

Notice is given that an ordinary meeting of the Full Council will be held on:

**Date:** Friday 31 May 2019  
**Time:** 9.30am  
**Meeting Room:** Tasman Council Chamber  
**Venue:** 189 Queen Street  
Richmond

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**Full Council**

**LATE ITEMS AGENDA**

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## LATE ITEMS

### 5 LATE ITEMS

That the late item, 8.8 Pakawau Esplanade Reserve – Rock Placement, be considered at today's meeting. This item is late because agreement was reached with the Pakawau Community Residents' Association (the Association) on Thursday 23 May 2019 that the matter would go to Council and a report needed to be prepared. Consideration of this matter cannot be delayed because the Association have requested that Council consider the matter ahead of its next meeting, which occurs before the next regular cycle Full Council meeting.

### 8 REPORTS

8.8 Pakawau Esplanade Reserve - Rock Placement ..... 5



## 8 REPORTS

### 8.8 PAKAWAU ESPLANADE RESERVE - ROCK PLACEMENT

Decision Required

<b>Report To:</b>	Full Council
<b>Meeting Date:</b>	31 May 2019
<b>Report Author:</b>	Richard Hollier, Reserves and Facilities Manager; Eric Verstappen, Resource Scientist
<b>Report Number:</b>	RCN19-05-29

#### 1 Summary

- 1.1 The Council has been working with the Pakawau Coastal Residents Association for several years to manage coastal erosion issues along the beach and esplanade reserve in front of their properties with a focus on soft solutions and beach replenishment.
- 1.2 Many of the residents do not agree that the Council's preferred approach is a sustainable solution and for some time have been pursuing an option for a rock revetment.
- 1.3 In 2017 a Memorandum of Understanding was agreed between the Council and Association to assist them to develop a proposal to build a rock revetment along a section of the esplanade reserve in front of their properties, beginning with the application for a resource consent.
- 1.4 In March 2019, the consent application was refused by an independent hearing commissioner to the considerable dissatisfaction of the residents.
- 1.5 The Association has advised that they wish to gather rocks that have been shifted through beach replenishment works and restore them to the esplanade reserve in front of the properties where they were historically placed with the verbal approval of the Golden Bay Borough Council. They propose to undertake this work themselves.
- 1.6 This action is not consistent with the preferred approach by Council which is based on professional advice and evidence. Staff consider that the volume of rock concerned does not provide useful or effective erosion protection, is a potential hazard particularly if buried and does not reflect the tenor of the consent decision and Council's reserve management preferences.
- 1.7 The Association takes the view that they are simply returning the rock to its previous state which was approved by a predecessor council. They consider it unreasonable for Council to oppose this action.
- 1.8 Staff invite Council to make a decision on this matter.

2    Draft Resolution
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**That the Full Council**

1. receives the **Pakawau Esplanade Reserve - Rock Placement Report RCN19-05-29;**  
and

**either**

2. declines the request from the **Pakawau Coastal Residents Association** to reposition scattered rock removed from the esplanade reserve and beach in line with previous historical placement.

**or**

3. agrees to the request from the **Pakawau Coastal Residents Association** to reposition scattered rock removed from the esplanade reserve and beach in line with previous historical placement.

**3 Purpose of the Report**

- 3.1 This report seeks direction from Council about your willingness to support the Pakawau Coastal Residents Association (Association) request to return “approved” historically placed rock, repositioned during sand replenishment works, to its previous location on Pakawau Beach and Esplanade Reserve.

**4 Background and Discussion**

- 4.1 As part of its overall coastal reserves management programme, Council commenced a Coast Care planting programme at the Tomatea Reserve in 2004. The local community expressed an interest in forming a Coast Care group in 2006. The group has been actively involved with Council since that time. Initial Council planting work south of Tomatea Reserve was increased under the Coast Care group as far as the frontage of #1146 Collingwood-Puponga Road by 2014.
- 4.2 After the Sustainable Ventures Ltd (Pakawau campground) case, the focus on identifying foreshore management issues and options for this locality prompted Council to engage a coastal management specialist, Jim Dahm of Eco Nomos Ltd, to report on erosion processes and identify management options for the esplanade reserve north of #1116 to Tomatea Reserve. The July 2014 report identified that the shoreline in this area was in an erosion phase as part of the Inter-decadal Pacific Oscillation, during which a higher incidence of coastal storms and erosion is often experienced. Erosion – accretion phases within a 10m envelope were observed to occur historically. He noted that a 2014 tropical cyclone that exposed historic protection works indicated that the shoreline had eroded to this point in the past but had recovered.
- 4.3 He recommended a strategy where residents continue to live with natural erosion and retention cycles unless erosion approached a trigger line, located 8m seaward of dwellings. Once the trigger point was reached (or earlier as desired), dune repair using sand pushups and planting to help slow/mitigate erosion was to be undertaken. Once a sand replenishment-planting regime became untenable, this would trigger a second management response, such as relocation of dwellings where practical, or construction of a temporary backstop seawall. He suggested restoration of a natural dune along the frontage of the area and in the longer term, relocation of dwellings behind the existing 30m coastal setback.
- 4.4 The first sand replenishment works commenced along the shoreline in Dec 2014 and the Coast Care planting works extended southwards from #1146 to the frontage of #1136 during 2015-2016. This has been successful in providing a vegetated dune system to provide protection to the houses behind and a sacrificial buffer to coastal storm events. Coast Care planting proposed southward of #1136 did not proceed, as support from adjoining residents was not forthcoming.
- 4.5 In conjunction with implementing beach replenishment and Coast Care works, Council has also been engaged in discussions with the local community over their desire to build a rock revetment along the northern Pakawau shoreline. These discussions prompted the formation of the Pakawau Coastal Residents Association, who have been representing beachfront property owners, ultimately from # 1118 – 1154 Collingwood-Puponga Main Road, in their intention to construct a rock revetment on the Esplanade Reserve to protect their properties from coastal erosion.

- 4.6 The Association sought support from the Council in 2016/17 to assist them develop a community led and beneficiary funded proposal to build a rock revetment on the esplanade reserve. A Memorandum of Understanding between the Council and the Association eventuated, committing the Council in the first instance to meeting the internal costs of applying for a resource consent to build a rock revetment, up to appeal stage. If the resource consent application was successful, the associated costs would become part of the whole project cost, but if not, would lie where they fell. In addition, Council agreed that it would not unreasonably withhold approval to undertake work on Council land provided statutory approvals were in place. In the interim the Council would continue to undertake sand pushups on this shoreline as per its preferred management regime.
- 4.7 The Association lodged a resource consent application for coastal and land use consents to construct and use a rock revetment in 2018. An independent Hearing Commissioner, Ms Sharon McGarry, was appointed by Council to conduct the hearing, held in March 2019. Her decision was to refuse the consents and this was released at the end of April. The Association is extremely dissatisfied with the decision but does not intend to appeal it.
- 4.8 At its May 2019 meeting, the Golden Bay Community Board passed the following resolution in respect of this matter.

**Moved Board Member Gowland/Grant  
GBCB19-05-6**

**That the Golden Bay Community Board expresses its disappointment and frustration at the decision on the Pakawau rockwall application. The Council is encouraged to look at ways in which private landowners can protect their land from coastal erosion using hard protection measures.**

- 4.9 Council has engaged with residents to determine options for property protection together with shoreline management consistent with Council's shoreline management policies.
- 4.10 The residents are aware of their ability to undertake shoreline protection measures within their own land, such as was undertaken by the residents immediately south of the Pakawau Campground.
- 4.11 Since the release of the decision, staff have made offers to communicate with the Association with respect to achieving property and shoreline protection outcomes.
- 4.12 The Association has now advised the Council that subject to final community approval at its meeting on Queen's Birthday weekend, it intends to pursue construction of a sheet pile structure within the residents' properties to provide erosion protection. Until sufficient details of the nature, extent and proposed construction methodology are known, the need for any resource consent for this work cannot be confirmed. The Association have advised that the piling will be undertaken from within the residents' properties, and that there will be no access across the beach or through the esplanade reserve fronting these properties. Any access along or over the esplanade reserve to undertake works would require approval from the Council as landowner.
- 4.13 One of the properties having frontage to the esplanade reserve is Council road reserve. Any placement of continuous sheet piling north of #1118 would cross the interface of Council road reserve and the esplanade reserve, potentially affecting access to the esplanade reserve and the coast. A discontinuity in the sheet pile structure over the road reserve interface is less than ideal but could be managed through Council maintaining sand pushups



at the seaward end of the road reserve to minimise erosion and end effects on adjacent properties that may result from this lack of structure continuity.

- 4.14 Of immediate concern, being the focus of this report, is the Association's request that rocks gathered up during beach replenishment works be placed back in front of the relevant properties from where they came. This relates in particular to rocks that were placed on the beach and esplanade reserve by the residents in the late 1970's - early 1980's. The Association have advised that the residents had permission (understood to be verbal) from the Golden Bay County Council in the late 70's to place the rocks on the beach.
- 4.15 Council is aware that residents have placed rock on the esplanade reserve in more recent times. In particular a significant quantity of rock was placed on the frontage of #1132 in 2014. This rock was placed without any formal approval or consent so should not be considered to be part of any material that may be relocated back on the beach.
- 4.16 Prior to the sand pushup undertaken in February 2019, a modest amount of rock was removed and added to the road reserve, as well as to the frontage of the property at #1122, immediately to the south. This was undertaken as an interim measure while awaiting the outcome of the resource consent hearing. Such placement (as opposed to removal of rock from site) allowed for the possibility that resource consent may be granted, in which case the material would be useful in the project. In the meantime, it facilitated a better transition from the existing revetment fronting #1118 for end-effect management, and allowed the limited budget to be utilised for maximum sand placement.
- 4.17 This scattered rock was uplifted prior to sand replenishment works occurring, in accordance with the conditions of the consent:
- Consents: RM140845/RM140846 – Condition 16 - "No foreign material including rubbish, rock rubble, tree and shrubby vegetation ... shall be buried by the works on the foreshore or beach".*
- 4.18 The total volume of rock historically present on the shoreline north of #1118 was present on the frontage of a few of the properties party to the declined resource consent for a rock revetment. There is barely sufficient material available to construct a useful rock revetment transition from #1116 to beyond #1126, the first property north of the road reserve lot. Replacing historically "approved" rock on the beach is considered to be a retrograde step with respect to managing this shoreline in an appropriate manner.
- 4.19 In order to be consistent with the resource consent decision, the independent advice provided for managing this section of the coast and with Council coastal reserve and shoreline policy, staff propose to remove all rock from the length of esplanade reserve that was subject to the resource consent. Sand replenishment and dune restoration at the southern end of the reserve will follow, consistent with the successful coast care treatment at the northern end of the esplanade reserve. At best, some longer standing rock work at the southern end frontage of #1118 that is presently not well formed and aligned, may be retained and realigned to provide better management of end-effects generated by the northern end of the campground revetment.
- 4.20 Should Council agree to the historic rock being placed back in front of some of the properties, we could continue to do further sand push-ups in front of the properties where the rock is placed but would need to vary the resource consent to allow this.

**5 Options**

5.1 The Council has the options to:

5.1.1 **Option 1: Reposition rock along foreshore (not recommended)** - Return historical rock removed from the esplanade reserve and beach back to the relevant frontages from which it was removed. In recent resource consent findings it was considered that a rock revetment would have cumulative and significant adverse effects on the environment. This option does not propose a rock revetment but approving rock placement on the reserve could be seen as inconsistent with the RC findings. It is also contrary to the reserve general policies. A specific approval by the Council as landowner for the esplanade reserve would be required and the reasons stated. Council would also need to seek a variation to its resource consent to be able to continue to undertake beach pushup works. This option reflects the views and preferences of the residents and acknowledges a historical agreement.

5.1.2 **Option 2: Remove rock from the locality (not recommended)** - The removal of the rock from the locality was considered at the time of the most recent sand push up. This was not done as had the consent been granted, it could have been utilised for the works. Its interim relocation on site also facilitated the best outcome from the limited budget available for the sand push up work. Given that the consent was refused, there is no reason for the rock to remain. Rock removal allows Council to manage the esplanade reserve in a consistent manner. It allows for improved beach access from #1122 and road reserve. It removes potential liability for damage on adjacent private properties caused by end effects of the rock on Council land.

**Option 3: Remove rock and undertake dune restoration (recommended)** -

Remove the rock from the locality, complete dune restoration works including sand pushups and dune planting in the southern section of the reserve and thus manage the reserve shoreline in a preferred and consistent manner. This option provides the best outcome as it is consistent with the shoreline management advice obtained for this section of coast, is aligned with the tenor of the resource consent decision and aligns with council and other national policies. It also provides a natural buffer for continued coastal erosion protection for the properties behind the reserve and enables the extension of the successful existing dune restoration and coast care planting work to the north.

**6 Strategy and Risks**

6.1 The optimal strategy for protecting the esplanade reserve and adjoining residential properties is continuation of the dune restoration including sand pushups and replanting southward in front of these properties and taking action to mitigate the end effects from the campground wall which are having an adverse effect on the esplanade reserve and a number of properties to the north of the campground.

## 7 Policy / Legal Requirements / Plan

### Reserves Management

- 7.1 The Reserves General Policies 2015 highlights the following in terms of managing coastal hazards:
- i. The need to pay particular attention to National Coastal Policy Statement Policy 26;
  - ii. The intention not to increase protection to properties adjoining coastal reserves and instead managing reserves to increase their natural resilience;
  - iii. The main management method will be the implementation of a comprehensive Coast Care management programme to protect, restore and manage healthy indigenous coastal vegetation around the coastal margin;
  - iv. restoration or enhancement of natural defences;
  - v. sustainable natural solutions; and
  - vi. protection of form and function of the natural coastal environment

### Pakawau Reserve Management Plan

- 7.2 The Reserves Management Plan for the Pakawau Esplanade Reserve states that the important management issues are the removal and control of aggressive weeds, protection of the reserve from coastal erosion, prevention of encroachment by adjoining property owners, the protection of wader-bird habitat, and the maintenance of public access to and along the reserve.

### National Policy and statutory obligations

- 7.3 Regional and territorial authorities have responsibilities and duties relating to avoiding or managing coastal hazard risk. Primarily, the planning framework of the Local Government Act 2002 and the Resource Management Act 1991 (RMA) require this. The New Zealand Coastal Policy Statement 2010 (NZCPS) is a guiding policy under the RMA for managing the coastal environment.
- 7.4 The following policies are most relevant to this situation:

Policy 26: *Natural defences against coastal hazards*

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

*Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.*

Policy 27: *Strategies for protecting significant existing development from coastal hazard risk*

- (1) *In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:*
- (a) *promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;*
  - (b) *identifying the consequences of potential strategic options relative to the option of 'do-nothing';*

- (c) *recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;*
  - (d) *recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and*
  - (e) *identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.*
- (3) *Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.*
- (4) *Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.*

### **Tasman Resource Management Plan (TRMP)**

7.5 The TRMP includes the following objective and policies for the management of natural hazards:

Objective - Subdivision, use or development of coastal land that avoids the need for protection works against hazards from natural coastal processes.

Policy 23.1.3.2 - To avoid developments or other activities that are likely to interfere with natural coastal processes, including erosion, accretion, and inundation, except as provided for in Policy 23.1.3.6.

Policy 23.1.3.3 - To prevent natural hazards being aggravated by subdivision, use or development, including off-site effects of any coastal protection works.

Policy 23.1.3.6 - To allow the establishment of coastal protection works only where:

- (a) the works are justified by a community need;
- (b) alternative responses to the hazard (including abandonment or relocation of structures) are impractical, impose a high community cost, or have greater adverse effects on the environment;
- (c) it is an inefficient use of resources to allow natural processes to take their course;
- (d) for works protecting individual properties, the works will not cause or exacerbate adverse effects on other properties in the vicinity;
- (e) any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes, do not adversely affect the natural character, natural processes or amenity values of the coastal marine area beyond the site of the work;
- (f) any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes do not adversely affect the natural character or amenity values of the coastal marine area;
- (g) public access to and along the foreshore is maintained or enhanced; and
- (h) other adverse effects of the work are avoided, remedied, or mitigated.

Policy 23.1.3.7 - To promote the maintenance and enhancement of coastal vegetation in areas at risk from coastal erosion.

### **The Coastal Structures Activity Management Plan**

- 7.6 Section 2.6 of the AMP refers to Coastal Protection and notes that there are significant lengths of coastal protection works in Tasman. Some of these are private works constructed with or without the appropriate consents, usually with the intent to protect built environments such as housing. Others are protecting the adjoining road asset that provides necessary access along the coast and therefore included in the transportation activity. It is noted that a substantial portion of these works are above Mean High Water Spring (MHWS) and not in the Tasman Coastal Marine Area.
- 7.7 Section 3.7. of the AMP outlines an interim coastal position where Council will only give consideration to allow any privately funded construction of shoreline protection structures on Council-owned land, for the purpose of protecting Council-owned land or private property, where a proposal is substantially compliant with the objectives and policies of the NZCPS and objectives, policies and rules of the TRMP, and Council's Reserves General Policies document. In any event Council retains complete discretion regarding authorisation of private structures on Council-owned land.

### **Climate Change**

- 7.8 Sea level rise predictions would suggest that coastal erosion and sea level inundation will become more significant issues for our coastal communities. Council is undertaking coastal hazard mapping around the District to inform our policy development and planning for inclusion in the Regional Policy Statement and TRMP review. Council will be starting engagement with the community in July.

## **8 Consideration of Financial or Budgetary Implications**

- 8.1 The costs varying depending on the option agreed. The work would be undertaken in the 2019/20 year and would be funded from a coastal protection operational budget in the reserves area.

## **9 Significance and Engagement**

- 9.1 This decision will be of high significance to residents who are seeking to utilise the rock for coastal protection on the seaward side of their properties, particularly as it is also on Council reserve, but of lower significance to the wider Tasman community. Other coastal property owners with existing or possible future coastal erosion potential will be looking to see how Council manages this situation. Council has held discussions over several years with residents in the Pakawau community seeking coastal protection works. Therefore, staff consider it is not necessary for Council to undertake further engagement with them or the wider community prior to making this decision.

**10 Conclusion**

10.1 The Pakawau beachfront community is anxious about foreshore erosion occurring on Council reserve threatening and potentially affecting their properties. Their resource consent application through the Association for a rock revetment was refused and they are now planning to sheet pile along the seaward boundary of their properties. As an interim or additional measure, they seek the return of some scattered rock to property frontages that was repositioned to the southern end of the beach during a recent sand pushup. This is unlikely to have any positive or enduring impact on slowing erosion, prevents Council from exercising shoreline management in an approved preferred manner, may expose Council to future liability, albeit a low risk, for any damage caused to private property and is not recommended. The residents believe that Council's preferred approach does not provide sufficient protection and that the historical placement of rocks was approved and therefore should be allowed to be re-placed.

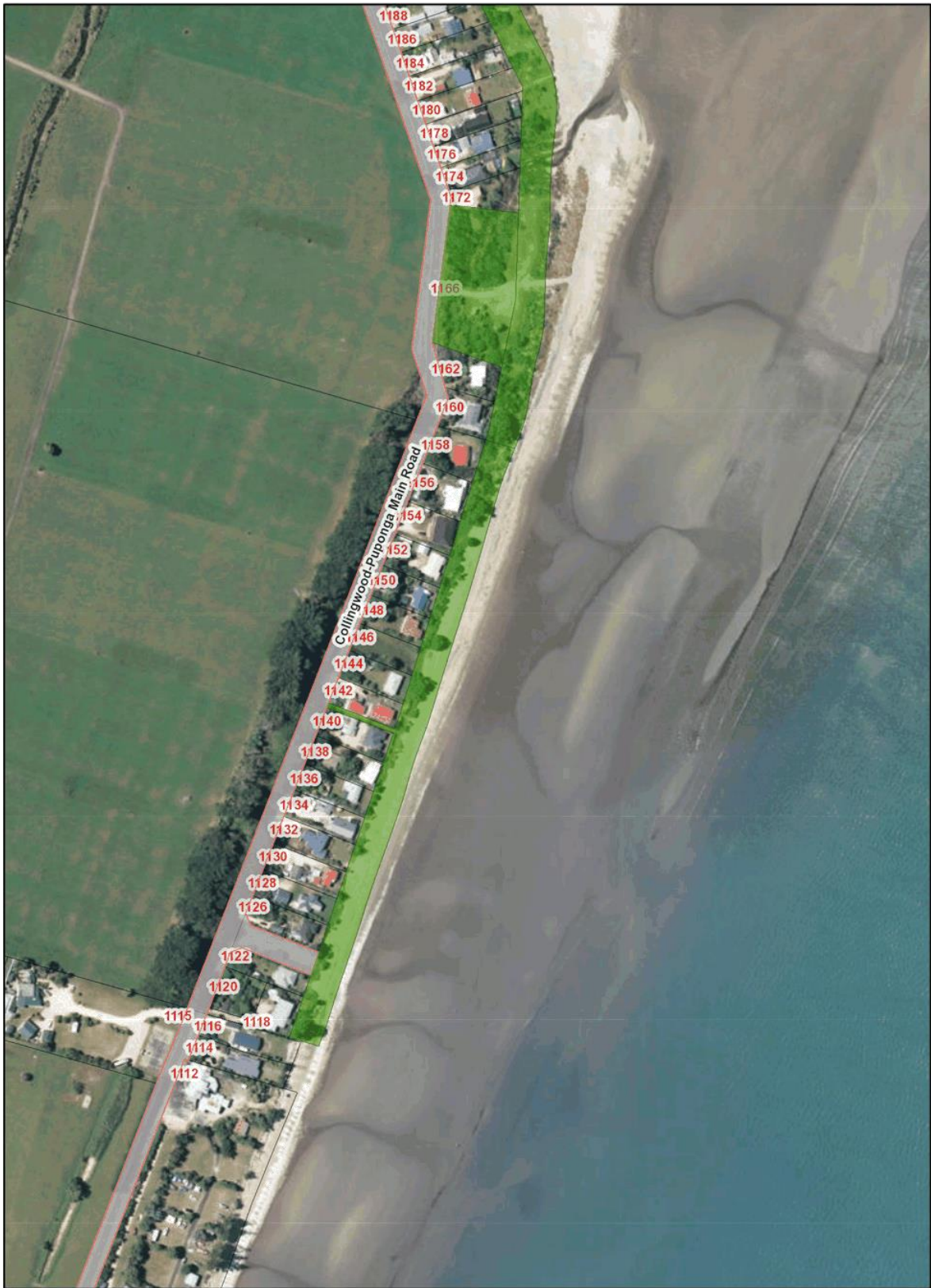
**11 Next Steps / Timeline**

11.1 The Association will be advised of your decision.

**12 Attachments**

1. Pakawau

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28 May 2019



**Pakawau**

