

**Summary of Submissions
Attachment one**

Issue one: Support for policy review and prioritising significant coastal structures for maintenance and renewal

Submission	Issue	Option
32, 40, 44, 64 72, 75	Agree that Council needs to focus on significant assets	This issue is discussed in paragraphs 24 to 26 and table one of the main report.
49	General support for providing clarity on how we will protect activity in the future	
64	Acknowledge current and future costs of erosion protection	
1, 2, 17, 62, 63, 67	Supports prioritisation but wants Council to continue maintenance of all seawalls	
20, 41, 59, 61, 65,	Do not support prioritisation- council should maintain all seawalls through rates	
61, 66	Council should maintain all seawalls	
72	Council responsible for maintaining seawalls that protect inner harbour walkways as they are an essential council amenity	
74	Need broader approach and engagement to manage issues of climate change and sea level rise	
25	Policy review waste of money as sea level increase minimal, existing walls will not protect against sea level rise	

Issue two: Approach to the protection of private property adjacent to reserves and other council land (draft clauses 5.2.4 and 5.2.5)

Submission	Issue	Option
8, 14, 15, 32, 42, 44, 49, 53, 75	Support private landowners to take over maintenance	This issue is discussed in paragraphs 27 to 33 and tables two and three of the main report.
42	Support private landowners to maintain only and prohibit new structures	
50	Support private landowners <u>to maintain only</u> and not restrict public access	
8, 16, 39, 53	Support private landowners to build protection structures on public land	
19, 23, 32, 50	Support with appropriate consenting and guidelines	
44	Support private landowners to take over maintenance subject to an assessment of value of property and effects assessment	
1, 2, 3, 17, 48, 60, 2, 67	Do not support	

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12, 42	Do not support private hard protection structures on public land or construction of new structures to protect private property	
1, 3, 13, 48, 63	Do not support as will lead to privatisation of public space or loss of public access	
19, 63	Incorrectly understands that draft policy is transferring ownership of accessways or reserve land	
35	Neutral – would require careful contract wording and charge against the property	

Issue 3: Funding arrangements for privately maintained protection structures

Submission	Issue	Option
2, 15, 17, 20, 41, 42, 59, 62, 65, 66, 67	Maintenance of seawalls should be funded from rates as a council responsibility	This issue is discussed in paragraphs 34 to 36 and table four of the main report.
3, 12	All ratepayers should not bear burden of protecting properties in natural hazard areas	
4	Private landowners who benefit from taking on private structure should compensate Council	
39	Support landowners who take over maintenance	
18	Support landowners take over maintenance but consider financial ability of landowner. This liability applies on sale of property.	
19, 59, 65, 75	Targeted rate or other cost sharing arrangement for maintenance of seawalls that provide benefit for adjacent landowners	

Issue 4: Criteria for assessing when Council will maintain, renew or remove structures (draft clauses 5.1.1 to 5.1.7 and schedule one).

Submission		
54	Amend schedule to include “effects on tangata whenua sites and values”	This issue is discussed in paragraphs 37 to 44 and tables five to nine of the main report.
54	Add “Heritage New Zealand Pouhere Tangata 2014” to list of relevant legislation	
54, 57	The policy does not specifically mention the effects of protection structures on archaeological and cultural areas	
54	Soft engineering approaches can also damage archaeological sites. Schedule one should apply to both soft and hard protection options.	
49	Add “relocation” to draft clause 5.1.4	
44	Hard protection structures last port of call	
28	Managed retreat as preference	

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54, 55, 57	Support soft protection options or other options that prioritise ecological values over protection structures
57	The policy does not mention impact of structures on surf breaks
38	Add “community benefit derived from use of and access to a reserve or adjacent environment” to the schedule
38	Schedule to apply to coastal environment management. Scope of policy to apply to coastal environment
64	Council should be required to protect its own land where that land is adjacent to protected private property

Issue 5: Consents for private protection structures

Submission	Issue	Option
49	Specify consent from Bay of Plenty Regional Council rather than generic consents	This issue is discussed in paragraphs 45 to 47 and table ten of the main report.
49	Specify in policy that structures need to consider regional coastal and environmental plans, and the New Zealand Coastal Policy Statement	
68	Allow existing council protection structures to be used as mitigation for the purposes of issuing building consents under section 71 of the Building Act 2004	

Other issues relating to matters managed through the Resource Management Act or other legislation.

- The draft policy only includes a note commenting on the potential requirement for consents as it is prepared under the LGA 02. However, some submitters commented on the consents process (either building or resource consent) for protection structures. Table six below notes these issues and provides a suggested response. However, no changes to the policy are required.

Table 6: Staff responses to submissions on issues managed through consenting processes.

Submission	Issue	Staff response
10	If private landowner takes over maintenance exemption for costs, including for health and safety	Councils must consider health and safety as part of asset management decisions.
16, 32, 53, 54, 55, 64, 65	Consenting should be made easier or more streamlined	The draft policy is prepared under the LGA 02. As consenting is addressed through the Building and Resource Management Acts, there is no scope to address these issues in the policy. They can be addressed as an operational matter by staff.
70	Pro forma consent for maintenance of existing structures	

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7, 16, 64	Council should have a preferred design for seawalls or detail on what an approved structure” is	It is unlikely a standard design could be developed that would apply to all locations due to the nature of the coastal environment.
16	Use plan M1032 or other generic plan to encourage property owners to build seawalls.	Plan M1032 was included in 2002 guidance on structures management. As such, it is likely superseded. This policy outlines the approach council will take in protecting council activities and assets from coastal effects, including erosion, with some reference to protection of private property adjacent to our esplanade reserves. Any future decision on how to manage private property at risk from erosion (such as by encouraging property owners to build seawalls) is outside the scope of the policy.
16, 39, 50, 51, 53, 55, 64	A discounted fee or free consent for seawalls	The costs of building private protection structures is outside the scope of the policy. These costs could be reviewed as part of the fees and charges. Resource consent costs are also set by the regional council.
75	Private structures on public land should be managed holistically to avoid piecemeal construction, with potential effects on the environment	Effects on the environment are managed through the resource management process.
8	Council shouldn't block an idea because it doesn't "fit" our ideas	Council is required to ensure that any plans for a protection structure or other erosion mitigation meets consent requirements (if necessary).

Other issues outside scope of policy review

2. Submitters also commented on issues outside the scope of the policy (although related to the coastal environment or other council work programmes). These issues included objections to city plan rules, recent coastal hazards mapping work, Mauao base track repairs, and historic encroachments in to the esplanade reserve.

Table 2: Staff responses to submissions outside scope of policy review

Other issues		
Submission	Issue	Staff response
51	Notes poor state of some structures around Matua	Bay of Plenty Regional Council undertook a project over summer 2019/2020 to identify unconsented structures.
12	Notes concern about private encroachment	Council's Encroachment on to Reserves Policy discourages private or commercial occupation and exclusive use of public reserves. The policy provides for a programme of work to remove encroachments that impede public access.

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		As noted in the main report, provisions allowing private protection structures on council land are counter to the encroachments policy. The encroachments policy is currently under review.
6, 13, 49, 50	Encroachments on esplanade reserve around Forrester Drive, Welcome Bay	The Spaces and Places team have started a project to remove historic encroachments into the esplanade reserve. This is part of a wider project to formalise access along this esplanade reserve.
71, 73	Oppose walkway on esplanade reserve around Forrester Drive, Welcome Bay	One of the purposes of esplanade reserves defined on the Resource Management Act 1991 is to facilitate public access to the water. Spaces and Places are working with property owners adjacent to the Forrester Drive esplanade reserve to provide this access. Encroachments may be removed as part of this project.
73	Council contingency plans or options for each address	While the policy recognises that some structures have a secondary benefit of protecting private property, the policy applies to the protection of council's assets. Council has no legal obligation to protect private property from naturally occurring erosion. Any future decisions on the maintenance or renewal of the protection structure along Forrester Drive will require assessment against this policy.
32, 64, 71	Council should return land taken for esplanade reserves to landowners	The function and purpose of esplanade reserves is outlined in the Resource Management Act 1991, While public access to esplanade reserves may not be possible, they may still be required for other purposes such as preserving habitat or improving water quality. Therefore, returning esplanade reserves to landowners where public access is not possible is unlikely. The draft policy is about when and how we will protect esplanade reserves in the future, not a discussion on future ownership.
35	Mauao base track	Repairs to the Mauao base track were completed in December 2019. As Council-administered land, any structure to protect Mauao would be subject to this policy as well as the Mauao Historic Reserve Management Plan. Decisions would also be required to have the support of the iwi owners and the Mauao management body.
50, 55	Setback on waterfront properties to protect natural character	Under Rule 14B.3.4 c) of the Operative Tauranga City Plan, "all buildings, excluding minor structures and activities, shall be setback a minimum of 15 metres from Mean High Water Springs". This setback is not a matter being addressed by the draft policy which is

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		<p>being developed under the Local Government Act 2002.</p> <p>As a City Plan provision, Rule 14B.3.4.c) is subject to the plan development/change processes set out in the Resource Management Act 1991. It is noted that the Operative City Plan is due to be reviewed in 2023 and this process provides for all City Plan provisions including Rule 14B.3.4 c) to be reviewed and subject to public submissions.</p>
52	Various issues related to Kulim Park	<p>The submission has been provided to the Spaces and Places team as part of the Kulim Park redevelopment project.</p> <p>The council is not the owner of the yacht club building. The boat ramp is programmed for renewal within the next eight years. Decisions on the renewal of the boat ramp will be subject to this policy.</p>
10, 14, 30, 40, 71	Reference to maintenance required at a specific seawall or other location in a reserve	Spaces and Places will investigate existing maintenance issues raised as part of submissions. Staff will contact these submitters to update them on any maintenance decisions following investigation.
68	Submitter concerned council establishing policy from basic or rudimentary report	The coastal erosion assessment (2019) is a technical assessment completed by Tonkin and Taylor Ltd (T+T) and forms part of Tauranga Harbour Coastal Hazards Study commissioned by Bay of Plenty Regional Council in partnership with Tauranga City Council and Western Bay of Plenty District Council. The erosion assessment examined the erosion potential of the harbour's shoreline and cliff faces including the impact of this based on a range of sea level rise scenarios based on the most up-to-date Government guidance. This study did not include site specific detail such as the presence of private protection structures.
55	Removal of inundation notices where "residents implement suitable erosion protection"	<p>Private protection structures were not included in this study for various reasons, including lack of information on the design, maintenance and overall condition of private protection structures. Moreover, it is unlikely private protection structures are of a scale that would prevent water overtopping the structure during a storm surge (harbour inundation/ flooding) event.</p> <p>The motivation for reviewing the 2006 policy was to ensure management of council structures was future-focused and financially prudent. This policy review is prepared under the LGA 02, whereas the T and T assessment and other coastal hazard assessments will inform ongoing resource management planning processes.</p> <p>It is noted that property owners have the opportunity to commission their own site-specific assessments on</p>

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		inundation and erosion to support any building consent and/or resource consent applications that relate to their property.