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MANAGING COASTAL DEVELOPMENT IN AN URBAN AREA

THE DEVELOPMENT OF
NORTH SHORE CITY'S
COASTAL CONTROLS.

North Shore City Council has found that introducing new coastal protection rules along a highly developed urban coastline can be very controversial. Developing provisions that recognise the community's and property owners' concerns has required extensive studies and consultation. The process undertaken has shown that although city-wide rules may yield a high level of protection, they are too blunt a tool for an urban situation with varying topography and environmental values. The City has now proposed coastal rules that vary over short distances but have greater acceptance among landowners than the previous rules.

THE ISSUES

The controversy and public interest in the way North Shore City addressed coastal matters in its Proposed District Plan (the Plan) far outweighed all other concerns when the Plan was notified in October 1994. North Shore City, which is just over the harbour bridge from Auckland City, has a population of 187,700 and is the most densely populated local authority area in New Zealand. The 148km coastline is mainly backed by residential development and is probably the

longest urban coastline in the country. Most of the North Shore is within a short drive of the coast and many people give the beaches and coastal reserves as a key reason for living in the City. The 6000 coastal properties are highly desirable as they often have riparian access and have impressive views across the Hauraki Gulf or Waitemata Harbour. The urban nature of the coastline means the Council has been highly challenged by section 6 of the RMA which requires local authorities to preserve the natural character of the coastal environment, as well as protect it from inappropriate subdivision, use and development, and maintain and enhance public access to the coast.

The coastline currently gives a "soft green edge" to North Shore City with pohutukawa trees lining the sandstone cliffs and sandy beaches, and mangroves in the estuaries. This character is threatened by Auckland's population growth as the premium values of coastal sites leads to an increase in coastal subdivision and redevelopment, often resulting in larger houses that are closer to the coast. There is concern that, without adequate controls, the coastline will develop a hard, concreted nature with buildings and seawalls dominating the vegetation and landforms, inadequate public access, and adverse effects on coastal ecosystems.

The three principal mechanisms the Plan uses in controlling coastal development are:

- The "coastal conservation area" - a zone which requires that the coastal environment be taken into account in locating and designing coastal structures through a controlled activity resource consent application for all buildings and structures.
- The "foreshore yard" which sets buildings back from the coast at predetermined distances. (The relationship between the coastal conservation area and the foreshore yard is shown below).
- The creation of esplanade reserves or esplanade strips along the coast.

When the Plan was notified in 1994 it imposed the coastal conservation area for the first time, included provision for a 30 metre wide foreshore yard throughout the City, and

Takapuna Beach.



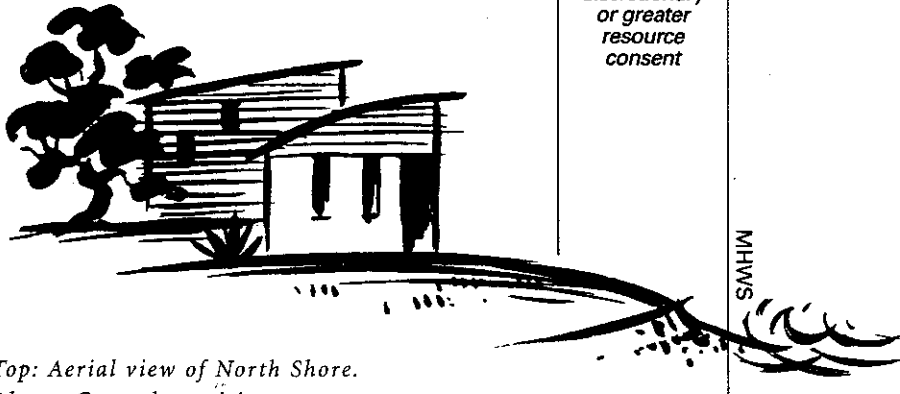


Coastal Conservation Area

New buildings are a controlled activity

Foreshore Yard

New buildings require a discretionary or greater resource consent



Top: Aerial view of North Shore.
Above: Coastal provisions.

upheld the RMA presumption that esplanade reserves required on subdivision or qualifying development would be 20 metres wide unless reduced through a resource consent. There was an immediate and strong public response to these provisions. Over 750 people lodged around 3000 points of submission on coastal related issues. The concern related to property rights and the increase in control which was seen as unjustified and unreasonable. The foreshore yard was a principal concern as many existing houses were within the yard and significant alterations became non-complying activities. Esplanade reserve provisions were

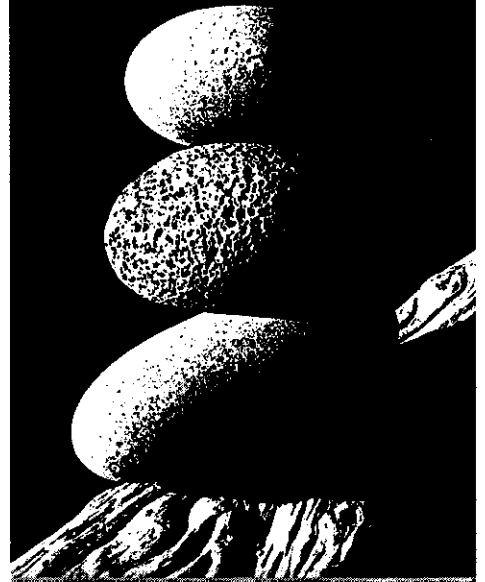
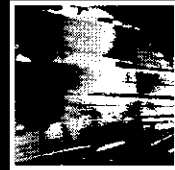
also a concern as landowners considered these would lead to a walkway across every coastal property. In November 1994 all designations for esplanade reserves that were introduced by the Plan were removed, and in December of that year the Council notified a variation to replace the foreshore yard provisions.

The 1994 variation re-introduced the foreshore yard requirements based on the planning schemes of the former local authorities that now make up North Shore City. These had widths of 0, 9, 10, 20 or 30 metres depending on the scheme and the foreshore yard changed width at the boundaries of the former authorities.

A QUESTION OF BALANCE...



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Left: Cheltenham Beach.

Right: Strategic planner Tony Reidy explaining new proposed coastal policies to a member of the public at land-owner drop ins.



DEVELOPING A NEW APPROACH

The study: Early in 1995 the council commissioned a study that determined appropriate widths for the foreshore yard and esplanade reserves from field surveys and aerial photos according to the following criteria:

- The need for public access along the coastline, and the practicality of providing this access;
- The presence of sensitive coastal ecology, and the need to avoid, remedy or mitigate the adverse effects of development in coastal landscapes;
- The set back of existing development from the coastline, and the need to provide for the reasonable use of coastal properties;
- The need for public ownership in some areas to provide public access and to protect the environment.

The study resulted in recommendations for foreshore yard and esplanade reserve widths that varied between 9 and 30 metres for different areas of the coast.

The consultation: The widths were then the subject of extensive consultation with a high level of response, particularly from the 6000 coastal properties affected. Over 1000 coastal landowners attended "drop-ins" to discuss the proposals with council staff and view aerial photos with the widths marked as lines over all the coastal properties. There were also letters sent to every coastal landowner, media briefings, newspaper ads, feedback forms to return, public meetings, site visits with landowners, considerable mail correspondence, and meetings with iwi, statutory agencies and interest groups.

The variation: In response to the consultation, the council revised the widths and decided to allow greater flexibility within the foreshore yard through a restricted discretionary application for minor development in the inland third of the yard. This was included in Variation No 57 which was publicly notified on 9 June 2000. It was also decided to use the proposed esplanade reserve widths as a basis for a guideline document rather than including the widths in the Plan. The draft Coastal Esplanade Reserves Guideline for the City was also released for public comment in June. The guideline gives landowners a degree of certainty as to where esplanade reserves will be required while also allowing site-specific assessment of reserve requirements at the time of a resource consent application.

The variation and guideline were launched with a media release and newspaper ads and a leaflet explaining the changes was sent to every ratepayer in the City. Copies of each document were available on the council's website and new aerial photos were produced showing the City's coastal properties marked with the revised foreshore yard lines. Submissions on the variation were received from 223 people, a marked decrease in response from the informal consultation and the 1994 notified provisions. The hearing of submissions on Variation No 57, and the submissions on coastal issues which were deferred in 1994, began on 30 October 2000. The hearing is timetabled for seven days and will require several site visits.

WHAT CAN WE CONCLUDE AT THIS STAGE?

Coastal landowners are very interested in the planning controls on their properties. However, it has been very hard to get feedback from the rest of the community even though many people place a high value on the coastal areas of the City. Comprehensive consultation has reduced the misunderstanding and mistrust and helped to

develop rules that allow reasonable use of coastal properties while also protecting the coastal environment.

The level of interest and development pressures on the coast justified a large scale and expensive consultation programme that required a lot of time from council staff and politicians. This led to a tiered set of controls that reflect the values of relatively small geographical areas. The coastal conservation area defines a zone in which activities may affect the coastal environment and require a controlled activity resource consent. The foreshore yard identifies a more sensitive area where development is likely to have significant effects and is a non-complying activity. The inland third of the foreshore yard is an area where development is a limited discretionary activity in recognition of the fact that the effects of minor structures in this area can often be controlled by conditions on resource consents.

It is recognised that this approach is limited with regard to coastal hazards. They will not be taken into account in setting foreshore yard widths because of the current lack of knowledge about erosion processes and rates. Coastal hazards are, however, taken into account through the assessment criteria for the coastal conservation area and the foreshore yard. New policies in the variation also give greater consideration of the adverse effects of coastal protection works such as sea walls.

The consultation process changed the tone of most submissions from "remove all coastal rules" to "reduce the severity of the rule at my site". There is evidence from the submissions, and from contact with coastal landowners, that the consultation process increased awareness of what the council was trying to achieve and that the rules were not a "land grab" to increase public access. We consider that the new provisions are more likely to work in the long term because they have resolved to some extent the tensions between private property rights and public interests in the coastal area. The consultation initiative has proved its value in raising awareness of the issues and gaining reasoned feedback on proposals. As this is written prior to the hearing is possibly premature to state that the council has achieved all its objectives, but it has certainly addressed landowners' concerns while also providing increased protection of the coastal environment. 