

Coastal Erosion Responses Policy 2017

1. Relevant Legislation

- Local Government Act 2002
- Local Government Act 1974
- Resource Management Act 1991
- Civil Defence Emergency Management Act 2002
- Reserves Act 1977

2. Policy Objectives

- 2.1. To provide a framework for consistent decision-making by Council where Council-owned coastal land is affected by coastal erosion or subsidence.
- 2.2. To respond to coastal erosion and subsidence of Council-owned coastal land in a way that:
 - (a) gives effect to the New Zealand Coastal Policy Statement;
 - (b) gives effect to the Bay of Plenty Regional Policy Statement;
 - (c) takes account of the Bay of Plenty Regional Coastal Environment Plan; and
 - (d) Is affordable for the affected community both now and into the future.

3. Background

3.1. Physical Environment

Coastal and inner harbour erosion hazards result from the interaction of coastal and harbour processes with human activities and structures, and can adversely affect the economy, health, wellbeing and safety of people and communities. Where coastal / inner harbour erosion or flooding threatens valuable coastal and inner harbour land and infrastructure, coastal protection structures have commonly been constructed. While these coastal protection structures may protect the land and assets behind them such works interfere with the natural functioning of coastal and inner harbour processes.

Hard coastal defences are not only costly to construct but they have a finite lifespan and require maintenance and eventual upgrading or replacement. With currently rising sea levels the cost associated with the maintenance of defences will certainly increase.

Coastal Erosion Responses Policy 2017

Natural dune systems are a defence against coastal erosion. Enhancement of dune systems is to be encouraged.

New Zealand has experienced an average relative sea-level rise of 18 cm over the past 100 years and as a result coastal storm inundation has been experienced in the past, is a problem now and will become more frequent in the future. Over time, with a predicted sea level rise of +1 m in the next 100 years coupled with more frequent and intense weather events, what we currently consider to be extreme 1 in 100 year coastal hazard events will trend to becoming the average event. In the future 1 in 100 year coastal events will lead to deeper flooding and greater economic and social consequences.

In the next 20 to 30 years coastal hazard events may be manageable but beyond this inundation risks will grow much more rapidly even with modest sea level rise. Communities must therefore consider all the available options now to avoid locking in expensive and irreversible planning, investment and development decisions. Today's coastal properties may survive for the next 30 years (the life of an average mortgage) but whether they will remain a viable investment for the 30 years after that is uncertain.

3.2. Council Obligations

In most cases Council is not under any legal obligation to protect its own land or private property from erosion.

There is a view that by Council providing limited protection to some private properties in the past it is obliged to continue this approach or provide compensation if Council changes its approach to erosion. There are some counter arguments to this view. If a policy change is introduced for a good reason there is no case for compensation. Changes in policy also frequently reflect changes in Central Government's and Regional Council's approaches to erosion or the emergence of new research. It could also be argued that those property owners who have been defended in the past have already enjoyed considerable benefit at public expense, therefore a former injustice to the ratepayer is being put right.

However, each situation will be assessed on its merits and Council's general approach to erosion mitigation is set out in this Policy. In particular, 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 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.

Coastal Erosion Responses Policy 2017

3.3 Community Values

Coastal protection structures may restrict public access and reduce existing values along the coastal and inner harbour margin, such as recreational, aesthetic, and natural character values. These values (as opposed to property values) are rarely quantified and therefore are generally not reflected adequately in decision-making. This results in a conflict between the protection of (often private) property values, and retention of the public asset, the inner harbour and coastal system itself and its associated values.

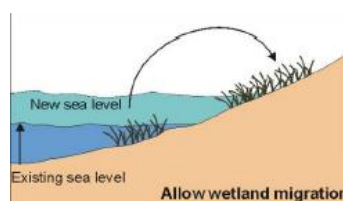
While a policy that explicitly provides future funding only for the exclusive protection of *Council-owned coastal land and strategic assets* may prove unpopular from a local, short term perspective, from a wider district and long term perspective it makes economic and intergenerational sense. Any public intervention to protect private property on the inner harbour or coast would be a cost to ratepayers and a gain to individual property owners.

4. General Approach to Erosion Mitigation

4.1. Council will adopt a precautionary approach to inner harbour and coastal erosion protection and to the future subdivision and intensification of the inner harbour margins and coastal settlements. In particular, where Council has good information on the level of hazard risk or the area is already prone to erosion Council will ensure that any new subdivision, landuse or other development is located and designed so as to avoid the need for future inner harbour and coastal hazard hard engineering protection works.

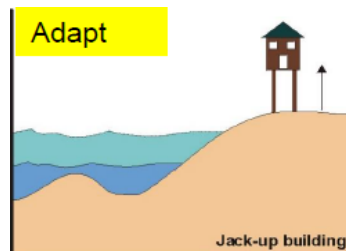
4.2. For *Council-owned coastal land* potentially at risk from inner harbour and coastal erosion hazards, Council will undertake an assessment (refer to Section 5) to determine the most appropriate erosion management option of "let nature take its course", "adaptive approach" or "hold the line" which means:

- "Let nature take its course" - coastal processes of erosion (the gradual wearing away of beaches and cliffs by the natural wave action) and accretion (the gradual build up of beaches and dunes from sand deposited by natural wave action) are left to occur naturally, without any human intervention. For currently undeveloped inner harbour and coastal margins Council will promote a "let nature take its course" approach to allow the dynamic natural processes (including sea level rise) to take place.

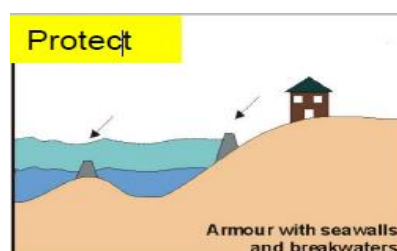


Coastal Erosion Responses Policy 2017

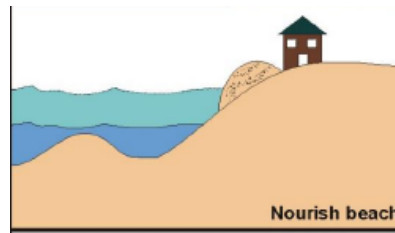
- “Adaptive approach” - manage hazard situations by abandoning assets or relocating assets and activities away from the coastal processes threatening them, thereby removing the hazard. Council will assess the merits of taking an “adaptive approach” on the future management of inner harbour and coastal erosion. This means taking at least a minimum 100 year view in relation to the effects of sea level rise and climate change.



- “Holding the line” - protect the existing foreshore and/or strategic assets from further erosion, in line with the New Zealand Coastal Policy Statement, by promoting the use of soft engineering options (dune replanting/beach nourishment) over hard engineering solutions (timber seawalls/rock revetments) where appropriate. Council will need to balance the life expectancy and value of the strategic assets to be protected and the lifespan of any proposed coastal protection structure. Hard rock structures have a longer lifespan (+80 years) than timber structures (30-50 years) but are more costly to construct, maintain and upgrade.



Coastal Erosion Responses Policy 2017



Diagrams source Ministry for the Environment 2001 Guidance

4.3. District Plan Provisions

- Council will continue to apply the rules in the District Plan that cover subdivision and development in the Coastal Erosion Areas and Coastal Inundation Areas of the residential zones of Waihi Beach and Pukehina and the Coastal Erosion Areas along the rural open coast.
- Council will assess the merits of restricting development intensification and the introduction of setback rules, similar to those in the Coastal Erosion Areas and Coastal Inundation Areas of Waihi Beach and Pukehina, for those areas of the inner harbour prone to erosion, or likely to be inundated by sea level rise, through future Plan Changes to the District Plan. This is to avoid locking the Council into expensive and potentially irreversible decisions in relation to the provision of infrastructure.

4.4. Council Advocacy and Investigations

- Council will advocate to Central Government for better national guidance on natural hazards (including coastal erosion). Council supports the progress being made in the development of a National Policy Statement on Natural Hazards.
- Council will advocate to the Bay of Plenty Regional Council to consider the introduction of a rule in any future Regional Coastal Environment Plan to extinguish existing use rights so that buildings damaged by coastal erosion cannot be rebuilt as of right and replacement is either a prohibited or discretionary activity.
- Council will within the first 10 years of this policy investigate modelling the inundation effects of a minimum 1m sea level rise on the Tauranga inner harbour, Maketu estuary and Little Waihi estuary.

4.5. Provision of information and education

- Council will note the possibility of erosion or inundation on the Land Information Memorandum (LIM) of the properties in locations that formed part of the OPUS report entitled "Tauranga Inner Harbour High Level Coastal Erosion Study August 2015."

Coastal Erosion Responses Policy 2017

- Council will continue to provide the community with the latest relevant technical investigations and reports.

5. Criteria for assessing coastal erosion responses

- 5.1 Where coastal erosion of Council-owned coastal land affects existing coastal protection structures and/or strategic assets, any decision to maintain, replace, relocate or abandon that structure or strategic asset will only be made after consideration of the criteria included at section 5.3 below.
- 5.2 Where coastal erosion of Council-owned coastal land occurs in an area where there are no existing coastal protection structures but that coastal erosion is affecting or is likely to affect a strategic asset, then any decision by Council to respond will only be made after consideration of the criteria at section 5.3 below.
- 5.3 Assessment criteria:
- (a) Assess whether there is a clear need for the works in terms of a risk assessment based on a methodology that assesses the inherent threat to life and/or property or existing nationally or regionally important infrastructure;
 - (b) Take a holistic approach to reduce any significant adverse environmental effects elsewhere in the relevant coastal system irrespective of the ownership of potentially affected coastal land;
 - (c) Address the issue of end effects of the proposed works where it affects private or public land;
 - (d) Consider whether the proposal maintains and enhances public walking access to the inner harbour or open coast, or where that is not practicable provides alternative linking access close to the coastal marine area;
 - (e) Consider whether the proposal will not or may not have an adverse effect on amenity values (as defined in section 2 of the RMA);
 - (f) Consider whether the proposal demonstrates and includes the outcomes of consultation with major stakeholder and community groups;
 - (g) Consider the ability and willingness of individuals and/or the wider community to pay for the costs of maintaining the shoreline in a fixed position indefinitely;
 - (h) Consider whether the construction and maintenance costs of protection works are greater than the capital value of the strategic assets to be protected;
 - (i) Consider whether the adverse effects of physical mitigation works on the natural character, cultural sites and values, historic heritage and public access to the environment are greater than the value of the strategic assets to be protected;

Coastal Erosion Responses Policy 2017

- (j) Recognise that the NZCPS generally discourages hard protection measures but recognises in some cases they may be the only practicable means of protecting existing nationally or regionally important infrastructure;
- (k) Recognise and consider the environmental and social costs of permitting hard protection structures to protect private property, and consider whether there is any significant public or environmental benefit before locating these structures on public land;
- (l) Consider, where existing inner harbour or coastal protection structures have failed, whether replacement is a sustainable option;
- (m) Consider, where erosion occurs so rapidly, whether there is insufficient time to construct protection works; and
- (n) Consider what action is appropriate when property owners decide to relocate their own buildings as an individual response to erosion issues.

6. Council Statutory Responsibilities

- 6.1 Council administers and is a consent authority in terms of the Reserves Act 1977.
- 6.2 Council administers inner harbour and coastal margin *esplanade reserves and strips* on behalf of all ratepayers, residents and stakeholder groups but also recognises the concerns of special interest groups.
- 6.3 Council recognises that it has responsibilities under other legislation, particularly:
 - (a) Resource Management Act 1991 – The particular provisions of the Resource Management Act (RMA) that Council is required to recognise and provide for within Part II (Matters of National Importance) of the Act and relate to the preservation of the natural character of the coastal environment, the maintenance and enhancement of public access to and along the coastal marine area, and the relationship of tangata whenua to their coastal waahi tapu sites and the exercise of kaitiakitanga;
 - (b) Local Government Act 2002 – Managing the effects of erosion on Council's strategic assets using a range of approaches gives effect to the purpose of local government under the Act to meet the current and future needs of communities for good-quality local infrastructure in a way that is efficient and most cost-effective; and
 - (c) Civil Defence Emergency Management Act 2002: The Act requires all levels of government to work collaboratively to reduce the risk to people and their property through the sustainable management of hazards.

Coastal Erosion Responses Policy 2017

7. Timeframe of this Policy

- 7.1 The policy is to take an initial 30 year timeframe
- 7.2 The policy will be reviewed every 10 years or as required

8. Associated Council Policies and Plans

- Western Bay of Plenty District Council's Long Term Plan
- Western Bay of Plenty District Council's Annual Plan
- Western Bay of Plenty District Council Operative District Plan
- Western Bay of Plenty District Council; Reserve Management Plans
- Western Bay of Plenty District Council; Coastal Assets Management Plans
- Western Bay of Plenty District Council; Utilities Assets Management Plans
- Western Bay of Plenty District Council; Transportation Assets Management Plans
- Western Bay of Plenty District Council Significance and Engagement Policy

9. Relevant National and Regional Policies and Plans

- 9.1 New Zealand Coastal Policy Statement
- 9.2 Bay of Plenty Regional Policy Statement
- 9.3 Bay of Plenty Regional Coastal Environment Plan

10. Definitions

Affected community means in relation to any funding arrangement for proposed coastal erosion responses, the community that will contribute to the cost of any such response/s.

Coastal erosion means in relation to Council-owned coastal land, erosion resulting from the interaction of coastal and harbour processes, and/or subsidence of that land.

Council-owned coastal land means esplanade reserves, coastal walkways and all other foreshore land owned by Council.

Coastal Erosion Responses Policy 2017

Council-owned coastal protection structure means measures aimed at protecting Council-owned coastal land and strategic assets from the effects of coastal erosion.

Esplanade Reserves means a reserve within the meaning of the Reserves Act 1977:

- (a) which is either
 - (i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or
 - (ii) a reserve vested in the Crown or a regional council under section 237D; and
- (b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229 of the RMA 1991.

Esplanade Strips means a strip of land created by the registration of an instrument in accordance with section 232 of the RMA 1991 for a purpose or purposes set out in section 229 of the RMA 1991

Strategic asset(s) means for the purposes of this policy that Council considers the following assets to be strategic assets:

- The roading network as a whole
- Reserves listed and managed under the Reserves Act 1997 excluding:
 - (a) Reserves identified for investigation for disposal in an adopted Reserve Management Plan
- Land held under other Acts or as fee simple but listed as reserves or considered as reserves.
- Water reticulation network as a whole
- Wastewater plant and network as a whole
- Stormwater reticulation network as a whole
- Library network
- Pensioner housing network.

Group	Policy, Planning and Regulatory Services	Contact (3rd Tier Manager)	Policy and Planning Manager
Supersedes	n/a		
Creation Date	28 August 2017	Resolution Reference	PP
Last Review Date	n/a	Resolution Reference	PP n/a
Review Cycle	Every 10 years	Date	28 August 2027
Authorised by	Policy Committee	Date	16 August 2016