



Weaving the Strands -  
NZPI Conference 2019

# Back off! How retreat can achieve resilience

Karen Bell  
Janan Dunning



## Resilience:

The capacity to recover quickly from difficulties; toughness.

## Retreat:

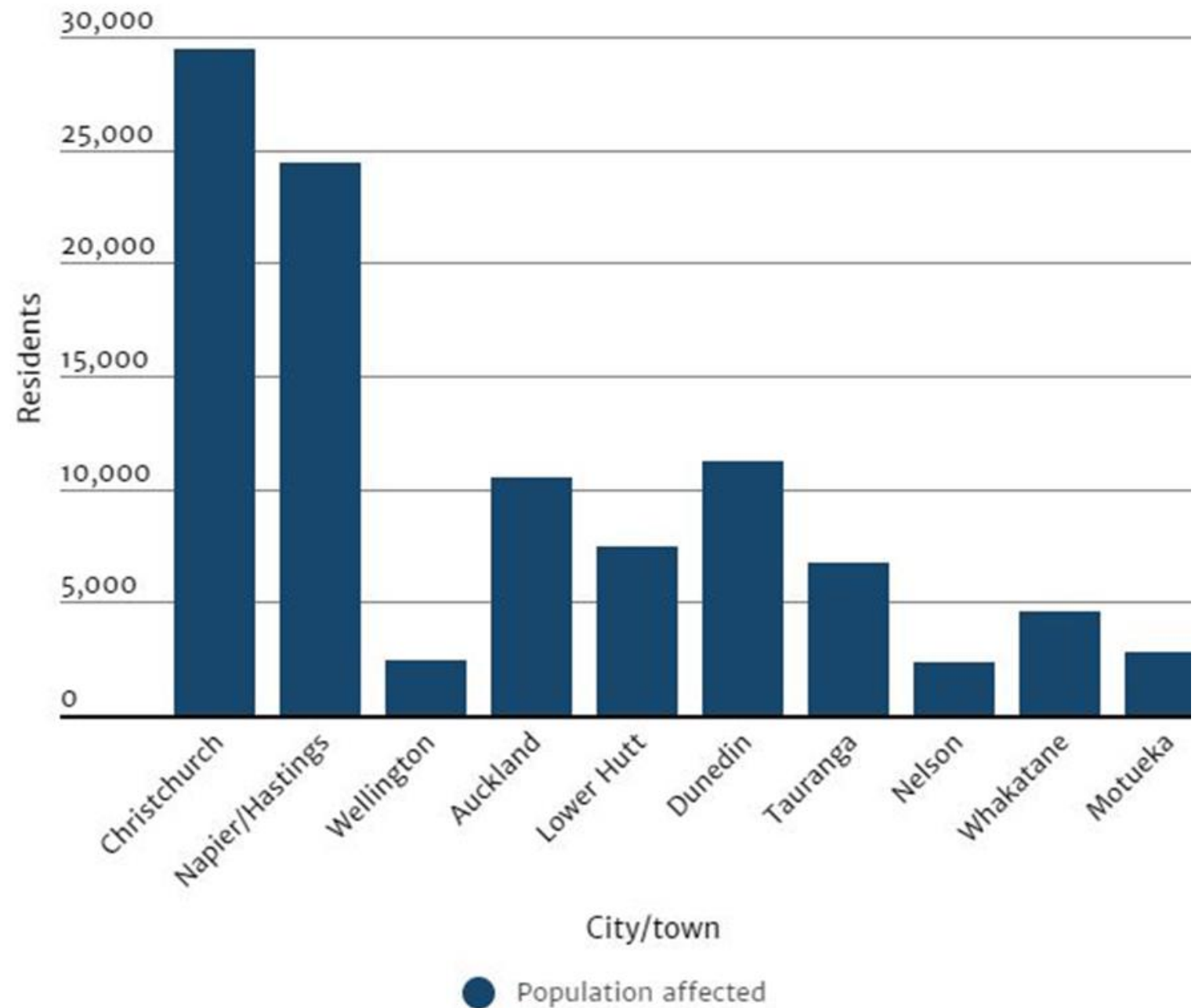
To move back from a forward or threatened position.



65% of kiwis live  
within 5 km of  
the coast – 12 of  
our largest urban  
settlements are  
coastal

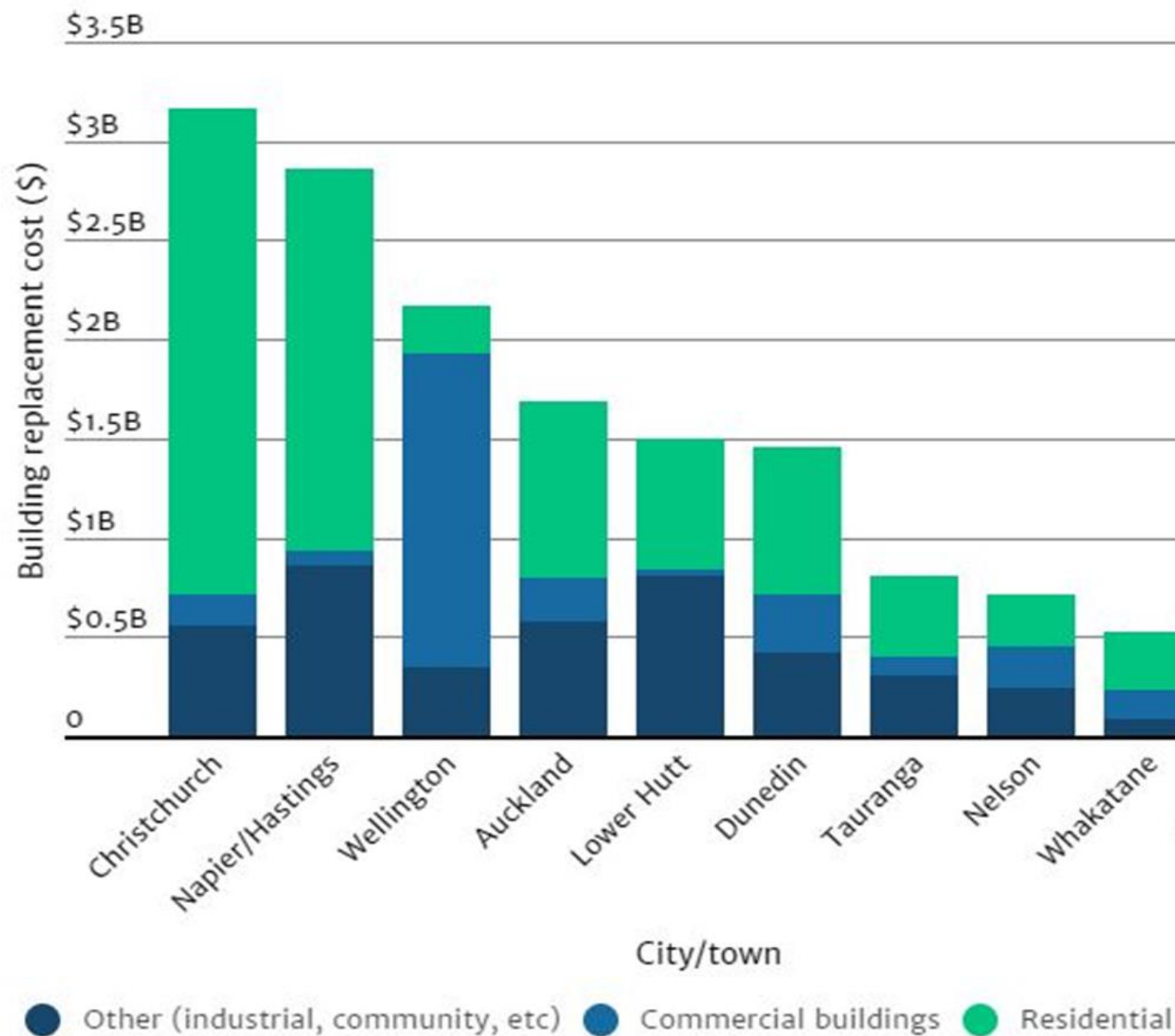


## Key risk areas - the numbers ...



Data from NIWA. The risk zone refers to an area between 0m and 1.5m of the mean high water spring tide mark.

... and the value of community assets.



Data from NIWA. The risk zone refers to an area between 0m and 1.5m of the mean high water spring tide

# What are our options?



PROTECT



ACCOMMODATE



RETREAT

# Protection

- Very costly to construct and to maintain
- Can result in substantial environmental, social and cultural effects.
- Can provide a false sense of security
- Can delay the inevitable



# Adaptation

- Can provide a false sense of security
- Often not affordable for the whole community
- Can delay the inevitable – a temporary fix only
- Problematic (and costly) for high density and service provision



# Managed Retreat

- Significant cost and disruption
- Emotional and financial disruption for the affected communities
- Opportunity to 'reset', and to plan and develop with a long term view
- A chance to build resilient communities

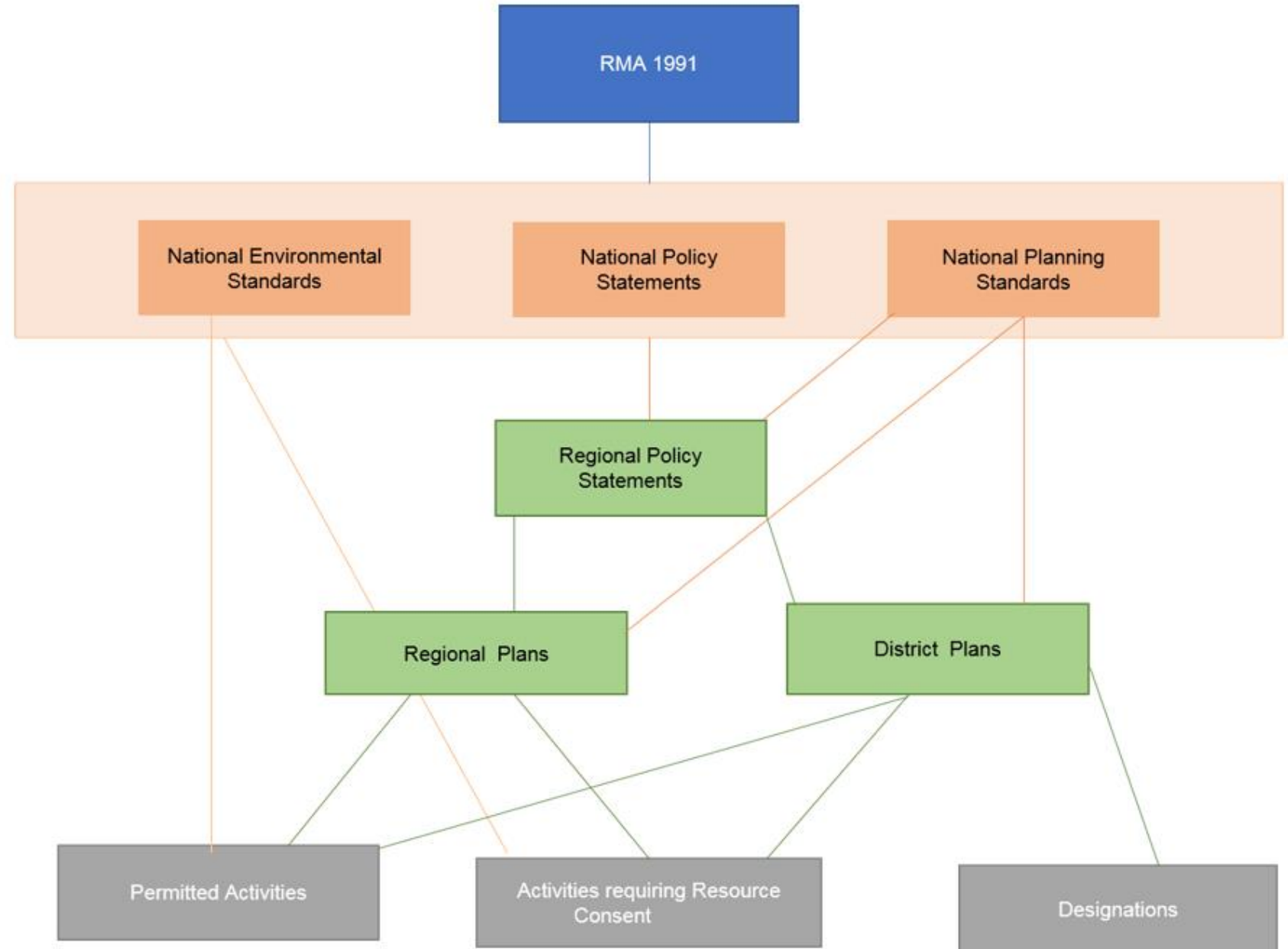




So what's the planning response?

# Existing planning framework

- RMA - s6 significant risks of natural hazards need to be managed
- Regional Councils
  - Issues in the RPS
  - Methods
  - Identify areas that need to be managed
- District Councils
  - Rules to manage
  - Include maps
  - Development enabled provided it satisfies the rules



# Property Values

- Significant financial and emotional investment in coastal development
- Planning and property values are interwoven

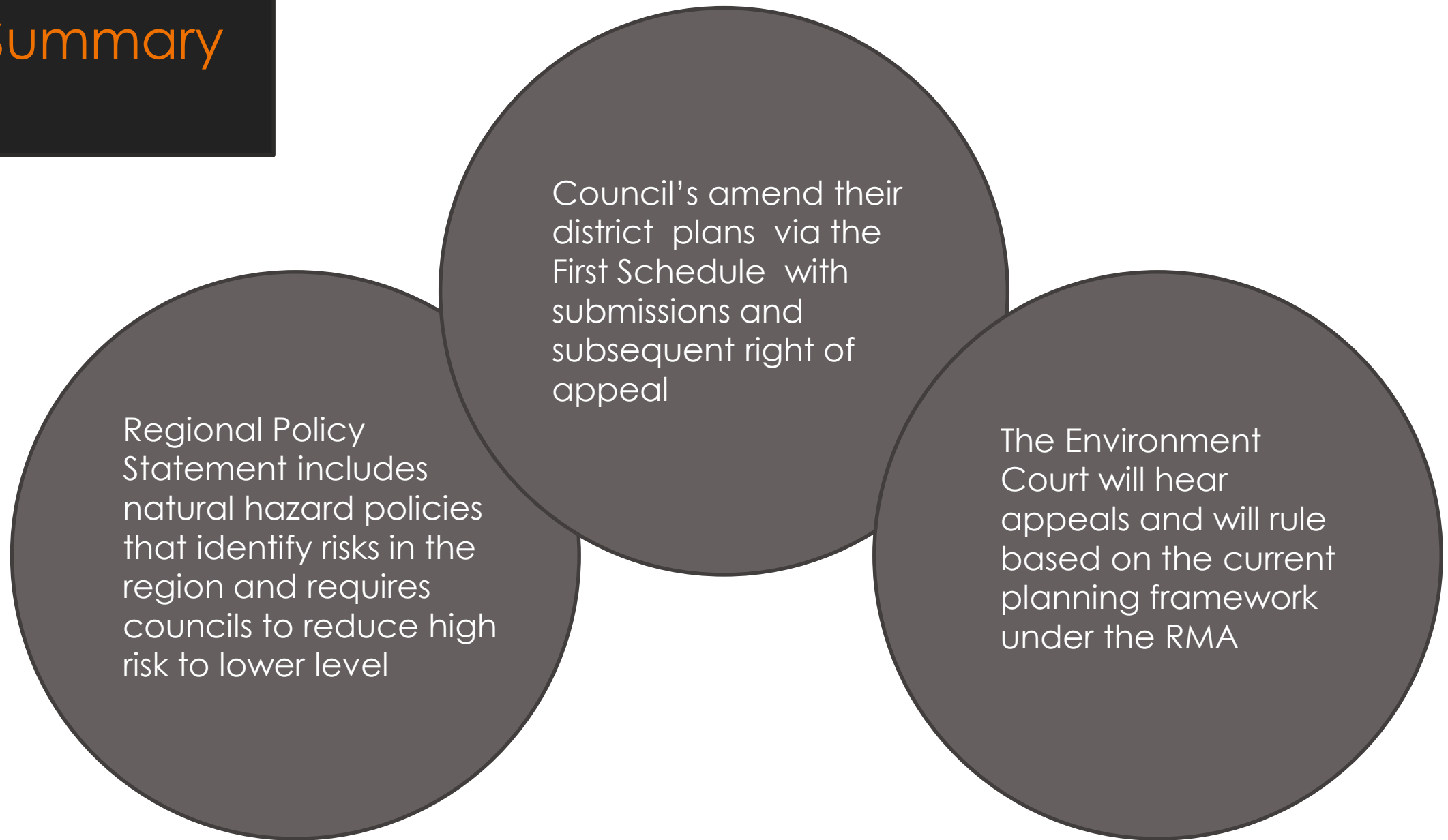


What methods are available under the RMA?

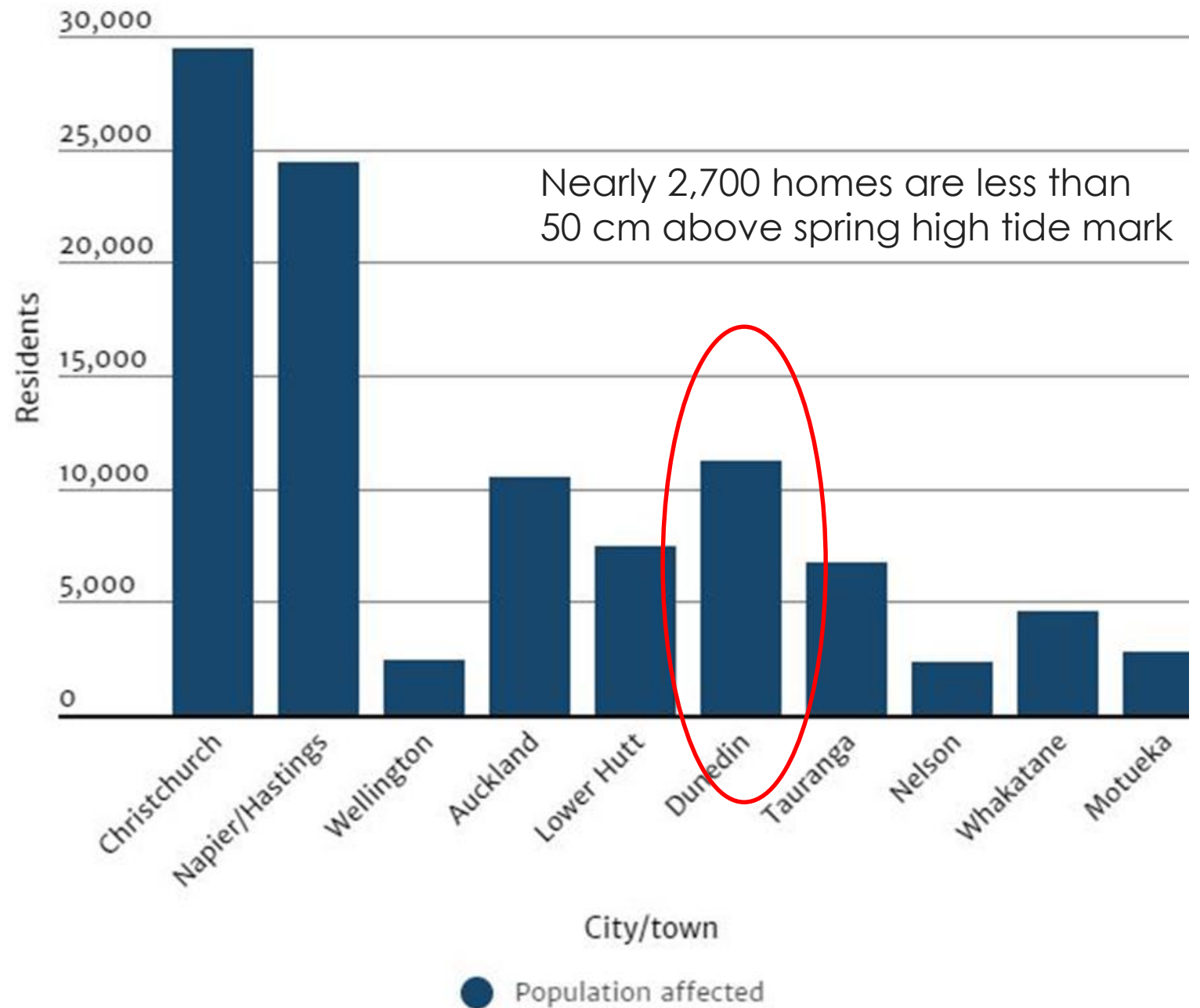
Manage development



# RMA Summary



Key risk areas - the numbers ...



Data from NIWA. The risk zone refers to an area between 0m and 1.5m of the mean high water spring tide mark.



What about existing  
use rights?

# Methods we have available under the RMA

We can prohibit new activities but can we extinguish existing use rights?

## Section 20A(2)(c)

*Once a rule in a regional plan becomes operative, the activity can only continue if the person carrying on the activity has applied for the necessary resource consent within six months after the date the rule became operative and the application has not been decided or any appeals have not been determined*

## Million dollar views, unliveable homes: Anger at forced acquisition of 34 Bay of Plenty properties

Matt Shand • 19:02, Dec 15 2017



MATT SHAND/STUFF

Houses in Matata, in the Bay of Plenty, have been declared unliveable as part of a "managed retreat" following Cyclone Cook and Debbie.

# Other existing RMA tools ?

National environmental standard  
– could prohibit future use but  
can't extinguish existing rights

## 43A Contents of national environmental standards

- (1) National environmental standards may—
  - (a) prohibit an activity;
  - (b) allow an activity;
  - (c) restrict the making of a rule or the granting of a resource consent to matters specified in a national environmental standard;
  - (d) require a person to obtain a certificate from a specified person stating that an activity complies with a term or condition imposed by a national environmental standard;
  - (e) specify, in relation to a rule made before the commencement of a national environmental standard,—
    - (i) the extent to which any matter to which the standard applies continues to have effect; or
    - (ii) the time period during which any matter to which the standard applies continues to have effect;
  - (f) require local authorities to review, under section 128(1), all or any of the permits or consents to which paragraph (ba) of that subsection applies as soon as practicable or within the time specified in a national environmental standard.
- (2) A national environmental standard that prohibits an activity—
  - (a) may do one or both of the following:
    - (i) state that a resource consent may be granted for the activity, but only on the terms or conditions specified in the standard, including the duration of a consent; and
    - (ii) require compliance with the rules in a plan or proposed plan as a term or condition; or
  - (b) may state that the activity is a prohibited activity.

# Other RMA tools ?

Designations - can prohibit further development and extinguish right to land through compulsory purchase – using the Public Works Act 1981.

But is managing risk from hazards such as development in areas subject to inundation “a public work”? Only if a state of emergency is declared.

## **168A Notice of requirement by territorial authority**

- (1) This section applies if a territorial authority decides to issue a notice of requirement for a designation—
  - (a) for a public work within its district and for which it has financial responsibility; or
  - (b) in respect of any land, water, subsoil, or airspace where a restriction is necessary for the safe or efficient functioning or operation of a public work.

## **public work and work mean—**

- (a) every Government work or local work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain by or under this or any other Act; and include anything required directly or indirectly for any such Government work or local work or use:

# Adapting to Climate Change in New Zealand



**Recommendations from the Climate Change  
Adaptation Technical Working Group**

## Some of the findings / actions

- Land-use planning frameworks are not currently effective in reducing risks from the effects of climate change.
- Data sets that are consistent across the country and investment in their stewardship over time.
- Lack of a clear legal mandate for councils to plan for and take action under the RMA to reduce climate related risk.



Who will pay?

Climate change adaptation should be a function of local government and related legislation such as the Public Works Act and the RMA

Provide a pool of public funding to enable council's to engage with their communities in a meaningful way both to retreat or adapt where appropriate

Develop National Planning Standards for defining and mapping hazards and their application

Amend section 9 and 10 of the RMA to remove existing uses in areas subject to natural hazards

## Conclusions

Questions ?