods were contributing to the problem by consistently removing sandy material from the Littoral System and placing it offshore where it could not be naturally transported to the eroding coastline.

2003: Dr Jeremy Gibb

Source: CML Review of Nourishment Scheme

Reference: Executive Summary – page ii

Quote:

Westshore Beach is in deficit and is entirely dependent on nourishment and the dumping of dredged sand by the Port of Napier

2003: Dr Jeremy Gibb

Source: CML Review of Nourishment Scheme

Reference: Executive Summary – page ii

Quote:

Coastal Dredging Permit should be revised to allow dredging of sand to be dumped as close to the shore as possible to form a shore parallel offshore bar in 4 to 6 metre depth off Westshore Beach.

2003: Dr Jeremy Gibb

Source: CML Review of Nourishment Scheme

Reference: Executive Summary – No.3 page vi

Quote:

NCC needs to work closely with HBRC and the Port to ensure the effects of dumping of sediment dredged from the Port Fairway on the long term stability of Westshore Beach.

2003: Prof Paul Komar

Source: Peer Review of the ASR Report

Reference: page 4

Quote:

Fine sand is deposited in the Port Fairway. This sand is dredged and disposed of in Dump Zone 'R' (but in fact the Outer Zone). The volumes estimated to be a total of 304,000m³ since 1982, average 16,900m³/yr.

2003: Prof Paul Komar

Source: Peer Review of Gibb Report

Reference: page 61

Quote:

The disposal of all dredged sand close inshore within Westshore Bay would increase the input of sand and begin to offset the long term losses that have led to the deepening of the Bay and loss of the Westshore sand beach.

2005: Prof Paul Komar

Source: Report on Coastal Processes

Reference: page 28

Quote:

It is time to put aside the placement of blame on the construction of the Port's breakwater; instead, it is now important to consider the improved recreational development of this shore.

2008: Beca Infrastructure

Source: Report on Whakarire Ave Breakwater

Reference: page 5

Quote:

The introduction of the Port of Napier breakwater system, natural inputs of sediment into the southern end of the Westshore Beach system have ceased.

2013: Prof Paul Komar

Source: Discussion at the Westshore Beach

Reference: Present Gary Glode of HBRC

Question:

Would sand trapped in the shipping otherwise replenish Westshore Beach?

His instant answer: Of course.

2014: Richard Reinen-Hamill

Source: Coastal Engineer – Tonkin & Taylor

Reference: Coastal Strategy meeting

Question:

Would sand trapped in the shipping otherwise replenish Westshore Beach?

His answer: Yes – all sediment moves northwards.

2016: HB Regional Council

Source: Whakarire Rock Revetment Project

Reference: Resource Consent Application

Quote:

The effects of the Port of Napier have caused natural inputs of sediment to southern Westshore Beach to cease.

2017: Prof Paul Kench, Dr Mark Dickson & Dr Mike Allis

Source: Coastal Strategy Meeting

Reference: Email from Emma Ryan

Quote:

The idea of an offshore sand bar in the nearshore at Westshore Beach is one option that we believe should be considered.
