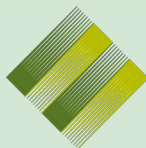


Coastal Erosion Responses Policy 2017

Decision Story

September 2017



***Western Bay of Plenty
District Council***



The Policy

Western Bay of Plenty District Council adopted its Coastal Erosion Responses Policy on 16 August 2017.

The policy provides Council with a framework for making consistent decisions as to how it will respond to erosion and subsidence of Council-owned coastal land.

The policy came into effect on 28 August 2017. You can read on to find out more about the background to the policy's development, what the community told us through the consultation process, and the decisions Council made on key issues as part of adopting the final policy.

This decision story provides an overview of the policy and its development, primarily to explain the key decisions made by Council to those who gave feedback on the draft policy.

This explanatory document does not replace or supersede the policy itself - please refer to the Coastal Erosion Responses Policy 2017 on our [website](#).



Why develop a policy?

The effect of erosion on the Western Bay's coastline and inner harbour is something everyone in the District needs to be aware of.

The District has 225 kilometres of coast, and the cost of protecting this dynamic coastline will only increase in the future if hard protection structures continue to be favoured to 'hold the line.'

The installation costs of a rock revetment wall are approximately \$3-5,000 per lineal metre, which demonstrates the significant potential cost for the District's ratepayers (or individual property owners) to protect the coastline in perpetuity.

New Zealand has experienced an average relative sea-level rise of 18cm over the past 100 years, and has already been subjected to coastal storm inundation. The number and frequency of such events are also expected to increase in the future.

It's predicted sea levels will rise by more than one metre in the next 100 years. When coupled with more frequent and intense weather events, what we currently consider to be extreme 1-in-100 year coastal hazard events will become the average event.

To date Council's approach to erosion has been ad hoc and inconsistent, with little debate about the direction the community thinks we should collectively take to respond to coastal erosion issues in the future.



Background

Development of a policy was first proposed in 2012.

Council recognised that it needed a framework to enable consistent decision-making on responses to coastal erosion, given:

- The financial cost of building and maintaining coastal protection structures in dynamic coastal environments
- Community concerns regarding the impact on amenity values and the natural environment caused by hard protection structures (such as rock revetments)
- The likelihood that climate change will have a negative impact on the coastal environment - in terms of sea level rise and also more frequent and intense weather events
- The direction Council was receiving through legislation and policy
- Consideration of international research and responses to coastal erosion.

The policy was not developed in isolation - it is based on current New Zealand and international evidence-based research. This includes the recent work by the Parliamentary Commissioner for the Environment, the Ministry for the Environment and the risk-based planning approach adopted by the Bay of Plenty Regional Council in its Regional Policy Statement. The policy also gives effect to the New Zealand Coastal Policy Statement where appropriate.



We've taken time to understand the extent and nature of the District's inner harbour erosion issues, and to understand the views of the general public, coastal property owners and those with a connection to Tauranga Harbour (including tangata whenua).

We feel there is a solid evidence base to develop the framework set out in the policy, which will guide decision-making on future responses to coastal erosion.

A key aspect of the policy is that it limits future Council funding to only the protection of Council-owned land and strategic assets.

From a district-wide and long term perspective this makes economic and intergenerational sense, as any intervention to protect private property would be a cost to ratepayers and a gain to individual property owners.

Ratepayers would be exposed to significant and ongoing amount of funding in order to protect and continue protecting private property across the District.



Your views

We first spoke to the community in late 2015 and early 2016 through an online forum called 'Living with the Changing Tides' where we asked for your opinion on matters relating to the development of the draft policy.

More than 1400 residents visited this forum, and we received feedback from 63 people. These views were incorporated in the draft policy.


The key direction from the community was that Council's response to coastal erosion should only cover Council-owned land and assets, and not include the protection of private property.

The 'Draft Inner Harbour and Coastal Erosion Management Policy' was adopted in August 2016. It was released for consultation between 20 February and 20 March 2017, and followed the Local Government Act 2002 Special Consultative Procedure.

A letter to 1363 harbour margin and coastal landowners notified them of the draft policy, as well as print media adverts and a 'Have Your Say' site for online feedback.

A total of 46 pieces of feedback was received and 20 people came to share their views in person with Council.

Immediately after the consultation period ended, the first of two severe cyclonic rainfall events hit, which resulted in a number of slips both inland and at coastal locations in Omokoroa (as well as other areas across the District).



As a result, a number of Omokoroa residents requested an extension to the consultation period, and were offered the opportunity to share their views in person on 10 May 2017.



What you told us

Generally, submitters supported the need for the draft policy.

Similarly, there was majority support for Council taking a precautionary approach, particularly in relation to future subdivision and intensification of the inner harbour margins.

However, there were mixed views in terms of applying a precautionary approach in relation to areas of the District where houses already exist in proximity to the coast/inner harbour.

There was a clear difference of opinion between coastal property owners who felt Council should not, for a variety of reasons, adopt a 'do nothing' approach in relation to Council coastal land (particularly coastal walkways/esplanade reserves and strips) where, in so doing, it would put their private property at risk.

Conversely, some submitters (particularly from Waihi Beach) felt that a 'let nature take its course' approach was entirely appropriate and that coastal property owners needed to live with the risk inherent to their properties. These submitters felt that other ratepayers, especially those unaffected by coastal erosion, should not have to pay for something that mainly benefits coastal property owners.



Key Themes

The themes that emerged from feedback included:

- The need for collaborative approaches to planning and funding
- The ability for swap, lease or purchase of adjacent Council-owned esplanade reserve/strip where Council resolves to 'do nothing' in relation to erosion, as an incentive for private property owners to undertake mitigation work themselves
- The precautionary approach (or more particularly the 'do nothing' approach) should not apply in to existing coastal settlements because it creates an unfair burden on coastal property owners affected by a 'do nothing' decision
- The assessment criteria should be expanded to reflect the New Zealand Coastal Policy Statement criteria
- The assessment criteria should be weighted and the local community should be consulted in relation to any assessment regarding the amenity or recreational value of a particular asset, especially walkways
- Greater clarity in the policy on whether land owners can undertake and fund mitigation works themselves on Council land, where Council resolves to 'do nothing'.



Key decisions by Council on the final policy

Widening the scope of the policy to include subsidence of coastal land

Feedback from Omokoroa residents affected by the recent slips highlighted that their concerns were beyond the scope of the draft policy, as the slips are not attributable to the effects of coastal erosion (as defined in the draft policy that was approved for consultation).

Rather, they resulted from a combination of intense rainfall, ground water capacity and the unique geology of the soil.

Council decided to widen the scope of the policy to include within the definition of coastal erosion, the slipping or subsidence of Council-owned coastal land. This means Council will use the same approach to assessing its response to erosion on its coastal land caused by both erosion and subsidence.

The precautionary approach should not apply to existing coastal properties affected or potentially affected by erosion

A key theme of feedback was that while it made good sense to apply a precautionary approach to new subdivisions, a 'do nothing' approach for existing coastal settlements was not appropriate and indeed, in the eyes of some submitters, placed an unfair burden on affected coastal property owners.

Council decided that it would not make any changes to the policy, because there may well be occasions where it makes absolute sense for Council to 'do nothing' – even where an existing property might be affected by that decision (for example, where only one property is affected by erosion and the esplanade reserve isn't frequently accessed by the public).

This maintains the fundamental integrity of the policy. The policy was ultimately about creating a framework to guide decisions about options for mitigating coastal erosion in relation to Council land and its strategic assets, not private property.

Collaborative planning and funding of coastal erosion mitigations

Another key theme from the feedback was a desire for Council to explore collaborative approaches to mitigating coastal erosion through planning and funding. Although not within the scope of this policy, submitters also commented on the need for more investment in existing dune restoration and planting programmes.

Council decided that no amendments to the policy were required. The policy does not preclude Council taking a collaborative approach with the affected community, affected property owners and other stakeholders, particularly in terms of funding mitigation works on Council land. The assessment criteria in the policy means that Council can determine when (and to what extent) the community needs to be involved in exploring coastal erosion mitigation responses.

Improved alignment of assessment criteria to the New Zealand Coastal Policy Statement

Some submitters suggested that the assessment criteria within the policy should be more closely aligned to the criteria contained in the New Zealand Coastal Policy Statement (NZCPS). Other submitters felt the criteria needed to be weighted in order to provide more certainty to the community as to how the criteria might be applied.

Council decided that the policy criteria for assessing options should be more closely aligned to the NZCPS objectives and policies, as this would make explicit the relationship of the NZCPS to this policy. The revised assessment criteria are set out in section five of the policy.



Incentives

Some submitters suggested that the policy should incentivise private property owners to undertake mitigation work themselves on Council land at their own cost, where Council has otherwise determined that it will 'do nothing.'

Suggestions in terms of appropriate incentives ranged from Council selling part of the esplanade reserve to the adjacent property owner and the property owner offering an easement back to Council to ensure ongoing public access. Another suggestion was for Council to agree to lease part of the adjacent esplanade reserve to the private landowner undertaking the work.

Council decided that no changes to the policy were required, as providing expressly within the policy for incentives or bespoke arrangements may create conflict with the objectives and/or policies of the NZCPS. It was also noted that the draft policy doesn't preclude a case by case assessment of situations where an adjacent land owner wishes to undertake mitigation work on Council land, and any circumstances in which that may be appropriate.

Waihi Beach

Council's legal advisors recommended that the unique situation in Waihi Beach should be recognised. This also responded to the views of some submitters that the policy needed to take better account of the Environment Court decision on the rock revetment at Waihi Beach.

Council decided to include a new paragraph recognising that there are some areas such as the existing rock revetment wall at Waihi Beach that have their own unique set of legal and consenting circumstances that will be relevant in determining Council's response.

Waihi Beach's rock revetment wall is subject to a resource consent condition requiring Council to undertake comprehensive investigations by 31 December 2020 to determine the best practicable option for the long term management of the coastal hazard risk at Waihi Beach.

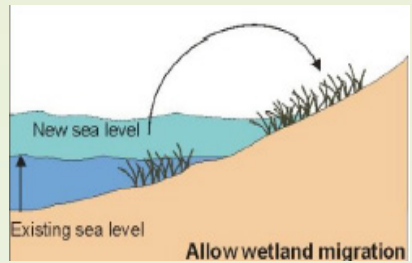


General approach when responding to coastal erosion

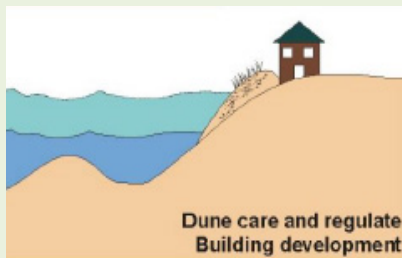
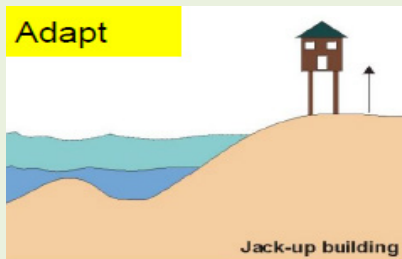
When asked to respond to coastal erosion on its land, Council will make an assessment using the criteria in the policy to determine which approach is appropriate:

Let nature take its course:

Coastal erosion processes are left to occur naturally without human intervention. Where coastal land is currently undeveloped, Council will promote this approach to allow the dynamic natural processes take place.



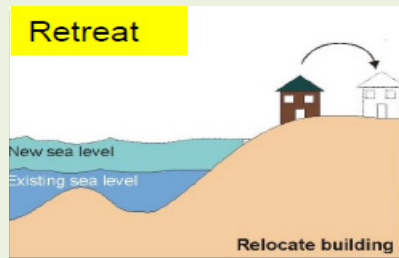
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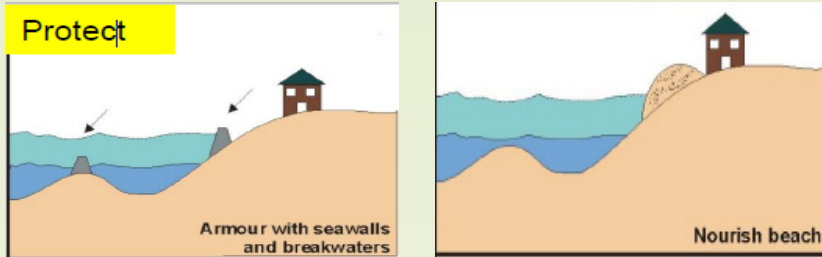
Adaptive approach:

Manage hazard situations by abandoning or relocating assets and activities away from the coastal processes threatening.

Retreat



Holding the line:



Protect the existing foreshore and/or strategic assets by promoting the use of soft engineering options (such as dune replanting, beach nourishment) over hard options (such as timber seawalls or rock revetments) where appropriate, in line with the New Zealand Coastal Policy Statement.

As part of its assessment, Council will consider whether the views of major stakeholder and community groups have been sought on the proposed mitigation, as well as the willingness of individuals and the wider community to pay for the costs of maintaining the shoreline in a fixed position indefinitely. The assessment criteria in its entirety is set out in section five of the policy.



Implementation of the Policy

Now that the policy has been adopted, Council will consider requests for a response to coastal erosion on its land by applying the assessment criteria in the policy to guide its response. This will apply to any responses that were not formally agreed or resolved at the time the policy came into effect on 28 August 2017.

Omokoroa

Geotechnical and engineering assessment has been commissioned to provide options for potential viable interventions in response to the recent coastal erosion and subsidence issues on Council-owned reserve land in Omokoroa. This assessment will also include indicative costings to implement each option. It is anticipated that these options will reflect those within the policy, and range from 'let nature take its course' to 'hold the line' against any further erosion or subsidence of Council-owned land.

These options and their potential costs will need to be tested with the community to determine whether the approach is considered affordable and appropriate, and to determine how much the community values the coastal walkway. This will be undertaken as part of consultation on the Long Term Plan 2018-28, and any required budget to implement decisions on this matter can be included in the Long Term Plan.



Waihi Beach

With regard to Waihi Beach, Council has received requests from a number of residents in the Shaw Road area to extend the existing rock revetment wall. We have also received feedback from Waihi Beach residents in opposition to any further coastal protection structures being built.

The Waihi Beach rock revetment wall has a unique set of legal circumstances, and is subject to a resource consent condition requiring Council to undertake comprehensive investigations by 31 December 2020. These investigations must determine the best practicable option for the long-term management of the coastal hazard risk at Waihi Beach. Council has directed this assessment be undertaken in the 2018/19 financial year.

Council's legal advisors recommended that Council should make no decisions on the extension of the rock revetment wall until these investigations are completed, and the extension request is considered against the Coastal Erosion Responses Policy. Council agreed that this was the best course of action.

Coastal erosion of private property

The final policy makes no provision for responding to erosion or subsidence of privately owned land. This was the approach taken in the draft policy also. However, there is nothing to preclude private property owners undertaking (and funding) coastal erosion works on their own private property (subject to obtaining the appropriate consents and permissions).

