



# TASMAN DISTRICT COUNCIL

Coastal erosion protection structures on Council Reserve Land

June 2024



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# The Policy

## Purpose

The issue of whether coastal erosion protection structures can be established on Reserve Land<sup>1</sup> involves a number of complex legal and policy issues. It is important to ensure all relevant matters are considered consistently and transparently by the Council and that those seeking approval for such structures are aware of the issues involved and matters that need addressing.

The purpose of this Policy is to provide guidance on the process and considerations involved when a private landowner wishes to establish a coastal erosion protection structure on Reserve Land. It:

- Sets out what private landowners need to do to be able to seek landowner approval from the Council to allow use of Reserve Land for such a structure, and
- Details the matters Council will consider, including the requirements of the Reserves Act 1977 (**Reserves Act**) and other relevant matters, that Council has to apply when making landowner approval decisions.

It also touches on other consents likely to be required (such as resource consent and building consent) but only to identify the need for them, rather than providing detailed guidance on those processes. It also addresses Council likely response to unlawful structures built on Reserve Land.

## Who does it apply to?

This Policy applies to landowners who wish to consider coastal erosion protection structures on Reserve Land adjacent to their property. It aims to provide an understanding of what is required to seek approval from the Council for use of the Reserve Land, including:

- the processes that need to be followed and how to navigate them;
- the matters the Council is likely to take into account;
- Council's expectations of what is required from landowners to use Reserve Land for this purpose; and
- what landowners will need to do if they wish to pursue this option.

This Policy is also for Council, when processing requests for landowner approval for use of Reserve Land - providing a guide to the processes to be followed and the matters the Council is likely to

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<sup>1</sup> **Reserve Land** is all land in the Tasman District declared and classified as a local purpose (esplanade) reserve, recreation reserve or historic reserve under the Reserves Act, which is on the coast, above MHWS, potentially subject to erosion by the sea and where Council is the owner of the land (or it maintains it as the administering body and has delegated authority to deal with landowner approvals).



consider, to ensure consistent and robust decision making in relation to hard coastal erosion protection structures on Reserve Land.

This Policy only applies to coastal erosion protection structures proposed on local purpose (esplanade) reserve, recreation reserve or historic reserve under the Reserves Act, which is on the coast, above MHWS, potentially subject to erosion by the sea and where Council is the owner of the land (or it maintains it as the administering body and has delegated authority to deal with landowner approvals). It does not apply to any other type of reserve, including road reserve or to unformed legal road. Separate decision-making processes apply to these other types of reserve.

## Outline of landowner approval process for Reserve Land

The flowchart below provides a summary of the landowner approval process under the Reserves Act:

**Steps 1 - 3:** Set out the key steps which must be considered before landowner approval for a coastal erosion protection structure can be obtained. In the event that a proposal for a coastal protection structure does not meet one of those requirements, the Council cannot provide landowner consent as a matter of law.

**Steps 4 - 7:** Set out the other matters the Council will consider when deciding whether to approve the proposal for the coastal erosion protection structure on Reserve Land. While at this stage the Council can grant landowner approval as a matter of law, it still needs to decide if it is desirable to do so and these considerations will be part of that assessment.

**Step 8:** Considers the Local Government Act 2002 (**LGA02**) decision making principles. These must be considered when making a decision in relation to landowner approval under the Reserves Act.

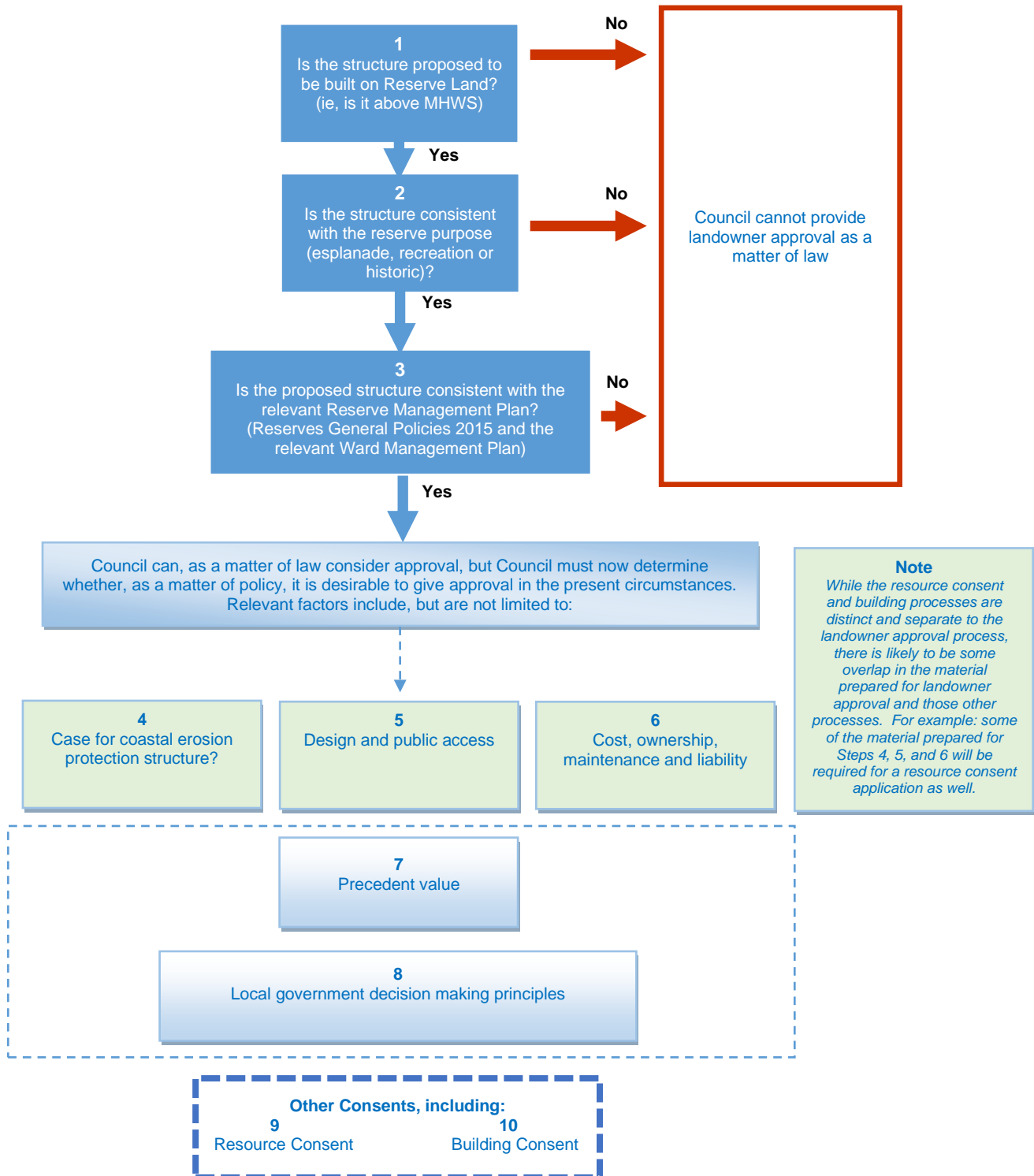
**Steps 9 and 10:** Address the requirements for resource consent and/or building consent, which sit outside the Reserves Act process. If a proposal for a coastal erosion protection structure successfully obtains landowner approval under the Reserves Act, there is no guarantee that any other necessary consents will be approved. They will follow their separate regulatory processes as determined by the relevant legislation. They are very important as no coastal erosion protection structure will be able to proceed until *all* necessary approvals are obtained and these decisions are made subject to different criteria and under different processes. The granting of Landowner Consent under the Reserves Act does not provide any indication of success in any subsequent/parallel processes. The Council as landowner seeks that its approval is obtained before an application is made for a resource consent under the Resource Management Act 1991(RMA) (or any replacement legislation).<sup>2</sup> Council as the landowner of any land subject to a resource consent will be considered an affected party and Council reserves the right to require its approval as landowner to any structure on the reserve before providing its approval as part of the resource consenting process.

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<sup>2</sup> At the time of writing, Central Government has indicated an intention to reform the RMA.



# Flowchart - landowner approval process - Reserve Land





# Application of this Policy

## Applies to 'Reserve Land' in the Tasman District

This Policy covers all land in the Tasman District that is:

- declared and classified as a local purpose (esplanade) reserve, recreation reserve or historic reserve under the Reserves Act;
- on the coast;
- above Mean High Water Springs (MHWS);
- potentially subject to erosion by the sea; and
- owned by the Council (or maintained by the Council as the administering body of the reserve and for which it has delegated authority to deal with landowner approvals).

This Policy does not apply to road reserve or unformed legal road.

The Council reserves itself discretion to apply this Policy to land that Council manages and maintains for recreation, historic and esplanade purposes, but which is not formally vested as reserve or not yet declared or classified as reserve.

## Applies only to hard protection structures

This Policy addresses hard protection structures only, including (but not limited to) sea walls, rock revetments, and any other form of longshore solid artificial structures. This is because these are structures that are not generally encouraged by Council on Reserve Land but are often requested by landowners.

The Council's preference is (where viable) to use sustainable natural solutions to manage coastal hazards and vulnerabilities on coastal reserves, to minimise the impact on the natural environment and promote natural resilience.

If a landowner wishes to pursue natural solutions on Reserve Land, that should be done in consultation with Council to determine if it can be done and whether it can form part of the Council's Coast Care management programme.

## Who can apply?

Any landowner on the coast who has Reserve Land adjacent to their property may apply to Council for landowner approval to construct a coastal erosion protection structure on Reserve Land.



# Landowner approval under the Reserves Act 1977

## The Reserves Act - legal requirements

Where land is administered by Council as reserve (in this case local purpose (esplanade) reserve, recreation reserve or historic reserve), the Reserves Act requirements have to be followed. In particular:

- a reserve is required to 'be held and administered for the purpose or purposes for which it is classified and for no other purpose' (section 16(8) of the Reserves Act);
- the Council, as administering body, is charged with 'administering, managing, and controlling the reserve under its control and management in accordance with the appropriate provisions of this Act...' to ensure, as appropriate, 'the use, enjoyment, development, maintenance, protection, and preservation...of the reserve for the purpose for which it is classified' (section 40 of the Reserves Act); and
- the Council, as administering body, 'shall in the exercise of its functions comply with the Management Plan for the reserve...' (section 41(11) of the Reserves Act).

Accordingly, as a matter of law, the Council needs to be satisfied that what is proposed is actually located on Reserve Land, it is consistent with the purpose of the reserve and it is consistent with any relevant Reserve Management Plan under the Reserves Act.

In addition to those matters under the Reserves Act, there are a variety of other matters the Council will consider when determining if it is desirable for landowner approval to be given in the circumstances of the specific case.

Each of these matters are addressed in more detail below and each of the steps align with the steps identified in the flowchart on page 3 above.

### **Step 1** Location of the coastal erosion protection structure

The location of the coastal erosion protection structure is important to whether a landowner is able to obtain landowner approval from Council under the Reserves Act. Any part of the structure needs to be located on land above MHWS for Council to give such approval, as its location impacts on Council's ownership of the land and there will also be implications under the RMA (in terms of the type of resource consent that might be needed (e.g., coastal permit versus land use consent)).



The exact location of any proposed coastal erosion protection structure and the surveyed location of MHWS will need to be determined by the landowner before requesting Council's landowner approval or resource consent. Independent planning/legal advice should be sought about any proposed coastal erosion protection structure below MHWS.

## Step 2 The reserve's purpose

Reserves are classified under the Reserves Act according to their principal or primary purpose (section 16(1) of the Reserves Act). The Council is required to administer reserves according to their purpose (section 16(8) of the Reserves Act) and to ensure that any use of the reserve is compatible with its purpose (section 40 of the Reserves Act). The classification of a reserve is therefore directly relevant to the landowner approval process because Council needs to be satisfied that what is proposed is consistent with the purpose before any activity can proceed.

This means that any coastal erosion protection structure must be consistent with the primary esplanade, recreation or historic purpose. Other ancillary purposes (such as the benefits the adjoining owners will enjoy from the protection structures remaining / being constructed on the reserve) are potentially allowable, provided the statutory purpose (as outlined below) is preserved and is not compromised by the other purpose.

### Local purpose (esplanade) reserve

Section 61 of the Reserves Act sets out the specific powers the Council has in relation to local purpose (esplanade) reserves, which includes a general power to allow activities that are desirable or necessary for the proper and beneficial management, administration and control of the reserve and for the use of the reserve for its specified purpose.

Section 23(1) of the Reserves Act provides that local purpose reserves are to be administered in accordance with the relevant Reserves Act provisions:

*...for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve.*

Section 229 of the RMA sets out the purpose of esplanade reserves:

*An esplanade reserve or an esplanade strip has 1 or more of the following purposes:*

- (a) *to contribute to protection of conservation values by, in particular—*
  - (i) *maintaining or enhancing the natural functioning of the adjacent sea, river, or lake, or*
  - (ii) *maintaining or enhancing water quality, or*
  - (iii) *maintaining or enhancing water aquatic habitats, or*
  - (iv) *protecting the natural values associated with the esplanade reserve or esplanade strip, or*
  - (v) *mitigating natural hazards, or*
- (b) *to enable public access to or along any sea, river, or lake, or*





- (c) *to enable public recreation use of the esplanade reserve or esplanade strip and adjacent sea, river, or lake, where the use is compatible with conservation values.*

This sets out three potentially relevant purposes when Council is considering coastal erosion protection structures on local purpose (esplanade) reserve. Council will need to be satisfied that:

- the Reserve Land has conservation values AND the proposed structure will contribute to the protection of those values by one of the means set out, most likely by mitigating natural hazards to protect those values; or
- the proposed structure enables public access to or along the sea; or
- the proposed structure enables public recreational use of the reserve and adjacent sea, where compatible with the conservation values of the reserve.

If the only purpose of the coastal erosion protection structure is to protect adjacent property from coastal erosion and there is no other purpose relating to protecting conservation values (or there are no conservation values) then the structure is unlikely to be consistent with the purpose of contributing to the protection of conservation values by mitigating natural hazards. The only possibility then is whether the coastal erosion protection structure enables public access to the sea or enables public recreational use of the reserve and adjacent coastal area. This is likely to mean that the design of what is proposed is important (e.g., if it is to proceed it is likely to require the provision of, or protection of, public access to be consistent with the reserve purpose). However, the provision of such access does not necessarily mean that the Council will grant approval as a landowner.

## Recreation reserve

Sections 53 and 54 of the Reserves Act set out the specific powers the Council has in relation to recreation reserves, which includes a general power to allow activities that are desirable or necessary for the proper and beneficial management, administration and control of the reserve.

Section 17(1) of the Reserves Act provides that recreation reserve land shall be used:

*For the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and outdoor recreational activities, including recreational tracks in the countryside.*

Having regard to this general purpose, every recreation reserve must be administered on the basis set out in section 17(2) of the Reserves Act. This includes:

- maintaining public access, subject to such restrictions as the Council considers necessary for the protection and general well-being of the reserve and protection of the public using it;
- managing and protecting indigenous flora or fauna to the extent compatible with the primary purpose of the reserve;
- conserving those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve; and



- maintaining its value as a soil, water and conservation area to the extent compatible with the primary purpose of the reserve.

Again, this is likely to mean that the design of what is proposed is important (e.g., it may require the provision of, or protection of, public access and/or protection of certain values of the site to be consistent with the reserve purpose).

## Historic reserve

Sections 58 and 58A of the Reserves Act sets out the specific powers the Council has in relation to historic reserves, which includes a general power to allow activities that are desirable or necessary for the proper and beneficial management, administration and control of the reserve, as long as it is consistent with the principles in section 18.

Section 18 of the Reserves Act provides that historic reserves are:

*for the purpose of protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest.*

Having regard to this general purpose, every historic reserve must be administered and maintained on the basis set out in section 18(2) of the Reserves Act, being:

- the structures, objects, and sites illustrate with integrity the history of New Zealand;
- the public shall have freedom of entry and access to the reserve, subject to the specific powers in sections 58 and 58A, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it;
- where scenic, archaeological, geological, biological, or other scientific features, or indigenous flora or fauna, or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve<sup>3</sup>;
- to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained; and
- except where the Minister otherwise determines, the indigenous flora and fauna and natural environment shall as far as possible be preserved.

Again, this is likely to mean that the design of what is proposed is important (e.g., it may require the provision of, or protection of, public access to be consistent with the reserve purpose and/or protection of certain values of the site).

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<sup>3</sup> This does not authorise anything with respect to fauna or wildlife that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, and it does not authorise the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014.



## Other requirements under the Reserves Act

In addition, the Reserves Act also contains limitation in relation to cutting or destroying any trees or bush on a recreation reserve, local purpose (esplanade) reserve or historic reserve. To do so may require a permit and/or certain conditions to be met (section 42 Reserves Act). This will need to be addressed as part of the landowner approval process. In addition, the district plan contains rules which regulate the removal of certain vegetation in coastal areas and a resource consent may be required for this activity.

### Step 3

## Reserve Management Plan/s under the Reserves Act

### The relevant Reserve Management Plans

Reserve Management Plans are prepared under the Reserves Act and provide the community with certainty about the function and management of reserve land. Their aim is to:

- provide for use, enjoyment, maintenance, protection and preservation (as the case may be) of the reserve;
- provide for development of the reserve, as appropriate, for the purpose for which it is classified; and
- ensure compliance with the principles applying to the particular reserve land (in this case, the principles in sections 17, 18 and 23 of the Reserves Act).

The Council is required to comply with any relevant Reserve Management Plan for the reserve (section 41(11) of the Reserves Act) and this means that a proposal for a coastal erosion protection structure must be consistent with any relevant Reserve Management Plan.

The relevant Reserve Management Plans for the Tasman District that contain coastal areas and development are:

- the Reserves General Policies - September 2015, which apply to all reserves owned and administered by the Council; and
- other Reserve Management Plans, which set out the objectives and policies for specific areas. Relevant Reserve Management Plans for the purposes of this Policy are:
  - Moutere-Waimea Ward Reserves Management Plan June 2022.
  - Richmond Ward Reserves Management Plan - March 1999.
  - Motueka Ward Reserve Management Plan - May 2019.
  - Golden Bay Ward Reserves Management Plan 2003.
  - Tata Beach Reserves Management Plan 2007.



Where an issue is addressed by both the Reserves General Policies and a site-specific / Ward Reserve Management Plan (whether it is prepared before or after the Reserves General Policies), then the policies in the Reserve Management Plan take precedence (see page 5 of the Reserves General Policies).

The most relevant sections in the Reserves General Policies and the five Reserve Management Plans and the key themes from them are set out in Appendix 1 to this Policy.

It is important to note these are not all of the relevant expectations, objectives and policies in those Reserve Management Plans, but rather, some of the key provisions to provide a 'flavour' of what is required by those Plans. A full assessment against each relevant provision will be required as part of any application for landowner approval. The above-listed plans may be replaced by other plans which may be relevant and it is recommended that advice is sought from the Council on which plans are relevant to consider as part of the application process.

## Iwi involvement

The Reserves General Policies specify that:

- The Council will work co-operatively with identified mana whenua, tangata whenua iwi and any other Māori organisation.
- The Council will work in a spirit of partnership to achieve the objectives of reserve provision and use and will recognise the mana of mana whenua and tangata whenua iwi and the desire to work together to maintain and support the reserve network.
- Mana whenua and tangata whenua iwi need to be given the opportunity to be actively involved in the management of reserve values where cultural or heritage values are present or nearby. Some of the ways active involvement can be supported and achieved are:
  - consultation;
  - establishing partnerships;
  - enabling customary use; and
  - incorporating information and interpretation in relation to places or resources of spiritual, historical and cultural significance to Māori.

As part of any application for landowner approval from the Council, consideration will need to be given to these provisions, and any additional considerations from the Reserve Management Plans. For example, in the Motueka Ward Management Plan, there is a requirement for a cultural impact assessment as part of the process of assessing and evaluating proposed new land uses or activities on reserves.

In addition, consultation with iwi will be a consideration under **Step 8**, when considering the LGA02 decision making principles and also when applying for a resource consent



## Conclusion under the Reserves Act

If after assessing the above matters the conclusion is that:

- the structure is to actually be located on Reserve Land;
- it is consistent with the purpose of the reserve; and
- it is consistent with all relevant Reserve Management Plans under the Reserves Act,

then, it is legally possible to obtain landowner approval from the Council. If legally possible to obtain such an approval, Council will then go on to assess a range of other relevant matters to determine if it considers appropriate to provide its landowner approval in the particular circumstances of the case.

If all of the above conclusions cannot be made, a request can proceed no further as a matter of law.

A list of other matters the Council is likely to consider in deciding on the request is set out below, if the application is able to proceed. This is not an exhaustive list and will depend on the facts of the particular proposal. Some context is provided for each matter below, as to why it is relevant and what Council's expectations are.



## Other relevant considerations

### Step 4

### Is there a case for a coastal erosion protection structure and are there viable alternatives?

The Council's preference, where appropriate, is for soft engineering solutions first. The Council is not planning to provide any coastal erosion protection structures on Reserve Land itself. Rather, it will manage its coastal reserves, with the co-operation of the coastal communities living alongside them, so as to increase their natural resilience.

In the longer term, sea-level rise may ultimately inundate both Reserve Land and adjacent property. Until then, an ongoing adaptive management approach utilising soft engineering methodologies may be able to provide effective protection in relation to coastal erosion to both land types, thereby increasing resilience to climate change. In contrast, hard engineering solutions can create 'end effects'. Among other things, they can create a loss of the high tide beach and they can exacerbate erosion of nearby properties and significantly decrease their climate resilience.

If landowners wish to pursue hard coastal erosion protection structures on Reserve Land, then they will need to show why such structures are necessary and what other viable options are available. If there are no other viable options, this needs to be identified and an explanation provided. This means a landowner needs to undertake and provide an assessment of alternatives with any application for landowner approval from the Council. This needs to be an expert assessment, from a suitably qualified expert such as a coastal engineer, that addresses:

- why soft engineering options are not appropriate in this situation;
- effectiveness of what is proposed and likely longevity;
- potential adverse effects that may arise from what is proposed; and
- alternative options, their predicted effectiveness/longevity and associated cost, compared to what is proposed.

This expert assessment can be combined with the assessment required below under [Step 5](#).

### Step 5

### Design and public access

#### Design

The design of a coastal erosion protection structure will be a critical consideration for the Council. Some of the key reasons for that are:



- this is public Reserve Land and the Reserves Act and relevant Reserve Management Plans all require consideration of maintaining public access (if it removes existing public access without providing a suitable alternative it is unlikely to be acceptable - see discussion below on 'Public Access');
- the Reserves Act requires consideration before removing of any trees or bush, so any proposal involving that will need careful assessment and may require a resource consent;
- Council needs to consider conserving the qualities of the reserve which contribute to the pleasantness and enjoyment of the reserve for everyone (which means how it is designed will be relevant) and the wider environment; and
- the structure should not cause significant effects on the values of the reserve or adjacent landowners or landowners further along the coast, and the design of the structure will play an important part in this consideration.

The Council will review the design proposal as part of the landowner approval process and may seek input into the design of the structure. The Council requires that landowners engage a qualified coastal management expert to design the structure and provide an assessment of the matters below, which Council will take into account as part of the landowner approval process:

- Is it an appropriately designed structure, i.e. has input been provided by a suitably qualified expert (ie coastal management engineer)?
- Is the design consistent with the purpose of the reserve, particularly in relation to public access, but also in terms of its effectiveness?
- What, if any, effects will the structure have on the environment and in particular, any likelihood of 'end effects' on any other properties?
- Are there any other coastal works in the area or intended to be erected in the area, and if so, can the design be tied into any related work?
- Are there any viable alternatives to the design (particularly where there may be soft alternatives)?

The landowner seeking the structure is responsible for the design, construction and maintenance of any structure that the Council may agree to being located on Reserve Land, subject to compliance with any conditions the Council may impose.<sup>4</sup> If a resource consent is required for the coastal erosion protection structure, then it is likely that most of these matters will also need to be addressed in that application as well.

## Public access

As noted above in **Step 2**, public access to, and use of, reserves are an important consideration for the Council under the Reserves Act. Landowners seeking to have a coastal erosion protection

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<sup>4</sup> A contract will need to be entered into between Council and the proponent of the wall to reflect this requirement.



structure erected on adjacent Reserve Land will need to consider what impact the structure will have on public access and use of the reserve.

Requirements will be different depending on the type of the reserve in question, as set out below.

## Local purpose (esplanade) reserve

Local purpose (esplanade) reserves are required by the Reserves Act to be administered and maintained so as to prevent any impediment to the right of the public to freely access the reserve on foot, unless the Council determines that access should be prohibited or restricted to preserve the stability of the land or the biological values of the reserve.

For landowners seeking to erect a coastal erosion protection structure in a local purpose (esplanade) reserve, this means that:

- in the first instance, if it is physically possible, the design of any structure should not prevent public access to the reserve; but
- in the event that such a design is not possible, the landowner will need to establish that the prohibited or restricted access to the reserve is justified to preserve the stability or biological values of the reserve.

## Recreation reserve

Under the Reserves Act, the public has freedom of entry and access to a recreation reserve, subject to:

- specific powers conferred on the Council by sections 53 and 54 of the Reserves Act; and
- any conditions and restrictions that the Council considers necessary for the protection and general well-being of the reserve and for the protection and control of the public using it.

As with local purpose (esplanade) reserves, where possible landowners should in the first instance attempt to create designs that do not interfere with (or remove existing) access to the reserve by the public. Where this is not possible, the landowner will need to consider whether any of the exceptions referred to above apply and present that position to the Council.

## Historic reserve

Historic reserves are required by the Reserves Act to be administered and maintained so that the public has freedom of entry and access to the reserve, subject to the specific powers conferred by sections 58 and 58A, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the Council considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it.

As with local purpose (esplanade) reserves and recreation reserves, where possible landowners should in the first instance attempt to create designs that do not interfere with (or remove existing)





access to the reserve by the public. Where this is not possible, the landowner will need to consider whether any of the exceptions referred to above apply and present that position to the Council.

## **Step 6** Cost, ownership, maintenance and liability

### Cost - who pays?

Landowners will be required take responsibility for all costs associated with coastal erosion protection structures proposed to be located on Reserve Land. This includes all costs associated with applying for the necessary approvals, construction, ongoing maintenance, repair and any associated consent or Reserve Act processes. It will also include any costs associated with removal, if that is required in the future.

The Council reserves the right to enter into separate costs arrangements where appropriate. When considering the costs associated with the coastal erosion protection structures, some of the matters the Council will take into account are:

- Who is receiving the benefit from the proposal, i.e., the public at large (in terms of access to the beach and use of reserve area (depending on size), or private owners receiving protection of their property?
- Who is paying and how it is funded?

### Who owns and maintains?

The ownership and responsibility for ongoing maintenance, repair and potential upgrades for any coastal erosion protection structures on Reserve Land will sit with the landowner/s who apply for the right to construct the structure on Reserve Land.

Given the increasing risks of climate change, including predictions for sea level rise in the future, the costs of maintaining any form of coastal erosion protection structure on the coastline are likely to increase over time. The Council is not generally willing to fund this from rates.

While maintenance works may be provided for in relation to the proposed coastal erosion protection structures, there is no assumption that the Council, as owner (and/or the administering body) of the Reserve Land, will continue to allow structures on its land. For example, Council will retain the ability<sup>5</sup> to remove it if the coastal erosion protection structure turns out to be ineffective, causes adverse effects, is not appropriately maintained, becomes dangerous or is damaged beyond repair, etc. Where substantial works are required, an entirely new process is likely to be required.

As the Council remains the owner (and/or the administering body) of the Reserve Land it will need to continue to be involved in decisions relating to the coastal erosion protection structure going forward. The exact nature of the relationship and the extent of reporting between the Council and the

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<sup>5</sup> This requirement will be contained in the contract between the Council and the proponent landowner/s.



landowner will need to be defined in an agreement between the parties, that will be required as part of the landowner approval process - this agreement is discussed further below under 'Liability and Risk'.

All landowners need to be aware that there will come a point where sea-level rises and coastal erosion is such that managed retreat will ultimately in most instances be necessary.

## Liability and risk

The Council will not take on any liability for structures built, owned and maintained by other landowners on Reserve Land. That will be the sole responsibility of the landowners who apply for and build the structure and their successors.

The Council will require those landowners to:

- accept joint and several liability for any damage caused by any such structure (or as a result of it) and will require an indemnification of Council against any such claims;
- 'make good' any effects this structure may have on adjacent properties, including 'end effects', any necessary removal of the structure and 'make good' any damage that may arise if removal is required; and
- provide a bond or other security arrangement to cover any such damage and/or claims.

This issue, along with who owns and maintains the structure, as well as any other issues that arise through this landowner approval process will be recorded in an agreement between the Council and landowners, which will need to be included in an instrument that is registered on the landowner titles, to ensure any future owners are aware of the obligations and requirements and have ongoing responsibility for them. The form and/or content of the agreement will be site specific and legal advice will be required for both parties before entering into the contract. The Council will require the proponent landowners to reimburse the Council for the legal and other expert costs associated with this agreement and the bond or other security.

## Land information memoranda

Land information memorandum (**LIMs**) are provided for under the Local Government Official Information and Meetings Act 1987 (**LGOIMA**) and are a source of information on matters that affect land. They are intended to be a simple mechanism by which potential purchases are informed of potential property risks.

Under the LGOIMA, the Council has obligations to include certain information on LIMs, including any information known to the Council on the presence of potential natural hazards affecting the land subject to a request for a LIM (including potential erosion and inundation). This means that if Council is provided with information that shows there is a reasonable possibility that a natural hazard will occur on the land, this information will be reflected on the LIM.



## Step 7

# Precedent/wider implications of the decision

The Council will need to carefully consider the precedent of allowing coastal erosion protection structures in these locations, what that will mean for other similar locations and ultimately, what it means for the District .

Tasman District has an extensive coastline. There are several coastal communities facing coastal erosion issues and Council needs to take a consistent and measured approach to each situation, where adjacent landowners are seeking a coastal erosion protection structure on Reserve Land.

The Council will consider whether the potential of large areas of Tasman's coastline being armoured with rock/structures is the outcome it considers is appropriate for the long term environmental and community outcomes it is seeking, and whether, given the increasing sea levels resulting from climate change, structures are a sustainable solution to coastal erosion.

Council will require a clear explanation as part of the landowner's expert assessment (see [Step 4](#) and [Step 5](#) above for the other matters that will need to be included) of why what is proposed is a sustainable solution and whether there is anything special about the circumstances of this case, compared to other coastal areas in Tasman.

## Formal mechanism under the Reserves Act

As noted above (see [Step 7](#)), part of the process for obtaining approval for erecting coastal erosion protection structures on Reserve Land will be that the Council will enter into agreements (of varying kinds) with landowners that detail various matters that need to be recorded, including a mechanism to allow the occupation of the Reserve Land (most likely a licence).

The Reserves Act and the relevant Reserve Management Plans determine what sort of mechanism can be used, any process requirements and what conditions are to apply.

The power of the Council to grant an occupation agreement over Reserve Land varies depending on the status of the reserve and any rights transferred from the Crown. Public notification and consultation may be required for a proposed occupation agreement. Depending on the proposal, an approval from the Minister of Conservation may also be required.

Any occupation agreement must be consistent with the Reserves Act requirements (sections 17, 18, 23, 48 and 53 in particular), the Reserves General Policies, as well as any specific Reserve Management Plan. These Plans include restrictions around what occupation agreements are acceptable and the scope of such agreements.

The Council will determine what form of agreement is appropriate on a case by case basis.

## Information to include with request for landowner approval

Attached as Appendix 2 is an application form, which provides a guide to the information likely to be required as part of an application under this Policy.



## Step 8

# Local Government Act 2002 decision making principles

Further to the considerations listed above ([Steps 1-7](#)), the Council is also required to abide by the decision-making principles in the LGA02. This section provides a brief summary to enable future applicant's understanding of the decision-making process that the Council will engage in when making a decision as landowner on the approval of a structure. Relevant Reserves Act matters, the LGA02 decision making principles and other considerations are set out below.

The Council has legal obligations in relation to decision making and accountability to its community under the LGA02 – particularly under Part 6 of the LGA02. These obligations need to be considered for every request for landowner approval for a coastal erosion protection structure on Reserve Land.

The Council must, in the course of its decision-making process, give consideration to:

- the views and preferences of persons likely to be affected by, or to have an interest in, the matter;
- all reasonably practicable options to achieve the objective of a decision (and the advantages and disadvantages of each option); and
- consistency with Council adopted policy and statutory plans.

The LGA02 does not specifically require the Council to undertake any consultation process before making a decision. A decision on whether to consult will depend on the extent to which the Council currently understands the view and preferences of people with an interest in the matter, the significance of the matter and following consideration of the Council's Significance and Engagement Policy.

In addition, it is up to the Council to decide how to comply with the decision-making requirements and the extent to which the decision making and consultation principles in the LGA02 are observed in any particular situation. In making that judgement, Council will consider:

- the principles in section 14 of the LGA02;
- the extent of the Council's resources; and
- the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the Council scope and opportunity to consider a range of options or the views and preferences of other persons.

Finally, section 80 of the LGA02 requires that where a decision of the Council is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any Council policy or plan, the Council must, when making the decision, clearly identify the inconsistency, the reasons for the inconsistency and any intention of the local authority to amend the policy or plan to accommodate the decision.

It is the Council's expectation that after full consultation on this Policy, full public consultation may not be required for every request it considers under this Policy, but it will need to determine that on a case



by case basis, in light of any requirements in the relevant Reserve Management Plans and the LGA02 decision making principles.



## Other consents

Nothing in this Policy overrides any separate regulatory requirements for coastal erosion protection structures under any other statute. Consent for a coastal protection structure may be required under the Building Act 2004 (**Building Act**), the LGA02, the RMA, and the Tasman Resource Management Plan (**TRMP**). Any relevant bylaws may also influence the construction of structures on Reserve Land. If the proposed structure is located on an unformed legal road ('paper road') there will need to be an approval process under the Local Government Act 1974.

Any necessary consents required under those statutes will need to also be obtained, separately to any landowner approval provided by the Council under the Reserves Act. This Policy applies to the landowner approval process under the Reserves Act only. It does not apply to decisions relating to the granting of a resource or building consent or any other required regulatory approval.

The Council recommends that a landowner obtains its approval before addressing any other consenting requirements. The Council is not in any way required to provide its consent as landowner in the event that a resource consent (or other such relevant approval) is granted and as such obtaining approval from the landowner is the logical first step.

These consents are addressed briefly below.

### Step 9

## Resource consent

A resource consent is likely to be required for a coastal erosion protection structure. This allows an assessment of the environmental effects of the proposed activity and consideration of how it fits with district, regional and national planning documents, including the New Zealand Coastal Policy Statement.

The type of resource consent needed will depend on what land the structure is being built on, its zoning (if any) and the type of activities being undertaken (e.g., land disturbance, discharges, etc).

The requirements for consent applications are set out in the RMA and the district and regional plans. Landowners should consider whether an application for resource consent should be made once approval for the coastal erosion protection structure has been obtained from the Council as the landowner. There is no guarantee that if a proposal is approved under the Reserves Act that it would obtain resource consent under the RMA and vice versa. Applicants need to be aware that landowner consent under the Reserves Act does not address the "issues of significance" that might arise under the RMA consent process. Each process is a separate assessment, applying different legislation and different matters for consideration, albeit a number of the matters assessed by the Council may well overlap between the processes.



## Marine and Coastal Area (Takutai Moana) Act 2011

The Marine and Coastal Area (Takutai Moana) Act 2011 imposes a requirement on resource consent applicants to notify and seek the views of any person who has applied for recognition of customary marine title under this Act in the area where the proposed structure is to be located. This will only be relevant where there are works/discharges relating to the structure that occur below MHWS. To obtain further information about the location of customary marine title applications, see [Te kahui takutai moana marine and coastal area](#).

### Step 10

## Building consent

Whether or not building consent will be needed will depend on the nature of the coastal erosion protection structure and if it is 'building work' under the Building Act 2004 and whether it fits within any of the exemptions in Schedule 1 of that Act. For example:

- building work in connection with a retaining wall that retains not more than 1.5 metres depth of ground; and does not support any surcharge or any load additional to the load of that ground (for example, the load of vehicles); and
- building work in connection with a fence or hoarding which does not exceed 2.5m in height above the supporting ground.



# Unlawful structures on Reserve Land

It is important that the public understand the need for compliance with respect to the construction of coastal erosion protection structures on Reserve Land. The Council will not accept structures being erected on its land, without the necessary approvals in place. Such structures are unlawful.

Erecting a structure on a reserve without Council approval will lead to action being taken by the Council as the landowner. In the Reserves General Policies, it states (Method 3.4.3.3):

*Where encroachments onto reserve land are identified, neighbouring landowners shall be notified of the existence of an encroachment and a time limit placed on the removal of the structure or installation. Legal action may proceed if the encroachment is not removed within a fair and reasonable timeframe.*

The Council has previously discovered structures on Reserve Land that were built without obtaining any Council approval. Some of these structures have been there for a number of years and may have been built by a previous owner of the adjacent property, while others are recent or in the process of being built. This is not acceptable.

Under section 95(5) of the Reserves Act, all apparatus erected on Reserve Land without consent of the administering body is deemed to be forfeited to the administering body and can be disposed of as the administering body sees fit. This means that the Council is entitled to remove any structure on Reserve Land that does not have its landowner approval.

In addition to seeking voluntary removal or relying on its Reserves Act powers to remove any unlawful structure, the Council is the landowner of the reserve and can remove any structure which has been placed or constructed on its land without its permission.





# Policy development process

A report on the draft policy was presented at the Council meeting on 23 September 2021 (RCN21-09-4). Public notification of the draft policy was advertised on the Council's website in late October 2021 and an article promoting the consultation opportunity was published in Newsline on 12 November 2021. Submissions were open between 29 October and 26 November 2021. Five written submissions were received by the closing date.

A second report was considered at the Council meeting held on 20 June 2024 (RCN24-06-18). The purpose of that report was (i) to provide a summary of, and enable the Council to undertake deliberations on, all submissions received on the draft policy; and (ii) to seek the Council's agreement to adopt a revised version of the policy. At that meeting, the Council resolved to adopt this document as the final Coastal Erosion Protection Structures on Council Reserve Land Policy.

The review period for this policy is five years, meaning it is due for review in June 2029.

## Notice of disclaimer

This Policy is not legally binding. It cannot cover every situation and individual circumstances of the case will need to be applied. This Policy is not a substitute for independent professional advice. It is recommended that landowners considering this option obtain their own professional advice.

There may be exceptional or unusual circumstances that may arise, and the Council reserves itself full discretion to vary any aspect of this Policy to address particular circumstances.

Nothing in this Policy should be taken as overriding district or regional plans produced under the RMA or any other statutory plan.

This Policy has been written, edited and published and is made available to all persons and entities strictly on the basis that its author, the Tasman District Council, fully excludes any liability in any way to any person or entity for damages in respect of or arising out of the reliance in part or full, by such person or entity or by any other person or entity, upon any of the contents of the Policy for any purpose.



# Appendices

**Appendix 1** - Reserve Management Plan Key Sections and Themes

**Appendix 2** - Application form



## Appendix 1 - Reserve Management Plan key sections and themes

### Reserves General Policies 2015

The two most relevant sections of the Reserves General Policies are 3.3 (Treaty of Waitangi), 3.4 (encroachments), 4.1 (recreational use and access), 5.1 (protection and enhancement of indigenous biodiversity), 5.2 (protection and enhancement of heritage and cultural values), 5.3 (coastal hazards) and 6.1 (buildings and structures). Some of the key themes relevant to coastal erosion protection structures are:

- Council will work cooperatively with identified mana whenua and tangata whenua and facilitate their active involvement in the management of reserve values where cultural or heritage values are present or nearby;
- reserves will be kept free of private structures unless a clear public benefit is evident and Council has entered into a written agreement with regard to the activity;
- reserves are to be freely available for use by the public on a casual basis, unless constrained by Council approved events or activities and where practicable and affordable, provide access for disabled persons to the reserve;
- multiple uses of reserves are encouraged where practical;
- fences, buildings or other structures shall not unnecessarily restrict foot access onto or across the reserve;
- the indigenous biodiversity values of reserves are maintained and enhanced and public access and use shall be managed to avoid, minimise or mitigate damage to indigenous ecological values;
- natural character values within mapped areas of significant conservation values shall be protected and maintained and where necessary, restored;
- as far as practicable, sites or areas on reserves which are identified as having cultural heritage value shall be protected, preserved or maintained;
- where there are identified wāhi tapu sites on the reserve, mana whenua and tangata whenua will be consulted prior to proposed land disturbance activities;
- in certain circumstances, archaeological assessments will be required;
- that the use of sustainable natural solutions for the management of coastal hazards on Reserve Land are supported;
- that the Council is not planning to provide any increased levels of protection to properties adjacent to Reserve Land;



- Reserve Land will be managed to provide, *where appropriate*, for the protection, restoration or enhancement of natural defences that protect coastal land uses from coastal hazards;
- structures on Reserve Land are for an approved use and do not cause significant effects on the values of the reserve or adjoining property;
- a list of matters the Council shall have regard to when evaluating any proposal for a new structure on Reserve Land, including:
  - the purpose of the reserve;
  - the need for the structure to be located on reserve and the use it will be put to;
  - the design of the structure and its compatibility with the open space and amenity values of the reserve;
  - the effects of the structure;
  - the financial position of the applicant to properly construct and maintain the structure and ongoing associated costs;
  - the possibility of establishing jointly administered or multiple purpose structures;
  - the conservation of open space, significant vegetation, habitats and significant landscape features and whether the land could be put to better use for casual recreation; and
  - the need to protect existing outdoor recreation facilities and activities.
- required conditions for structures on reserve are identified at 6.1.2.8.

It is also noted that paragraph 5.3 of the Reserves General Policies refers to the NZ Coastal Policy Statement 2010 (**NZCPS**) provides a guide to managing the coastal environment and that management of coastal reserves needs to pay particular regard to Policy 26 of the NZCPS. That policy states:

***Natural defences against coastal hazards***

- (1) *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.*
- (2) *Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.*

In addition, Policy 27 provides guidance on strategies for protecting significant existing development from coastal hazard risk. These relevant NZCPS policies should be addressed in any application for landowner approval and will be considered by Council as part of the landowner approval process.

Both the Reserves General Policies and the specific Reserve Management Plan should be read together for a complete picture of reserve management.



## Moutere-Waimea Ward Reserves Management Plan June 2022

The most relevant sections of the Moutere-Waimea Ward Reserve Management Plan are in Part 3, sections 1.0 (Ki uta ki tai), 4.1 (climate change), 4.2 (evaluating new proposals) and 5.1 (coastal reserves). Some of the key themes relevant to coastal erosion protection structures (in addition to the Reserves General Policies above) are:

- Iwi/Māori will share decision-making to actively protect natural, physical and cultural resources and sites;
- soft engineering and adaptation to coastal erosion will be promoted, rather than hard defences, to ensure coastal ecosystems have room to retreat;
- a 'managed retreat' approach to sea level rise will be taken by ensuring that coastal hazards and climate change are taken into account in the location, design and construction of all buildings, facilities and improvements, and that facilities and structures in high risk areas are designed to be removable or expendable;
- activities will be assessed against the vision and key outcomes in Part 1 of the Plan; and
- cultural impact assessments should be required as part of process for assessing and evaluating proposed new land uses or activities on parks and reserves.

Each reserve within this Ward also has specific policies that apply to each individual reserve. Those specific policies also need to be considered and addressed in any application to the Council for landowner approval.

## Richmond Ward Reserves Management Plan - March 1999

The most relevant sections of Richmond Ward Reserves Management Plan are 5.0 (general objectives), 6.24 (adjoining land uses) and 6.12 (Buildings). Some of the key themes relevant to coastal erosion protection structures (in addition to the Reserves General Policies above) are:

- ensuring the efficient and effective use of open space and reserves in the Richmond Ward to meet community needs for recreation and amenity;
- providing for access to the sea and other natural features;
- construction of buildings on reserves are prohibited unless compatible with the primary purpose of the reserve, necessary to meet a demonstrated demand for public use, and permitted by the management policies for the reserve;
- all new buildings or structures, or alternatives to existing buildings or structures, are required to meet design standards specified by the TRMP and other relevant legislation;
- all proposals to construct or relocate buildings or structures on reserves are required to be accompanied by a landscape plan showing how the building and its colour will be compatible with the protection of the open space and amenity values of the reserve; and



- consultation with neighbouring residents where significant developments are proposed on adjoining Reserve Land will be required.

Each reserve within this Ward also has specific policies that apply to each individual reserve. Those specific policies also need to be considered and addressed in any application to the Council for landowner approval.

This Ward Reserve Management Plan is currently under review. Council anticipates adopting an updated Plan during 2025.

## Motueka Ward Reserve Management Plan - May 2019

The most relevant sections of the Motueka Ward Reserve Management Plan are 1.0 (Ki uta ki tai), 4.1 (climate change) and 4.2 (evaluating new proposals). Some of the key themes relevant to coastal erosion protection structures (in addition to the Reserves General Policies above) are:

- Iwi/Māori will share decision-making to actively protect natural and physical resources.
- soft engineering and adaptation to coastal erosion will be promoted, rather than hard defences;
- a 'managed retreat' approach to sea level rise will be taken by ensuring that coastal hazards and climate change are taken into account in the location, design and construction of all buildings, facilities and improvements, and that facilities and structures in high risk areas are designed to be removable or expendable;
- activities will be assessed against the vision and key outcomes in Part 1 of the Plan; and
- cultural impact assessments will be required as part of process for assessing and evaluating proposed new land uses or activities on parks and reserves.

Each reserve within this Ward also has specific policies that apply to each individual reserve. Those specific policies also need to be considered and addressed in any application to the Council for landowner approval.

## Golden Bay Ward Reserves Management Plan 2003

The most relevant sections of the Golden Bay ward Reserves Management Plan are 5.7 (public use and access), 5.12 (Building and Structures), 5.18 (landscaping and amenity planting), 5.24 (adjoining land uses) and 6.4.6 (Rural Recreation and Esplanade Reserves). Some of the key themes relevant to coastal erosion protection structures (in addition to the Reserves General Policies above) are:

- structures should not unnecessarily restrict foot access onto or across the reserves;
- construction of buildings on reserves are prohibited unless compatible with the primary purpose of the reserve, necessary to meet a demonstrated demand for public use, and permitted by the management policies for the reserve;
- that all new buildings are required to meet design standards specified by the TRMP and other relevant legislation and are required to be accompanied by an assessment showing



how the building and its colour will be compatible with the protection of the open space and amenity values of the reserve;

- all significant reserve development proposals are to include a Council approved landscape plan;
- consultation with neighbouring residents where significant developments are proposed on adjoining Reserve Land will be required; and
- for Rural Recreation and Esplanade Reserves, policy 6.4.6 allows the construction of erosion-control works, subject to Council approval.

Each reserve within this Ward also has specific policies that apply to each individual reserve. Those specific policies also need to be considered and addressed in any application to the Council for landowner approval.

## Tata Beach Reserves Management Plan 2007

The most relevant sections of the Tata Beach Reserves Management Plan are 5.7 (public access and use), 5.12 (buildings), 5.18 (landscaping and amenity planting), 5.24 (adjoining land uses), 6.0 (general objectives for Tata Beach reserves), 7.6 (Management of beachfront Esplanade Reserves (Lots 2, 9 and 30) and Recreation Reserve (Pt Lot 3)) and 7.9 (Coast Care Programme on Esplanade Reserves). Some of the key themes relevant to coastal erosion protection structures (in addition to the Reserves General Policies above) are:

- fences, buildings or other structures should not unnecessarily restrict foot access onto or across reserves;
- construction or relocation of buildings or structures on reserves are prohibited unless compatible with the primary purpose of the reserve, necessary to meet a demonstrated demand for public use, and permitted by the management policies for the reserve;
- that all new buildings or structures, or alterations to existing buildings or structures, are required to meet design standards specified by the TRMP and other relevant legislation and are required to be accompanied by an assessment showing how the building and its colour will be compatible with the protection of the open space and amenity values of the reserve;
- all significant reserve development proposals are to include a Council-approved landscape plan;
- consultation with the public over any proposals to grant leases or licences over reserves where such leases or licences are not already provided for in the Plan;
- include native species, propagated from plants native to the location, wherever possible in reserve planting programmes, including erosion-control plantings;
- provide and enhance public access to the sea, streams and other natural features;
- maintain and enhance the natural character of the coast;



- adequately protect the significant natural and scientific values in the reserves of the Tata Beach settlement, such as landform, ecosystems, natural character, archaeological and heritage values; and
- minimise the adverse environmental effects of activities and facilities in the reserves on the amenity values of surrounding activities.

Each reserve at Tata Beach also has specific policies that apply to each individual reserve (see Section 7.0 of the Plan). Those specific policies also need to be considered and addressed in any application to the Council for landowner approval.





## Appendix 2

### Application form

#### APPLICATION UNDER THE TASMAN DISTRICT COUNCIL POLICY ON COASTAL EROSION PROTECTION STRUCTURES ON COUNCIL RESERVE LAND

The purpose of this application form is to provide a guide to the information likely to be required as part of an application under the Tasman District Council Policy on Coastal Erosion Protection Structures on Council Reserve Land (**Policy**).

This application must be read with the Policy to ensure the correct information is included in the application. Please note that there are steps which must be met to proceed under the Policy (due to requirements of the Reserves Act 1977). The form indicates at what stages the application can no longer proceed if certain criteria are not met.

This application does not preclude the need to obtain any other consent or approval that may be necessary (for example, resource consent and/or building consent).

Tasman District Council reserves the right to request any further information it requires to process this application.

**Please send application and supporting documentation to:**  
Reserves and Facilities Manager  
Tasman District Council  
189 Queen Street  
Private Bag 4  
Richmond 7050

#### APPLICANT DETAILS

Name/s

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Address

---

Phone

---

Email

---

*List names of all applicants if more than one. To be an applicant, your land needs to be adjacent to the Reserve Land.*

**I/We request the Tasman District Council consider the establishment of a coastal erosion protection structure on Reserve Land in the Tasman District as described below:**



## RESERVE LAND DETAILS

1 **Name and location of the Reserve Land:**

[Provide space for written answer]

2 **The Reserve Land is adjacent to the land described below:<sup>6</sup>**

Legal description of the adjacent properties:

Name of registered owners: [Provide space for written answer]

3 **Description of erosion or inundation issues:**

*Provide description here*

4 **Have you consulted with the parties listed *above* (if they are not joint applicants):**

*Provide details of the consultation and any outcomes:*

**Yes/No**

5 **The application is made with the authority of all adjacent landowners:**

**Yes/No**

6 **The location of the Reserve Land is on the coast, and potentially subject to erosion by the sea:**

**Yes/No**

7 **The Reserve Land is classified as a local purpose (esplanade) reserve, recreation reserve or historic reserve under the Reserves Act:**

*Provide the basis for your conclusion, eg confirmation from Council, or confirmation from a Reserve Management plan etc.*

**Yes/No**

8 **The Reserve Land is owned by the Council or maintained by the Council as the administering body of the reserve and for which it has delegated authority to deal with landowner approvals:**

*Provide the basis for your conclusion, eg confirmation from Council, or confirmation from Reserve Management plan etc.*

**Yes/No**

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<sup>6</sup> Please attach a map or plan of the area clearly showing the location of the adjacent property and the position of the Reserve Land. Identify any neighbouring properties that may be affected - as required in the report in questions 14/15 below.



## PROPOSED STRUCTURE

- 9** Is the proposal for a hard coastal erosion protection structure, eg seawalls, rock revetments, other forms of longshore solid artificial structures etc:

*Details in relation to the design of the structure are required as part of the report in questions 14/15 below.*

Yes/No

## LOCATION OF THE COASTAL EROSION PROTECTION STRUCTURE [Step 1]

- 10** Is the proposed structure located above Mean High Water Springs (MHWS):

*A survey identifying the location of the MHWS and the proposed location of the structure is required as part of the report in questions 14/15 below.*

Yes/No

## THE PURPOSE OF THE RESERVE LAND [Steps 2 and 3]

- 11** The Council needs to determine whether the establishment of the structure is consistent with the purpose of the Reserve Land. Tell us why you consider it is:

*Please refer to the Policy (Step 2).*

[Provide space for written answer]

- 12** The Council needs to determine whether the proposed structure is consistent with any relevant Reserve Management Plans. Tell us why you consider it is:

*Please refer to the Policy (Step 3)*

[Provide space for written answer]



- 13 Does the establishment of the structure require the cutting or destroying of any tree/s or bush on the Reserve Land:** **Yes/No**
- If yes, describe the extent of the works and tree/bush which is sought to be removed and why that is necessary — please refer to the Policy (Step 2)*
- 14 Has consultation been undertaken with Iwi:** **Yes/No**
- Provide details about who was consulted and what the outcome was — please refer to the Policy (Iwi involvement).*
- [Provide space for written answer]

*Please note: There may also be a requirement for a cultural impact assessment under the relevant Reserve Management Plan. If so, that will need to be included with the application.*

## **COASTAL EROSION PROTECTION STRUCTURE** [Steps 4 and 5]

- 15 Description of coastal erosion protection structure:**
- Please assess and provide a report from a suitably qualified coastal management expert detailing —*
- Explain what soft engineering options have been considered in the situation / are there any viable alternatives to the structure proposed
  - The effectiveness of what is proposed and the likely longevity
  - Potential adverse effects that may arise from what is proposed
  - Alternative options, their predicted effectiveness/longevity and associated cost, compared to what is proposed
- 16 Design of the proposed structure and public access:**
- Provide a report from a suitably qualified coastal management expert detailing —*
- The design of the structure, including whether the design is consistent with the purpose of the reserve (particularly in relation to access)
  - Potential adverse effects on other properties, for example, any 'end effects', that may arise from what is proposed
  - What impact will the design have on existing public access and what replacement public access is proposed



- Whether there are any other coastal works in the area or that are intended to be erected in the area.

## **COST AND MAINTENANCE** [Step 6]

- 17 Who will be responsible for the cost of the coastal erosion protection structure - both construction and maintenance? And what are the estimated costs over the lifetime of the structure?**

*Please refer to the Policy (Step 6)*

[Provide space for written answer]

- 18 Who will be responsible for the maintenance and repair of the coastal erosion protection structure? Is there agreement from all landowners who benefit from the structure for ongoing responsibility for it and any liability arising from the structure:**

*Please refer to the Policy (Step 6)*

[Provide space for written answer]

- 19 Is there any other information which the Council should take into account when considering whether to enter into a cost arrangement in relation to the construction, maintenance or repair of the coastal erosion protection structure:**

*eg who is receiving the benefits from the proposal, who is paying and how is it funded etc — please refer to the Policy (Step 6)*

[Provide space for written answer]

*Please note: part of the process for obtaining approval for erecting coastal erosion protection structures on Reserve Land will be that the Council will enter into agreements (of varying kinds) with landowners that detail various matters that need to be recorded, including a mechanism to allow the occupation of the Reserve Land (most likely a licence). The Reserves Act and the relevant Reserve Management Plans determine what sort of mechanism can be used, any process requirements and what conditions are to apply.*

## **OTHER CONSENTS** [Steps 9 and 10]

- 20 Do you already have resource consent for this structure, or are you planning on applying after this approval is determined:** (Council recommends that you do not seek resource consent until after you have obtained Council's landowner consent)

*Please refer to the Policy (Step 9)*

[Provide space for written answer]

- 21 Do you already have building consent for this structure, or are you planning on applying after this approval is determined:** (Council



recommends that you do not seek resource consent until after you have obtained Council's landowner consent)

*Please refer to the Policy (Step 10)*

[Provide space for written answer]

## COLLECTION AND USE OF INFORMATION

I understand that the information contained in this application is subject to the Privacy Act 2020 and will only be used for the purpose for which it is collected being the application for Coastal Erosion Protection Structures on Council Reserve Land. Tasman District Council will retain personal information for only as long is necessary to fulfil the purposes for which it is collected and will only use or share personal information where necessary to carry out the functions for which it was collected, or if required by law.

You may inquire about and seek access to personal information about you or request information under the Local Government Official Information and Meetings Act 1987 by contacting Tasman District Council at **03 543 8400** or email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)

**Name/s**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date**

\_\_\_\_\_



No.	INFORMATION SUPPLIED	CHECKLIST
1	Contact details of the registered owners with adjacent properties to the Reserve Land	<input type="checkbox"/>
2	Map or plan — showing the location of the property/properties adjacent to the Reserve Land	<input type="checkbox"/>
3	The classification of the Reserve Land	<input type="checkbox"/>
4	Record of title — showing the Reserve Land is owned by the Council or maintained by the Council	<input type="checkbox"/>
5	Map or plan and structure details — detailing the exact location of the proposed coastal erosion protection structure, dimensions, materials, etc	<input type="checkbox"/>
6	Surveyed location — providing the location of the MHWS and location of the structure in relation to it	<input type="checkbox"/>
7	Photos of the Reserve Land — showing, where relevant, any tree or bush which is proposed to be removed	<input type="checkbox"/>
8	Expert report — setting out: <ul style="list-style-type: none"> <li>• The qualifications of the expert (must be suitably qualified).</li> <li>• The information required under questions 14 and 15 in relation to the coastal erosion protection structure and design.</li> </ul>	<input type="checkbox"/>

*Please note: There may also be a requirement for a cultural impact assessment under the relevant Reserve Management Plan. If so, that will need to be included with the application.*