

**BEFORE THE HEARING COMMISSIONERS**

**UNDER** the Resource Management Act 1991

**IN THE MATTER OF** submissions and further submissions  
by the Director General of  
Conservation on the Proposed Kapiti  
Coast District Plan

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Statement of Evidence of Helen Marie Marr

on behalf of the Director-General of Conservation

Chapter 4 – Coastal Environment – Planning

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Dated: 25 July 2016

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## QUALIFICATIONS AND EXPERIENCE

1. My full name is Helen Marie Marr.
2. I am a planning consultant at Perception Planning Limited, of which I am also a Director.
3. I have a Bachelor of Resource and Environmental Planning (specialising in Environmental Science) with Honours from Massey University. I am also a qualified RMA decision-maker under the 'Making Good Decisions' programme.
4. I have over fifteen years experience in resource management and planning. My particular areas of expertise are in policy and plan development and natural resource management.
5. Since 2010 I have worked as a planning consultant for Perception Planning Limited, a specialist planning consultancy. My role involves working with a range of clients, including regional councils, special interest groups, and developers, to assist them in creating or working with planning documents. For example, I have recently worked with Greater Wellington Regional Council to assist its staff in preparing its second generation regional plan.
6. I am also currently engaged by the New Zealand Planning Institute to deliver a series of full day training courses on fresh water management planning under the RMA.
7. I recently presented evidence on behalf of Hawkes Bay and Eastern Fish and Game Councils to the Board of Inquiry on the Tukituki Catchment Proposal. My evidence focused on appropriate plan provisions for water allocation, water quality, water values and land use controls for the Plan Change 6 part of the Proposal.
8. Prior to joining Perception Planning I worked for the Horizons Regional Council for four years. I began working on the One Plan in August 2006, first as Senior Policy Analyst and Project Manager, and later as One Plan Manager. I was involved in the final stages of the consultative process prior to notifying the One Plan, managed the One Plan through the formal RMA First Schedule process and worked with other planners, technical experts, and consultants to assess the One Plan in response to submissions.
9. I presented expert planning evidence to the Environment Court on appeals to the One Plan, on the topics of biodiversity and water quality, including on the provisions relating to the control of farming activities.

10. I have also worked for the Ministry for the Environment ('MFE') in the RMA Policy team. There I worked on recommendations to the Select Committee on the 2005 RMA Amendments and on the early stages of development of a number of national policy statements and national environmental standards. I have also worked for Greater Wellington Regional Council as the Policy Section Leader for the Wairarapa Division.

### **Code of Conduct**

11. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. It is within my area of expertise, except where I state that I am relying on other evidence. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **SCOPE OF EVIDENCE**

12. I have been asked by the Department of Conservation ('DOC') to prepare evidence in relation to the Director-General of Conservation's ('the Director-General') submission on the coastal provisions of the Proposed Kapiti Coast District Plan ('proposed plan'). This includes the extent and definition of the coastal environment, and the policies addressing how use and development is managed in the coastal environment.

13. My evidence addresses the following issues:

- a. The correct definition and extent of the coastal environment
- b. The appropriate policy direction for managing natural character in the coastal environment
- c. The management of natural coastal processes and dunes

### **THE DIRECTOR GENERAL'S SUBMISSION**

14. The submission from the Director-General ('the submission') was made in two parts – submissions on the coastal provisions of the proposed plan, and submissions on the other provisions of the proposed plan. The Director-General also made further submissions on other parties' submissions on the coastal provisions.

15. My evidence is focussed on the coastal submissions and further submissions relevant to the coastal environment. The coastal submissions dealt with matters relating to coastal hazards provisions that have since been withdrawn by the council, so I do not address those submissions in this evidence.
16. The submission from the Director-General was largely supportive of the approach taken to the coastal environment in the proposed plan and sought amendments to policies to better give effect to the New Zealand Coastal Policy Statement ('NZCPS').

### **The extent and definition of the Coastal Environment**

17. The proposed plan includes a definition, policy description and mapped extent of the coastal environment. The mapped extent of the coastal environment was supported in the submission<sup>1</sup> and the policy was generally supported, with some minor amendments sought to the policy describing the coastal environment to ensure it properly gives effect to the NZCPS.
18. In this section of my evidence I begin by setting out the policy direction in the NZCPS and the Wellington Regional Policy Statement ('WRPS') regarding the extent and definition of the coastal environment. I will then discuss the definition of the coastal environment in the proposed plan, and the changes recommended in the s42A report.

### **Extent of the Coastal Environment - NZCPS**

19. The extent of the coastal environment is set out in Policy 1 of the NZCPS:

#### ***Extent and characteristics of the coastal environment***

*(1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.*

*(2) Recognise that the coastal environment includes:*

*(a) the coastal marine area;*

*(b) islands within the coastal marine area;*

*(c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*

*(d) areas at risk from coastal hazards;*

*(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;*

*(f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*

*(g) items of cultural and historic heritage in the coastal marine area or on the coast;*

*(h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and*

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<sup>1</sup> Through support for the approach to mapping the coastal environment and for the reference to the mapped extent in Policy 4.1

*(i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.*

20. Policy 1 does not require councils to identify and map the coastal environment in their plans. However, an understanding of the coastal environment is necessary to interpret and implement the other policies of the NZCPS.
21. DOC has prepared implementation guidance on Policy 1 (this is included in Appendix 1). In summary the guidance states that Policy 1 is to guide the implementation of the NZCPS and that it does not require the mapping of the coastal environment in plans. The guidance notes that defining the extent of the coastal environment on a map is difficult and should be done with caution. Any approach to defining the coastal environment should be informed by expert assessments by professional specialists including ecologist, geomorphologists, landscape and hazards experts. Because of the variation in values and their extent, the guidance note discusses how a combination of policy and maps may be appropriate and a series of overlays of different coastal values may be more appropriate than a definitive line.

### **Identifying the landward extent of the Coastal Environment – WRPS**

22. The Wellington Regional Policy Statement (WRPS) contains direction to the district council to identify the coastal environment in the plan<sup>2</sup>:

**Policy 4: Identifying the landward extent of the coastal environment – district plans**

*District plans shall include policies and/or rules to identify the landward extent of the coastal environment using the following criteria:*

- (a) any area or landform dominated by coastal vegetation or habitat;*
- (b) any landform affected by active coastal processes, excluding tsunami;*
- (c) any landscapes or features, including coastal escarpments, that contribute to the natural character, visual quality or amenity value of the coast; and*
- (d) any site, structure, place or area of historic heritage value adjacent to, or connected with, the coastal marine area, which derives its heritage value from a coastal location.*

23. The explanation of this policy states that “Active coastal processes include: storm surge, inundation, liquefaction, aeolian (the action of wind on coastal landforms and features, such as dunes), and the effects of sea level rise.”

### **Definition of the Coastal Environment – Proposed Plan**

24. The definition of the coastal environment in the proposed plan<sup>3</sup> is:

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<sup>2</sup>WRPS Operative 24 April 2013

***Coastal environment*** means the area mapped in the District Plan Maps to which the objectives and policies of the New Zealand Coastal Policy Statement is relevant. This includes all areas of sand dunes (and interdune wetlands) and coastal escarpments.

25. I have not seen any officer's recommendation to change this definition.
26. This definition is absolute in its definition of the coastal environment – the coastal environment is that area defined on the District Plan maps. The definition also provides that this is the area to which the objectives and policies of the NZCPS are relevant, which I interpret to mean the only area where the NZCPS applies
27. The proposed plan also includes policy 4.1 which sets out the criteria by which the coastal environment is identified and mapped in the District Plan. The policy and its explanation again sets out that the definition is absolute as the maps create certainty about the land to which the NZCPS and coastal provisions of the proposed plan apply.

**Does the definition of the Coastal Environment in the Proposed Plan and in the s42A report give effect to the NZCPS and WRPS?**

28. The submission largely supported the mapping and Policy 4.1, but did seek to amend the wording of the list of criteria in Policy 4.1 to better reflect the NZCPS.
29. Ms Lojkin recommends amending the coastal environment line in her s42A report, based on the advice in the Landscape and Coastal Environment Addendum from Isthmus Group Limited ('the Isthmus report'). This recommendation moves the coastal environment line considerably seaward of the line in the plan as notified.
30. Graeme La Cock, an ecologist and coastal and dune specialist has reviewed the amended coastal environment line. Mr La Cock has assessed the Kapiti District based on his knowledge of the area and reports on ecology in the area from DOC (the Protected Natural Areas Programme) and the Ecological Sites Schedule 3.1 and Outstanding Natural Features and Landscapes Schedule of the proposed plan. In Mr La Cock's opinion, a much larger area of the district meets the criteria in Policy 1 of the NZCPS to be considered 'coastal environment'. In his evidence, Mr La Cock identifies several particular areas that in his opinion are clearly formed by coastal processes and

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<sup>3</sup> Definition of coastal environment, Introduction and Interpretation Chapter 1, section 1.4, Proposed Plan

continue to be influenced by the coast (refer to paragraphs 25-28 of Evidence of Mr La Cock on behalf of the Director-General of Conservation).

31. I consider, based on the evidence of Mr La Cock, several places within the Kapiti Coast district which meet the definition of 'coastal environment' in Policy 1 of the NZCPS sit landward of the coastal environment line recommended by Ms Lojkine in her s42A report, and therefore would be outside the proposed plan's definition of 'coastal environment'.
32. In my view, this means that with the changes recommended in the s42A report to change the coastal environment mapping, the plan would not give effect to the NZCPS, because:
- a. it excludes areas of the district that meet one or more of the criteria of coastal environment in Policy 1 of the NZCPS; and
  - b. because these areas are excluded from the definition of coastal environment in the proposed plan, the 'coastal' policies of the plan relating to natural character do not apply to them.
33. In the Isthmus Report, it is noted that DOC staff provided council and Isthmus with marked up maps showing examples of coastal features 'stranded' outside the revised coastal environment line.<sup>4</sup> Isthmus have amended the coastal environment line to provide for some of these features.<sup>5</sup> However, as noted above, some coastal features still remain outside of the amended coastal environment line recommended in Ms Lojkine's s42A report.
34. Isthmus also recommend in their report that *"changes to the Coastal Environment policies are recommended to ensure greater consistency with the NZCPS and as a consequence to the redefined CE line"*<sup>6</sup> and to recognise *"the benefits of a finer grain of assessment in resource consent application in determining localised conditions"*<sup>7</sup>. I agree with both of these recommendations. In my opinion, if the coastal environment line is to move seaward as recommended, then the definitions and policies of the plan need to be amended to reflect that the line is not definitive and that the coastal environment exists, and the coastal policies and NZCPS are relevant, in areas landward of the line.

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<sup>4</sup> Page 50 of Addendum Report.

<sup>5</sup> Page 45 KDCDC Landscape and Coastal Environment Study Addendum Report FINAL for s42A 09/06/2016

<sup>6</sup> Page 46 Section 2.3.3

<sup>7</sup> Page 53 section 2.5.3

35. Ms Lojkiné picks up this point in her s42A report, noting that it is useful to determine the localised extent of the coastal environment in any particular resource consent situation<sup>8</sup>. However, the only recommendation she has made in relation to this is in the introduction to the assessment record sheets for the areas of outstanding natural character. No changes to the policy or definition are recommended to acknowledge that the coastal environment does in fact extend beyond the line recommended in the s42A report.
36. In my opinion, it is necessary for the policies and definition of the coastal environment in the plan to be amended to reflect the fact that the coastal environment line recommended in the s42A report does not reflect the full extent of the coastal environment. As the coastal environment line in the s42A report appears to have taken an approach that is more consistent with a 'coastal dominance approach' or 'area of active coastal influence'<sup>9</sup>, it would be more accurate to acknowledge that the recommended coastal environment line reflects the 'dominant coastal environment' and that the 'coastal environment' may extend beyond this line in some areas. Policy 4.1 of the plan already includes criteria for defining the coastal environment, and these criteria (with appropriate amendments discussed below) could be referred to identify the coastal environment on a case by case basis. This approach would allow the plan's policies on the coastal environment, including those on coastal natural character, to be considered when assessing resource consents in those areas which are outside the coastal dominance line, but which still meet the criteria for being part of the coastal environment. This approach would avoid the problem of the plan stating incorrectly that the NZCPS does not apply to coastal features outside the coastal dominance line.
37. My recommended wording to address the issues I have discussed are relatively minor changes to the definition of coastal environment and Policy 4.1 to reflect the fact that the coastal environment is everything within the line, and anything else outside the line that meets the coastal environment criteria in Policy 4.1. I consider that the mapped extent should not be called 'coastal environment' as it is not the full extent of the coastal environment, and to call it such is misleading. The mapping reflects the 'dominant coastal environment' and should be referred to as such. Full wording for the plan to reflect this is set out in Appendix 1, and the main elements are set out below.

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<sup>8</sup> s42A report Coastal Environment Chapter para 72

<sup>9</sup> Isthmus Report does not call this a 'coastal dominance approach' and refers to various approaches but I have chosen coastal dominance as a descriptor for policy purposes as it appears to reflect the outcome of the line drawn. There may be alternative terminology appropriate for the mapped area.

## 1.4 – Definitions

**Coastal environment** means the ‘dominant coastal environment’ area mapped in the District Plan Maps and any area that meets the criteria listed in Policy 4.1, to which the objectives and policies of the New Zealand Coastal Policy Statement ~~is~~ are relevant. ~~This includes all areas of sand dunes (and interdune wetlands) and coastal escarpments.~~

### **Policy 4.1 – Identify Coastal Environment extent**

The extent of the coastal environment is ~~identified~~ any area meeting any one or more of ~~and mapped in the District Plan,~~ using the following criteria:

aa) areas mapped in the District Plan as being part of the ‘dominant coastal environment’

a) ...

38. I have considered whether my recommended approach would add greatly to the costs of implementing the proposed plan. This approach would not necessitate any more resource consents to be required than the proposed plan, or the version recommended in the s42A report, as requirement for consent is not triggered by being in or out of the coastal environment, but rather by specified features (such as areas of high natural character, or dunes), and this will not change. The benefit of the approach I recommend is that it means the plan properly gives effect to the NZCPS and does not mislead plan users into thinking that the NZCPS does not apply to coastal features outside the area mapped in the proposed plan.

### **Coastal Environment Criteria in Policy 4.1**

39. The second issue relating to the definition of the coastal environment, is the criteria set out in the plan as to how the extent of the coastal environment is identified. The Director-General’s submissions identified three changes to Policy 4.1 to more accurately reflect Policy 1 of the NZCPS. The changes sought were:

- a. Amend clause a) to read: “areas or landforms dominated by coastal vegetation or habitat of indigenous coastal species”.
- b. Amend clause c) to read: “~~landscapes or elements and~~ features, including coastal escarpments, that contribute to the natural character, landscape, visual qualities or amenity values of the coast.”

- c. Add a new clause e) “physical resources and built facilities, including infrastructure, that have modified the coastal environment.”

40. Ms Lojkin identifies in the s42A report (and I agree) that the proposed plan is required to give effect to both the NZCPS and the Operative WRPS Policy 4. Proposed Policy 4.1 repeats WRPS Policy 4, but does not include some key elements of NZCPS Policy 1. In particular, Policy 4.1 does not include:

- a. Reference to “indigenous coastal species”, as set out in Policy 1(2)(e) of the NZCPS *“coastal vegetation and the habitat of indigenous coastal species including migratory birds”*
- b. Reference to “elements,” or “landscapes” as set out in Policy 1(2)(f) *“elements and features that contribute to the natural character, landscape, visual qualities or amenity values”*

41. As a result, in my opinion, Proposed Policy 4.1 does not give effect to the NZCPS, as it is required to do. In my opinion Policy 4.1 can be amended to include the missing elements from Policy 1 NZCPS while still giving effect to the WRPS. The ‘missing elements’ do not move the Policy away from giving effect to the WRPS, but rather add more depth and specificity to the meaning.

42. I have shown amended provisions in Appendix 2 that include the amendments sought by DOC for clauses a) and c). I have not recommended the amendments sought by DOC to include a new clause e). While this factor is part of Policy 1 NZCPS, in my opinion it is about recognising that the built environment is still part of the coastal environment. With the amendments I recommend Policy 4.1 is about providing criteria defining the coastal environment, and so it is not necessary to include a new clause e) this in the Policy.

### **Identifying, preserving and restoring natural character**

43. The Director-General made several submissions on the policies regarding natural character. The submissions sought that the policies give better effect to the NZCPS, in particular by:

- a. Seeking to ‘preserve’ natural character rather than ‘protect’ it;
- b. Reflecting the hierarchy of management of adverse effects set out in the NZCPS, being: avoiding adverse effects on areas of outstanding natural character, and

avoiding significant adverse effects on natural character in other areas, and avoiding remedying and mitigating other adverse effects on natural character as set out in NZCPS Policy 13.

- c. Promoting the restoration of natural character through other means, not just through subdivision and development.

44. The proposed plan has policies addressing high natural character only, it does not have any policy addressing natural character in other parts of the coast that do not have high natural character. Policy addressing natural character in other parts of the coast is necessary to give effect to the NZCPS and to recognise and provide for the preservation of natural character of the coastal environment required by s6(a) RMA. As areas of outstanding natural character have also now been identified an appropriate policy framework to avoid adverse effects on natural character in these areas is also required. As proposed, the proposed district plan does not give effect to the NZCPS, in particular Objective 2, Policy 13 and Policy 14.

45. In particular Policy 13 of the NZCPS directs the preservation of natural character of the entire coastal environment, and sets up a hierarchy of management of effects:

- a. Adverse effects of activities on natural character must be avoided in areas of outstanding natural character<sup>10</sup>;
- b. Significant adverse effects of activities on natural character in all other areas must be avoided<sup>11</sup>;
- c. All other adverse effects of activities on natural characters in all other areas must be avoided, remedied or mitigated<sup>12</sup>.

46. In my opinion, the changes recommended by Ms Lojkine to Policies 4.2 and addition of Policy 4.3 (relating to outstanding natural character) and Policy 4.4 (relating to management of activities affecting natural character) go some way to addressing the concerns raised in the Director-General's submission, and go some way to giving effect to the NZCPS.

47. However, in my opinion, the changes recommended by Ms Lojkine are potentially confusing. In particular, the policies in the s42A report relating to natural character

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<sup>10</sup> NZCPS Policy 13(1)(a)

<sup>11</sup> Policy 13(1)(b)

<sup>12</sup> Policy 13(1)(b)

contain direction to 'preserve natural character' by managing activities to avoid adverse effects (Policy 4.4) and while Policy 4.5 is titled '*Preservation* of natural character' it is actually about *protecting* areas of high and outstanding natural character from inappropriate use and development, and does not mention preservation of natural character at all. Policy 4.5(e) directs 'managing activities which have adverse effects on natural character...' but does not direct what that management should be. This could potentially lead to confusion about whether simply 'managing' adverse effects is required, or management consistent with the hierarchy of management set out in Policy 4.4 is required by the policies in the proposed plan.

48. In addition, the management approach set out in Policy 4.5 (was 4.3) is appropriate to apply to natural character throughout the coastal environment, not just areas of outstanding and high natural character.

49. In my opinion the matters raised by the Director General and others in their submissions relating to the management of natural character can be addressed in a more simple and clear manner with fewer changes to the provisions. I recommend one policy that addresses all effects on natural character in a manner consistent with the NZCPS, instead of separate policies with different directions. I show my recommended wording below (with the changes shown as compared to the proposed plan) and in Appendix 2.

#### Policy 4.2 – Identify natural character

Areas of outstanding natural character and areas of high natural character ~~and natural coastal features~~ in the coastal environment are identified and mapped in the district plan using the following criteria:

- a) natural elements, systems, processes and patterns, which are relatively unmodified;
- b) the presence of water (lakes, rivers, sea), geological and geomorphological features;
- c) natural landforms and landscapes which are legible and uncluttered by structures or 'obvious' human influence including the natural darkness of the night sky;
- d) places dominated by natural patterns such as the natural movement of water and sediment;
- e) places or areas that are wild or scenic including the presence of vegetation (especially native vegetation) and other ecological patterns.

#### Policy 4.3 – ~~Protection~~ Preservation of natural character

Preserve Areas of high natural character in the coastal environment, ~~significant natural~~

~~coastal features and habitat will be protected by~~ and protect it from inappropriate subdivision, use and development, including by:

aa) avoiding adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character;

ab) Avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects of activities on natural character in all other areas of the coastal environment;

a) reinstating dunes which function as natural buffers for as much of the coast as practicable;

b) providing managed public access ways to the beach and avoiding damage to dunes from unmanaged access;

c) avoiding encroachment of permanent structures and private uses onto the beach or public land;

d) removing existing unnecessary structures and associated waste materials from the beach;

~~e) preventing new activities which have adverse effects on natural character values;~~

f) retaining a natural beach and foreshore including a dry sand beach where possible.

50. On the topic of provisions addressing natural character, I note that the Objective 2.4 relating to natural character, with the amendments recommended in the s42A report for Chapter 2 only refers to areas of high and outstanding natural character. In its proposed form it referred to natural character more generally. The changes recommended in the s42A report move the objective further away from giving effect to the NZCPS and in my opinion are inappropriate for this reason. DOC provided suggested wording amendments for Objective 2.4(a) to the hearing on Chapter 2. I have reviewed those suggestions, and I consider them to address the issues I have identified with the wording recommended in the s42A report for that Chapter, and to appropriately give effect to the NZCPS. The recommendations I have made to the coastal policies in this evidence are consistent with, and appropriately achieve the objective as suggested by DOC.

51. The Director-General's submission supported the rules and standards in the coastal environment chapter and sought that they be retained. This includes the rules controlling activities in areas of high natural character. I attended the coastal overview hearing on 14 July, and I noted that in her overview statement Ms Lojkin stated that she intended to recommend that changes be made to rules in chapter 4 to provide for earthworks for

stream and river maintenance<sup>13</sup>. Ms Lojkine did not give details of what her recommendations were. I can update my evidence on this matter at the hearing after I have seen the changes recommended by Ms Lojkine.

### **Natural coastal processes and management of dunes**

52. Natural coastal processes and natural dunes are addressed in two policies in the proposed plan: Policy 4.6 – Natural coastal processes and Policy 4.7 Natural dunes. These policies were largely supported in the Director-General’s submission, with amendments sought to acknowledge that a strategic approach is required to the management of hazards and shoreline movement, and for the dunes policy to be expanded to recognise the value of other natural defences (such as beaches), the value of natural defences as a buffer against short term storm erosion, and the need for strategic approaches to managing erosion in different parts of the Kapiti Coast District.
53. After the plan was proposed, and after submissions were made, the Council made the decision to withdraw the parts of the proposed plan addressing coastal hazard management. As a result of this three of the six ‘best practice coastal management options’ referred to in Policy 4.6 were removed from the proposed plan: managed retreat, building and development controls, and coastal hazard management areas.
54. The withdrawal of these options from the list, has changed the emphasis of the policy, or at least the options listed, from a balanced approach giving options to manage natural systems through engineering as well as manage development and retreat, to one focussed only on managing natural systems through engineering.
55. Ms Lojkine has in my opinion increased this imbalance by recommending changes to the policy to move from ‘accommodating’ natural shoreline movement to ‘addressing it’. The policy as she recommends it (renumbered in the s42A report to Policy 4.8) becomes a direction to address shoreline movement through best practice including management of natural systems such as dunes.
56. Similarly, Ms Lojkine has removed all reference to natural dune systems as a buffer for coastal hazard effects, and natural migration inland in her recommended Policy 4.9. It directs that natural dune function will be enabled ‘where practicable’, without providing

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<sup>13</sup> Paragraph 4.2 Coastal Overview: Chapter 4: Coastal Environment. Frances Lokine 13 July 2016

guidance as to in what circumstances or by what criteria natural dune function is practicable.

57. The overall direction provided by the NZCPS in relation to managing development in areas prone to natural hazards is to take a strategic approach to identifying appropriate management of natural hazard risk and:

- a. to discourage the use of hard protection structures<sup>14</sup>, and
- b. promote alternatives to hard protection structures<sup>15</sup>, and
- c. provide for the protection, restoration or enhancement of natural defences, including beaches, estuaries and dunes<sup>16</sup>, and
- d. focus on approaches that reduce the need for hard protection and engineering<sup>17</sup>, and
- e. recognises that hard protection structures may be necessary to protect existing infrastructure of national or regional importance<sup>18</sup>, and
- f. the environmental and social costs of permitting hard protection structures to protect private property should be considered<sup>19</sup>, and
- g. hard protection structures should be designed to minimise adverse effects on the coastal environment<sup>20</sup>, and
- h. hard protection structures should not be located on public land if there is no significant public or environmental benefit in doing so<sup>21</sup>.

58. I acknowledge that the Council has made a decision to address coastal hazard management in a further plan change or variation to this proposed plan. To that extent I accept that it is not possible for the proposed plan to fully give effect to the NZCPS coastal hazard provisions. A fully strategic view of coastal hazard management is necessary to do that, and this cannot be done without consideration of land use controls,

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<sup>14</sup> NZCPS Policy 25(e)

<sup>15</sup> Policy 25(e)

<sup>16</sup> Policy 26

<sup>17</sup> Policy 27((2)(a)

<sup>18</sup> Policy 27(1)(c)

<sup>19</sup> Policy 27(1)(d)

<sup>20</sup> Policy 27(3)

<sup>21</sup> Policy 27(4)

and those options are effectively 'off the table' for consideration for this proposed plan at this point in time.

59. However, it is my opinion that where the plan policies do address matters that are dealt with in the NZCPS, such as dune and shoreline management, then the policies should go as far as possible to giving effect to the NZCPS, and at a minimum should be 'moving in the same direction' as the NZCPS requires.
60. In my opinion, the recommended changes to policies Policy 4.8 and 4.9 (as renumbered in Ms Lojkine's report) move the proposed policies further away from giving effect to the direction in the NZCPS. I acknowledge that some of that change in direction has come 'inadvertently' as a result of the council decision to withdraw some parts of the policies as part of their decision to remove provisions relating to the coastal hazard management area. However, in my opinion it would be inappropriate for the policies to be further amended in the manner recommended by Ms Lojkine.
61. It is difficult for me to recommend any changes in wording that would better address the appropriate response to the direction in the NZCPS around natural hazard management, as this requires a strategic response, which as discussed above, is not possible at this time. At a minimum, I recommend that the policies not be amended as recommended by Ms Lojkine, for the reasons set out above. I have recommended some changes in Appendix 2 which better align the policies with the NZCPS, and provide an appropriate platform from which further changes can be made as part of the coastal hazards plan change or variation in the future.

## **CONCLUSIONS**

62. The proposed plan is required to give effect to the NZCPS. The proposed plan, as notified, largely did give effect to the NZCPS, with some changes to policies to better reflect the content of the NZCPS, as sought in the Director-General's submission.
63. Changes recommended in the s42A report to amend the coastal environment line are inappropriate because they do not reflect the full extent of the coastal environment as provided for in Policy 1 of the NZCPS.

64. If the mapped line is to remain in the plan, it should be renamed 'dominant coastal environment' and the definitions and policies should be amended to reflect the fact that the coastal environment also exists beyond this mapped line.
65. It is necessary and appropriate to amend the policies relating to natural character to ensure that there is a clear management hierarchy to deal with effects on natural character outside mapped areas of high natural character.
66. The policies relating to dunes and shoreline retreat do not fully give effect to the NZCPS, and changes recommended in the s42A report move the policies further away from giving effect to the NZCPS. In the absence of a strategic approach to managing natural hazard risk, these policies should be as consistent as possible with the NZCPS.

**Helen Marie Marr**

**DATED** this 25<sup>th</sup> day of July 2016

**APPENDIX 1 – NZCPS 2010 GUIDANCE NOTE POLICY 1: EXTENT AND CHARACTERISTICS OF THE COASTAL ENVIRONMENT**

## APPENDIX 2 – PLAN PROVISIONS REFERRED TO IN EVIDENCE

Base document is PDP, including numbering.

### From 1.4 – Definitions

**Coastal environment** means the ‘dominant coastal environment’ area mapped in the District Plan Maps and any area that meets the criteria listed in Policy 4.1, and to which the objectives and policies of the New Zealand Coastal Policy Statement ~~is~~ are relevant. ~~This includes all areas of sand dunes (and interdune wetlands) and coastal escarpments.~~

Note: Amendments are also needed to the introductory text for Chapter 3 to reflect final approach

### Policy 4.1 – Identify Coastal Environment extent

The extent of the coastal environment is ~~identified~~ any area meeting any one or more of ~~and mapped in the District Plan, using~~ the following criteria:

- aa) areas mapped in the District Plan as being part of the ‘dominant coastal environment’
- a) areas or landforms dominated by coastal vegetation or habitat of indigenous coastal species;
- b) landform affected by active coastal processes, excluding tsunamis;
- c) ~~landscapes~~ elements or features, including coastal escarpments, that contribute to the natural character, visual quality or amenity value of the coast; and
- d) sites, structures, places or areas of historic heritage value adjacent to, or connected with, the coast, which derive their heritage value from a coastal location.

### Policy 4.2 – Identify natural character

Areas of outstanding natural character and areas of high natural character ~~and natural coastal features~~ in the coastal environment are identified and mapped in the district plan using the following criteria:

- a) natural elements, systems, processes and patterns, which are relatively unmodified;
- b) the presence of water (lakes, rivers, sea), geological and geomorphological features;
- c) natural landforms and landscapes which are legible and uncluttered by structures or ‘obvious’ human influence including the natural darkness of the night sky;
- d) places dominated by natural patterns such as the natural movement of water and sediment;

e) places or areas that are wild or scenic including the presence of vegetation (especially native vegetation) and other ecological patterns.

### Policy 4.3 – ~~Protection~~ Preservation of natural character

~~Preserve Areas of high natural character in the coastal environment, significant natural~~

~~coastal features and habitat will be protected by~~ and protect them from inappropriate subdivision, use and development, including by:

aa) avoiding adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character;

ab) Avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects of activities on natural character in all other areas of the coastal environment;

a) reinstating dunes which function as natural buffers for as much of the coast as practicable;

b) providing managed public access ways to the beach and avoiding damage to dunes from unmanaged access;

c) avoiding encroachment of permanent structures and private uses onto the beach or public land;

d) removing existing unnecessary structures and associated waste materials from the beach;

e) preventing new activities which have adverse effects on natural character values;

f) retaining a natural beach and foreshore including a dry sand beach where possible.

### Policy 4.4 – Restore natural character

~~Subdivision and development in the coastal environment will support~~ Promote restoration of natural character ~~values in the coastal environment including~~ through:

a) creating or enhancing indigenous habitats and ecosystems, using local genetic stock;

b) encouraging natural regeneration of indigenous species, while effectively managing weed and animal pests;

c) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarshes;

d) restoring and protecting riparian and intertidal margins; or

e) removing coastal structures and materials that do not have heritage or amenity values; or

f) redesign of structures that interfere with ecosystem processes.

#### Policy 4.5 – Amenity and public access

~~Subdivision and development in the coastal environment will~~ Maintain and enhance amenity values in the coastal environment, such as open space and scenic values, and provide opportunities for recreation and the enjoyment of the coast, including the enjoyment of a high tide dry beach by the public and public access to and along the coast, ~~while minimising any significant adverse effects on the public's use and enjoyment of the coast.~~

#### Policy 4.6 – Natural coastal processes

Natural shoreline movement will be accommodated and the resilience of coastal communities will be increased by using ~~the~~ best practice coastal management options, including some or a combination of the following:

- a) dune management;
- b) inlet management;
- c) engineering measures;
- ~~d) managed retreat;~~
- ~~e) building and development controls; and~~
- ~~f) Coastal Hazard Management Areas~~

#### Policy 4.7 Natural defences ~~dunes~~

Recognise the value of natural defences, including ~~n~~ Natural dune systems, beaches, wetlands, and coastal vegetation and will be protected and enhanced ~~them~~, as natural defences as a buffer for coastal hazard effects including as a buffer against short term periodic storm erosion and enable these natural defences to migrate inland in response to shoreline retreat.