Coastal risks can be reduced now

Climate change hazards such as erosion and flooding threaten many coastal communities. While we wait for new legislation to better enable adaptation, pressures for coastal housing and urban development are continuing within an inadequate planning and building framework.

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URBAN DEVELOPMENT and supporting infrastructure continue to be located and intensified in areas known to be prone to coastal erosion and flooding – hazards that are worsening with ongoing sea-level rise.

The report *Using current legislative settings for managing the transition to a dynamic adaptive planning regime in New Zealand* has been prepared by researchers in the Enabling Coastal Adaptation project of the Resilience to Nature's Challenges National Science Challenge. The team investigated current planning practice to identify opportunities for better use of existing legislation and priorities for planning reform.

Enabling adaptation

Dynamic Adaptive Pathways Planning (DAPP) is established as best practice for coastal planning under conditions of uncertainty. However, it is difficult to implement within the current planning and development

Waves crashing over Tamaki Drive in Mission Bay, Auckland.

PHOTO – STU MACKAY, NIWA

regime - the Resource Management Act 1991, Local Government Act 2002 and Building Act 2004.

Current plans and policies are inherently static and decisions have long lifetimes, which makes it challenging to develop appropriately in a changing risk context. Recently, pressures have increased for new or infill development in low-lying coastal areas as part of wider pressures to find land for housing.

There is a hiatus between current practice and the expected direction of the new regime replacing the Resource Management Act (RMA).

In the meantime, we're seeing poor practices such as raising houses and filling land to stay above coastal flood levels and allowing intensification behind coastal protection structures. These practices can make problems worse by lulling people into a sense of misplaced security, and they also transfer large costs to future generations.

Positive steps

Good practice in addressing known coastal hazards is generally underpinned by commitment to improved understanding of coastal hazards through leadership and sharing of knowledge about risks, exposure and impacts between councils, communities, iwi and hapū and stakeholders using available guidance and research. This is essential to identify and resolve barriers to effective adaptation and is a prerequisite for the DAPP process.

Barriers and opportunities

Despite pockets of good practice, several factors associated with the current planning system are compounding current problems:

- Past decisions - reliance on legacy consents for subdivisions and developments that are not yet implemented and are now known to be in imminently at-risk locations.
- Significance of land-use change - there is a lack of recognition of the seriousness of the impacts of climate change in relation to the lifetime of decisions on permanent land-use change.
- Housing pressure - the urgency for urban growth and intensification to address current housing pressures conflicts with due consideration of current and future climate change hazards and impacts and the urban form necessary to help achieve the national climate change emissions budgets. The strongly directional language of the National Policy Statement on Urban Development, plus its processes, means that it is likely to trump the requirements of the New Zealand Coastal Policy Statement and further entrench the exposure of development to coastal hazard risks.
- Familiar practice - despite known sea-level rise risks and increasing insurance industry warnings, current planning systems continue to prefer mitigation of climate change effects over the alternatives of 'avoid' or 'remedy' in decision making on resource consent applications. This involves the continued use of protection, accommodation practices and deference of difficult decisions - retreat or limitations on new development - to the next planning cycle. This delays the implementation of effective adaptive action in the short term, creating social, cultural and economic costs in the long term.

Key matters to resolve

Some of the issues and opportunities that require addressing in the RMA reforms are of particular importance to the development sector:

- Timeframes - these are relatively short across the RMA (10 and 30 years), the New Zealand Infrastructure Commission/Te Waihanga Act 2019 and the 50-year design life for individual buildings under the Building Act. They present significant challenges to local government in undertaking strategic planning and managing development within the context of long-term climate change hazard risk.
- Legislative disconnects - there is a long-term tension between how natural hazards and climate change are considered under the RMA and the Building Act, resulting in decision-making disjuncts and raising the development expectations of landowners. Section 72 of the Building Act makes it very difficult to refuse a building consent even where the land is known to be subject to one or more natural hazards, except where this will worsen the hazard or affect other properties. Changes to the RMA mean that refusing subdivision consents in hazard locations has also become more difficult.

How to progress

The study examined multiple planning documents, evolving legislation and policy and investigated several case studies across Aotearoa New Zealand.

It found that more can be done to use existing legislation and to support the set-up phases of DAPP to better position local authorities for new planning legislation. These steps will help provide for clear and equitable progress toward reduced risks from coastal hazards and climate change.

Regional and district councils need to make sure their respective responsibilities are clear and are embedded in policy. They must develop and maintain consistent approaches to collecting and applying hazard information. Councils can also collaborate to identify and prioritise areas where DAPP planning should be progressed.

Action is needed to strengthen policy that supports risk reduction from sea-level rise over the lifetime of land-use activities. This can include reviewing the status of subdivision, land use, building and infrastructure rules to enable appropriate decisions on new activities in hazard areas.

The study also identifies opportunities where legislative reform can reduce risks to future communities through adaptive planning using DAPP, building on current good practice and existing guidance and key changes in culture.

For more The full report is available from resiliencechallenge.nz.