

- report

## **Plan Change 1B - Hearings Report**

▪ report

# Plan Change 1B - Hearings Report

Prepared for  
Wairoa District Council

By  
Beca Carter Hollings & Ferner Ltd

May 2007

Wairoa District Council  
PO Box 54  
WAIROA 4108

23 May 2007  
Our Ref: 2109913  
T1:66175-KXF75R03.DOC

**Attention: Peter Freeman**

Dear Sir

**Plan Change 1B - Hearings Report**

Please find attached a copy of the report to the Hearings panel for Plan Change 1B. This report has also been forwarded to you by e-mail and should be printed in the agenda with the Plan Change as notified (for absolute certainty this should be printed from the Council's website). A copy of all the submissions annotated by submission point should also be attached to the agenda. These have also been forwarded to you by e-mail as pdf files.

Yours faithfully

Keith Frenz

Associate - Planning

*on behalf of*

**Beca Carter Hollings & Ferner Ltd**

Direct Dial: +64-7-577 3887

Email: keith.frenz@beca.com

# Hearing Report : Plan Change No 1B Coastal Protection (Mahia)

## PART A: INTRODUCTION

### 1.0 Introduction

- 1.1 This report addresses submissions and further submissions made in relation to Plan Change 1B – Coastal Protection, which proposes amendments to the objectives, policies, rules and other provisions including the Planning Maps of the Operative Wairoa District Plan (“the Plan”) as they relate to the coastal areas of the Mahia Isthmus and Peninsula.
- 1.2 Proposed Plan Change 1B as notified is *attached* as **Appendix 1** to this report.

### 2.0 Background

- 2.1 Proposed Plan Change 1 was notified on 13 July 2006 with submissions closing on 10 August 2006. Plan Change 1 introduced changes to the provisions of the District Plan for residential development and for coastal hazard management in the Mahia Isthmus area. The changes drew on the successful consultation and implementation of the Wairoa Coastal Strategy, the Mahia Beach Structure Plan and the Mahia Isthmus Communities Structure Plan (being considered concurrently with this Plan Change).
- 2.2 Following receipt of submissions and further consultation it was determined that the Plan Change should be modified to include the whole of the Mahia Peninsula, and not be limited to the Structure Plan areas, to ensure consistency of District Plan administration for the entire area.
- 2.3 Further to the submission to Plan Change 1 from the Hawke’s Bay Regional Council it was found that the Plan Change duplicated some of the recently notified Change to the Regional Coastal Plan with respect to Coastal Hazards. Plan Change 1 has therefore been modified so that there is no duplication of effect making the planning process for areas identified as being subject to coastal hazards more efficient.

- 2.4 Plan Change 1B was notified on Thursday 15 Feb 2007, with submissions closing on 15 March 2007. Submissions previously received to Plan Change 1 were accepted by the Council as submissions to Plan Change 1B.
- 2.5 A summary of submissions was made and notice for further submissions was advertised on 17 April 2007 with the submission period closing on 16 May 2007.

## **PART B: GENERAL SUMMARY OF SUBMISSIONS**

### **3.0 Submissions Received**

3.1 Fifty one (51) submissions were received in relation to Plan Change 1B – Coastal Protection (Mahia), one of these was received after the closing date for submissions (15 March 2007) and thirty eight (38) of these were received and carried forward from the notification of Plan Change 1. These submissions covered three hundred and twenty eight (328) submission points. One (1) further submission was received. The further submission covers forty two (42) points of submission.

3.2 The issues raised by the submissions are arranged in the following broad categories:

A General submissions to the Plan Change relating to approval/rejection of the Plan change as a whole, consultation and unspecified tangata whenua issues.

B Submissions to Section 8, Managing the Effects of Natural Hazards

C Submissions to Section 15A, Coastal (Mahia) Zone

D Submissions to Section 18A, Residential (Mahia) Zone

E Submissions to Section 27, Subdivision

F Submissions to Section 27A, Coastal Hazards

G Submissions to Section 28, Additional Information

H Submissions on Section 31, Definitions

I Submissions on the Planning Maps

### **3.4 Late Submissions**

One submission was received after the closing date for submissions of 15 March 2007. Tui Development Trust Company Ltd (TDTCL) (Submission No. 48) was received by Council on 19 March 2007, 2 working days after the closing date of 24 November 2006. The submission seeks to add to TDTCL's earlier submission (No. 13).

No reasons were given for the delay in serving the submissions although the submitter acknowledged that the submission was late.

The submission has been considered in this report, however the Committee will need to decide whether to accept it.

## PART C: ANALYSIS OF SUBMISSIONS

Following is an analysis of all submissions and further submissions received to the notification of Plan Change 1 and the modified Plan Change 1B. Plan Change 1B has taken into account some of the concerns raised in submission to Plan Change 1, in particular the duplication of the coastal hazard rules with the Hawke's Bay Regional Coastal Environment Plan. Where submissions are no longer relevant the changes between the two notified Plans are identified.

Submission No. 32 (HBRC) is recorded as Appendices to submission No. 23 and has been added to that submission with no change to the number of points raised.

### 4.0 General (A)

4.1 The following submissions **support/oppose** Plan Change 1B

- 17.1 Wairoa Forest & Bird Society
- 28.6 Eastern Earth Landscape Architects
- 35 John de Lautour
- 42.1 New Zealand Historic Places Trust
- 49.1 W I Livingstone
- 50.1 David Fraser

#### **Submission Detail**

Submission 17.1 supports the provisions in the Plan Change that go towards protecting the indigenous flora and fauna in a delicate coastal environment that is under threat from development.

Submission 28.6 refers to the explanatory statement to Plan Change 1B and is not a submission on the Plan Change itself.

Submission No. 35 (John de Lautour) is a submission to a specific resource consent application.

Submission 42.1 supports the modification of Plan Change 1B to include the whole of the Mahia Peninsula. The New Zealand Historic Places Trust has also made a more detailed submission (No. 36) that is considered further in this report.

Submission 49.1 opposes the Plan Change in its entirety as the hazard lines are based on the Regional Council Tonkin and Taylor Report which is not site specific. The submitter feels *"the Wairoa District Council should maintain control of what happens on a case by case basis"*.

Submission 50.1 supports the proposal in Plan Change 1 (unchanged in Plan Change 1B) as it relates to the preservation of the natural character of the coastal environment. In particular the provisions for a minimum lot size in the Coastal (Mahia) Zone of 5,000m<sup>2</sup> and a maximum volume of earthworks per year. The submitter seeks that all changes relating to coastal protection in the CHEPA be adopted and adhered.

### **Planner's Comments and Recommendation**

I concur with submissions 17.1, 42.1 and 50.1 and recommend they be **accepted**, for the reasons identified in the comments above.

With regard to submission 49.1 it is the Wairoa District Council's obligation to be consistent with the Regional Plans and this Plan Change achieves that consistency. Further recommendations in this report provide for the most up to date data available from the Regional Council to be put into the Plan prior to notifying the decision on this Plan Change. The Plan Change also does provide for applications to be made that may include a site specific hazard assessment.

I recommend that submissions 28.6, 35 and 49.1 be **rejected**.

4.2 The following submissions provide general comment on Plan Change 1B:

- 22.1 Queenie Mary Whaanga
- 23.30 Hawke's Bay Regional Council
- 28.9 Eastern Earth Landscape Architects
- 36.1 New Zealand Historic Places Trust
- 39.2 William Greening
- 39.3 William Greening

### **Submission Detail**

Submission 22.1 seeks to ensure that the environment is protected and that there are no impacts on culturally sensitive sites in particular from contamination and pollution. Also to ensure that all mataitai are protected and that Council will consider that all areas of Mahia are reticulated for wastewater purposes.

### **Planner's Comments**

The proposed Plan Change has been initiated from a concern that the existing rules in the operative District Plan do not provide for the sustainable management of the environment in the Mahia area. While the details of individual resource consent applications cannot always be anticipated the proposed objectives, policies and rules provide a greater degree of guidance and measure of control than is currently provided in the operative District Plan. The outcomes should therefore support the submitters request.

Reticulated wastewater services are to be provided for Mahia where it is practical and cost-effective to do so. Alternative methods of effluent disposal are managed by the HBRC and are required to meet specified standards for health and safety.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 22.1 be **accepted in part**.

### **Submission Detail**

Submission 23.30 by the HBRC was made to Plan Change 1 prior to its modification to Plan Change 1B. Plan Change 1B takes into account the comments made in this submission.

The submission sought the withdrawal of those parts of the Plan Change that related to Natural Hazards or the amendment of the Plan Change so that the objectives and policies achieve the following:

- “(a) Give effect to the NZCPS and RPS*
- (b) Are not inconsistent with the Regional Resource Management Plan, Regional Coastal Plan and Proposed Regional Coastal Environment Plan*
- (c) Do not provide for the relocation of buildings as the principal means of avoidance or mitigation of natural coastal hazards*
- (d) Recognise and provide for the avoidance and mitigation of coastal erosion and coastal inundation hazards*
- (e) Incorporate a prioritised management approach to coastal erosion and inundation hazards. The priorities (in order) should be:*
  - i. Avoidance of the hazard in the first instance (or in cases where existing development is threatened, then evaluation of the feasibility of relocating such development should be the first priority)*
  - ii. Maintaining and enhancing natural features and buffers (eg sand dunes, gravel barriers and inter-tidal rock structures)*
  - iii. Evaluating the use of beach nourishment solutions to mitigate the coastal hazard and then ...*
  - iv. The use of hard structures only after these other priorities have been evaluated and deemed unfeasible. The use of hard coastal protection works would typically be adopted where all other options are inappropriate.*

*Amend those parts of Plan Change 1 that relate to natural hazards so that rules are included in the District Plan for the control of subdivision of land within coastal erosion risk zones and coastal inundation risk zones. Subdivision should be classified as a non-complying activity within the CERZ and as a discretionary activity within the 2060 and 2100ERZs and discretionary within parts of the Moderate Inundation Risk Zone that are not otherwise within the 2060 or 2100ERZs.”*

### **Planner's Comments**

Plan Change 1B reflects changes made in response to this submission. Key points/changes are:

1. The Coastal Hazard lines have been included in the District Plan to enable the Wairoa District to give effect to the RPS and the NZCPS

2. Rules related to the Coastal Hazard lines including those in Section 27A, Coastal Hazards, give effect to the RPS and the NZCPS and are not inconsistent with the Regional Resource Management Plan, Regional Coastal Plan and the Proposed Regional Coastal Environment Plan (PRCEP).
3. Rules related to buildings and activities that are managed by the HBRC in the PRCEP are removed from Plan Change 1 as it is modified in Plan Change 1B.
4. Methods of maintenance, enhancement, mitigation and protection are provided for in the PRCEP and are not included in Plan Change 1B
5. Those parts of Plan Change 1 that related to subdivision in areas subject to coastal hazards have been modified in Plan Change 1B to the effect that:
  - (a) Subdivision in the CERZ where the land is partly located in the CERZ and the land within the CERZ is to be held in the certificate of title of the proposed seaward lot and no buildings are proposed in the CERZ is a discretionary activity.
  - (b) Subdivision of land wholly within the CERZ that is to vest in the local or regional authority is a discretionary activity
  - (c) Boundary adjustments are a discretionary activity.
  - (d) Subdivision in the 2060 and 2100 ERZs are a discretionary activity.
  - (e) Subdivision of land in the CERZ that is not provided for as a discretionary activity is a prohibited activity

These changes in general meet the relief sought by the submitter except that the status of subdivision in the CERZ that is not discretionary becomes prohibited. It is my understanding that the CERZ defines an area of risk that is current and Council would be reasonably expected to decline subdivision in this area on the basis of the discretion provided by Section 106 of the Resource Management Act, 1991. It is therefore appropriate, in my opinion, that subdivision be prohibited (except for the circumstances identified as discretionary) in the CERZ for the sustainable management of the land.

#### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 23.30 be **accepted in part**.

#### **Submission Detail**

Submission 28.9 by Eastern Earth Landscape Architects refers to missing pages from the Section 32 Assessment – Part 2, Page 2 and Part 3, Page 1.

#### **Planner's Comments**

These pages are available but it is noted that the Section 32 Assessment was rewritten in accordance with the changes notified in Plan Change 1B. No further

submission was received to indicate that the same or similar problem occurred during the notification of Plan Change 1B.

**Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 28.9 be **accepted**.

**Submission Detail**

Submission 36.1 by the New Zealand Historic Places Trust records that there are many recorded and unrecorded archaeological sites in the Wairoa District and the NZHPT supports having more restrictive rules about subdivision, use and development in coastal areas. However, the submitter is not of the opinion that the Plan Change will be effective in protecting historic heritage. Several further submission points suggest amendments that would support the protection of historic heritage.

**Planner's Comments**

The purpose of this Plan Change is to address the coastal environment of the Mahia Peninsula, in particular in relation to coastal hazards in conjunction with the Proposed Regional Coastal Environment Plan and the demand/pressure on residential areas.

There were no specific changes to the District Plan proposed in Plan Change 1B that would address the wider issue of heritage protection. Specific applications will identify site issues as they arise.

**Planner's Recommendations**

While I accept the importance of protecting historic heritage in the context of Plan Change 1B I recommend that, for the reasons identified in the comments above, the submission be **rejected**.

**Submission Details**

Submissions 39.2 and 39.3 by William Greening oppose Plan Change 1B and states:

*“(2) These issues will limit us to a law that does not take into account our connection and value and how we live on the land.*

*(3) Within Maoridom Maori title lands are not saleable, therefore should not be rateable.”*

**Planner's Comments**

These submissions oppose the Plan Change without qualification. However, the Plan Change in itself does not change the relationship of Maori to the land or the rateable value of the land or Council's policy on levying rates within the District. The Plan Change provides for the sustainable management of land and resources in the coastal Mahia area. In so doing it makes some activities conditional on compliance with rules of the Plan and other activities subject to Resource Consent. This applies to all activities so that the effects of those activities may be avoided, remedied or mitigated as required by the Resource Management Act. The issues raised in the submission may be considered, where relevant, in an assessment of effects for resource consent or otherwise discussed with the District Council.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 39.2 and 39.3 be **rejected**.

4.3 The following submissions comment on the consultation undertaken for Plan Change 1B:

- 1.1 Te Mana Taiao O Rongomaiwahine
- 1.2 Te Mana Taiao O Rongomaiwahine
- 28.1 Eastern Earth Landscape Architects
- 39.1 William Greening
- 40.1 Hawke's Bay Collective

### **Submission Details**

Submissions 1.1 and 40.1 are particularly concerned with the consultation undertaken either not being comprehensive enough or not specific to the Plan Change. Submissions 1.2 and 39.1 are concerned that there has been no assessment of the impact the Plan Change will have on tangata whenua. Submission 28.1 believes that the consultation for the Structure Plan should have been completed before notifying and hearing matters relating to a Plan Change.

### **Planner's Comments**

The process undertaken for the Structure Plan and Plan Change recognised that the two Plans are part of the comprehensive planning process envisaged in the Resource Management Act. The Plan Change provides for the implementation of the Structure Plans for the area.

It was made quite clear at the consultation meetings that were held (as listed in the Section 32 Assessment) that both the Structure Plan and the Plan Change were being consulted on. Residents of Mahia Beach were advised of consultation meetings so that they could also be involved in the Plan Change process even though the Mahia Beach Structure Plan had been completed.

Combining the two consultative processes enabled the consultants and the Council to better understand the issues that were raised at those meetings.

The consultation meetings were held at locations central to the local communities enabling a high attendance rate. In many cases the meetings were held at the local marae.

In my opinion combining the Structure Plan and District Plan consultation processes provides a synergy between the two Plans that would have been lacking had they been undertaken separately.

#### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 1.1, 1.2, 28.1, 39.1 and 40.1 be **rejected**.

4.4 The following submissions seek clarification of the establishment of the Erosion Risk Zones:

- 20.11 Surveying the Bay
- 28.4 Eastern Earth Landscape Architects
- 28.5 Eastern Earth Landscape Architects
- 43.6 Surveying the Bay

#### **Submission Details**

Submissions 20.11, 28.4, 28.5 and 43.6 call into question the findings of the Tonkin and Taylor report prepared for the Hawke's Bay Regional Council for the Proposed Regional Coastal Environment Plan (PRCEP).

#### **Planner's Comments**

The PRCEP has been notified and is at a stage that the Wairoa District must not be inconsistent with it in its planning documentation and decision-making. The accuracy of the findings of the Tonkin & Taylor report have been verified by the Regional Council and incorporated into the PRCEP. Wairoa District Council will adopt the same hazard lines and zones through this Plan Change so that the District Plan, and consent decisions related to land use in these areas, are consistent with the PRCEP and give effect to the RPS as required by the Resource Management Act.

By adopting the same hazard zones there is greater benefit to the community in terms of delivery and transparency of hazard information. While the Regional Council may manage many activities in the hazard zones it is still the statutory obligation of the District Council to manage subdivision and Plan Change 1 has been modified so that Plan Change 1B is complementary to the PRCEP. The alternative to this Plan Change is to address each subdivision on its merits and,

having due consideration to Section 106, RMA, where that subdivision is in areas of risk consent it may be declined. The proposed Plan Change 1B provides certainty for residents and developers in these areas.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 20.11, 28.4, 28.5 and 43.6 be **rejected**.

## **5.0 Section 8, Managing the Effects of Natural Hazards (B)**

5.1 The following submissions provide general support/opposition to the proposed changes to Section 8 of the District Plan

- 15.1 Department of Conservation
- 34.3 Penny Ann Fishing Company Ltd
- 51.3 Archie Packer

### **Submission Details**

Submission 15.1 provides general support for the Plan Change noting that *“Most of the provisions are consistent with the NZ Coastal Policy Statement (NZCPS), in particular Policy 3.4.”* While this submission was made with respect to Plan Change 1 prior to modification, the submission has not been further amended in the subsequent notification of Plan Change 1B.

Submissions 34.3 and 51.3 seek the deletion of Section 8 from the Plan and the removal of the CERZ line and other zones from the Planning Maps on the basis that the Regional Council *“is currently undertaking the process of zoning and controlling land use for land potentially subject to erosion”*.

### **Planner's Comments**

The modified Plan Change 1B takes into account the respective duties of the Hawke's Bay Regional Council and the Wairoa District Council. Section 8 and subsequent sections of the Proposed Plan Change now reflect these complementary responsibilities.

It is not possible to withdraw Section 8 completely because of the District's responsibilities in relation to subdivision and to give effect to the Regional Policy Statement and to be consistent with the PRCEP. For those reasons the CERZ and other zones are retained in the Proposed Plan Change 1B.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 15.1 be **accepted**

Submissions 34.3 and 51.3 be **accepted in part**.

5.2 The following submissions support/oppose the proposed changes to Section 8.4, Objectives and Section 8.5, Policies

- 5.1 Graeme Alexander Campbell
- 6.1 Mark Rodgers
- 6.2 Mark Rodgers
- 15.2 Department of Conservation
- 15.3 Department of Conservation
- 15.4 Department of Conservation
- 15.13 Department of Conservation
- 20.1 Surveying the Bay
- 20.2 Surveying the Bay
- 20.3 Surveying the Bay
- 23.31 Hawke's Bay Regional Council
- 23.32 Hawke's Bay Regional Council
- 23.33 Hawke's Bay Regional Council
- 23.34 Hawke's Bay Regional Council
- 23.35 Hawke's Bay Regional Council
- 23.36 Hawke's Bay Regional Council
- 23.37 Hawke's Bay Regional Council
- 23.38 Hawke's Bay Regional Council
- 23.39 Hawke's Bay Regional Council
- 23.40 Hawke's Bay Regional Council
- 23.41 Hawke's Bay Regional Council
- 24.3 Mark Mahoney
- 43.1 Surveying the Bay
- 44.3 M Mexted and P Williams

**Submission Details**

Submission 5.1 opposes the objectives and policies of the Proposed Plan Change as they *“do not clearly provide for, and protect, the life and well being and property of the existing Oraka Community”* and seek that they be modified accordingly.

Submission 6.1 supports Section 8.4, Objectives, relating to managing the effects of natural hazards.

Submission 6.2 opposes Section 8.5, Policies, in its entirety as notified in Plan Change 1.

Submission 15.2 supports Objective 8.4.1 and seeks its retention.

Submission 15.3 supports Policies 8.5.6 – 8.5.12 and 8.5.15 and 8.5.16 as notified in Plan Change 1, and seeks that they be retained as they are consistent with the NZCPS.

Submission 15.4 supports Policy 8.5.17(a), Protection Works, as notified in Plan Change 1, but seeks that it be amended to make clear that hard protection works for private and non-essential public activities are not considered appropriate.

Submission 15.13 requests that a policy be added to Section 8.5 to encompass NZCPS Policy 3.4.3, which refers to the ability of natural features to protect infrastructure in the coastal environment.

Submission 20.1 seeks clarification of Policy 8.5.8, Building in the CHEPA, as notified in Plan Change 1, to accurately reflect Council's intentions.

Submissions 20.2 and 43.2 seek that Policy 8.5.12(a), Subdivision, as notified in Plan Change 1 and Policy 8.5.8, Subdivision, as notified in Plan Change 1B, be amended to clarify the meaning of the word "*partially*".

Submission 20.3 seeks that Policy 8.5.12(b), Subdivision, as notified in Plan Change 1, seeks clarification of the use of the word "*contiguous*".

Submission 23.31 seeks clarification of Objective 8.4.1 *"to better reflect provisions of the NZCPS and RPS. Eg: 'To ensure the life and well-being of people, physical resources and significant environmental values are provided for and protected, where appropriate'".*

Submission 23.32 seeks modification of Policy 8.5.6 *"to ensure maintenance of river mouths is promoted and enhancement is voluntary where possible"* and *"to ensure river control and drainage works are provided for and not compromised in favour of maintenance and enhancement of river mouths' capacity to provide natural protection against coastal erosion and inundation"*.

Submission 23.33 seeks modification of Policy 8.5.7, Managing erosion and inundation hazards for new subdivision or use, to identify that avoidance of the hazard is the first priority and if avoidance is not practicable then effects should be mitigated.

Submissions 23.34 and 23.37 seek modification of Policies 8.5.8, Building in the CHEPA and 8.5.11, Review of Buildings and Activities, as notified in Plan Change 1, so that relocation of buildings is not provided for as the primary means of avoiding or mitigating natural coastal hazards.

Submissions 23.35 and 23.38 seek that Policies 8.5.9, Current Erosion Risk Zone (CERZ) and 8.5.12, Subdivision, as notified in Plan Change 1, be modified to give effect to the NZCPS and RPS, are not inconsistent with other regional plans, do not provide for relocation as the principal means of avoidance or mitigation of natural coastal hazards, recognise and provide for the avoidance and mitigation of coastal erosion and inundation hazards and incorporate a prioritised management approach to coastal erosion and inundation hazards.

Submission 23.36 supports Policy 8.5.10, 2060 year and 2100 year Erosion Risk Zones, as notified in Plan Change 1, as it recognises the differing degrees of risk in the identified risk zones and consequently enables WDC to apply different controls for subdivision of land within those zones.

Submission 23.39 refers to Policies 8.5.13, Roads and 8.5.14, Utilities, works and services, as notified in Plan Change 1, and requests that new policies are added relating to the development of new roads and network utility services within the CHEPA. The submission further requests that beach and dune reinstatement is defined to include restoration of vegetation, slope and sediment volumes that existed prior to works.

Submission 23.40 requests that Policy 8.5.15, Reserves, as notified in Plan Change 1, is clarified with respect to the meaning of "*Regional Coastal Management programme*" and that the last sentence of the policy be deleted and incorporated in Policy 8.5.17, Protection works.

Submission 23.41 supports Policy 8.5.17, Protection works, as notified in Plan Change 1, and seeks its amendment to include the last sentence of Policy 8.5.15 and to amend clause (b) to read "*Soft protection works may be provided to avoid, remedy or mitigate the adverse effects of coastal erosion and/or inundation*".

Submission 24.3 opposes Policy 8.5.12, as notified in Plan Change 1 (now Policy 8.5.8 in Plan Change 1B) as it is "*inconsistent*"

Submission 44.3 supports Policy 8.5.7, as notified in Plan Change 1B and seeks its retention.

### **Planner's Comments**

The following changes were made to the objectives and policies for managing the effects of natural hazards from Plan Change 1 to Plan Change 1B.

<b>Objective/Policy</b>	<b>Plan Change 1</b>	<b>Plan Change 1B</b>
8.4.1	<i>8.4.1 To provide for, and protect, the life and well-being of people, physical resources and significant environmental values by avoiding the effects of coastal hazards on the use, subdivision and development of land in the Current Hazard Erosion Policy Area (CHEPA) and by remedying or mitigating the effects of such use, subdivision and development on the coastal environment.</i>	Retained without change
8.5.6	<i>8.5.6 Policy: Foreshore &amp; River Mouth Protection. Maintain or enhance, where possible, the capacity of the active foredune areas and river mouths, to provide unimpeded natural protection against coastal erosion and inundation.</i>	Retained without change

Objective/Policy	Plan Change 1	Plan Change 1B
8.5.7	<p>8.5.7 Policy: Managing erosion and areas subject to flood hazards.</p> <p>(a) Existing buildings and activities</p> <p>Relocation, avoidance of further development and/or managing retreat are the appropriate means of implementing coastal erosion and inundation hazard management for lawfully established existing buildings and activities</p> <p>(b) New Subdivision or Use:</p> <p>Avoidance or mitigation of coastal erosion and inundation hazards is the appropriate means of implementing coastal erosion and inundation hazard management for new subdivision and use.</p>	<p>8.5.7 Policy: Managing erosion and inundation hazards.</p> <p>a) New Subdivision or Use:</p> <p>Avoidance or mitigation of coastal erosion and inundation hazards are the appropriate means of implementing coastal erosion and inundation hazard management for new subdivision.</p>
8.5.8		Deleted
8.5.9		Deleted
8.5.10		Deleted
8.5.11		Deleted
8.5.12	<p>8.5.12 Policy: Subdivision</p> <p>(a) CERZ:</p> <p>(i) Subdivision shall not be undertaken on land wholly located within the CERZ.</p> <p>(ii) Subdivision may be undertaken on land partially located within the CERZ where any new lot created complies with Policy 8.5.12(b).</p> <p>(b) 2060 year and 2100 year Erosion Risk Zones</p> <p>Subdivision may only be allowed where an Alternative Building Site can be provided contiguous with and clear of the CHEPA for any potential dwelling that may be erected within these zones.</p>	<p>8.5.8 Policy: Subdivision</p> <p>(a) CERZ:</p> <p>(i) New lots shall not be created on land wholly located within the CERZ.</p> <p>(ii) New lots may be created on land partially located within the CERZ provided a new building platform can be provided outside of the CERZ.</p>

Objective/Policy	Plan Change 1	Plan Change 1B
8.5.13		Deleted
8.5.14		Deleted
8.5.15		Deleted
8.5.16		Deleted
8.5.17		Deleted

### **Objective 8.4.1**

Objective 8.4.1 is a clear statement of sustainable management that takes into account the effects of natural hazards on use, subdivision and development in the coastal hazard erosion policy area (CHEPA) as well as the effects of use, subdivision and development on the natural coastal environment. This applies equally to the Oraka community as it does to other communities affected by coastal hazards.

The alternative wording provided in Submission 23.31 does not recognise the two, often competing, types of effect.

### **Planner's Recommendations on Objectives**

I recommend that, for the reasons identified in the comments above, the objective be retained as it is notified except that in reviewing the objective it is noted that there is a typographical error that needs to be corrected to retain the sense and intention of the objective. I suggest the following change be adopted (text deleted double struckthrough, text added double-underlined):

8.4.1 *To provide for, and protect, the life and well-being of people, physical resources and significant environmental values by avoiding the effects of coastal hazards on the use, subdivision and development of land in the Coastal ~~Current~~ Hazard Erosion Policy Area (CHEPA) and by remedying or mitigating the effects of such use, subdivision and development on the coastal environment.*

I further recommend that, for the reasons identified in the comments above:

Submissions 5.1 and 23.31 be **rejected**

Submissions 6.1 and 15.2 be **accepted**

### **Policy 8.5.6, Foreshore and River Mouth Protection**

The provision or undertaking of river control and drainage works are the responsibility of the Regional Council and it would not be appropriate for the District Plan to ensure the provision of these works through its policies. The proposed policy provides for the sustainable management of foreshore and river mouth areas through “*unimpeded natural protection against coastal erosion and inundation*”. This gives effect to the NZCPS and RPS and is consistent with other Regional Plans and is appropriate insofar as the District is able to complement the broader

natural hazard policies and rules of those regional plans. No change is recommended.

**Policy 8.5.7, Managing erosion and inundation hazards**

The policy has been significantly amended from that notified in Plan Change 1 and now relates specifically to new subdivision and use. The HBRC has requested that the priority of avoidance be established over mitigation as a means of implementing coastal erosion and inundation hazard management. I concur with the request and also note that the responsibilities of the District now lie with subdivision and the sub-heading “*New subdivision or use*” should also be amended by deleting “*or use*”.

I concur with those submitters that support the policy as modified but note that they may wish to discuss the proposed changes. In my opinion the intent of the policy is not altered by the suggested changes.

The policy is necessary to promote the sustainable management of subdivision in areas subject to erosion and inundation hazards and therefore I do not concur with those submissions that oppose the policy in its entirety.

The proposed changes are recommended below.

**Policy 8.5.8, Subdivision**

The policy has been amended to identify the particular concern of the HBRC with subdivision in the CERZ and the avoidance of risk. The Policy relates to all subdivision in the CHEPA by differentiating between subdivision wholly within the CERZ and subdivision of land that is partially within the CERZ, thus by default being in the 2060 and 2100 year Erosion Risk Zones, or even outside the CHEPA. It is not considered that the term “*partially*” needs to be defined in any greater detail as it takes its plain English meaning, that is, that part of the land subject to subdivision (ie the underlying lot) is partly (not wholly) within the CERZ. In my opinion no other use can be given to the term. For consistency I recommend changes to the numbering below.

**Policy 8.5.9, Erosion Risk Zones (New)**

Further to submission 23.36, HBRC, consideration has been given to the purpose of Policies 8.5.9 and 8.5.10 as notified in Plan Change 1. These policies related to the differing degrees of risk in the identified risk zones and provided for the ability to manage that risk as it related to subdivision. In my opinion it is appropriate to retain the intent of these policies in Plan Change 1B with particular reference to subdivision to support the rules proposed in Section 27A. The suggested new policy provides for the sustainable management of subdivision in the CHEPA.

I recommend the inclusion of new Policy 8.5.9 below.

**Deleted Policies**

Policies 8.5.8, 8.5.11, 8.5.13 to 8.5.17 have been deleted as they overlap with the responsibilities of the HBRC and in particular the provisions of the Proposed Regional Coastal Environment Plan (PRCEP).

Proposed Plan Change 1B is of a form that is complementary to the PRCEP with regards to the Wairoa District's responsibilities in relation to subdivision and the focus of natural hazards management is on sustainable subdivision management.

Those submitters that oppose these policies in part or in their entirety are accepted or accepted in part. Those submitters that support these policies are rejected because of the potential for duplication of functions between the District and the Regional Councils.

### **Suggested New Policies**

Submission 15.13 requested that a policy be added to this Section to support Policy 3.4.3 of the NZCPS to promote the ability of natural features to protect infrastructure in the coastal environment.

In my opinion this is achieved through the PRCEP and also through Policy 8.5.6, Foreshore and River Mouth Protection which refers to the provision of "*unimpeded natural protection against coastal erosion and inundation*".

No change is recommended.

### **Planner's Recommendations on Policies**

I recommend that Policies 8.5.7 and 8.5.8 be amended and new Policy 8.5.9 be added for the reasons identified above (text deleted double struckthrough, text added double-underlined):

8.5.7 Policy: *Managing erosion and inundation hazards.*

~~(a)~~ New Subdivision ~~or Use:~~

~~Avoidance or mitigation~~ of coastal erosion and inundation hazards ~~is~~ ~~are~~ the appropriate means of implementing coastal erosion and inundation hazard management for new subdivision. Only where avoidance is not practicable is mitigation an appropriate response.

8.5.8 Policy: *Subdivision*

~~(a)~~ ~~CERZ:~~

~~(a)~~ New lots shall not be created on land wholly located within the CERZ.

~~(b)~~ New lots may be created on land partially located within the CERZ provided a new building platform can be provided outside of the CERZ.

8.5.9 Erosion Risk Zones

(a) CERZ

Subdivision of land wholly or partially within the CERZ shall ensure the maintenance and enhancement of the natural buffering effect of the foredune area.

(b) 2060 year and 2100 year Erosion Risk Zones

Due to the lower risk of coastal erosion and inundation in the 2060 year and 2100 year Erosion Risk Zones subdivision may be undertaken in managed circumstances that maintain or enhance the natural buffering effect of the foredune area

I further recommend that, for the reasons identified in the comments above:

Submissions 20.1, 20.3, 23.33, 23.34, 23.35, 23.36, 23.37, 23.38, 23.40 and 23.41 be **accepted**.

Submissions 15.3, 23.39 and 44.3 be **accepted in part**

Submissions 6.2, 15.4, 15.13, 20.2, 23.32, 24.3 and 43.2 be **rejected**

5.3 The following submissions support/oppose the proposed changes to Section 8.6, Methods

- 6.3 Mark Rodgers
- 6.4 Mark Rodgers
- 6.5 Mark Rodgers
- 15.5 Department of Conservation
- 23.42 Hawke's Bay Regional Council
- 23.43 Hawke's Bay Regional Council
- 23.44 Hawke's Bay Regional Council
- 24.4 Mark Mahoney
- 24.5 Mark Mahoney
- 24.6 Mark Mahoney
- 24.7 Mark Mahoney
- 24.8 Mark Mahoney
- 24.9 Mark Mahoney
- 44.4 M Mexted and P Williams
- 52.42 Hawke's Bay Regional Council (Further Submission)

Further submission 52.42 supports submission 23.43

**Submission Details**

Submissions 6.3, 6.4 and 6.5 support the proposed methods although submission 6.3 seeks clarification of the term "*erosion over the short-term*" as used in Section 8.6.4. Particular support is also given to Methods 8.6.11, 8.6.16 and 8.6.18 (although the submitter notes that this may mean additional costs to the ratepayer).

Submission 15.5 supports the proposed methods and seeks that they be retained.

Submission 23.42 requests that Method 8.6.4, as notified in Plan Change 1, be expanded on to refer to subdivision, use and development and not just development.

Submission 23.43, supported by further submission 52.42, seek clarification in Method 8.6.16, as notified in Plan Change 1, as to who is to undertake the 5-yearly review and the scope of that review.

Submission 23.44 requests that “*new method(s) that refer to coordination and integration between WDC and HBRC and their respective activities, roles and responsibilities*” are added.

Submission 24.4 opposes Method 8.6.4, the identification of the CHEPA, on the basis that an alternative report is available for Mahanga.

Submission 24.5 opposes Method 8.6.12, prohibiting subdivision in the CERZ, as notified in Plan Change 1, because it should be possible to subdivide where a building site is available outside the CHEPA.

Submission 24.6 opposes Method 8.6.15, requiring esplanade reserves, as notified in Plan Change 1, because an Esplanade Reserve has already been taken at Mahanga.

Submission 24.7 opposes Method 8.6.16, review, as notified in Plan Change 1, in preference to a 10 year review.

Submission 24.8 opposes Method 8.6.17, further research, as notified in Plan Change 1, because an alternative report is available for Mahanga.

Submission 24.9 opposes Method 8.6.18, develop a funding policy, as notified in Plan Change 1, because it is likely to be unfair to ratepayers.

Submission 44.4 opposes Method 8.6.12, prohibiting subdivision in the CERZ, as it should be possible to consider applications on their merits.

### **Planner's Comments**

The following changes were made to the methods for managing the effects of natural hazards from Plan Change 1 to Plan Change 1B (changes highlighted).

Method	Plan Change 1	Plan Change 1B
8.6.4	8.6.4 Identify a CHEPA along Mahia's open coast within which <b>development</b> is restricted due to risks of erosion and inundation over short –term, 2060 year and 2100 year planning periods. Record these areas on planning maps in the District Plan. Provide known hazard related information on LIM's and PIM's (Land Information Memorandums, Project Information Memorandums).	8.6.4 Identify a CHEPA along Mahia's open coast within which <b>subdivision</b> is restricted due to risks of erosion and inundation over short –term, 2060 year and 2100 year planning periods. Record these areas on planning maps in the District Plan. Provide known hazard related information on LIM's and PIM's (Land Information Memorandums, Project Information Memorandums).
8.6.11	8.6.11 Establish a Coastal (Mahia) Zone and Residential (Mahia) Zone.	Retained without change
8.6.12	8.6.12 Prohibit subdivision <b>and restrict development</b> in the CERZ.	8.6.12 Prohibit subdivision in the CERZ.

Method	Plan Change 1	Plan Change 1B
8.6.13	8.6.13 Manage the location of new building platforms and require the provision of Alternative Building Sites within the 2060 year and 2100 year Erosion Risk Zones.	Deleted
8.6.14	8.6.14 Policies 8.5.1 to 8.5.15 shall be implemented by the relevant Rules in the District Plan. These Rules are primarily located in Chapter 27A Coastal Hazards (Mahia Coastal Policy Area).	8.6.14 Policies 8.5.1 to 8.5.8 shall be implemented by the relevant Rules in the District Plan. These Rules are primarily located in Chapter 27A Coastal Hazards.
8.6.15	8.6.15 Require the provision of Esplanade Reserves upon subdivision and development of land abutting the foreshore, where such land would mitigate natural hazard and/or protect other ecological or resource values.	Retained without change
8.6.16	8.6.16 Review every 5 years, using all available information, the physical extent of the CHEPA.	8.6.16 Support HBRC review, using all available information, the physical extent of the CHEPA.
8.6.17	8.6.17 Where necessary programme additional research and investigation of coastal erosion and inundation hazard risk along residential areas of the open coast through the Annual Plan.	Retained without change
8.6.18	8.6.18 Develop a funding policy which defines recovery and apportionment of costs for ongoing implementation and review of hazard provisions, and for beach replenishment/ restoration works.	Retained without change

### **General**

The support of all the methods in submission 15.5 is acknowledged.

It is noted that the numbering in Section 8.6 is inconsistent as it now misses Method 8.6.13. I suggest that this is corrected.

### **Method 8.6.4**

Submission 6.3 correctly identifies an inconsistency in the use of the term “short-term” in the proposed method and I suggest that the Method is amended to clarify this in relation to the term Current Erosion Risk Zone. The use of the term is retained (with clarification) because it refers to a period of time rather than a state of risk. I suggest the following amendment (additional text double underlined):

- 8.6.4 Identify a CHEPA along Mahia's open coast within which subdivision is restricted due to risks of erosion and inundation over short -term (the period of current risk), 2060 year and 2100 year planning periods. Record these areas on planning maps in the District Plan. Provide known hazard related information on LIM's and PIM's (Land Information Memorandums, Project Information Memorandums).

The method has been amended from the notification of Plan Change 1 to Plan Change 1B to refer to subdivision. This correctly identifies that the District Council's responsibilities lie with subdivision and is complementary to the HBRC's PRCEP.

With regard to submission 24.4 the identification of the Coastal Hazard Zones is a matter undertaken by the HBRC and availability of an alternative report for a particular site may be considered by the Regional Council as it considers appropriate. Plan Change 1B is not retrospective and does not affect consents granted previously on the basis of earlier reports.

#### **Method 8.6.11**

The support for Method 8.6.11 in submission 6.4 is acknowledged.

#### **Method 8.6.12**

Submissions 24.5 and 44.4 oppose Method 8.6.12 which prohibits subdivision in the CERZ because all subdivision should be able to be considered on its merits, subject to appropriate mitigation.

As notified the method is unclear and does not identify the specific exceptions to prohibition. I suggest that the method should be amended as follows (deleted text double struckthrough, inserted text double underlined):

- 8.6.12 Prohibit subdivision ~~in the CERZ~~ where land is wholly within the CERZ unless the subdivision is for the purpose of vesting reserves in the local or regional authority or as otherwise identified as a discretionary activity.

The CERZ is an area which is subject to current erosion and inundation risks. Consideration of subdivision of land wholly within this area for private development would be subject to Section 106 of the Resource Management Act and, because it is a current risk, would be declined. The method does not prohibit subdivision where the underlying title extends into the 2060 year and 2100 year risk zones or beyond, therefore there is no reduction in property or development rights. Allowing for subdivision in the alternative does not provide for the sustainable management of the coastal land resource.

#### **Method 8.6.15**

Esplanade reserves are required by the Resource Management Act, 1991, unless that requirement is waived. Section 8.6 provides an overview of methods that may be used to implement the Resource Management Act and may include circumstances where esplanade reserves have already been taken. It is not appropriate to delete the method simply because reserves may have already been taken in one location when they may not be provided for in other areas.

No change is suggested.

#### **Method 8.6.16**

Method 8.6.16 has been amended from the notification of Plan Change 1 to Plan Change 1B by identifying that Wairoa District Council supports the review of the CHEPA by HBRC without reference to a timeframe. The timeframe for that review is a matter for the Regional Council to determine.

#### **Method 8.6.17**

On-going research is important to identify trends in coastal erosion and inundation. It is not appropriate or good sustainable management to rely on a single report or reports fixed in time as changes to sea level or climate may alter the particular circumstances of any coastline. It is therefore not appropriate to delete the method.

#### **Method 8.6.18**

The development of a funding policy is identified as a method of addressing hazard management issues. The method itself is not the policy and any future funding policy would have to go through the special consultative processes that the Council is subject to under other statutory obligations. No change is recommended.

#### **Method 8.6.19**

The HBRC seeks the inclusion of method(s) that promote the integration and coordination of the roles of the WDC and the HBRC. I concur with this request and Method 8.6.19 is included in Plan Change 1B in response to this submission to Plan Change 1. No submission or further submission has been received in relation to this method and it is therefore accepted.

#### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, the following changes are made to the Methods (deleted text double struckthrough, inserted text double underlined)

8.6.4 *Identify a CHEPA along Mahia's open coast within which subdivision is restricted due to risks of erosion and inundation over short ~~term~~ (the period of current risk), 2060 year and 2100 year planning periods. Record these areas on planning maps in the District Plan. Provide known hazard related information on LIM's and PIM's (Land Information Memorandums, Project Information Memorandums).*

8.6.12 *Prohibit subdivision ~~in the CERZ~~ where land is wholly within the CERZ unless the subdivision is for the purpose of vesting reserves in the local or regional authority or as otherwise identified as a discretionary activity.*

And that Methods 8.6.14, 8.6.15, 8.6.16, 8.6.17, 8.6.18 and 8.6.19 be renumbered as Methods 8.6.13, 8.6.14, 8.6.15, 8.6.16, 8.6.17 and 8.6.18

I further recommend that, for the reasons identified in the comments above:

Submissions 6.3, 6.4, 6.5, 23.43, 23.44 and further submission 52.42 be **accepted**.

Submissions 15.5, 23.42, 24.5, 24.7 and 44.4 be **accepted in part**

Submissions 24.4, 24.6, 24.8 and 24.9 be **rejected**

5.4 The following submissions support/oppose the proposed changes to Section 8.7, Explanation and Reasons and Section 8.8, Anticipated Environmental Results

- 6.6 Mark Rodgers
- 6.7 Mark Rodgers
- 15.6 Department of Conservation
- 20.4 Surveying the Bay
- 20.5 Surveying the Bay
- 23.45 Hawke's Bay Regional Council
- 23.46 Hawke's Bay Regional Council
- 24.10 Mark Mahoney
- 24.11 Mark Mahoney
- 24.12 Mark Mahoney

**Submission Details**

Section 8.7, Explanation and Reasons have been completely rewritten from Plan Change 1 as notified and submissions received to the notification of that Plan Change may not be relevant to Plan Change 1B. Section 8.8, Anticipated Environmental Results, is the same in Plan Change 1B as it was in Plan Change 1. Submissions to Section 8.8 remain relevant. Specific submissions are considered below.

Submission 6.6 opposes the last paragraph of Section 8.7.7, as notified in Plan Change 1. This section was deleted in Plan Change 1B.

Submission 6.7 opposes Section 8.7.10, as notified in Plan Change 1. This section was deleted in Plan Change 1B.

Submission 15.6 supports the explanation and reasons and seeks that they be retained.

Submissions 20.4 and 20.5 oppose Section 8.7.10, as notified in Plan Change 1. This section was deleted in Plan Change 1B.

Submissions 23.45 and 23.46 oppose Sections 8.7 (specifically section 8.7.7) and 8.8 as notified in Plan Change 1. Section 8.7 has been rewritten and, specifically, Section 8.7.7 has been deleted in Plan Change 1B. The submission does not identify what, if any, changes should, in their opinion, be made to Section 8.8, Anticipated Environmental Results.

Submissions 24.10 and 24.11 oppose Sections 8.7.7 and 8.7.10, as notified in Plan Change 1. These sections have been deleted in Plan Change 1B.

Submission 24.12 opposes Section 8.8.9 which provides for the maintenance of a natural protective buffer area between the open coastline and development so avoiding the need for hazard protection works. The submission refers to the HBRC Hazard Report but does not offer alternative wording.

### **Planner's Comments**

Following the notification of Plan Change 1B no submissions or further submissions were received in relation to Section 8.7. It is therefore suggested that no change is necessary to this Section as the previous submissions refer to explanations and reasons that are no longer part of Plan Change 1B.

Submissions 23.45 and 24.12 refer to Section 8.8 which remains the same in Plan Change 1B as it was notified in Plan Change 1 and therefore these submissions remain relevant. Neither submissions provide alternative wording to the Plan Change as notified and, in my opinion, the specified anticipated environmental results remain appropriate measures of the sustainable management of the CHEPA.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 6.6, 6.7, 20.4, 20.5, 23.46, 24.10 and 24.11 be **accepted**.

Submissions 23.45 be **accepted in part**

Submissions 15.6 and 24.12 be **rejected**

## **6.0 Section 15A, Coastal (Mahia) Zone (C)**

6.1 The following submission provides general support/comment for Section 15A, Coastal (Mahia) Zone

- 23.1 Hawke's Bay Regional Council
- 28.9 Eastern Earth Landscape Architects

### **Submission Details**

Submission 23.1 provides general support for the creation of the Coastal (Mahia) Zone and requests that the rules be clarified to the effect that *"any variations requested to performance standards will result in the assessment of an activity against all performance standards of the chosen zone, not necessarily the actual zone in which the activity is located"*.

Submission 28.9 recommends generally that *"specific performance standards are included for landscape (as well as visual amenity), including effects on landform (earthworks effects), outstanding natural features and landscape quality"* in Chapter 15A.8.

### **Planner's Comments**

Plan Change 1B provides the clarification sought in submission 23.1 (received following notification of Plan Change 1) by making full discretionary *"Any activity unable to comply with one or more of the standards and conditions for permitted*

*activities*”, (Rule 15A.7.2). Furthermore Rule 15A.8 establishes the same performance standards/development criteria that apply to permitted activities as also applying to the assessment of discretionary criteria. No change to Plan Change 1B is required.

This process also meets the request of submission 28.9 as all discretionary activities are assessed fully including effects on the landscape. There are particular performance standards limiting the scale of earthworks.

### **Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 23.1 be **accepted**.

Submission 28.9 be **rejected**.

6.2 The following submissions support/oppose Section 15A.1, Zone Description and Issues:

- 15.8 Department of Conservation
- 15.9 Department of Conservation
- 23.2 Hawke’s Bay Regional Council
- 23.3 Hawke’s Bay Regional Council
- 24.13 Mark Mahoney
- 40.2 Hawke’s Bay Collective

### **Submission Details**

Submission 15.8 requests that Section 15A.1.1 be expanded on to more completely describe the potential change catalysts in the coastal environment. The submission seeks the addition of *“disturbance”* as well as the removal of vegetation and also *“discharges into wetlands and the coastal environment”*.

Submission 15.9 requests the addition of a new clause to Section 15A.1.4 which states *“that there are many areas in the zone that have high ecological and landscape values”*.

Submissions 23.2 and 23.3 support the retention of Sections 15A.1.4 and 15A.1.5 without change.

Submission 24.13 opposes 15A.1.4 without suggesting an alternative.

Submissions 40.2 and 41.1 oppose the establishment of the Coastal (Mahia) Zone to a depth of 500m from the coast.

### **Planner’s Comments**

Section 15A.1 of Plan Change 1B is the same as that notified in Plan Change 1. All submissions received are accepted as being relevant to the consideration of Plan Change 1B.

Submissions 23.2 and 23.3, HBRC in support, are acknowledged.

Submissions 15.8 and 15.9 are accepted and changes to Sections 15A.1.1 and 15A.1.4 are recommended below. In addition a grammatical error is identified and the last sentence of 15A.1.4 is amended by deleting the words *“this area is”*.

With regard to Submission 24.13, Section 15A.1.4 describes the proposed zone and outlines the issues that need to be addressed by Wairoa District in the objectives, policies and rules for the Coastal (Mahia) Zone. In my opinion the section achieves this and no changes in response to Submission 24.13 are suggested.

Submission 40.2, Hawke’s Bay Collective, is signed by 202 signatories. The submission opposes the establishment of the Coastal (Mahia) Zone to a depth of 500m from the coast. This is referred to in the submission as the *“500m inland from the high tide mark”*.

The main reason given for the opposition is *“because of the adverse effects it will have on tangata whenua stated in the RMA 1991 eg. Sites of significance to Maori including waahi tapu, kaitiakitanga, culture and tradition with their ancestral lands and other taonga. Article 2 of the Treaty of Waitangi”*.

The submission requests that Plan Change 1B is withdrawn.

The inland boundary of the Coastal Zone in the Operative Wairoa District Plan is defined as being 500m from the Mean High Water Springs (MHWS) line. This zone and boundary would remain in place if Plan Change 1B was withdrawn.

Plan Change 1B, which introduces the Coastal (Mahia) Zone, proposes specific objectives, policies and rules relevant to the Mahia area. The Plan Change gives effect to the Mahia Structure Plan and the proposed outcomes of the Mahia Isthmus Structure Plan.

Plan Change 1B provides for the management of coastal hazards in these areas as well as providing for the sustainable management of the coastal and residential zoned land in the Mahia area.

Plan Change 1B does not move the high tide line 500m inland, as suggested by the submissions. It strengthens the obligations of applicants for resource consent to consider effects on the environment, including effects on cultural and spiritual values, and it strengthens the ability of the Wairoa District Council to refuse consent should those effects be deemed more than minor and/or adequate mitigation is not provided.

The strengthened provisions of the District Plan would not be able to be implemented if Plan Change 1B was withdrawn.

In my opinion, Plan Change 1B provides for the sustainable management of the land resource to which it relates, including the effects on the spiritual, cultural, physical and economic environment, and in the absence of any specific alternative, should not be withdrawn.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, the following changes to 15A.1.1 and 15A.1.4 are made (deleted text is double struckthrough, inserted text is double underlined):

15A.1.1 *The coastal environment is sensitive to change from activities, which involve earthworks, disturbance and removal of vegetation, discharges into wetlands and the coastal environment, and creation of structures that change the "natural" processes of the ocean.*

And

15A.1.4 *Inappropriate land uses and development can adversely affect the natural character of the coastal environment. Along much of Wairoa's coastline there has been little demand or pressure for coastal settlement. In recent years there has been increased demand for subdivision in the coastal environment on Mahia Peninsula and this demand is likely to continue. Consistent with the RMA and NZCPS (New Zealand Coastal Policy Statement) Council, in consultation with the community, must identify areas where further subdivision may be appropriate and where it should be avoided, so that the natural character of the area is preserved. Land use practices adjacent to the coastline or within erosion prone catchments can cause changes in water quality, which in turn can affect coastal lagoons, estuaries and wetlands or accelerate the rate of erosion that occurs along unstable cliff faces and within dune areas. There are also many areas in the zone that have high ecological and landscape values that may be adversely affected. For the Mahia Peninsula ~~this area is~~ a specific Coastal (Mahia) Zone is provided.*

I further recommend that, for the reasons identified in the comments above:

Submissions 15.8 and 15.9 be **accepted**.

Submissions 23.2 and 23.3 be **accepted in part**

Submissions 24.13, 40.2 and 41.1 be **rejected**

6.3 The following submissions support/oppose Section 15A.2, Objectives

- 15.10 Department of Conservation
- 28.7 Eastern Earth Landscape Architects

### **Submission Details**

Submission 15.10 identifies that within Sections 6.4 and 8.4 *"there are currently no objectives relating to protection and enhancement of ecological, wildlife and landscape values... There are many areas with important ecological, wildlife and landscape values within the coastal zone on Mahia Peninsula which are vulnerable to subdivision and development pressure."*

The submission seeks to amend Objectives 6.4.1 and 8.4.4 to provide for these values.

Submission 28.7 requests that specific objectives are developed for the Coastal (Mahia) Zone that express the goal of preserving and protecting natural character

and protecting outstanding landscapes as required under Section 6(a) and 6(b) of the RMA, rather than relying on the existing objectives for the Coastal Zone in Section 6 of the Operative Wairoa District Plan.

**Planner's Comments**

The amendment to Objectives 6.4.1 and 8.4.4, and the introduction of new objectives relating to matters that have not been canvassed in Plan Change 1B, as requested by the submissions, in my opinion, goes beyond the jurisdiction of this Plan Change.

However, activities that do not comply with the performance standards for permitted activities become full discretionary in the Coastal (Mahia) Zone and may be assessed on their merits against the effects they may have on the environment. This may include effects on the ecological, wildlife and landscape values in the vicinity of the subject site and would certainly include effects that may compromise Section 6(a) and 6(b), Matters of National Importance in the Resource Management Act.

**Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 15.10 and 28.7 be **rejected**.

6.4 The following submissions support/oppose Section 15A.3, Policies:

- 15.11 Department of Conservation
- 15.12 Department of Conservation
- 28.8 Eastern Earth Landscape Architects

**Submission Details**

Submissions 15.11 and 15.12 seek amendments to Policy 6.5.3 (by deleting the words “*where appropriate*”) and Policy 6.5.1.3 (by adding the words “*wildlife and wildlife habitats*” after the word “*ecosystems*”) to recognise that there are areas important to threatened wildlife on Mahia Peninsula.

Submission 28.8 requests that specific policies are developed for the Coastal (Mahia) Zone that support the goal of preserving and protecting natural character and protecting outstanding landscapes as required under Section 6(a) and 6(b) of the RMA, rather than relying on the existing objectives for the Coastal Zone in Section 6 of the Operative Wairoa District Plan.

**Planner's Comments**

The amendment to Policies in Section 6 of the Operative Wairoa District Plan, and the introduction of new policies relating to matters that have not been canvassed in

Plan Change 1B, as requested by the submissions, in my opinion, goes beyond the jurisdiction of this Plan Change.

**Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 15.11, 15.12 and 28.8 be **rejected**.

6.5 The following submission opposes Section 15A.4, Methods

- 15.14 Department of Conservation

**Submission Details**

Submission 15.14 seeks the inclusion of methods, and subsequently rules, in 6.6.5 and 8.6.5, to be adopted in 15A.4, relating to the disturbance or clearance of indigenous vegetation.

**Planner's Comments**

The inclusion of new methods in Sections 6 and 8 of the Operative Plan that have not been canvassed as part of Plan Change 1B, and cannot be supported by new or amended objectives and policies, would, in my opinion, go beyond the jurisdiction of this Plan Change because it has not been consulted on and would not have been anticipated by submitters or potential submitters at the time of notification.

**Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 15.14 be **rejected**.

6.6 The following submission supports in part Section 15A.6, Anticipated Environmental Results

- 15.15 Department of Conservation

**Submission Details**

Submission 15.15 seeks the inclusion of anticipated environmental results, in 6.8.4, to be adopted in 15A.4, relating to "*ecological, wildlife and landscape values*".

**Planner's Comments**

The inclusion of a new anticipated environmental result in Section 6 of the Operative Plan that has not been canvassed as part of Plan Change 1B, and

cannot be supported by new or amended objectives, policies and methods (as reported on above), would, in my opinion, go beyond the jurisdiction of this Plan Change because it has not been consulted on and would not have been anticipated by submitters or potential submitters at the time of notification.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 15.15 be **rejected**.

6.7 The following submissions support/oppose Section 15A.7, Rules

- 23.4 Hawke's Bay Regional Council
- 23.5 Hawke's Bay Regional Council
- 24.14 Mark Mahoney
- 24.15 Mark Mahoney
- 44.5 M Mexted and P Williams
- 46.1 Wairoa District Council

### **Submission Details**

Submission 23.4 seeks clarification of Rule 15A.7.1, as notified in Plan Change 1, as to the use of the term "lot" and requests that it be replaced with the term "site".

Submission 23.5 supports Rule 15A.7.3, as notified in Plan Change 1 and renotified as rule 15A.7.2 in Plan Change 1B, which stipulates that the default category for activities that do not meet the permitted activity standards as being discretionary. The discretionary activity status does not restrict the grounds over which Wairoa District Council may consider a matter and allows for resource consent applications to be declined.

Submission 24.14 opposes Rule 15A.7.1, as notified in Plan Change 1, for the reason that it is "unfair and overly restrictive".

Submission 24.15 opposes Rule 15A.7.5, Prohibited activities as specified in Rule 27A.1.12, as notified in Plan Change 1, for the reason that there is "no evidence".

Submission 44.5 supports Rule 15A.7.1, Permitted Activities.

Submission 46.1 seeks clarification of Rule 15A.7.1 by amending the introductory sentence to read:

*"The following are permitted activities within the Coastal (Mahia) Zone provided compliance with the performance standards/development criteria of the Coastal (Mahia) Zone."*

This provides certainty that the performance standards/development criteria relate to the listed permitted activities.

### **Planner's Comments**

Rule 15A.7.1, as notified in Plan Change 1, has been deleted and replaced with a comprehensive list of permitted activities appropriate to the zone. I concur with the request in submission 46.1 to amend the introductory sentence to provide clarity and recommend appropriate wording below. The request to replace the term "lot" with the term "site" in submission 23.4 is therefore no longer relevant.

I acknowledge the support of submission 23.5 for Rule 15A.7.2.

Rule 15A.7.5, Prohibited Activities, as notified in Plan Change 1, has been deleted from Plan Change 1B.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 15A.7.1 is amended to read (inserted text is double underlined):

*15A.7.1 The following are permitted activities within the Coastal (Mahia) Zone provided that compliance with the performance standards/development criteria of the Coastal (Mahia) Zone is achieved:*

I further recommend that, for the reasons identified in the comments above:

Submissions 23.5, 24.14, 24.15, 44.5 and 46.1 be **accepted**.

Submission 23.4 be **rejected**.

6.8 The following submissions oppose rule 15A.8.1, Maximum Building Site Coverage (previously rule 15A.8.2 in Plan Change 1):

- 2.2 Snow Wilkins Ltd and Action Planning
- 4.2 P Fenwicke
- 12.2 Wine Country Property Ltd
- 20.6 Surveying the Bay
- 24.17 Mark Mahoney
- 25.2 Osyris Group (Eastland) Ltd
- 31.3 P Robbie
- 37.2 Action Planning
- 43.7 Surveying the Bay
- 46.2 Wairoa District Council

### **Submission Details**

Submissions 2.2, 4.2, 12.2, 31.3 and 37.2 oppose Rule 15A.8.2, as notified in Plan Change 1 (Rule 15A.8.1 in Plan Change 1B), which limits total building coverage of the site with impermeable surfaces to 10%. The submitters request that this be increased to 15%.

Submission 24.17 opposes Rule 15A.8.2, as notified in Plan Change 1 (Rule 15A.8.1 in Plan Change 1B), site coverage, on the basis that the rule is "poorly thought out, no evidence".

Submission 25.2 opposes Rule 15A.8.2, as notified in Plan Change 1 (Rule 15A.8.1 in Plan Change 1B), site coverage. The submission also opposes the minimum lot size in the Coastal (Mahia) Zone and suggests a range of lot sizes that integrate better with the landscape. The submission then states, with regard to the site coverage rule that *“If my argument regarding limited pockets of residential development discreetly integrated into the landscape is accepted then a 10% maximum site coverage would be inappropriate for those sites but would be appropriate for larger coastal lifestyle lots”*.

Submissions 20.6 and 43.7 oppose Rule 15A.8.2, as notified in Plan Change 1 (Rule 15A.8.1 in Plan Change 1B), site coverage, in particular as it relates to the proposed minimum lot size, which the submissions also oppose. The submissions consider that the lot size is too extensive and even with the limit on site coverage of 10% question *“if this will create an area where amenity in the coastal zone will be retained in terms of a land owner/occupier’s ability to maintain such a huge site”*.

Submission 46.2, seeks clarification of the Rule with regard to the term *“net site area”* and request that a definition for this term be provided to exclude *“the area of any accessway where this is to a rear site”*. Provision of such a definition will ensure that rear sites have adequate land area.

### **Planner’s Comments**

The combination of minimum site area and site coverage provide for the sustainable management of the land in a number of ways. These include impact on the landscape, provision for on-site effluent disposal and continuing ability to provide for on-site stormwater soakage.

The Coastal (Mahia) Zone is a rural zone of special character along the coastal strip of the Mahia Peninsula. It is not a residential zone and should not be considered as such as is suggested by submissions 20.6 and 43.7 which request a reduction in site area.

The limit of 10% in the Coastal (Mahia) Zone is provided to allow for the reasonable use of the land where the 5,000m<sup>2</sup> minimum lot size will allow 500m<sup>2</sup> of building (i.e., structures that require building consent) which will provide for extensive dwelling and accessory buildings at a scale that is effectively rural-residential/lifestyle in character. If the minimum lot size is determined as being less than 5,000m<sup>2</sup> through the decision-making process 10% remains a reasonable standard unless the lot size becomes less than 2,000m<sup>2</sup> or greater than 1.0 ha for example.

The rule does not include all impermeable surfaces, only those that require building consent identified by the use of the term *“Total building coverage...”*, therefore accessways, paved yards, impermeable tennis courts etc are not included in the site coverage area.

Increasing the standard to 15% for a 5,000m<sup>2</sup> lot would allow for 750m<sup>2</sup> of built form which is considered likely to be too intrusive in the coastal landscape and when combined with the potential for other impermeable surfaces would reduce the ability to provide for on-site stormwater soakage.

The Hawke's Bay Regional Council manages on-site effluent disposal and it is my understanding that the standards chosen do not compromise their management rules.

I concur with submission 46.2 and suggest that the following definition of net site area be included in Section 31, Definitions:

*"Net site area*

*means*

- (a) *The total area of the site less an entrance strip whether that strip is unencumbered and held in the same ownership as the balance of the site, or owned in common with the owners of other sites, or subject to an easement of right-of-way*
- (b) *Where the entrance strip is unencumbered and held in the same ownership as the balance of the lot, the strip shall be deemed to be limited to all that part of the site which extends from the road frontage and has a width of up to 10m in the Coastal (Mahia) Zone and 5m in the Residential (Mahia) Zone*
- (c) *Where the entrance strip is held in common ownership or is subject to an easement of right-of-way the strip shall be deemed to include all that area held in common ownership or subject to the easement*
- (d) *A combination of (b) and (c) may apply."*

This change to Plan Change 1B is recommended in Section 11 of this report.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 46.2 be **accepted**.

Submissions 2.2, 4.2, 12.2, 20.6, 24.17, 25.2, 31.3, 37.2 and 43.7 be **rejected**.

6.9 The following submissions oppose rule 15A.8.2, Density (previously rule 15A.8.3 in Plan Change 1):

- 23.6 Hawke's Bay Regional Council
- 24.18 Mark Mahoney
- 43.2 Surveying the Bay

### **Submission Details**

Submission 23.6 requests that the term "*net site area*", as used in Rule 15A.8.2, is defined.

Submission 24.18 opposes Rule 15A.8.3, as notified in Plan Change 1 (Rule 15A.8.2 in Plan Change 1B), Density, on the basis that the rule is "*poorly thought out, no evidence*".

Submission 43.2 opposes Rule 15A.8.2, Density, as it refers to 5,000m<sup>2</sup> of net site area as a standard.

### **Planner's Comments**

I concur with submission 23.6 and recommend the inclusion of a definition of “*net site area*” in Section 11 of this report.

The inclusion of a density rule complements the minimum lot size and site coverage rules for the Coastal (Mahia) Zone and allows for circumstances where more than one dwelling may be provided for on a larger site without subdivision. The alternative of one dwelling per site without a density provision is considered to be onerous for larger sites and the allowance of more than one on smaller sites would compromise the landscape outcomes sought on smaller sites.

The rule is considered to provide for the sustainable management of the coastal land resource and to maintain the coastal landscape values. An increase in density may be sought by way of a discretionary resource consent application which would then consider the actual and potential effects on the environment including the visual and landscape effects of the proposal.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 23.6 be **accepted**.

Submissions 24.18 and 43.2 be **rejected**.

6.10 The following submission seeks an amendment to Section 15A.8.3, Noise:

- 46.3 Wairoa District Council

### **Submission Details**

Submission 46.3 requests that a construction noise standard is provided for the Coastal (Mahia) Zone in accordance with the New Zealand Standard for Construction Noise (NZS6803:1999, Acoustics Construction Noise).

### **Planner's Comments**

Construction noise is a particular type of noise that may not conform with the general noise standards prescribed in Rule 15A.8.3. By not having a construction noise standard for these zones the ability to undertake construction work may be seriously compromised. Accordingly I concur with the request and recommend that the following standards be included in Rule 15A.8.3:

*“C. Construction Noise Standards*

*Construction noise from sites shall meet the limits recommended in, and shall be measured in accordance with, NZS6803:1999 Acoustics Construction Noise or any superseding codes of practice or standards.”*

**Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above the following standard be added to Rule 15A.8.3 (inserted text double underlined):

*C. Construction Noise Standards*

*Construction noise from sites shall meet the limits recommended in, and shall be measured in accordance with, NZS6803:1999 Acoustics Construction Noise or any superseding codes of practice or standards.*

I further recommend that, for the reasons identified in the comments above:

Submissions 46.3 be **accepted**.

6.11 The following submissions support/oppose rules 15A.8.4 and 15A.8.5, Odour. (previously rules 15A.8.5 and 15A.8.6 in Plan Change 1):

- 2.3 Snow Wilkins Ltd and Action Planning
- 4.3 P Fenwicke
- 12.3 Wine Country Property Ltd
- 13.7 Tui Development Trust Company Ltd
- 18.2 Boogie S Cape Ltd
- 23.7 Hawke’s Bay Regional Council
- 23.8 Hawke’s Bay Regional Council
- 24.19 Mark Mahoney
- 29.2 L Schick
- 31.4 P Robbie
- 37.3 Action Planning
- 46.4 Wairoa District Council

Further submission 52.21, Hawke’s Bay Regional Council, supports in part submission 46.4

Further submission 52.22, Hawke’s Bay Regional Council, supports in part submission 2.3

Further submission 52.23, Hawke’s Bay Regional Council, supports in part submission 4.3

Further submission 52.24, Hawke’s Bay Regional Council, supports in part submission 12.3

Further submission 52.25, Hawke’s Bay Regional Council, supports in part submission 37.3

Further submission 52.27, Hawke’s Bay Regional Council, supports in part submission 24.19

Further submission 52.28, Hawke’s Bay Regional Council, supports in part submission 13.7 Tui Development Trust Company Ltd

### **Submission Details**

Submissions 2.3, 4.3, 12.3, 13.7, 31.4 and 37.3 oppose Rules 15A.8.5 and 15A.8.6, as notified in Plan Change 1 (Rules 15A.8.4 and 15A.8.5 in Plan Change 1B). The submissions acknowledge the intention of the rules to manage reverse sensitivity arising from the establishment of a dwelling close to wastewater treatment and disposal systems. However, there are circumstances where consent may have been granted (e.g., Mahanga) or could be granted in the future taking the issue of reverse sensitivity into account. In such circumstances the submissions consider the rule to be inappropriate.

Submission 18.2 opposes Rules 15A.8.5 and 15A.8.6, as notified in Plan Change 1 (Rules 15A.8.4 and 15A.8.5 in Plan Change 1B), as they are *“inconsistent with the Waste Management Plan 12.1”*.

Submission 23.7 requests that the set back distances refer to the site boundary not just the buildings associated with intensive farming activities as odour may not be confined to the buildings. The submission also seeks clarification that domestic onsite wastewater disposal areas are not regarded as waste disposal areas.

Submission 23.8 seeks to clarify the *“intent of Rule 15A.8.6 to apply (or not) a 500m separation distance from the Coastal (Mahia) Zone”*.

Submission 24.19 opposes Rule 15A.8.5, as notified in Plan Change 1 (Rule 15A.8.4 in Plan Change 1B), on the basis that *“200m from an effluent field, no evidence”*.

Submission 29.2 opposes Rule 15A.8.6, as notified in Plan Change 1 (Rule 15A.8.5 in Plan Change 1B), as the *“500m distance from wastewater system ... seems very extreme if I want to develop on good residential area on the orchard”*.

Submission 46.4 seeks clarification of Rules 15A.8.4 and 15A.8.5 with regard to the term *“waste disposal area”* and also whether the rule only relates to buildings.

Further submissions 52.21, 52.22, 52.23, 52.24, 52.25, 52.27 and 52.28 support these submissions in part where it is unclear whether *“domestic onsite wastewater disposal areas are included in your definition of a waste disposal area as used in Sections 15A.8.5 and 18A.8.4”*.

### **Planner's Comments**

The intent of Rules 15A.8.4 and 15A.8.5 is to provide appropriate separation from residential activities and intensive farming activities. Intensive farming activities are excluded from the definition of rural activities proposed in Section 31 and are therefore not permitted in the Coastal (Mahia) Zone. With regard to submission 23.8 therefore the separation standard does not apply to permitted activities within the zone but to permitted intensive farming activities that may be established in the adjoining Rural Zone. In my opinion the purpose of the rule in this regard is clear and the term *“waste disposal area”* does not need further definition.

With regard to submissions 23.7 and 46.4 as they relate to the effective distance to the source of the odour and the term “*buildings*”, I agree that not all odours are confined to the buildings associated with the activity and suggest that the rule be amended to clarify that distances should be measured from the “*buildings or areas associated with or developed for ...*”. In my opinion a blanket measurement from the “*site*” boundary does not mitigate the issue when either the existing use is in the middle of a large lot, or is set close to the boundary, for example.

With regard to submission 24.19 the standard is that which already exists in the Operative District Plan and is adopted to provide consistent administration of that Plan and certainty to developers. Development that does not comply with the standard is assessed as a discretionary activity which would include an assessment of the potential for reverse sensitivity effects.

With regard to the other submissions it is clear that the rules need to be clarified to allow for the intended mitigation. Amendments are recommended below to clearly identify that it is only the distance between residential activities and intensive farming activity and their associated waste storage and treatment facilities that is the subject of the rules.

### **Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above Rules 15A.8.4 and 15A.8.5 be amended as follows (inserted text double underlined):

15A.8.4 Any new dwelling shall be set back 200 metres from any buildings or areas associated with, or developed for, any existing intensive farming activity and its associated oxidation pond, effluent holding pond or waste disposal area or other effluent storage or treatment facility.

15A.8.5 Any building or area associated with, or developed for, a new intensive farming activity and its associated oxidation pond, effluent holding pond, or waste disposal area, or other effluent storage or treatment facility, shall be set back in accordance with the following separation distances:

Feature	Separation Distance (m)
From a Town Centre or Coastal (Mahia) Zone Boundary	500

I further recommend that, for the reasons identified in the comments above:

Submissions 2.3, 4.3, 12.3, 13.7, 18.2, 23.8, 24.19, 29.2, 31.4, 37.3, 46.4 and further submissions 52.21, 52.22, 52.23, 52.24, 52.25, 52.27, 52.28 be **accepted**.

Submission 23.7 be **accepted in part**.

Submission 24.19 be **rejected**.

6.12 The following submission seeks clarification of Rule 15A.8.7, Glare:

- 46.5 Wairoa District Council

### **Submission Details**

Submission 46.5 requests that a definition of “glare nuisance” be provided to ensure clarity and certainty in the interpretation of the rule.

### **Planner’s Comments**

I concur with the submission and recommend that Rule 15A.8.7 be amended to provide certainty and clarity.

### **Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 15A.8.7 be amended (inserted text double underlined):

*15A.8.7 No building or structure shall be finished with materials that create a glare nuisance to neighbouring properties or road users.*

*For the purposes of this rule:*

*(a) No part of any surface of any exterior structure or building shall have a reflectance value exceeding 35%*

*(b) The term reflectance value shall have the same meaning as used in “BS5252:1976, Framework for colour co-ordination for building purposes*

*(c) This rule shall not apply to any window frames, guttering or downpipes.*

I further recommend that, for the reasons identified in the comments above:

Submission 46.5 be **accepted**.

6.13 The following submissions support/oppose rule 15A.8.8, Privacy, Shading and Visual Amenity (previously rule 15A.8.9 in Plan Change 1):

- 2.4 Snow Wilkins Ltd and Action Planning
- 2.5 Snow Wilkins Ltd and Action Planning
- 4.4 P Fenwicke
- 4.5 P Fenwicke
- 12.4 Wine Country Property Ltd
- 12.5 Wine Country Property Ltd
- 13.8 Tui Development Trust Company Ltd
- 13.9 Tui Development Trust Company Ltd
- 25.3 Osyris Group (Eastland) Ltd
- 31.5 P Robbie
- 31.6 P Robbie
- 37.4 Action Planning
- 37.5 Action Planning
- 46.6 Wairoa District Council
- 46.7 Wairoa District Council

### **Submission Details**

Submissions 2.4, 4.4, 12.4, 13.8, 31.5 and 37.4 oppose Rule 15A.8.9, Privacy, Shading and Visual Amenity, as notified in Plan Change 1. The submissions state that *“The proposed 15m setbacks are considered to be over constrictive given sharp contrast to the higher density land development provisions of the Mahia residential zone. The low density is considered to be inappropriate in terms of the Mahanga containment strategy, Coastal Strategy LUDPI and Wairoa District Plan Objectives 6.5.2 and 6.5.3”*.

Submissions 2.5, 4.5, 12.5, 13.9, 31.6 and 37.5 oppose the proposed note to the rule that allows for the reduction in yard requirements subject to the affected neighbour and Council's consent being endorsed on the Plans. The submissions state that *“As Council is the consenting authority it is inappropriate to require prior approval of Council ... This situation creates potential for abuse of powers”*. The submissions seek to retain the variation rule (subject to neighbours approval) *“but amend rule to allow a 5m setback as permitting abutting land zoned rural or land that is used for public access”*.

Submission 25.3 requests that if a range of lot sizes less than 5,000m<sup>2</sup> is provided for in the Coastal (Mahia) Zone that Rule 15A.8.9, as notified in Plan Change 1, be amended to allow for lesser yards on smaller lots. The submission is also of the view that 10m height of buildings is *“totally inappropriate for the coastal zone and all buildings should be limited to 6.0m so that one storey buildings become the norm with occasional 2 storey low profile possible in some situations”*.

Submission 46.6 expresses concern that the proposed rule does not provide for Section 104(3)(b) of the Resource Management Act. No relief is sought.

Submission 46.7 seeks clarification that the rule as it is written *“in terms of height infringements only relates to the boundary of a ‘residential property... Concern is expressed that this rule does not take into account reverse sensitivity”*.

### **Planner's Comments**

The Coastal (Mahia) Zone is a rural zone in the coastal environment. It is a significantly lower density than the Residential (Mahia) Zone and it provides for the containment policies relating to each of the residential communities on the Peninsula by providing for large lots, low site coverage, low density and greater distance between buildings as provided for by the greater yard requirements. The 15m yards provide for the sustainable management of the land resource in this coastal, rural, environment. There is a sharp contrast between the residential and coastal zones and it is appropriate that the Plan provide for it.

With regard to submissions 2.5, 4.5, 12.5, 31.6 and 37.5 I agree that it is not necessary to obtain Council's consent prior to building consent approval unless Council is the adjoining landowner (and is therefore the affected party). It is however not appropriate that the yard be reduced where adjoining rural zoned land

or access as this would defeat the purpose of the rule which is to maintain the rural open space and character of the zone.

With regard to submission 25.3 it is not recommended that the minimum lot size in the Coastal (Mahia) Zone be reduced further (in Section 8) but if there is a decision to reduce the minimum lot size then the yard requirements would also need to be revised. The submission also seeks to reduce the permitted height from 10m (as notified in Plan Change 1) to 6.0m. Plan Change 1B provides for the maximum building height in the Coastal (Mahia) Zone as 8.0m which is considered to provide for 2 storey buildings with reasonable design flexibility.

With regard to submission 46.6 the issue of providing for Section 104(3)(b) only arises when resource consent applications are being determined and each application is then considered on its merits with these development criteria being considered as guidelines.

Submission 46.7 identifies an area of inconsistency in the rule as it refers to “residential property” which is a term that is not generally used in the Plan Change. It is recommended that, for clarity, this term be deleted and the Rule rewritten to include the overshadowing provision (Note 2) as part of the rule so that it is more certain in administration. I also note that Plan Change 1B was notified to include Note 2 twice rather than the variation provisions notified in Plan Change 1 as Note 1. This was an error and is amended below.

**Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 15A.8.8 be amended (deleted text double struckthrough, inserted text double underlined):

15A.8.8 A. All buildings shall meet the following bulk and location requirements:

Minimum Front yard	15.0m <del>(refer to Note 1)</del>
Minimum Side yards	15.0m <del>(refer to Note 1)</del>
Minimum Rear yard	15.0m <del>(refer to Note 2)</del>
Maximum Building height	8.0m <del>(refer to Note 2)</del>

~~(1) No part of a building shall exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary where this is to a residential property.~~

NOTE: Front, side and rear yards in the Coastal (Mahia) Zone may be reduced to not less than 5m with the written approval of the affected neighbour (land owner and occupier including Council where it is the affected neighbour) endorsed on the Plans submitted for building consent.

15A.8.8 B. ~~(2)~~ No part of a building shall exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary ~~where this is to a residential property.~~

I further recommend that, for the reasons identified in the comments above:

Submission 46.7 be **accepted**.

Submission 2.5, 4.5, 12.5, 13.9, 25.3, 31.6 and 37.5 be **accepted in part**.

Submissions 2.4, 4.4, 12.4, 13.8, 31.5, 37.4 and 46.6 be **rejected**.

6.14 The following submissions support/oppose rule 15A.8.16, Earthworks:

- 2.6 Snow Wilkins Ltd and Action Planning
- 4.6 P Fenwicke
- 12.6 Wine Country Property Ltd
- 13.11 Tui Development Trust Company Ltd
- 23.9 Hawke's Bay Regional Council
- 31.7 P Robbie
- 37.6 Action Planning

### **Submission Details**

Submissions 2.6, 4.6, 12.6, 13.11, 31.7 and 37.6 oppose Rule 15A.8.16, Earthworks, on the basis that it is inconsistent with permitted activities in the zone. *“For example, on a site of 5,000m<sup>2</sup> a dwelling having a footprint upwards of 500m<sup>2</sup> would be permitted along with associated underground services and provision of 2 x parking spaces and vehicle access.”* The submissions seek to allow earthworks when associated with otherwise permitted activities. The submissions also suggest that effects-based standards relating to dust, erosion and sediment control and re-vegetation be introduced.

Submission 23.9 notes that the rule currently limits earthworks to *“No closer than 20m”* to water bodies and requests that, as water bodies do not include the Coastal Marine Area, the Rule be extended to include the Coastal Marine Area. The submission also requests that the rule be amended *“to require all possible mitigation measures, such as silt fences, to be utilised to reduce the adverse effects of earthworks beyond the boundary of the site”*.

### **Planner's Comments**

The earthworks controls are considered appropriate to manage the potential adverse effects of large areas of exposed cut and fill on the visual and landscape environment and also on the amenity of residents in the vicinity of the works in terms of dust, sediment and erosion management.

I concur with the submitters that the quantity of earthworks provided for in the Coastal (Mahia) Zone may not provide for the permitted development of a dwelling in the zone. By comparison the quantity permitted in Rule 18A.8.17 for the Residential (Mahia) Zone is 150m<sup>3</sup>. I recommend below that the volume provided for in the two zones is 150m<sup>3</sup>, which would allow the reasonable excavation of a house site in either zone. The maximum area of work per site in the Coastal (Mahia) Zone is recommended to be 500m<sup>2</sup>, which is 10% of the minimum lot size.

In response to the submissions I also recommend that a further rule be added requiring that the effects of earthworks be mitigated within the site.

I also concur with submission 23.9, which seeks the inclusion of the Coastal Marine Area in relation to the proximity of earthworks to water bodies. Minor amendments are also recommended to improve the clarity of the rule.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 15A.8.16 be amended (deleted text double struckthrough, inserted text double underlined):

15A.8.16 A. Earthworks activities shall meet the following standards:

Max Vol (m3) over <u>any</u> 12 months <u>period</u> per site	<del>50-150</del>
Max face height (m)	1.5
Max area of work per site (m2)	<del>200-500</del>
Proximity to <u>the Coastal Marine Area</u> <u>or any water body</u> <u>as</u> measured from the bank edge at bank full height.	No closer than 20m.

Note: The volume of earthworks is to be measured prior to excavation.

15A.8.16 B. Earthworks undertaken on any site shall ensure that any adverse effects of the activity are mitigated within the site through the use of sediment and erosion controls and dust suppression.

I further recommend that, for the reasons identified in the comments above:

Submission 23.9 be **accepted**.

Submissions 2.6, 4.6, 12.6, 13.11, 31.7 and 37.6 be **accepted in part**.

## **7.0 Section 18A, Residential (Mahia) Zone (D)**

7.1 The following submissions provide general support for rules in Section 18A, Residential (Mahia) Zone

- 33.3 AJ and LA Steel
- 44.10 M Mexted and P Williams

### **Planner's Comments**

I acknowledge the support the submissions provide for the rules and recommend that, subject to any changes made by other submissions, they be retained to provide for the sustainable management of the residential environment.

With regard to submission 33.3 I note that Plan Change 1B has reduced the height in the zone to 8m. I have discussed this with the submitter and he concurs with this change.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 33.3 and 44.10 be **accepted**.

7.2 The following submissions oppose Section 18A.2, Objectives:

- 15.10 Department of Conservation
- 44.6 M Mexted and P Williams

### **Submission Details**

Submission 15.10 identifies that within Sections 6.4 and 8.4 *“there are currently no objectives relating to protection and enhancement of ecological, wildlife and landscape values... There are many areas with important ecological, wildlife and landscape values within the coastal zone on Mahia Peninsula which are vulnerable to subdivision and development pressure.”*

The submission seeks to amend Objectives 6.4.1 and 8.4.4 to provide for these values.

Submission 44.6 opposes objective 18A.2.3 and requests that it be reworded to refer to *“avoiding, remedying or mitigating the effects of natural hazards”*, in accordance with the phraseology in Part II of the Resource Management Act, 1991. [I note that the submission refers to Objective 18A.2.2, which does not include the reference that the submission opposes. I assume that the reference is incorrect and should be to 18A.2.3.]

### **Planner’s Comments**

With regard to submission 15.10: The amendment to Objectives 6.4.1 and 8.4.4, and the introduction of new objectives relating to matters that have not been canvassed in Plan Change 1B, as requested by the submissions, in my opinion, goes beyond the jurisdiction of this Plan Change.

However, activities that do not comply with the performance standards for permitted activities become full discretionary in the Coastal (Mahia) Zone and may be assessed on their merits against the effects they may have on the environment. This may include effects on the ecological, wildlife and landscape values in the vicinity of the subject site and would certainly include effects that may compromise Section 6(a) and 6(b), Matters of National Importance in the Resource Management Act.

With regard to submission 44.6: The objective is stated as:

*18A.2.3 To develop residential areas that avoid or limit the effects of natural hazards*

In providing for the sustainable management of resources, such as the coastal land resource, it is not always appropriate to provide for avoidance, mitigation and remediation. In some circumstances it is necessary, because of the potential risk to life and property, for activities to avoid the effects completely. In my opinion the potential risk from coastal erosion and inundation is such a case and elsewhere in Plan Change 1B (Section 27A) Council’s policy of avoidance is more explicitly

provided for. This objective provides an essential link between the Residential (Mahia) Zone and the potential for natural hazards.

Having established that the objective is, in the first instance, to avoid natural hazards there remain circumstances where areas may at some time be subject to the effects of natural hazards, in particular where the areas are subject to extreme events beyond that which is normally anticipated. In these cases it is, in my opinion, not adequate to mitigate against those effects, and in most cases remediation would be necessary after the event anyway. It is however, a worthy objective to limit those effects as much as possible. In my opinion this achieves the purpose of sustainable management as described in Part II of the Act and the objective is therefore entirely consistent with the Act.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 15.10 and 44.6 be **rejected**.

7.3 The following submissions support/oppose Section 18A.3, Policies:

- 15.11 Department of Conservation
- 15.12 Department of Conservation
- 23.10 Hawke's Bay Regional Council
- 23.11 Hawke's Bay Regional Council
- 23.12 Hawke's Bay Regional Council
- 44.7 M Mexted and P Williams

### **Submission Details**

Submissions 15.11 and 15.12 seek amendments to Policy 6.5.3 (by deleting the words "*where appropriate*") and Policy 6.5.1.3 (by adding the words "*wildlife and wildlife habitats*" after the word "*ecosystems*") to recognise that there are areas important to threatened wildlife on Mahia Peninsula.

Submission 23.10 requests an amendment to Policy 18A.3.4 to include reference to the location of new activities and to require new activities to minimise risks, and suggest that the policy be reworded as:

*"Ensure that the location, design and construction of new activities that establish on land subject to known natural hazard events minimise the potential threat of the hazard event(s)."*

Submission 23.11 supports Policy 18A.3.5 but request that the term "*disposal*" is replaced with the term "*management*" as this "*implies responsibility for the ongoing operation and maintenance of sewage, wastewater, solid waste and stormwater systems, rather than simply the act of installing a disposal system*".

Submission 23.12 supports Policy 18A.3.7 but requests clarification of the term “new services” in relation to whether the policy applies to reticulated services or may also include non-reticulated services.

Submission 44.7 supports Policy 18A.3.4 as it “*appropriately requires new activities to take into account the potential threat of natural hazards*”.

### **Planner’s Comments**

With regard to submissions 15.11 and 15.12: The amendment to Policies in Section 6 of the Operative Wairoa District Plan, and the introduction of new policies relating to matters that have not been canvassed in Plan Change 1B, as requested by the submissions, in my opinion, goes beyond the jurisdiction of this Plan Change.

With regard to submission 23.10 it is my opinion that the suggested changes are unnecessarily onerous as there may be circumstances that the location is dictated by the proposed activity, for example a jetty or slipway into a river or at the coast would require a location that is subject to natural hazards. Also in those circumstances it may be more appropriate that the structure be designed and constructed so that it break up into small pieces so that damage to the environment around it is minimised. In my opinion the proposed policy as notified provides for the sustainable management of resources in accordance with part II of the Resource Management Act, 1991. No change is recommended.

With regard to submission 23.11 the policy as notified is:

*18A.3.5 Require the disposal of sewage, wastewater, solid waste and stormwater in a manner that avoids, remedies or mitigates any adverse effects on the environment.*

The policy does not refer to the systems or reticulation but the “matter” for which disposal is necessary. If the term “*management*” was to be used there should also be consequential changes to refer to the systems which need to be managed. This was not intended to be the purpose of the policy which focuses on what to do with the “matter” described. Management of the systems, if required, is an element of the rules of the Plan which describe what those systems should be. However, I acknowledge the issue that it is not just about the disposal of the waste but also its treatment in a manner that avoids, remedies or mitigated any adverse effects on the environment. I therefore recommend that the Policy be changed to incorporate treatment.

With regard to submission 23.12 the policy as notified is:

*18A.3.7 Ensure the site services (wastewater, stormwater, water, electricity, telephone) are provided either through connection to existing services or through the provision of new services.*

The policy does not assume that all new services will be reticulated services provided by Wairoa District Council. In the case of power and telephone that is not the case now and it is not intended to limit the potential for alternative technologies or providers in the future. The plain English meaning of the term “*new services*”, being those services that have not previously existed, should, in my view be

sufficient to describe the intent of the policy. No change is recommended in response to the submission however, I do note that there is a minor amendment to the wording that is necessary for the policy to make sense ("*Ensure the...*" should read "*Ensure that ...*") and this is recommended.

I acknowledge the support of submission 44.7.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Policy 18A.3.5 and Policy 18A.3.7 be amended (deleted text double struckthrough, inserted text double underlined):

18A.3.5 Require the treatment and disposal of sewage, wastewater, solid waste and stormwater in a manner that avoids, remedies or mitigates any adverse effects on the environment.

18A.3.7 Ensure the at site services (wastewater, stormwater, water, electricity, telephone) are provided either through connection to existing services or through the provision of new services.

I further recommend that, for the reasons identified in the comments above:

Submission 44.7 be **accepted**.

Submissions 15.11, 15.12, 23.10, 23.11 and 23.12 be **rejected**.

7.4 The following submissions support/oppose Section 18A.4, Methods

- 23.13 Hawke's Bay Regional Council
- 23.14 Hawke's Bay Regional Council
- 23.15 Hawke's Bay Regional Council

### **Submission Details**

Submission 23.13 requests that methods are included in Section 18A.4 that support policies that require appropriate services to dispose stormwater and wastewater. The submission suggests that appropriate relief would be to include the following method, or similar:

*"Rules and standards on new activities to provide services that do not result in adverse effects on the environment."*

Submission 23.14 seeks clarification of Method 18A.4.1 as to whether "*flood hazard areas are to be identified as part of Plan Change 1 (now Plan Change 1B), or if these hazard areas will be included by way of another plan change during the life of the Wairoa District Plan*".

Submission 23.15 requests that Method 18A.4.3 be amended to refer to the Building Act, 2004.

### **Planner's Comments**

I concur that the methods identified in Plan Change 1B do not specifically refer to the requirement to ensure that new lots created on subdivision are to be supported by an appropriate level of utility services although there are rules in Section 27.10 that require such services. The rules form part of the District Plan methods although I suggest for completeness a new method be included in Section 18A.4. New activities that require building consent on existing lots are required to comply with the Building Act, which addresses services in those cases. I recommend a new method below.

The identification of land known to be susceptible to flood hazards may occur over time and be provided by a number of sources including the Hawke's Bay Regional Council. It is not appropriate that the District Plan be subject to a Plan Change each time new information is provided, rather that the information may be included on Land Information and Project Information Memoranda (LIMs and PIMs). I recommend below that Method 18A.4.1 is deleted from Plan Change 1B.

I concur with submission 23.15 that the reference to the Building Act should be amended.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Method 18A.4.1 be deleted and replaced by a new method providing for servicing of new lots in the Residential (Mahia) Zone and that Method 18A.4.3 be amended (deleted text double struckthrough, inserted text double underlined):

18A.4.1 ~~Identify land known to be susceptible to flood hazards and record on plan maps.~~  
Require new lots in the Residential (Mahia) Zone to be provided with services for the disposal and/or treatment of stormwater in a manner that does not result in adverse effects on the environment.

18A.4.3 ~~Require building floor levels to be set in accord with the provisions of the Building Act, 2004 1991, to safeguard buildings locating in those areas that are known to be subject to flooding.~~

I further recommend that, for the reasons identified in the comments above:

Submissions 23.13, 23.14 and 23.15 be **accepted**.

7.5 The following submission supports in part Section 18A.6, Anticipated Environmental Results

- 15.15 Department of Conservation

### **Submission Details**

Submission 15.15 seeks the inclusion of anticipated environmental results, in 6.8.4, to be adopted in 18A.4, relating to "ecological, wildlife and landscape values".

### **Planner's Comments**

The inclusion of a new anticipated environmental result in Section 6 of the Operative Plan that has not been canvassed as part of Plan Change 1B, and cannot be supported by new or amended objectives, policies and methods (as reported on above), would, in my opinion, go beyond the jurisdiction of this Plan Change because it has not been consulted on and would not have been anticipated by submitters or potential submitters at the time of notification.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 15.15 be **rejected**.

7.6 The following submissions support/oppose Section 18A.7, Rules

- 2.7 Snow Wilkins Ltd and Action Planning
- 3.2 Pukenui Views Ltd
- 4.7 P Fenwicke
- 12.7 Wine Country Property Ltd
- 16.1 Ministry of Education
- 23.16 Hawke's Bay Regional Council
- 31.8 P Robbie
- 36.2 New Zealand Historic Places Trust
- 36.4 New Zealand Historic Places Trust
- 37.7 Action Planning
- 44.8 M Mexted and P Williams
- 45.1 Ministry of Education
- 46.1 Wairoa District Council

### **Submission Details**

Submissions 2.7, 3.2, 4.7, 12.7, 31.8 and 37.7 oppose Rule 18A.7.1, as notified in Plan Change 1, and request that dwellings be allowed *"to establish under a density provision of 1 dwelling per 800m<sup>2</sup> rather than 1 per site"*.

Submission 16.1 opposes Rule 18A.7.1, as notified in Plan Change 1, and request that as *"educational facilities are a foreseen activity in all residential zones"* that they should be provided for as a permitted activity and where they cannot comply with the permitted activity performance standards they should be deemed to be discretionary activities. Submission 45.1 acknowledges the more permissive status of educational facilities in Plan Change 1B and supports the proposed definition of educational facilities in Chapter 31, but it considers that a limit of 10 persons, excluding staff, is meaningless as new schools would not be viable meaning new schools would be of a discretionary status.

Submission 23.4 seeks clarification of Rule 18A.7.1, as notified in Plan Change 1, as to the use of the term “lot” and requests that it be replaced with the term “site”.

Submission 36.2 requests that Rule 18A.7.2, Controlled Activities, as notified in Plan Change 1, refer to 18A.9, Controlled Activities, Matters of Control and that “*this class of resource consent be made discretionary so that the Council would be able to decline consent*”. Submission 36.4 requests that Rule 18A.9.6, as notified in Plan Change 1, refer to “*historic heritage*”.

Submission 44.8 supports the list of permitted activities in Rule 18A.7.1 (Plan Change 1B).

Submission 46.1 seeks clarification of Rule 18A.7.1 by amending the introductory sentence to read:

*“The following are permitted activities within the Residential (Mahia) Zone provided compliance with the performance standards/development criteria of the Residential (Mahia) Zone.”*

This provides certainty that the performance standards/development criteria relate to the listed permitted activities.

### **Planner’s Comments**

Rule 18A.7.1 as notified in Plan Change 1 has been substantially rewritten and notified in Plan Change 1B. It now provides a comprehensive list of activities and does not limit development to one dwelling per lot. As requested by submissions 2.7, 3.2, 4.7, 12.7, 31.8 and 37.7 a density provision is included in Rule 18A.8.2 generally in accordance with their requests. The detail of the rule differs from their request as serviced and non-serviced lots are differentiated between and there is no averaging rule provided.

Section 16.1 is acknowledged as being partially addressed in Plan Change 1B, which provides for educational facilities as permitted activities. I agree with submission 45.1 that educational facilities are foreseen in residential areas, and acknowledge its support for the proposed definition. But, in my opinion, compatibility with residential amenity depends to a large degree on the size of the facility as intended by setting the limit on roll number at 10 in Rule 18A.7.1. The rule is not intended just for public schools which may be established by designation in accordance with section 167 of the Resource Management Act, 1991, and neither does it affect the existing use rights of existing schools to cater for a community in which school rolls may vary. But it does provide for private facilities such as pre-schools to a level that would be compatible with the residential amenity of the area. No change is recommended.

I concur with the request by submission 36.2 that activities in the Residential (Mahia) Zone that cannot meet the permitted activity performance standards be made discretionary and Plan Change 1B has been notified giving effect to this request. Accordingly submission 36.4 is not relevant in relation to Plan Change 1B.

As full discretionary activities Council may consider all actual and potential adverse effects of proposed activities and therefore no assessment criteria are offered in the District Plan Change as this may be construed as limiting discretion. Heritage values are an effect that should be considered in assessing a discretionary activity. No change is recommended.

I acknowledge the support of submission 44.8.

I concur with the request in submission 46.1 to amend the introductory sentence to provide clarity and recommend appropriate wording below.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 18A.7.1 is amended to read (inserted text is double underlined):

*18A.7.1 The following are permitted activities within the Residential (Mahia) Zone provided that compliance with the performance standards/development criteria of the Residential (Mahia) Zone is achieved:*

I further recommend that, for the reasons identified in the comments above:

Submissions 2.7, 3.2, 4.7, 12.7, 16.1, 31.8, 36.2, 37.7, 44.8 and 46.1 be **accepted**.

Submissions 45.1 be **accepted in part**.

Submission 23.4 be **rejected**.

7.7 The following submissions support/oppose rule 18A.8.1, Maximum Building Site Coverage (previously rule 18A.8.2 in Plan Change 1):

- 23.18 Hawke's Bay Regional Council
- 24.20 Mark Mahoney
- 25.5 Osyris Group (Eastland) Ltd
- 46.2 Wairoa District Council

### **Submission Details**

Submissions 23.18 and 46.2 request that a definition of net site area be included in the Plan Change.

Submission 24.20 opposes Rule 18A.8.2, as notified in Plan Change 1 (Rule 18A.8.1 in Plan Change 1B), site coverage, on the basis that the site coverage should be "at least 50%".

Submission 25.5 opposes Rule 18A.8.2, as notified in Plan Change 1 (Rule 18A.8.1 in Plan Change 1B), site coverage. The submission considers that sections should be smaller and site coverage should be increased to 45%. The submission also suggest that "There should also be a stated maximum site coverage for hard paved areas...".

### **Planner's Comments**

As discussed in section 6.8 above, a definition of “*net site area*” is recommended in Section 11 of this report.

The limit of 40% in the Residential (Mahia) Zone is provided to allow for the reasonable use of the land where the 800m<sup>2</sup> minimum lot size (1,000m<sup>2</sup> unserviced) will allow 320m<sup>2</sup>/400m<sup>2</sup> of building (i.e., structures that require building consent) which will provide for extensive dwelling and accessory buildings at a scale that is compatible with the existing residential amenity of these areas.

The rule does not include all impermeable surfaces, only those that require building consent identified by the use of the term “*Total building coverage...*”, therefore accessways, paved yards, impermeable tennis courts etc are not included in the site coverage area.

40% is identified as being of the order of existing development on similar sized sections in the Mahia area including accessory buildings.

While I do not disagree with submission 25.5 that all hard surfaces should be included in the assessment of site coverage it is not practical for Council to monitor and enforce these other areas that may be developed without reference to Council. This is one reason in particular that lot sizes are not recommended to be reduced below 800m<sup>2</sup>.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 23.18 and 46.2 be **accepted**.

Submissions 24.20 and 25.5 be **rejected**.

7.8 The following submissions support rule 18A.8.2, Density (previously rule 18A.8.3 in Plan Change 1):

- 2.7 Snow Wilkins Ltd and Action Planning
- 3.2 Pukenui Views Ltd
- 4.7 P Fenwicke
- 12.7 Wine Country Property Ltd
- 24.21 Mark Mahoney
- 37.7 Action Planning
- 44.9 M Mexted and P Williams

Further submission 52.29, Hawke's Bay Regional Council, opposes submission 2.7

Further submission 52.30, Hawke's Bay Regional Council, opposes submission 4.7

Further submission 52.31, Hawke's Bay Regional Council, opposes submission 12.7

Further submission 52.32, Hawke's Bay Regional Council, opposes submission 37.7

### **Submission Details**

Submissions 2.7, 3.2, 4.7, 12.7 and 37.7 support “rules to allow dwellings to establish under a density provision of 1 per 800m<sup>2</sup>” but note that this is inconsistent with Hawke’s Bay Regional Council’s onsite wastewater disposal rules which show reluctance to accept onsite disposal systems on lots of less than 1,000m<sup>2</sup>.

Further submissions 52.29, 52.30, 52.31 and 52.32 note that there is no inconsistency between Rule 18A.8.2 (Plan Change 1B).

Submission 24.21 opposes Rule 18A.8.2, Building Density (this is assumed to be an incorrect reference as Building density in Plan Change 1, to which the submission was opposed was numbered 18A.8.3) on the basis that “people want garages and sleepouts at the beach”.

Submission 44.9 supports Rule 18A.8.2 (Plan Change 1B), in particular a minimum unserviced density of one dwelling per 1,000m<sup>2</sup>.

### **Planner’s Comments**

Rule 18A.8.2 was amended for inclusion in Plan Change 1B to differentiate between serviced lots (minimum site density of one dwelling per 800m<sup>2</sup>) and unserviced lots (Minimum density of one dwelling per 1,000m<sup>2</sup>). There is therefore no inconsistency between the Regional Council’s rules and Plan Change 1B, although it is acknowledged that at the time of notifying Plan Change 1 there was an inconsistency.

Rule 18A.8.2 (Plan Change 1B), Building Density, does not restrict the provision of accessory buildings such as garages and/or sleepouts.

I acknowledge the support of submission 44.9.

### **Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 24.21, 44.9 and further submissions 52.29, 52.30, 52.31 and 52.32 be **accepted**.

Submissions 2.7, 3.2, 4.7, 12.7 and 37.7 be **accepted in part**.

7.9 The following submission seeks an amendment to Section 18A.8.3, Noise:

- 46.3 Wairoa District Council

### **Submission Details**

Submission 46.3 requests that a construction noise standard is provided for the Coastal (Mahia) Zone in accordance with the New Zealand Standard for Construction Noise (NZS6803:1999, Acoustics Construction Noise).

### **Planner's Comments**

Construction noise is a particular type of noise that may not conform with the general noise standards prescribed in Rule 18A.8.3. By not having a construction noise standard for these zones the ability to undertake construction work may be seriously compromised. Accordingly I concur with the request and suggest that the following standards be included in Rule 18A.8.3:

*"C. Construction Noise Standards*

*Construction noise from sites shall meet the limits recommended in, and shall be measured in accordance with, NZS6803:1999 Acoustics Construction Noise or any superseding codes of practice or standards."*

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above the following standard be added to Rule 18A.8.3 (inserted text double underlined):

*C. Construction Noise Standards*

*Construction noise from sites shall meet the limits recommended in, and shall be measured in accordance with, NZS6803:1999 Acoustics Construction Noise or any superseding codes of practice or standards.*

I further recommend that, for the reasons identified in the comments above:

Submissions 46.3 be **accepted**.

7.10 The following submissions support/oppose rules 18A.8.4 and 18A.8.5, Odour. (previously rules 18A.8.5 and 18A.8.6 in Plan Change 1):

- 2.8 Snow Wilkins Ltd and Action Planning
- 3.1 Pukenui Views Ltd
- 4.8 P Fenwicke
- 12.8 Wine Country Property Ltd
- 23.19 Hawke's Bay Regional Council
- 23.20 Hawke's Bay Regional Council
- 24.22 Mark Mahoney
- 31.9 P Robbie
- 37.8 Action Planning
- 46.4 Wairoa District Council

Further submission 52.26, Hawke's Bay Regional Council, supports in part submission 3.1

### **Submission Details**

Submissions 2.8, 3.1, 4.8, 12.8, 31.9 and 37.8 oppose Rules 18A.8.5 and 18A.8.6, as notified in Plan Change 1 (Rules 18A.8.4 and 18A.8.5 in Plan Change 1B). The submissions acknowledge the intention of the rules to manage reverse sensitivity arising from the establishment of a dwelling close to wastewater treatment and disposal systems. However, there are circumstances where consent may have been granted (e.g., Mahanga) or could be granted in the future taking the issue of reverse sensitivity into account. In such circumstances the submissions consider the rule to be inappropriate.

Further submission 52.26 supports in part submission 3.1.

Submission 23.19 requests that the set back distances refer to the site boundary not just the buildings associated with intensive farming activities as odour may not be confined to the buildings. The submission also seeks clarification that domestic onsite wastewater disposal areas are not regarded as waste disposal areas.

Submission 23.20 seeks to clarify the *“intent of Rule 18A.8.6 to apply (or not) a 500m separation distance from the Residential (Mahia) Zone”*.

Submission 24.22 opposes Rule 18A.8.5, as notified in Plan Change 1 (Rule 18A.8.4 in Plan Change 1B), on the basis that *“200m from an effluent field, no evidence. What is this?”*

Submission 46.4 seeks clarification of Rules 18A.8.4 and 18A.8.5 with regard to the term *“waste disposal area”* and also whether the rule only relates to buildings.

### **Planner’s Comments**

The intent of Rules 18A.8.4 and 18A.8.5 is to provide appropriate separation from residential activities and intensive farming activities. Intensive farming activities are excluded from the definition of rural activities proposed in Section 31 and are therefore not permitted in the Residential (Mahia) Zone. With regard to submission 23.20 therefore the separation standard does not apply to permitted activities within the zone but to permitted intensive farming activities that may be established in the adjoining Rural Zone. In my opinion the purpose of the rule in this regard is clear and the term *“waste disposal area”* does not need further definition..

With regard to submissions 23.19 and 46.4 as they relate to the effective distance to the source of the odour and the term *“buildings”*, I agree that not all odours are confined to the buildings associated with the activity and suggest that the rule be amended to clarify that distances should be measured from the *“buildings or areas associated with or developed for ...”*. In my opinion a blanket measurement from the *“site”* boundary does not mitigate the issue when either the existing use is in the middle of a large lot, or is set close to the boundary, for example.

With regard to submission 24.22 the standard is that which already exists in the Operative District Plan and is adopted to provide consistent administration of that Plan and certainty to developers. Development that does not comply with the

standard is assessed as a discretionary activity, which would include an assessment of the potential for reverse sensitivity effects.

With regard to the other submissions it is clear that the rules need to be clarified to allow for the intended mitigation. Amendments are recommended below to clearly identify that it is only the distance between residential activities and intensive farming activity and their associated waste storage and treatment facilities that is the subject of the rules.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above Rules 18A.8.4 and 18A.8.5 be amended as follows (inserted text double underlined):

18A.8.4 Any new dwelling shall be set back 200 metres from any buildings or areas associated with or developed for any existing intensive farming activity and its associated oxidation pond, effluent holding pond or waste disposal area or other effluent storage or treatment facility.

18A.8.5 Any building or area associated with or developed for a new intensive farming activity and its associated oxidation pond, effluent holding pond, or waste disposal area or other effluent storage or treatment facility, shall be set back in accordance with the following separation distances:

Feature	Separation Distance (m)
From a Town Centre or Coastal (Mahia) Zone Boundary	500

I further recommend that, for the reasons identified in the comments above:

Submissions 2.8, 3.1, 4.8, 12.8, 23.20, 31.9, 37.8 and further submission 52.26 be **accepted**.

Submission 23.19 be **accepted in part**.

Submission 24.22 be **rejected**.

7.11 The following submission seeks clarification of Rule 18A.8.7, Glare:

- 46.5 Wairoa District Council

### **Submission Details**

Submission 46.5 requests that a definition of "glare nuisance" be provided to ensure clarity and certainty in the interpretation of the rule.

### **Planner's Comments**

I concur with the submission and recommend that Rule 18A.8.7 be amended to provide certainty and clarity.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 18A.8.7 be amended (inserted text double underlined):

- 18A.8.7 No building or structure shall be finished with materials that create a glare nuisance to neighbouring properties or road users.  
For the purposes of this rule:  
(a) No part of any surface of any exterior structure or building shall have a reflectance value exceeding 35%  
(b) The term reflectance value shall have the same meaning as used in "BS5252:1976, Framework for colour co-ordination for building purposes"  
(c) This rule shall not apply to any window frames, guttering or downpipes.

I further recommend that, for the reasons identified in the comments above:

Submission 46.5 be **accepted**.

7.12 The following submissions support/oppose rule 18A.8.8, Privacy, Shading and Visual Amenity (previously rule 18A.8.9 in Plan Change 1):

- 13.10 Tui Development Trust Company Ltd
- 25.6 Osyris Group (Eastland) Ltd
- 46.6 Wairoa District Council
- 46.7 Wairoa District Council

### **Submission Details**

Submission 13.10 requests that the overshadowing plane be taken from a 2.5m height above the ground level at the boundary and that rules be introduced to limit the length of buildings along the boundary.

Submission 25.6 notes the increase in side yard from 1.5m to 2.0m and questions the need for the change. The submission also requests that a graduated height provision be allowed starting at 5.0m at the beachfront increasing as development moves away from the beach.

Submission 46.6 expresses concern that the proposed rule does not provide for Section 104(3)(b) of the Resource Management Act. No relief is sought.

Submission 46.7 seeks clarification that the rule as it is written "*in terms of height infringements only relates to the boundary of a 'residential property... Concern is expressed that this rule does not take into account reverse sensitivity*".

### **Planner's Comments**

The height rule has been amended from Plan Change 1 (10.0m) to Plan Change 1B (8.0m). This takes into account the concern raised in part by submission 25.6 that height should be limited close to the beachfront and 8.0m will allow a two storey dwelling to be built. In my opinion it is not fair or reasonable to restrict height to less than 8.0m. Should applicants require taller buildings then they may seek resource consent taking into account a visual and landscape assessment that could result in increased height further back from the beach depending on the circumstances of the development.

The provision of a 2.0m height at the boundary allows for the maintenance of the open residential character in the Mahia area by keeping buildings further from the boundary, as does the wider side yard. However, as the existing side yard for this zone of 1.5m has been an accepted part of the residential development of these areas previously I accept that there is no need to change it for future development.

With regard to submission 46.6 the issue of providing for Section 104(3)(b) only arises when resource consent applications are being determined and each application is then considered on its merits with these development criteria being considered as guidelines.

Submission 46.7 identifies an area of inconsistency in the rule as it refers to “residential property” which is a term that is not generally used in the Plan Change. It is recommended that, for clarity, this term be deleted and the Rule rewritten to include the overshadowing provision (Note 2) as part of the rule so that it is more certain in administration.

### **Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 15A.8.8 be amended (deleted text double struckthrough, inserted text double underlined):

18A.8.8 A. All buildings shall meet the following bulk and location requirements:

Minimum Front yard	3.0m
Minimum Side yards	<u>1.52.0m</u>
Minimum Rear yard	5.0m
Maximum Building height	8.0m

~~(1) No part of a building shall exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary where this is to a residential property.~~

18A.8.8 B. ~~(2)~~ No part of a building shall exceed a height of 2 metres plus the shortest horizontal distance between that part of the building and the nearest site boundary ~~where this is to a residential property.~~

I further recommend that, for the reasons identified in the comments above:

Submission 46.7 be **accepted**.

Submission 25.6 be **accepted in part**.

Submission 13.10 and 46.6 be **rejected**.

7.13 The following submissions support/oppose rule 18A.8.17, Earthworks:

- 2.9 Snow Wilkins Ltd and Action Planning
- 3.3 Pukenui Views Ltd
- 4.9 P Fenwicke
- 12.9 Wine Country Property Ltd
- 13.12 Tui Development Trust Company Ltd
- 23.21 Hawke’s Bay Regional Council

- 31.10 P Robbie
- 37.9 Action Planning

Further submission 52.37, Hawke's Bay Regional Council, opposes submission 3.3  
Further submission 52.38, Hawke's Bay Regional Council, opposes submission 2.9  
Further submission 52.39, Hawke's Bay Regional Council, opposes submission 4.9  
Further submission 52.40, Hawke's Bay Regional Council, opposes submission 12.9  
Further submission 52.41, Hawke's Bay Regional Council, opposes submission 37.9

### **Submission Details**

Submissions 2.9, 3.3, 4.9 12.9, 13.12, 31.10 and 37.9 oppose Rule 18A.8.17, Earthworks, on the basis that it is inconsistent with permitted activities in the zone. *"For example, on a site of 800m<sup>2</sup> a dwelling having a footprint upwards of 320m<sup>2</sup> (40% of site) would be permitted – including dwelling, associated underground services and provision of 2 x parking spaces and vehicle access."* The submissions seek to allow earthworks when associated with otherwise permitted activities. The submissions also suggest that effects-based standards relating to dust, erosion and sediment control and re-vegetation be introduced.

Further submissions 52.37 to 52.41 to these submissions find that there is no inconsistency in the rule when earthworks are undertaken for the purpose of permitted activities in Section 18A.7.1.

Submission 23.21 notes that the rule currently limits earthworks to *"No closer than 20m"* to water bodies and requests that, as water bodies do not include the Coastal Marine Area, the Rule be extended to include the Coastal Marine Area. The submission also requests that the rule be amended *"to require all possible mitigation measures, such as silt fences, to be utilised to reduce the adverse effects of earthworks beyond the boundary of the site"*.

### **Planner's Comments**

The earthworks controls are considered appropriate to manage the potential adverse effects of large areas of exposed cut and fill on the visual and landscape environment and also on the amenity of residents in the vicinity of the works in terms of dust, sediment and erosion management. However, I acknowledge that the area of earthworks should relate to the permitted site coverage and is recommended to be increased.

In response to the submissions I also recommend that a further rule be added requiring that the effects of earthworks be mitigated within the site.

I generally agree with the further submissions opposing submissions 2.9, 3.3, 4.9, 12.9, 31.10 and 37.9 but acknowledge that the limit placed on the area of exposed

surface may be unduly restrictive when undertaking a permitted development activity such as building a new house.

I also concur with submission 23.9, which seeks the inclusion of the Coastal Marine Area in relation to the proximity of earthworks to water bodies. Minor amendments are also recommended to improve the clarity of the rule.

**Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 18A.8.17 be amended (deleted text double struckthrough, inserted text double underlined):

18A.8.17 A. Earthworks activities shall meet the following standards:

Max Vol (m3) over <u>any</u> 12 months <u>period</u> per site	<u>150</u>
Max face height (m)	3.0
Max area of work per site (m2)	<del>150</del> <u>320</u>
Proximity to <u>the Coastal Marine Area</u> <u>or any</u> water body <u>as</u> measured from the bank edge at bank full height.	No closer than 20m.

Note: The volume of earthworks is to be measured prior to excavation.

18A.8.17 B. Earthworks undertaken on any site shall ensure that any adverse effects of the activity are mitigated within the site through the use of sediment and erosion controls and dust suppression.

I recommend that, for the reasons identified in the comments above:

Submissions 23.21 be **accepted**.

Submissions 2.9, 3.3, 4.9, 12.9, 13.12, 31.10, 37.9 and further submissions 52.37, 52.38, 52.39, 52.40, 52.41 be **accepted in part**.

7.14 The following submissions oppose Rules 18A.9.3 and 18A.9.4, Controlled Activities, as notified in Plan Change 1

- 15.16 Department of Conservation
- 15.17 Department of Conservation

**Submission Details**

Submissions 15.16 and 15.17 seek amendment to the controlled activities matters of control (Plan Change 1) by replacing the word “tree” with the word “vegetation” (18A.9.3) and including the effects on wildlife in 18A.9.5.

**Planner’s Comments**

The default activity status was changed in Plan Change 1B to discretionary and the rules referred to no longer apply. No submission opposes the change in status and may be considered to be effective.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 15.16 and 15.17 be **rejected**.

## **8.0 Section 27, Subdivision (E)**

8.1 The following submissions support/oppose Section 27.9.

- 23.24 Hawke's Bay Regional Council
- 24.23 Mark Mahoney
- 36.3 New Zealand Historic Places Trust
- 46.8 Wairoa District Council

### **Submission Details**

Submission 23.24 seeks clarification of Rule 27.9.2 as to whether "*resource consent*" includes consents issued by HBRC".

Submission 24.23 opposes Rules 27.9.1 – 27.9.7 and requests "*refer to clauses*" without further reference.

Submission 36.3 requests that activities in rules 27.9.1, 27.9.2 and 27.9.3, as notified in Plan Change 1, be discretionary rather than controlled.

Submission 46.8 queries the reasoning behind the provision of subdivision as a controlled activity around activities subject to resource consent.

### **Planner's Comments**

Rule 27.9.2 provides for the subdivision of land around activities that have already received land use consent from the Wairoa District Council. It is appropriate that this form of subdivision be provided for to enable the economic development of such activities including the issue of new title for sale or to raise finance. All assessment of the effects of the activity on the surrounding area will have been completed in assessing and determining the underlying land use consent. Given that the submissions made by the Regional and District Council did not read this meaning into the rule clarification is obviously needed. I recommend amending the rule below.

With regard to submission 24.23; it is appropriate and good, sustainable, resource management practice to differentiate between different types of subdivision and provide for them by way of a specified activity status as provided for in the Resource Management Act, 1991.

With regard to submission 36.3, in my opinion it is appropriate that subdivision of the types listed, subject to the matters of control listed, are controlled activities to provide for the sustainable management of the land resource.

**Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, the following changes to 27.9.2 are made (inserted text is double underlined):

27.9.2 Subdivision around land use activities subject to resource consent from the Wairoa District Council.

I further recommend that, for the reasons identified in the comments above:

Submissions 23.24 and 46.8 be **accepted**.

Submission 24.23 and 36.3 be **rejected**.

8.2 The following submissions opposed rule 15A.8.1, Minimum Lot Size (Coastal (Mahia) Zone) and rule 18A.8.1, Minimum Lot Size (Residential (Mahia) Zone) in Plan Change 1. These rules were moved to the subdivision section and are now numbered 27.10.1. All submissions opposing rule 27.10.1 are listed below:

- 2.1 Snow Wilkins Ltd and Action Planning
- 2.10 Snow Wilkins Ltd and Action Planning
- 4.1 P Fenwicke
- 4.10 P Fenwicke
- 6.8 Mark Rodgers
- 7.1 R Barnett
- 9.1 B Lancaster
- 12.1 Wine Country Property Ltd
- 12.10 Wine Country Property Ltd
- 13.5 Tui Development Trust Company Ltd
- 14.1 A Clark
- 18.1 Boogie S Cape Ltd
- 20.6 Surveying the Bay
- 21.1 D Barton
- 24.16 Mark Mahoney
- 25.1 Osyris Group (Eastland) Ltd
- 25.4 Osyris Group (Eastland) Ltd
- 26.1 R Robbie
- 27.1 J Taylor and M Gregory
- 29.1 L Schick
- 30.1 WH Coop
- 30.2 WH Coop
- 31.1 P Robbie
- 33.1 AJ & LA Steel
- 34.2 Penny Ann Fishing Co Ltd
- 37.1 Action Planning
- 38.1 S Wells
- 43.2 Surveying the Bay

- 43.8 Surveying the Bay
- 49.2 W I Livingstone
- 51.2 Archie Packer

Further submission 52.1, Hawke's Bay Regional Council, opposes submission 7.1  
Further submission 52.2, Hawke's Bay Regional Council, opposes submission 9.1  
Further submission 52.3, Hawke's Bay Regional Council, opposes submission 38.1  
Further submission 52.4, Hawke's Bay Regional Council, opposes submission 33.1  
Further submission 52.5, Hawke's Bay Regional Council, opposes submission 37.1  
Further submission 52.6, Hawke's Bay Regional Council, opposes submission 26.1  
Further submission 52.7, Hawke's Bay Regional Council, opposes submission 31.1  
Further submission 52.8, Hawke's Bay Regional Council, opposes submission 27.1  
Further submission 52.9, Hawke's Bay Regional Council, opposes submission 29.1  
Further submission 52.10, Hawke's Bay Regional Council, opposes submission 18.1  
Further submission 52.11, Hawke's Bay Regional Council, opposes submission 21.1  
Further submission 52.12, Hawke's Bay Regional Council, opposes submission 43.2  
Further submission 52.13, Hawke's Bay Regional Council, opposes submission 14.1  
Further submission 52.14, Hawke's Bay Regional Council, opposes submission 2.1  
Further submission 52.15, Hawke's Bay Regional Council, opposes submission 4.1  
Further submission 52.16, Hawke's Bay Regional Council, opposes submission 12.1  
Further submission 52.17, Hawke's Bay Regional Council, opposes submission 30.2  
Further submission 52.18, Hawke's Bay Regional Council, opposes submission 20.6  
Further submission 52.19, Hawke's Bay Regional Council, opposes submission 25.1  
Further submission 52.20, Hawke's Bay Regional Council, opposes submission 13.5

### **Submission Details**

#### **Submissions on 5,000m<sup>2</sup> minimum lot size in the Coastal (Mahia) Zone**

Submissions 2.10, 4.10 and 12.10 are also concerned that the proposed minimum lot size of 5,000m<sup>2</sup> would encourage large scale strip development along the coastline and seek to encourage clustered development in proximity to existing settlements.

Submissions 20.6 and 43.2 seek *“Clarification of the justification of Council’s choice of 5,000m<sup>2</sup> minimum lot size and how this fits into the context of the coastal environment is sought”*.

Submission 24.16 opposes the minimum lot size of 5,000m<sup>2</sup> in the Coastal (Mahia) Zone as it is *“poorly thought out, no evidence”*.

Submission 25.1 considers that the proposed lot size would promote ribbon development along the coast that would be contrary to the management objectives of the Mahia Landscape Assessment. The submission seeks a less intrusive form of development with more intensive development located further back from the coast. The submission requests *“Apart from limited pockets of development integrated into the landscape there should be minimum lot size more appropriate to the likely land use (low intensity agricultural/lifestyle) and because that will be low intensity then perhaps a minimum of 20,000m<sup>2</sup> (5 acres) or 40,000m<sup>2</sup> (10 acres) would be more appropriate”*.

Submission 29.1 opposes the 5,000m<sup>2</sup> limit to land area *“as it would change kiwiana bach style development”*.

Submission 30.2 opposes the minimum lot size of 5,000m<sup>2</sup> in the Coastal (Mahia) Zone and requests minimum lot sizes of less than 5,000m<sup>2</sup> in this zone.

#### **Submissions on Pukenui Road/Mahanga coastline 5,000m<sup>2</sup> minimum lot size in the Coastal (Mahia) Zone**

Submissions 2.1, 4.1, 12.1 and 37.1 state that:

*“The proposed minimum lot size of 5,000m<sup>2</sup> is inconsistent with the development and settlement containment policies of the Wairoa District Plan and Wairoa Coastal Strategy.”*

And seek to:

*“Change rule to allow for gradation of decreasing density toward Mahanga coastline based on currently available servicing i.e. a zone total density of 1 per 1,400m<sup>2</sup> based on parent site area as at 7 August 2006 (gross) and subject to compliance with a provisional plan of future subdivision plan compliance with the relevant zone standards and terms for site coverage, yard setbacks, access and carparking.*

*Minimum lot area for sites abutting the coastline 1,800m<sup>2</sup> (gross).”*

Submissions 7.1, 9.1, 13.5, 18.1, 21.1, 26.1, 31.1, and 38.1 oppose the 5,000m<sup>2</sup> minimum lot size on the seaward side of Pukenui Road as it is inconsistent with the objectives and policies of the Wairoa District Plan (Objectives 6.5.2 and 6.5.3) and request that:

*“This strip of land be treated with an ‘overlay’ that ensures development occurs in a way that is respectful of the character of the environment. Such an overlay would allow for subdivision more in keeping with the proposed Residential (Mahia) zoning if certain criteria are met.”*

Submission 14.1 opposes the 5,000m<sup>2</sup> minimum lot size in this area as it is not consistent with the objectives and policies of the Wairoa District Plan and the Wairoa Coastal Strategy.

Submission 27.1 opposes the 5,000m<sup>2</sup> minimum lot size in this area as it is not consistent with the objectives and policies of the Wairoa District Plan and the Wairoa Coastal Strategy and requests that it be zoned Residential (Mahia) Zone.

Submission 33.1 prefers *“development outward from existing settlements as opposed to spasmodic development ... We believe creating 5,000m<sup>2</sup> eastward of Pukenui Road will have more negative impacts on the environment e.g. 500m<sup>2</sup> buildings, 10m high (submission received in response to Plan Change 1 which provided a higher height control than Plan Change 1B, which provided 8m), compared with controlled smaller bach-like dwellings similar to the Sands proposal (Tui developments).”*

### **Submissions on the 800m<sup>2</sup> minimum lot size in the Residential (Mahia) Zone**

Submission 6.8 supports the minimum lot size of 800m<sup>2</sup> for the Residential (Mahia) Zone (as notified in Plan Change 1. I note that this was amended slightly in Plan Change 1B to provide for 800m<sup>2</sup> on reticulated sites and 1,000m<sup>2</sup> on non-reticulated sites but the submitter has not made any further submission to the amended provisions.

Submissions 25.4, 30.1 and 49.2 oppose the minimum lot size of 800m<sup>2</sup> for the Residential (Mahia) Zone (as notified in Plan Change 1 for 25.4 and 30.1, and including the 1,000m<sup>2</sup> minimum for non-reticulated lots as notified in Plan Change 1B for 49.2). The submissions request that subdivision be permitted on an infill basis once reticulated sewer services are provided.

Submission 25.4 suggests that a 500m<sup>2</sup> minimum lot size for reticulated sites would be appropriate and states that *“This approach will keep the residential settlements clustered, make the community wastewater scheme more cost-effective and allow for a mix of larger and smaller lots to meet the individual demands of home or bach buyers. Otherwise we will put increasing pressure on surrounding land for the residential areas to expand with largely unused over-sized sections. Also in-fill housing provides an increased rate base without any need for extra infrastructure such as streets, street lighting and footpaths.”*

Submission 30.1 suggests that the minimum lot size is not necessary to achieve the objectives and policies of the Resource Management Act, 1991 or the Wairoa District Plan.

Submissions 34.2 and 51.2 suggests that the minimum lot size is not necessary to achieve the objectives and policies of the Resource Management Act, 1991 or the Wairoa District Plan, fails to take into account the proposed sewage scheme for Mahia and will result in lots too big for seasonal use and too small to subdivide.

Submission 43.8 *“queries the introduction of the 1,000m<sup>2</sup> site size for unserviced lots in the residential zone. No justification is provided for this ...”*

### **Further Submissions**

Further submissions 52.1 to 52.20 inclusive *“oppose in part the changes in the standards/development criteria for permitted activities in the proposed Residential (Mahia) Zone, in particular the reduction in minimum lot size and the increase in the*

*density of housing, as requested by the submitters identified above. HBRC is concerned that if the minimum lot size is reduced and the intensity of building increases, new developments will be unable to comply with the Regional Wastewater rules.”*

### **Planner's Comments**

#### **Submissions on 5,000m<sup>2</sup> minimum lot size in the Coastal (Mahia) Zone**

With regard to submissions 2.10, 4.10, 12.10, 20.6, 24.16 and 25.1, I agree that the proposed lot size in the bulk of the Coastal (Mahia) Zone is likely to result in ribbon development along the coastline that is not appropriate and contrary to the objectives of the Mahia Structure Plan and the Proposed Mahia Isthmus Structure Plan as well as objective 6.5.3 of the operative District Plan to avoid sprawling or sporadic subdivision, use and development in the coastal environment and the New Zealand Coastal Policy Statement. It was proposed in the Plan Change to accommodate a specific form of development at Pukenui Road, Mhanga (discussed below) and is inappropriate along the bulk of the coastline around the Mahia Peninsula. I recommend below that the minimum lot size be increased in areas, other than the existing subdivision at Pukenui Road, to 40,000m<sup>2</sup> to retain the rural, coastal environment and landscape, visual and ecological values in this area.

Submission 29.1 does not request specific relief and I am unsure as to whether the relief would be to reduce the lot size or increase the lot size. Without that guidance I recommend the submission be rejected.

With regard to submission 30.2, in my opinion, it is not appropriate to decrease the minimum lot size in the Coastal (Mahia) Zone in areas other than Pukenui Road.

#### **Submissions on Pukenui Road 5,000m<sup>2</sup> minimum lot size in the Coastal (Mahia) Zone**

The area to the east of Pukenui Road is a specific case in the development of the Mahia Peninsula. It has been developed to an urban standard with a reticulated wastewater system, fully serviced street (kerb and channel, street lights etc) and there it is proposed in Plan Change 1B as a finger of Coastal (Mahia) Zone extending into an area that is otherwise proposed as Residential (Mahia) Zone.

It is however more sensitive to change than other areas of residential development further away from the coast in terms of potential for visual, landscape and environmental effects and, for a narrow area of land along the coast, in terms of coastal erosion hazards.

The submissions generally see this area as being of a special character and provide suggestions as to how this can be accommodated within a coastal environment.

Of particular note are the suggestions for an overlay to either the Coastal (Mahia) Zone or the (Residential (Mahia) Zone and the suggested lot sizes and density provisions in submissions 2.1, 4.1, 12.1 and 37.1.

In response to these submissions I note that I have recommended a change to the minimum lot sizes in the remainder of the Coastal (Mahia) Zone to 4ha and by retaining the 5,000m<sup>2</sup> minimum lot size in this area there would be a transition that recognises the sensitive coastal environment close to the Mahanga settlement. I recommend below that:

1. The area remain zoned Coastal (Mahia) Zone with an overlay specific to the area to the east of the formed section of Pukenui Road (as at 19 June 2007) to be referred to as the Coastal Mahanga Policy Area.
2. The rules for this overlay shall include a minimum lot size of 5,000m<sup>2</sup> otherwise the performance standards/development criteria for the Coastal (Mahia) Zone shall apply.
3. Additional Policies and Methods are required in Sections 6.5 and 6.6 to support the establishment of a Coastal Mahanga Policy Area.

In the event that Council is persuaded that a smaller lot size is suitable in this area I would suggest consideration of the residential performance standards/development criteria as being more appropriate for small lots but that the minimum area should be not less than 1,800m<sup>2</sup> (net site area) with a corresponding density provision. Given its special character on the beachfront consideration should also be given to the effects development may have on the landscape and visual environment when viewed from the beach or out at sea. In my opinion, there should be a setback from the seaward boundary of the lot of at least 20m to mitigate potential impacts on the landscape when viewed from this aspect.

#### **Submissions on the 800m<sup>2</sup> minimum lot size in the Residential (Mahia) Zone**

While I acknowledge the positive aspects of providing for infill housing in terms of efficient use of the land and infrastructure resources it was evident in consultation that the character and amenity of the residential areas appreciated by the residents was that of open sea-side settlements within which the existing average lot size of about 800m<sup>2</sup> was an integral component. The minimum (800m<sup>2</sup>) lot size for reticulated sections has been chosen for this reason. The larger size (1,000m<sup>2</sup>) for non-reticulated sections has been chosen on the advice of the Hawke's Bay Regional Council to cater for on-site domestic wastewater disposal.

#### **Further submissions**

Amendments to Rule 27.10.5 clarify the requirements of development in relation to compliance with the Regional Council's rules for on-site domestic wastewater disposal are recommended at section 8.6 of this report. These amendments should provide some certainty to the Regional Council with regard to the disposal of domestic wastewater. In regard to the minimum lot sizes in the areas to which the submitters refer, no reduction in lot area is recommended and to that end the further submissions by the Hawke's Bay Regional Council are accepted.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, the following changes to 27.10.1 are made (deleted text is double struckthrough, inserted text is double underlined):

27.10.1 Coastal (Mahia) Zone ~~(other than the Coastal Mahanga Policy Area)~~ Minimum lot size of ~~4.0ha~~ 5,000m<sup>2</sup>.

Coastal Mahanga Policy Area Minimum lot size of 5,000m<sup>2</sup>

*Residential (Mahia) Zone Minimum lot size of 800m<sup>2</sup> (where reticulated wastewater services are available), 1,000m<sup>2</sup> (where reticulated wastewater services are not available).*

6.5.8 Provide a transition from the Residential (Mahia) Zone to the west of Pukenui Road at Mahanga to the beach front of lower density beachside development that recognises the special coastal character of this area and provides for the avoidance, mitigation and remediation of adverse effects on the visual landscape, ecological and coastal hazard environment in this area.

6.6.9 Identify a Coastal Mahanga Policy Area to the east of Pukenui Road, Mahanga (as developed at 19 June 2007) to the adjoining Conservation and Reserves Zone to provide a transition between the Residential (Mahia) Zone and the coast.

I further recommend that, for the reasons identified in the comments above:

Submissions 2.10, 4.10, 6.8, 12.10, 20.6, 24.16, 25.1, 43.2 and further submissions 52.1, 52.2, 52.3, 52.4, 52.5, 52.6, 52.7, 52.8, 52.9, 52.10, 52.11, 52.12, 52.13, 52.14, 52.15, 52.16, 52.17, 52.18, 52.19, 52.20 be **accepted**.

Submissions 2.1, 4.1, 7.1, 9.1, 12.1, 13.5, 14.1, 18.1, 21.1, 25.4, 26.1, 27.1, 29.1, 30.1, 30.2, 33.1, 34.2, 37.1, 38.1, 43.8, 49.2 and 51.2 be **rejected**.

8.3 The following submissions support/oppose Section 27.10.2 (previously Section 27.10.1 in Plan Change 1).

- 20.7 Surveying the Bay
- 23.25 Hawke's Bay Regional Council
- 28.10 Eastern Earth Landscape Architects
- 43.3 Surveying the Bay
- 44.11 M Mexted and P Williams

### **Submission Details**

Submissions 20.7 and 43.3 seek clarification of Rule 27.10.2(a) which requires that "each building area is free from flooding or inundation, erosion, subsidence and thermal ground" as to who may be able to give such a certification that would be acceptable to Council.

Submission 23.25 requests that Rule 27.10.2 be amended to include a requirement to provide:

*“(g) An assessment of the suitability of the site for on-site domestic wastewater disposal”.*

And that the explanation be amended to read *“shall be capable of containing a building and sufficient area for on-site wastewater disposal, if required ...”*

Submission 28.10 seeks the mandatory submission of a report from a suitably qualified person demonstrating mitigation of landscape and visual effects including the effects of earthworks.

Submission 44.11 opposes Rule 27.10.2(f) on the basis that it *“inappropriately focuses (on) hazard avoidance, contrary to Part II of the RMA”* and requests that the rule be amended to include remediation and mitigation.

### **Planner's Comments**

Rule 27.10.2 states, by way of introduction:

*27.10.2 Council may require a report, including certification from an appropriately qualified person(s), stating that the land is suitable for the development proposed or the activities anticipated in the zone, and may include the conditions under which development will be appropriate.*

*Conditions or information required may include (but is not necessarily limited to):*

This part of the rule clearly states that certification, where it may be required, shall be provided from a *“suitably qualified person(s)”*. Such a person could include a chartered professional engineer, licensed surveyor or other professional with proven experience in the particular field of investigation. The rule does not, and is not intended to, limit either the applicant or the Council in determining who may be an appropriate person(s).

I concur with submission 23.25 in part that it is appropriate that, where a site is to be used in a manner that requires onsite domestic wastewater disposal, the suitability of the site for that purpose is assessed.

However, the explanation is of a more generic nature and in considering site suitability in general I believe that it is sufficient to say that *“Each new lot created shall be capable of containing a building and shall be suitable and appropriate for the activities provided for in the District Plan.”*

There are likely to be many circumstances where the disposal of wastewater onsite is not necessary, such as where the site is reticulated, or where the activity does not generate the need for onsite wastewater disposal, such as for reserves or utilities, thus the inclusion of a specific requirement in the generic explanation is not recommended.

With regard to submission 28.10 a landscape and visual assessment is required under rule 28.8. Specifying the detail of that report in the District Plan may have the unintended effect of limiting the scope of the report required in any specific case.

With regard to submission 44.11 Rule 27.10.2(f) reads:

*(f) Council may refuse to approve a subdivision or resource consent or in approving the proposal, impose appropriate conditions to avoid high probabilities of*

*accelerated erosion, land slip, flooding or subsidence, or increased adverse effects resulting from contaminants on the site.*

This rule provides for the circumstances described in section 106 of the Resource Management Act, 1991 and in my opinion it is entirely appropriate that as a priority hazards with a high probability be avoided.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, the following paragraph be added to 27.10.2 (inserted text is double underlined):

27.10.2(g) *An assessment of the suitability of the site for on-site domestic wastewater disposal.*

I further recommend that, for the reasons identified in the comments above:

Submission 23.25, 28.10 be **accepted in part**.

Submissions 20.7, 43.3 and 44.11 be **rejected**.

8.4 The following submissions support/oppose Section 27.10.3 (previously Section 27.10.21 in Plan Change 1).

- 20.8 Surveying the Bay
- 23.26 Hawke's Bay Regional Council
- 43.4 Surveying the Bay
- 46.9 Wairoa District Council

### **Submission Details**

Submissions 20.8, 43.4 and 46.9 seek clarification of the explanation in Rule 27.10.3 of circumstances where power and telephone services may not be provided by the traditional agencies such as the electricity supply company or telecommunications provider.

Submissions 20.8 and 43.4 also seek clarification of 27.10.3(a), first bullet point, which requires that the provision of services shall ensure that *"Potential future uses in the catchment are able to be served"*.

Submission 23.26 requests that Rule 27.10.3 be amended *"to clarify how and when properties will be required to connect to reticulated services once they are provided"*.

### **Planner's Comments**

I concur with submissions 20.8, 43.4 and 46.9 that there may be circumstances where power and telephone services may be provided by alternative means (or not provided at all in the case of telephone) without compromising the suitability of the

site for development. I recommend below that the explanation be amended to reflect these alternative solutions.

With regard to submission 23.26 Rule 27.10.3 reads in part:

*Council requires that all lots that cannot connect to Council's reticulated services be independently served until a supply becomes available. Once services are made available properties are required to connect.*

In my opinion a plain English reading of this rule would require that properties are required to connect to services as soon as those services are available to the property for connection. In my experience the “mechanics” of connection, specific timing, cost, etc are determined as part of the process of constructing the service. No change is recommended.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, the explanation to 27.10.3 be amended (deleted text is double struckthrough, inserted text is double underlined):

Where reticulated services are provided by agencies other than the Wairoa District Council, the Council would expect to receive written confirmation that ~~power and telephone~~ those services can be supplied from the relevant agencies.

I further recommend that, for the reasons identified in the comments above:

Submissions 20.8, 43.4 and 46.9 be **accepted**.

Submission 23.26 be **rejected**.

8.5 The following submission opposes Section 27.10.4 (previously Section 27.10.3 in Plan Change 1).

- 13.23 Tui Development Trust Company Ltd

### **Submission Details**

Submission 13.23 seeks that “the term ‘alternative sources’ be specifically defined and that the full name and date of the NZFS Fire Fighting Water Supplies Code of Practice be included” in 27.10.4(d).

### **Planner's Comments**

27.10.4(d) states:

*“Alternative sources of water supply for firefighting are in accordance with the NZFS Fire Fighting Water Supplies Code of Practice.”*

I agree that the rule should be clarified to ensure that the ability to provide fire fighting capability is maintained in non-reticulated areas and recommend amending the proposed rule below.

I note also that the explanation to this rule has been notified in relation to the wrong Rule as it refers to the provision of water to activities on a site or new lots created. Pursuant to clause 16(2) of the First Schedule to the Resource Management Act, 1991 (minor amendments), I recommend amending the two rules by deleting the explanation from Rule 27.10.7 and inserting it in Rule 27.10.4.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, the following changes to 27.10.4(d) are made (deleted text is double struckthrough, inserted text is double underlined):

27.10.4(d) ~~Alternative sources of water supply for fire fighting are in accordance with the NZFS Fire Fighting Water Supplies Code of Practice.~~  
In areas not served by a reticulated Council water supply, the water supply installed (including, but not necessarily limited to, roof water and/or bore water) shall be to a standard that enables the pressure and quantity required for fire fighting to be maintained.

NOTE: Guidance should be obtained from the New Zealand Fire Service in determining the suitability of the supply.

#### Explanation:

Site services should be able to be provided to a lot to enable a range of land uses. An adequate supply of water is necessary for domestic use and fire fighting purposes. This may be provided through a reticulated system or evidence shall be provided that each lot is capable of being provided with such a supply.

I recommend that, for the reasons identified in the comments above:

Submissions 13.23 be **accepted**.

8.6 The following submissions support/oppose Section 27.10.5 (previously Section 27.10.4 in Plan Change 1).

- 8.1 S Wood
- 23.27 Hawke's Bay Regional Council

### **Submission Details**

Submission 8.1 has *"absolutely no faith in the ability of the Council to enforce the standards proposed or to carry out works proposed..."* in particular the submission states that there has been no enforcement to make sure that the existing septic tanks are working suitably. The submission requests *"that there be some way of making the Council accountable for enforcing the rules they make."*

Submission 23.27 requests that the term *"Sewerage disposal"*, be replaced with the term *"Sewage disposal"*, because "sewerage" refers to *"a system of, or drainage by, sewers"*.

The submission also seeks to amend 27.10.5 to read as follows:

*“The disposal of wastewater will be proactively managed in the following prioritised ways:*

- (a) Land being subdivided or developed that lies within an area served by a Council sewerage scheme the property shall be reticulated and connected to that system by the developer*
- (b) Land being subdivided or developed that is not able to be serviced by a Council Sewerage Scheme shall be serviced by a decentralised wastewater treatment and disposal system constructed by the developer*
- (c) Land being subdivided or developed that is not able to be serviced by a Council Sewerage Scheme shall be serviced by an individual onsite wastewater system. Should a resource consent from HBRC be required for the discharge it shall be applied for by the developer when lodging subdivision consent and then transferred to the new owner on purchase of (the) lot*
- (d) Land being subdivided or developed that is not able to be serviced by a Council Sewerage Scheme shall be serviced by on-site holding tanks.”*

The submission also requests that 27.10.5(b) be amended to clarify what approvals are required from which authority for the disposal of wastewater in areas not able to be serviced by a Council Sewerage Scheme. The submission suggests that evidence that a satisfactory non-reticulated wastewater system is available for each lot or site by way of either a certificate from HBRC that the proposed discharge is a permitted activity or that a copy of the approved resource consent be provided.

#### **Planner's Comments**

The onsite disposal of wastewater is subject to compliance with the requirements of the Hawke's Bay Regional Council's Plan. Monitoring and enforcement of the regional rules is the responsibility of the Regional Council and cannot be provided for in the District Plan.

With regard to the three points made in submission 23.27 I comment as follows:

1. I agree that the term “Sewerage disposal” in the rule heading, as notified in Plan Change 1 was incorrect, it has been amended in Plan Change 1B to read “Sewage disposal”.
2. I agree in part with the prioritised approach to the provision of sewage disposal services proposed in the submission, but only to the extent that where a reticulated system is available it must be used. The remainder of the suggested rule does not provide certainty because it does not detail the circumstances in which each alternative provision may, or may not, be accepted and it would appear to be inconsistent with the Regional Council's own rules which provide for each of the outcomes suggested without qualification. In my opinion the appropriate method of sewage disposal where a reticulated sewerage scheme is not available should be determined at the time of subdivision assessment as provided for in Rule 27.10.2 and in consideration of the relevant rules of the Regional planning documents. I

recommend amendments to Rule 27.10.4 to reflect the concerns of the submission with these provisos.

3. Similarly the requirement of certification for an activity permitted by the Regional Council for which the Regional Council does not require similar certification would also, in my opinion be unduly onerous and inconsistent with the regional planning documents. Where a resource consent is required I agree that a copy of that consent should be provided to Council prior to development. Amendments to this effect are recommended below.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 27.10.5 be amended (deleted text is double struckthrough, inserted text is double underlined):

27.10.5 Sewage Disposal

- (a) Land being subdivided or developed that lies within an area served by a Council sewerage scheme the property shall be reticulated and connected to that scheme by the developer.
- (b) Land being subdivided or developed that is not able to be serviced by a Council Sewerage Scheme shall either be serviced by:
- (i) a decentralised wastewater treatment and disposal system constructed by the developer, or
  - (ii) an individual onsite wastewater system, or
  - (iii) on-site holding tanks
- ~~comply in accordance with the requirements of the Hawke's Bay Regional Council (HBRC), or requirements of the Council that meet the HBRC standard concerning septic effluent and water disposal, or be connected to a Council approved reticulation, treatment and disposal system.~~
- Should a resource consent from HBRC be required for the discharge it shall be applied for by the developer when lodging subdivision consent and then transferred to the owner of the new lot.
- Where relevant, a copy of the resource consent allowing the discharge of contaminants from the proposed non-reticulated wastewater system, shall be provided to the Wairoa District Council prior to approval of subdivision pursuant to Section 224 of the Resource Management Act, 1991.
- (c) Any disposal or treatment areas located off-site, other than to Councils owned systems, shall be protected by easements.

I further recommend that, for the reasons identified in the comments above:

Submission 23.27 be **accepted in part**.

Submission 8.1 be **rejected**.

- 8.7 The following submission support/oppose Section 27.10.6 (previously Section 27.10.5 in Plan Change 1).

- 20.9 Surveying the Bay
- 23.28 Hawke's Bay Regional Council

### **Submission Details**

Submission 20.9 seeks clarification of Rule 27.10.5 (as notified in Plan Change 1) and considers that Council *“is attempting to restrict development to enable natural overland flow to occur, the lack of both detail and clarity in this performance standard would create real issues for potential development. It is requested that more information is provided, particularly in relation to the type of easement envisaged. Are these to be easements in gross in favour of Council (with maintenance obligations) or in favour of other properties?”*

Submission 23.28 requests that 27.10.6(a) be amended to read:

“(a) Domestic stormwater soakage systems must be able to be located landward of the CHEPA.”

### **Planner’s Comments**

Section 28.8 (Plan Change 1B), Additional information requirements in relation to subdivision/development applications in the Residential (Mahia) & Coastal (Mahia) Zones provides for Council to require a detailed stormwater plan which shall include the location of overland flowpaths where applicable. Rule 27.10.6(b) gives effect to this information requirement. The purpose of retaining overland flowpaths is to avoid the potential effects of flooding on development and it is appropriate that the rule provide for this in terms of the sustainable management of subdivision, use and development where there may be adverse effects from stormwater overland flow. It is not an “attempt to restrict development”. The form the easement is likely to take is as an easement in gross requiring the flow path to be kept clear and maintained by the owner/occupier of the land. But this would be determined at the time each subdivision was assessed prior to consent being granted. It is not appropriate to provide the degree of detail requested in the submission by way of a rule in the Plan.

I agree with submission 23.28 as the disposal of stormwater within the CHEPA may have adverse effects on the ground water loading in this area resulting in increased instability in the foredune area.

### **Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 27.10.6 be amended (deleted text is double struckthrough, inserted text is double underlined):

27.10.6 Stormwater

(a) Domestic stormwater soakage systems must be able to be located landward of the ~~CHEPA~~CHEPA.

I further recommend that, for the reasons identified in the comments above:

Submission 23.28 be **accepted**.

Submission 20.9 be **rejected**.

8.8 The following submission support/oppose Section 27.10.7 (previously Section 27.10.6 in Plan Change 1).

- 47.1 ONTRACK NZ Railways Corporation

### **Submission Details**

Submission 47.1 seeks recognition in Rule 27.10.7 that services located within the railway premises may impact on ONTRACK's rail network and seeks the inclusion of a note to the effect that:

*"Services located within railway premises require the written permission of the New Zealand Railways Corporation."*

### **Planner's Comments**

I agree with the submission and recommend that the note be included in the rule.

I note also that the explanation to this rule has been notified in relation to the wrong Rule as it refers to the provision of water to activities on a site or new lots created. Pursuant to clause 16(2) of the First Schedule to the Resource Management Act, 1991, I recommend amending the two rules by deleting the explanation from Rule 27.10.7 and inserting it in Rule 27.10.4.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 27.10.7 be amended (deleted text is double struckthrough, inserted text is double underlined):

27.10.7 *Works & Network Utilities*

*Utility services shall be provided in accordance with Council's standards.*

*Services located within a State highway require the written permission of Transit New Zealand.*

*Services located within railway premises require the written permission of the New Zealand Railways Corporation.*

~~Explanation:~~

~~Site services should be able to be provided to a lot to enable a range of land uses. An adequate supply of water is necessary for domestic use and fire fighting purposes. This may be provided through a reticulated system or evidence shall be provided that each lot is capable of being provided with such a supply.~~

I further recommend that, for the reasons identified in the comments above:

Submission 47.1 be **accepted**.

## 9.0 Section 27A, Coastal Hazards (F)

Section 27A has been substantially rewritten in response to the submission by Hawke's Bay Regional Council.

The following submissions were received to the provisions of Section 27A in Plan Change 1. The table indicates whether these provisions remain in Plan Change 1B.

Provision in PC1	Submissions in opposition unless otherwise stated.	Plan Change 1B	Recommendations on submissions
General	15.7 Department of Conservation 27.3 J Taylor & M Gregory 33.4 AJ & LA Steel	Section retained	Submissions 15.7, 27.3, 33.4 rejected - see below
27A.1	23.47 Hawke's Bay Regional Council	Section retained	Submission 23.47 accepted - see below
27A.1.2	13.14 Tui Development Trust Co Ltd 13.15 Tui Development Trust Co Ltd 13.16 Tui Development Trust Co Ltd 13.17 Tui Development Trust Co Ltd 13.18 Tui Development Trust Co Ltd 23.48 Hawke's Bay Regional Council 23.49 Hawke's Bay Regional Council 23.50 Hawke's Bay Regional Council 23.51 Hawke's Bay Regional Council 23.52 Hawke's Bay Regional Council 23.53 Hawke's Bay Regional Council 23.54 Hawke's Bay Regional Council 23.55 Hawke's Bay Regional Council 24.24 Mark Mahoney 24.25 Mark Mahoney	Section deleted and replaced.	Submissions 13.14, 13.15, 13.16, 13.17, 13.18, 23.48, 23.49, 23.50, 23.51, 23.52, 23.54, 23.55, 24.24, 24.25 accepted.
27A.1.3	23.56 Hawke's Bay Regional Council	Section deleted and replaced.	Submission 23.56 accepted.
27A.1.6	23.57 Hawke's Bay Regional Council	Section deleted and replaced.	Submission 23.57 accepted.
27A.1.8	23.58 Hawke's Bay Regional Council 24.26 Mark Mahoney	Section deleted and replaced.	Submissions 23.58, 24.26 accepted.

<b>Provision in PC1</b>	<b>Submissions in opposition unless otherwise stated.</b>	<b>Plan Change 1B</b>	<b>Recommendations on submissions</b>
27A.1.9	7.2 R Barnett (27A.1.9(c)(i)) 9.2 B Lancaster (27A.1.9(c)(i)) 13.19 Tui Development Trust Co Ltd (27A.1.9(b)) 13.20 Tui Development Trust Co Ltd (27A.1.9(c)(i)) 14.2 A Clark (27A.1.9(c)(i)) 15.7 Department of Conservation – in support (27A.1.9) 21.2 D Barton (27A.1.9(c)(i)) 23.60 Hawke’s Bay Regional Council - in support (27A.1.9(b)(i)) 23.61 Hawke’s Bay Regional Council (27A.1.9(c)) 23.62 Hawke’s Bay Regional Council - in support (27A.1.9 Note) 24.27 Mark Mahoney (27A.1.9(b) and (c)(i)) 26.2 R G Robbie (27A.1.9(c)(i)) 27.2 J Taylor & M Gregory (27A.1.9(c)(i)) 31.2 P M Robbie (27A.1.9(c)(i)) 38.2 S G Wells (27A.1.9(c)(i))	Section replaced with 27A.1.4. (b) the term seaward is retained – see below (c)(i) alternative building site requirement deleted	Submissions 7.2, 9.2, 13.20, 14.2, 23.61, 26.2, 27.2, 31.2, 21.2, 38.2 accepted.  Submissions 13.19, 24.27 rejected – see below  Submissions 15.7, 23.60, 23.62 accepted/ accepted in part – see below
27A.1.10	13.21 Tui Development Trust Co Ltd (27A.1.10(a)(iii)) 13.22 Tui Development Trust Co Ltd (27A.1.10(d)(iv)) 23.63 Hawke’s Bay Regional Council (27A.1.10(a)) 23.64 Hawke’s Bay Regional Council (27A.1.10(c)(viii)) 24.28 Mark Mahoney (27A.1.10)	Section replaced with 27A.1.5 (a)(i) and (ii) deleted (c)(viii) deleted (d)(iv) deleted	Submissions 13.22, 23.64 accepted. Submissions 13.21, 23.63, 24.28, accepted/ accepted in part – see below.
27A.1.11	6.9 M Rodgers 15.7 Department of Conservation – in support 23.65 Hawke’s Bay Regional Council (27A.1.11(b))	Section deleted	Submissions 6.9, 23.65, accepted. Submission 15.7 rejected – see below.
27A.1.12	13.19 Tui Development Trust Co Ltd 15.7 Department of Conservation – in support 24.29 Mark Mahoney	Section replaced with 27A.1.6. (a)(ii) and (iii) deleted (b) deleted	Submissions 6.9, 23.65, accepted. Submissions 13.19, 15.7, 24.29 accepted in part – see below.

Submissions in relation to 27A (general), 27A.1, 27A.1.1, 27A.1.2, 27A.1.4, 27A.1.5 and 27A.1.6 of Plan Change 1B are considered below.

9.1 The following submissions provide general support/opposition to Section 27A.

- 15.7 Department of Conservation – submission in support of rule 27A.1.11 of Plan Change 1, not retained in Plan Change 1B (support for original rule)
- 27.3 J Taylor and M Gregory (oppose)
- 33.4 AJ & LA Steel (oppose)

### **Submission Details**

Submission 15.7 supports rule 27A.1.11, as notified in Plan Change 1, and requests that it be retained.

Submission 27.3 opposes Section 27A for the reason that *“Given conflicting reports by other recognised experts we are not convinced that the hazard lines given by the Tonkin and Taylor Report prepared for HBRC are the most reliable and up-to-date.”*

Submission 33.4 opposes the location of the hazard lines through the settlement zones and considers that they need *“to be more realistic considering hard structure (road) would slow down erosion.”*

### **Planner’s Comments**

With regard to submission 15.7 the rule referred to in support has been deleted in the rewrite of the Plan Change in response to the Hawke’s Bay Regional Council’s submission to Plan Change 1. The District and Regional Plans are now complementary to each other rather than duplicating administrative activities within the coastal hazard areas. The rule cannot therefore be retained in Plan Change 1B.

With regard to submissions 27.3 and 33.4, the location of the hazard lines are based on the best advice available at the time Plan Change 1B was notified. It is the responsibility of the Regional Council to verify and determine whether the Tonkin and Taylor report accurately presents the hazard areas. The District Council must not be inconsistent with the Regional Plans and it is not recommended that an alternative, or no, hazard lines are provided for in the District Plan. The District Council will continue to take advice on the location of the hazard lines from the Regional Council and amend the District Plan as required.

### **Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 15.7, 27.3 and 33.4 be **rejected**.

9.2 The following submission opposes Section 27A.1.

- 23.47 Hawke's Bay Regional Council

#### **Submission Details**

Submission 23.47 requests that the Coastal Hazard Erosion Policy Area (CHEPA) be applied to all underlying zones, not just the Coastal (Mahia) and Residential (Mahia) Zones.

#### **Planner's Comments**

The submission correctly identifies that the Coastal (Mahia) and Residential (Mahia) Zones are not the only zones within the CHEPA in the area affected by Plan Change 1B. An amendment to the introduction to 27A.1 is recommended below.

#### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 27.10.7 be amended (deleted text is double struckthrough, inserted text is double underlined):

27A.1 Rules

*These rules apply to the Coastal Hazard Erosion Policy Area (CHEPA) which is defined as land that comprises the Current Erosion Risk Zone (CERZ), the 2060 year Erosion Risk Zone (2060 year ERZ) and the 2100 year Erosion Risk Zone (2100 year ERZ), being that area of land located between mean high water springs (MHWS) and the landward extent of the 2100 year Erosion Risk Zone boundary.*

*This is applied as an overlay to the underlying ~~Coastal (Mahia) and Residential (Mahia) Zones~~zones within the Mahia Peninsula area being that area subject to Plan Change 1B.*

I further recommend that, for the reasons identified in the comments above:

Submissions 23.47 be **accepted**.

9.3 The following submission supports Section 27A.1.1.

- 44.12 M Mexted and P Williams

#### **Submission Details**

Submission 44.12 supports Rules 27A.1.1 and 27A.1.2 as *"The rules appropriately defer to the underlying land-use zone provisions, thereby avoiding regulatory overlap"*.

**Planner's Comments**

I acknowledge the submission's support and concur with its reasons,

**Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 44.12 be **accepted**.

9.4 The following submission supports Section 27A.1.2.

- 44.12 M Mexted and P Williams

**Submission Details**

Submission 44.12 supports Rules 27A.1.1 and 27A.1.2 as *"The rules appropriately defer to the underlying land-use zone provisions, thereby avoiding regulatory overlap"*.

**Planner's Comments**

I acknowledge the submission's support and concur with its reasons,

**Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 44.12 be **accepted**.

9.5 The following submissions support/oppose Section 27A.1.4.

- 13.19 Tui Development Trust Co Ltd (oppose)
- 15.7 Department of Conservation (support)
- 23.60 Hawke's Bay Regional Council
- 23.62 Hawke's Bay Regional Council
- 24.27 Mark Mahoney (oppose in part)

**Submission Details**

Submission 13.19 seeks the removal of the word *"seaward"* from the description of subdivision in the CERZ, as it is confusing and unnecessary.

Submission 15.7 supports Rule 27A.1.9 (as notified in Plan Change 1, now 27A.1.4) and requests that it be retained as notified in Plan Change 1).

Submission 23.60 requests that Rule 27A.1.9 (as notified in Plan Change 1, now 27A.1.4) be amended *"so that no buildings or structures are erected on any land within the CERZ"*.

Submission 23.62 requests that the note to Rule 27A.1.9 (as notified in Plan Change 1, now 27A.1.4) be amended to read:

*“The undertaking of some of the activities noted above may also be subject to rules in regional plans. Those activities may not be allowed unless they fully comply with rules in those regional plans or resource consents are obtained from HBRC.”*

Submission 23.62 also refers to Rule 27A.1.9(d), as notified in Plan Change 1. This part of the rule was not renotified in Plan Change 1B and is no longer considered.

Submission 24.27 opposes all of Rule 27A.1.9(b) and (c)(i).

### **Planner’s Comments**

Rule 27A.1.4 as notified in Plan Change 1B reads:

27A.1.4 *The following are discretionary activities:*

- (a) *Activities that are determined discretionary in accordance with the rules for the underlying land-use zone.*
- (b) *Subdivision of land or the erection of any building on land (either natural ground level or any artificially created ground level) in areas potentially subject to flood hazard.*
- (c) *In the CERZ:*
  - (i) *Subdivision where:*
    - *land is partly located in the CERZ; and*
    - *the land located within the CERZ is to be held in the certificate of title of the proposed seaward lot; and*
    - *no buildings or structures are proposed on that part of the land located in the CERZ.*
  - (ii) *Subdivision of land wholly within the CERZ that is to vest in the ownership of the local or regional authority.*
  - (iii) *Boundary adjustments that comply with the boundary adjustment criteria provided for in Rule 27A.1.10(b)(ii).*
- (d) *In the 2060 year and 2100 year Erosion Risk Zones:*
  - (i) *Subdivision of land provided that:*
    - *no averaging of lot sizes shall be permitted.*
  - (ii) *Minor boundary adjustments of 2 or more adjacent allotments provided that no additional allotments will be created and the net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 5% of, the net site area of that allotment as it existed prior to the boundary adjustment.*

The use of the word “seaward” describes the requirement to hold land that is located within the CERZ in the same certificate of title as that area outside of the CERZ that is to be closest to the sea. Deleting the word may result in that area within the CERZ being held in a title that is remote from the seafront effectively creating a new lot in the CERZ, which is not sustainable. No change is recommended.

Submission 15.7 seeks to retain Rule 27A.1.9, as notified in Plan Change 1. The Rule is retained but significantly modified to refer only to subdivision, being complementary to the Regional Council's rules for development in the CHEPA. The submission is therefore accepted in part with respect to those parts of the rule that are retained.

I agree with submission 23.60 and recommend that the third bullet point in 27A.1.4(c)(i) (Plan Change 1B), be amended to provide for a consent notice to be registered against the certificate of title resulting from subdivision to give effect to the submission.

I agree with submission 23.62 and recommend an amendment to the note below.

With regard to submission 24.27 the proposed rule provides for the sustainable management of land that is subject to subdivision in the CHEPA. I note that part of the submission refers to the first bullet point in Rule 27A.1.9(c)(i), as notified in Plan Change 1, has been deleted from Plan Change 1B.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 27A.1.4 be amended (deleted text is double struckthrough, inserted text is double underlined):

27A.1.4 *The following are discretionary activities:*

- (a) *Activities that are determined discretionary in accordance with the rules for the underlying land-use zone.*
- (b) *Subdivision of land or the erection of any building on land (either natural ground level or any artificially created ground level) in areas potentially subject to flood hazard.*
- (c) *In the CERZ:*
  - (i) *Subdivision where:*
    - *land is partly located in the CERZ; and*
    - *the land located within the CERZ is to be held in the certificate of title of the proposed seaward lot; and*
    - *no buildings or structures are proposed on that part of the land located in the CERZ and a consent notice is registered on the resulting certificate of title to this effect.*
  - (ii) *Subdivision of land wholly within the CERZ that is to vest in the ownership of the local or regional authority.*
  - (iii) *Boundary adjustments that comply with the boundary adjustment criteria provided for in Rule 27A.1.10(b)(ii).*
- (d) *In the 2060 year and 2100 year Erosion Risk Zones:*
  - (i) *Subdivision of land provided that:*
    - *no averaging of lot sizes shall be permitted.*
  - (ii) *Minor boundary adjustments of 2 or more adjacent allotments provided that no additional allotments will be created and the net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more*

than 5% of, the net site area of that allotment as it existed prior to the boundary adjustment.

**NOTE:** *Other District Plan provisions may require consent from affected parties or require notification. ~~The undertaking of some activities may require resource consent, or written approval as an affected party, from Hawke's Bay Regional Council.~~ The undertaking of some of the activities noted above may also be subject to rules in regional plans. Those activities may not be allowed unless they fully comply with rules in those regional plans or resource consents are obtained from HBRC. I further recommend that, for the reasons identified in the comments above.*

I further recommend that, for the reasons identified in the comments above:

Submissions 23.60 be **accepted**.

Submissions 15.7, 23.62 and 24.27 be **accepted in part**.

Submissions 13.19 be **rejected**.

9.6 The following submissions support/oppose Section 27A.1.5

- 13.21 Tui Development Trust Co Ltd
- 23.63 Hawke's Bay Regional Council
- 24.28 Mark Mahoney
- 44.13 M Mexted and P Williams (support)

### **Submission Details**

Submission 13.21 seeks clarification of the term "Activity Zone", as used in Rule 27A.1.10(a)(iii).

Submission 23.63 refers to the "practicalities of regulatory regime for building relocation requirements." These elements of Rule 27A.1.10(a) have been removed from Plan Change 1B, Rule 27A.1.5(a) and are no longer at issue.

Submission 24.28 opposes 27A.1.10, as notified in Plan Change 1, and "disagrees with most of it".

Submission 44.13 supports Rule 27A.1.5(b) as it "allows for flexibility and the consideration of activities on a case by case basis." The submission seeks to retain the rule as notified.

### **Planner's Comments**

The term "Activity Zone" refers to the land-use zone the activity is located in. The term is not used generally through the Plan Change and is recommended to amended to "Zone".

Changes have been made between Plan Change 1 and Plan Change 1B that provide for the Regional Council's concerns. I understand that Plan Change 1B provides for a complementary administrative regime in the CHEPA. No further changes are recommended.

Rule 27A.1.5 provides for the sustainable management of subdivision, particularly where that subdivision lies within the Coastal Hazard Erosion Policy Area. No change is recommended in response to submission 24.28.

I acknowledge the support from submission 44.13 and concur with its reasons.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, Rule 27A.1.5(a)(i) be amended (deleted text is double struckthrough):

27A.1.5 *Within the CHEPA*

(a) *Information Requirements*

(i) *The activity shall, where practicable, comply with the permitted activity criteria of the ~~Activity~~ Zone in which it is located. Where there is a conflict with the rules contained in this Chapter, the rules contained in this Chapter shall prevail.*

I further recommend that, for the reasons identified in the comments above:

Submissions 13.21, 23.63 and 44.13 be **accepted**.

Submissions 24.28 be **rejected**.

9.7 The following submissions support/oppose Section 27A.1.6.

- 13.19 Tui Development Trust Co Ltd
- 15.7 Department of Conservation (support)
- 24.29 Mark Mahoney
- 44.14 M Mexted and P Williams (oppose)

### **Submission Details**

Submission 13.19 refers to Rule 27A.1.12 as notified in Plan Change 1.

Submission 15.7 supports Rule 27A.1.12, as notified in Plan Change 1.

Submission 24.29 opposes Rule 27A.1.12 (now Rule 27A.1.6) without offering a reason.

Submission 44.14 opposes Rule 27A.1.6 "*as inappropriate activities can be declined consent under Rule 27A.1.5 following an assessment of their effects.*" The submission requests that the rule is deleted.

### **Planner's Comments**

With regard to submission 13.19: The part of the Prohibited Activity Rule that the submission opposes has not been brought forward into Plan Change 1B.

With regard to submission 15.7: Rule 27A.1.6, Plan Change 1B, is different to the earlier rule and only prohibits subdivision of land in the CERZ that is not provided

for as a discretionary activity. This change is in response to the Regional Council's submission to Plan Change 1. Insofar as parts of the original rule have been deleted the submission can only be accepted in part.

With regard to submissions 24.29 and 44.14: The prohibition of subdivision in the CERZ that does not meet the requirements of the Proposed Plan Change for a discretionary activity provides for the sustainable management of the land resource in that sensitive area. It is entirely appropriate that such activities be prohibited when in effect any application would be declined anyway. Discretionary activity subdivisions in the CERZ include the ability of private land owners to subdivide (subject to compliance with specific standards) as well as the ability to subdivide out reserve areas where land is required/desired to be in public ownership. No other form of subdivision is anticipated in this area and if it were would be considered under Section 106 of the Resource Management Act, 1991, as the area is subject to a current erosion risk.

Establishing subdivision that is not provided for as a discretionary activity, as a prohibited activity sends a clear signal from Council to potential developers/ applicants that such subdivisions are not appropriate in the CERZ.

#### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 13.19 be **accepted**.

Submissions 15.7 be **accepted in part**.

Submissions 24.29 and 44.14 be **rejected**.

### **10.0 Section 28, Additional Information (G)**

10.1 The following submissions

- 1.4 Te Mana Taiao O Rongomaiwahine
- 13.24 Tui Development Trust Company Ltd
- 23.29 Hawke's Bay Regional Council
- 23.66 Hawke's Bay Regional Council
- 23.67 Hawke's Bay Regional Council
- 28.3 Eastern Earth Landscape Architects
- 28.11 Eastern Earth Landscape Architects
- 36.5 New Zealand Historic Places Trust

#### **Submission Details**

Submission 1.4 requests that additional information requirements, Section 28.8, include an *"assessment of impacts on tangata whenua of proposals for subdivision and all other resource consent applications in Mahia ..."* and that *"Consultation with*

*tangata whenua over the impacts of resource consent proposals on tangata whenua should be required” also.*

Submission 13.24 seeks clarification of the last bullet point in Section 28.8 and seek *“a description of what activities in particular would require an assessment by an ecologist.”*

Submission 23.29 requests that a further bullet point be added to the information requirements stating that:

*“Council may require a detailed wastewater disposal plan to ensure that there are no adverse wastewater effects off-site. The plan should include the location of on-site disposal areas, details of volume and rate of discharge, as well as information about the soil type, groundwater conditions, and proximity of surface water bodies and groundwater bores. The applicant shall liaise with the HBRC with regard to discharge consents and shall advise Council of any additional consents required.”*

Submission 23.66 requests that the third bullet point be amended for clarification by adding the reference to *“stormwater”* storage facilities.

Submission 23.67 requests that a further bullet point be added to the information requirements stating that:

*“All subdivisions shall consider how erosion and/or inundation may impact on the proposed subdivision and any subsequent development. Provisions to avoid, remedy or mitigate any resulting adverse effects shall be included in the assessment of environmental effects submitted with the application for subdivision consent.”*

Submission 28.3 requests that *“WDC receive integrated input from a registered landscape architect regarding all natural character protection measures, subdivision rules and final zone changes under this Plan Change.”*

Submission 28.11 requests that the first bullet point in Section 28.8, be amended to refer to both a *“Landscape“* and a *“Visual”* assessment as an information requirement in the Residential (Mahia) and Coastal (Mahia) Zones.

Submission 36.5 requests that *“an archaeological assessment be added to the requirements for resource consent applications in 28.8... The archaeological assessment should be prepared by a qualified professional archaeologist who is a member of the New Zealand Archaeological Association...”*

### **Planner’s Comments**

A number of the submitters concerns are addressed in the existing sections within Chapter 28 of the Operative Wairoa District Plan. However, this is not clear from the introduction to section 28.8 and I recommend that the first sentence is amended to refer to all relevant preceding sections.

Issues that are not included are specific matters related to cultural and archaeological assessments and two bullet points are recommended below for inclusion in response to submissions 1.4 and 36.5.

I also acknowledge and agree with submission 28.11, which requests the addition of a Landscape assessment requirement to the first bullet point and submission 23.66 which requests the clarification of the third bullet point with the addition of the word “*stormwater*”. With regard to submission 28.3 however, I note that the Plan already requires that appropriately qualified persons provide information relevant to their areas of expertise.

With regard to submission 1.4 the requirement to consult cannot be included in the District plan as this is a discretionary aspect of the Resource Management Act, although I agree that it is always good practice to consult. The outcome of any consultation with tangata whenua is already an information requirement in Chapter 28.

With regard to submission 13.24: In my opinion the plain English meaning of the word “ecologist” would lead to a reasonable understanding of what that person would be called upon to assess, but, for clarity the example used may be construed as limiting the assessment and I recommend deleting the example and refer only to a “*suitably qualified professional experienced in the relevant field*”. The term “*landscape*” is also recommended to be deleted from the last bullet point as it is proposed to be included in the first bullet point.

With regard to submission 23.29, much of the suggested bullet point relates to Regional Council information rather than District Council information and it is also covered in the preceding sections of the Chapter 28. However for completeness I recommend that the first sentence of the suggested bullet point be included as the potential for off-site effects of onsite domestic wastewater disposal is a matter of interest to the District Council.

With regard to submission 23.67 the potential for adverse effects from natural hazards are addressed in preceding sections in Chapter 28 and is also a requirement of the Resource management Act, therefore I believe it is adequately covered without adding a further bullet point to this section of the Plan.

### **Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above, Section 28.8 be amended (deleted text is double struckthrough, inserted text is double underlined):

28.8      ~~ADDITIONAL INFORMATION REQUIREMENTS~~ REQUIREMENTS IN RELATION TO SUBDIVISION/DEVELOPMENT APPLICATIONS IN THE RESIDENTIAL (MAHIA) & COASTAL (MAHIA) ZONES

*An application for subdivision consent shall be accompanied by information contained in Section 28.32 to 28.7 (inclusive) and the following information (where relevant).*

- *A landscape and visual assessment including the impacts of the subdivision/development on the surrounding environment.*
- *Details of potential and existing coastal hazards on site and a description of how the proposed subdivision /development may effect these.*

- *All subdivisions shall consider the necessity of providing stormwater storage facilities to reduce the demand on Council infrastructure and public waterways during short duration, high intensity rainfalls. Provisions to mitigate, avoid or remedy any results adverse environmental effects shall be included in the assessment of environmental effects submitted with the application for subdivision consent.*
- *Council may require a detailed stormwater plan to ensure that there are no adverse stormwater effects off-site. The plan shall include the location of overland flow paths, where applicable. The applicant shall liaise with the HBRC with regard to discharge consents and shall advise Council of any additional consents required.*
- *Consideration will be given to the layout of existing reticulation, distribution and transmission lines or pipes.*
- *An ecological ~~and landscape~~ assessment to be undertaken by a suitably qualified ~~trained~~ professional experienced in the relevant field ~~e.g. ecologist~~.*
- *Council may require a detailed wastewater disposal plan to ensure that there are no adverse wastewater effects off-site.*
- *Council may require the submission of an archaeological assessment of the site to enable the actual and potential effects of the proposed activity on any archaeological sites in the area to be assessed. The archaeological assessment should be prepared by a qualified professional archaeologist who is a member of the New Zealand Archaeological Association.*
- *Council may require the submission of a cultural assessment of the site to enable the actual and potential effects of the proposed activity on sites of cultural heritage value to be assessed. The cultural assessment shall be undertaken by a suitably experienced person acknowledged in the field of cultural assessment.*

I further recommend that, for the reasons identified in the comments above:

Submissions 1.4, 23.66, 28.11 and 36.5 be **accepted**.

Submissions 13.24 and 23.29 be **accepted in part**.

Submissions 23.67 and 28.3 be **rejected**.

## **11.0 Section 31, Definitions (H)**

11.1 The following submissions seek clarification, amendment or new definitions in the Plan Change:

- 13.3 Tui Development Trust Company Ltd
- 13.25 Tui Development Trust Company Ltd
- 20.12 Surveying the Bay
- 23.68 Hawke's Bay Regional Council
- 23.69 Hawke's Bay Regional Council
- 23.70 Hawke's Bay Regional Council
- 23.71 Hawke's Bay Regional Council

- 23.72 Hawke's Bay Regional Council
- 23.73 Hawke's Bay Regional Council
- 23.74 Hawke's Bay Regional Council
- 43.7 Surveying the Bay
- 45.2 Ministry of Education
- 46.2 Wairoa District Council
- 48.1 Tui Development Trust Company Ltd (received late)

### **Submission Details**

Submission 13.3 requests that the terms "*Conservation Land*" and "*Reserves*" are included in the Definitions section.

Submission 13.25 requests that the term "*Alternative source*" is defined.

Submissions 20.12 and 43.7 seek clarification of whether the term "*Building site coverage*" includes swimming pools. The submission also notes that the exclusions to the definition are numbered 3 – 6 and seeks clarification as to whether there are other items not included.

Submission 23.68 seeks clarification of the definition of the Coastal Hazard Erosion Policy Area and notes that the Plan Change "*does not define inundation risk areas or any policies/rules applicable within those inundation risk areas*".

Submission 23.69 requests that the definition of "*Areas subject to Flood Hazards*", as notified in Plan Change 1, be clarified to identify "*if WDC or applicants (or both) will be responsible for identifying any such areas*".

Submission 23.70 requests clarification of the term "*Minor structures and works on private property*", as notified in Plan Change 1.

Submission 23.71 requests that the term "*Practicably moved*", as notified in Plan Change 1, be amended.

Submission 23.72 requests that the term "*Soft engineered protection*", as notified in Plan Change 1, be amended.

Submission 23.73 requests that the term "*Hard engineered protection*", as notified in Plan Change 1, be amended.

Submission 23.74 requests that the term "*Rural Activities*", as notified in Plan Change 1, be clarified as to "*whether or not forms of forestry other than production forestry are included within this meaning*".

Submission 45.2 supports the definition of "*Education Facility*" in Plan Change 1B.

Submission 46.2, seeks clarification of the Rule with regard to the term "*net site area*" and request that a definition for this term be provided to exclude "*the area of any accessway where this is to a rear site*". Provision of such a definition will ensure that rear sites have adequate land area.

Submission 48.1 (received late) seeks clarification of the term "*Serviced lots*". The submission notes "*that the definition of serviced lots requires the conjunctive provision of reticulated wastewater disposal and water supply systems. Where a reticulated water supply system is available, it is accepted that a reticulated wastewater disposal system should be available also. However, where a*

*reticulated wastewater system is available (such as proposed by TDTCL) it is considered that there should not be a requirement for a reticulated water supply system”.*

### **Planner's Comments**

With regard to submission 13.3; the terms “*Conservation Land*” and “*Reserves*” have specific meanings in other statutes and also acceptable common law meanings. The definitions that apply depend on the context in which they are used. In my opinion it is likely to constrain the use of the terms and result in an inflexible approach where these terms are used if they are defined in the District Plan. No definition is recommended.

With regard to submission 13.25; the rule in which the term “*Alternative source*” was used has been amended in this report and, subject to the recommendation at section 8.5, being confirmed, then the term will not be used and not require definition.

With regard to sections 20.12 and 43.7; swimming pools are large impermeable surfaces that require building consent, they are therefore included in the definition and are not listed as excluded. The list numbering has been corrected in Plan Change 1B.

With regard to submission 23.68; the definition included in Plan Change 1 and subsequently in Plan Change 1B for the CHEPA is comprehensive and means the same as the alternative wording provided. No definition is proposed for areas subject to coastal inundation leaving this area of responsibility to the Regional Council in its complementary administrative function.

With regard to submission 23.69; the definition of “*Areas subject to flood hazard*” has been amended from the submission received from the Regional Council to notification in Plan Change 1B, however further clarification could be achieved by referring to “*subdivision or land use consent application*” placing the onus of assessment on the applicant and not WDC or HBRC.

With regard to submissions 23.70, 23.71, 23.72 and 23.73 these terms have now been deleted from Plan Change 1B and are no longer defined.

With regard to submission 23.74; the definition of “*Rural activities*” has been amended in Plan Change 1B and no longer refers to “*Rural production*” and includes the term “*Conservation forestry*” i.e. the growing of trees for conservation. In my opinion the plain English meaning of the words used in the definition sufficiently cover the possible land-use activities to not require further definition or amendment.

I concur with submission 46.2 and recommend a definition for “*net site area*” below.

### **Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, the following definitions be amended/included (inserted text is double underlined):

Net site area

means

(a) The total area of the site less an entrance strip whether that strip is unencumbered and held in the same ownership as the balance of the site, or owned in common with the owners of other sites, or subject to an easement of right-of-way

(b) Where the entrance strip is unencumbered and held in the same ownership as the balance of the lot, the strip shall be deemed to be limited to all that part of the site which extends from the road frontage and has a width of up to 10m in the Coastal (Mahia) Zone and 5m in the Residential (Mahia) Zone

(c) Where the entrance strip is held in common ownership or is subject to an easement of right-of-way the strip shall be deemed to include all that area held in common ownership or subject to the easement

(d) A combination of (b) and (c) may apply.

Area subject to flood hazard

means areas of land identified as part of a subdivision or land use consent application that may be subject to inundation or flood hazard

Serviced lots

means allotment(s) that have available at their boundary reticulated services for wastewater disposal and or water supply, or for which a commitment exists for the provision of these things prior to the construction of dwellings on the allotment(s).

I further recommend that, for the reasons identified in the comments above:

Submissions 20.12, 23.69, 23.70, 23.71, 23.72, 23.73, 23.74, 45.2, 46.2 and 48.1 be **accepted**.

Submissions 13.3, 13.25 and 23.68 be **rejected**.

## **12.0 Planning Maps (I)**

12.1 The following submissions provide general comment that the Planning Maps are not to scale and are inaccurate:

- 13.1 Tui Development Trust Company Ltd
- 20.10 Surveying the Bay
- 28.2 Eastern Earth landscape Architects
- 43.5 Surveying the Bay

### **Submission Details**

Submission 13.1 states that *“The planning maps provided with the proposed plan change are not of an adequate scale or level of accuracy”*. The submission’s suggested relief is to provide zone boundaries and other relevant information on orthorectified aerial photos and GIS maps. The submission further suggests that these maps be made available on the internet using GIS viewing ‘freeware’.

Submissions 20.10 and 43.5 note that *“None of the proposed maps contain any reference to scale either as a representative fraction or graphically. Some maps (e.g. Map 58) ... are at too small a scale for adequate interpretation given the amount of information shown”*. Map 58, as notified in Plan Change 1, was at a smaller scale than the other maps.

Submission 28.2 requests that aerials should be available of all areas where zone changes are planned to allow *“reading the character of the land”*.

### **Planner’s Comments**

Map 58 was produced at the same scale as the other maps that comprise the Plan Change area when notified in Plan Change 1B.

The maps are provided in a form and at a scale that is consistent with the presentation of other District Plan Maps. It is not within the scope of this Plan Change to introduce a new form of Plan presentation.

I acknowledge that there is no scale on the Maps and recommend that a graphical scale be included.

### **Planner’s Recommendations**

I recommend that Planning Maps 28, 29, 58, 59, 60, 61, 62, 63 and 64 be amended to include a graphical scale.

I further recommend that, for the reasons identified in the comments above:

Submissions 20.10 and 43.5 be **accepted**.

Submissions 13.1 and 28.2 be **rejected**.

12.2 The following submissions provide general comment that the Hazard Lines are not accurate:

- 5.2 Graeme Alexander Campbell
- 13.13 Tui Development Trust Co Ltd
- 44.2 M Mexted and P Williams

### **Submission Details**

Submission 5.2 states that *“The hazard areas shown on the planning maps at Oraka are based on inaccurate and inadequate data for the purposes for which they are being used.”*

Submission 13.13 is also not convinced that the hazard lines provided are *“the most reliable and up-to-date”*.

Submission 44.2 relates to the location of the Erosion Risk lines shown on Planning Map 59. The submission states that *“the location of the lines differs from those shown in the Proposed Hawke’s Bay Regional Coastal Environment Plan. That demonstrates a lack of integrated management. The lines also only partially penetrate the site which makes the application of their associated provisions problematic.”* The submission requests that either the Coastal Hazard Lines where they cross Lots 1 and 2 DP 28759 are amended to a the location identified by the reports prepared by Dr Jeremy Gibb (November, 2005) or that the coastal hazard lines are deleted from Lots 1 and 2 DP 28759.

### **Planner’s Comments**

The coastal hazard lines shown on the Planning Maps are provided by the Hawke’s Bay Regional Council. The hazard lines adopted should provide the best available information for users of the District Plan and the information provided should be applied consistently to all properties along the coast. It is not appropriate for selected properties to either adopt an alternative hazard line definition or to withdraw from the process of defining the Coastal Hazard Erosion Policy Area at a District Plan level.

However, at the time of resource consent it is appropriate as part of the assessment to submit an alternative assessment, such as that prepared by Dr Gibb for Lots 1 and 2 DP 28759, to support the proposed subdivision or activity. This is provided for in the assessment of discretionary activities within the CHEPA at Rule 27A.1.5(c)(vii).

I recommend below that the Planning Maps be updated with the most recent data available from the Hawke’s Bay Regional Council prior to notification of the decision on Plan Change 1B.

### **Planner’s Recommendations**

I recommend that Planning Maps 28, 29, 58, 59, 60, 61, 62, 63 and 64 be amended prior to notification of the decision on Plan Change 1B to include the most recent coastal hazard erosion data available from the Hawke’s Bay Regional Council.

I further recommend that, for the reasons identified in the comments above:

Submission 13.13 be **accepted**.

Submissions 5.2 and 44.2 be **rejected**.

12.3 The following submissions oppose changes to Planning Maps 58/25, Opoutama/Waikokopu:

- 10.1 Diana and Arthur Symes
- 11.1 H Brown

#### **Submission Details**

Submissions 10.1 and 11.1 request that the proposed Mahia Coastal Protection Plan in the Waikokopu Zone be amended as it includes land owned by the submitters. Their concerns are *“that the proposed plan change effects our rights to potentially sub-divide the land”*.

#### **Planner’s Comments**

The definition of the CHEPA on the District Planning Maps provides important information to users of the District Plan. The rules related to subdivision only prohibit subdivision where the whole of the area proposed to be subdivided lies within the Current Erosion Risk Zone and it is not proposed to vest that land as a reserve in the District or Regional Council.

Council is already required to consider the potential effects of natural hazards, including coastal erosion hazards, at the time of subdivision through Section 106 of the Resource Management Act, 1991. While this section gives consent authorities discretion in whether to decline the proposed subdivision or not, it would be difficult to consider granting consent where the risk from coastal erosion was described as current. Council must consider Section 106 whether the hazard lines are identified on the Planning Maps or not, but providing the information on the Planning Maps provides greater transparency in decision-making.

#### **Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above:

Submissions 10.1 and 11.1 be **rejected**.

12.4 The following submissions oppose changes to Planning Map 59, Mahanga:

- 1.3 Te Mana Taiao O Rongomaiwahine
- 3.4 Pukenui Views Ltd
- 13.2 Tui Development Trust Company Ltd
- 13.6 Tui Development Trust Company Ltd
- 19.1 W Doran
- 24.1 Mark Mahoney
- 29.3 L Schick
- 33.2 AJ and LA Steel
- 44.1 M Mexted and P Williams

### **Submission Details**

Submission 1.3 opposes the proposed extension of the Residential zoning at Mahanga. The submission states *“Further subdivision at Mahanga Beach will simply intensify the ‘ghost town’ appearance for most of the year, and the massive influx during the summer holidays. Subdivision at the Mahanga Beach settlement should not be extended as proposed. It should be contained within the existing built up area. The existing density should not be allowed to spread beyond the existing built up area”*.

Submission 3.4 seeks clarification and amendment to the zone boundary on Planning Map 59 in relation to Lot 6 DP 349802. The submission states *“The proposed boundary does not follow any clear delineation or features and there is no apparent (reason) for the proposed zone boundary to cross midway across the subject property. There is no record of owner consultation with regard to the proposed zoning boundary as illustrated on Map 59 of Plan Change 1”*.

Submission 13.2 seeks clarification of the area of land to the east of Pukenui Road, Planning Map 59, shown as Conservation and Reserves Zone and queries *“if it is the intention of the Wairoa District Council to purchase this land”*.

Submission 13.6 acknowledges the intent of the proposal to provide for more residential land at Mahanga Beach but states that *“The extent and location of land proposed to be rezoned will not necessarily provide for integrated and orderly growth and in particular may raise significant issues relating to the provision of public infrastructure”*.

Submission 19.1 opposes the inclusion of the submitters land to the east of Pukenui Road in the Coastal (Mahia) Zone.

Submission 24.1 opposes the proposed rezoning of Lots 7, 9 and 14 DP359131 and states *“That the proposed zoning of these lots as Coastal (Mahia) Zone and Coastal Reserve without any consultation with the landowners at all is unacceptable. 1) Can you explain why the landowners have not been consulted? 2) Can you also explain why the only new proposed coastal reserve is on private land held at Mahanga Beach”*.

The submission is of the view that because these land blocks are adjacent to existing full infrastructure makes this strip of land different to the rest of the coastline particularly as WDC has already consented to the development of the above lots *“in accordance with the Operative Plan and mandated residential style streetscape including footpaths”*.

Submission 29.3 notes that on Deposited Plan 312555 (Planning Map 59, Mahanga Beach) there is a DoC covenant registered to protect the wetland and that *“a buffer of 30m is ample”*.

Submission 33.2 requests that the Residential (Mahia) Zone boundary line over Lot 5 DP 349802 should be moved north to within 40 metres of the wetland.

Submission 44.1 relates to the location of the Residential (Mahia) and Coastal (Mahia) Zone boundaries on Planning Map 59 where they cross Lots 1 and 2 DP 28759 at the northern end of Judges Road, Mahanga. The submission requests that Council “Amend the RES(M) and CST(M) zone boundary so that all of Lots 1 and 2 DP 28759 fall within the RES(M) zone”.

### **Planner’s Comments**

With regard to submission 1.3 there is an identified demand for additional residential land at Mahanga Beach which may be provided subject to undertaking the proposed development in accordance with the rules of the District Plan.

The area identified for development is estimated to accommodate growth over a 20 year planning horizon, although this may vary according to the uptake of land provided. Mahanga is typical of many New Zealand beachside settlements where there are a number of holiday or second homes that will as a result give a ‘ghost town’ appearance at certain times of the year. No change is recommended.

With regard to submission 3.4 it is unclear where the submitter wishes the boundary to be relocated to. If it is the western boundary of the Residential (Mahia) Zone proposed parallel to and approximately 200m from Mahanga Road the boundary generally follows the edge of the wetland in this area and allows for residential development of the “golfcourse” area. Because of this the zone boundary will cut across a lot title rather than follow a title boundary. Moving the zone boundary to the eastern side of this lot would significantly reduce the area available for residential development at Mahanga and is not recommended.

With regard to submission 13.2 it is my understanding that the Conservation and Reserves Zone lies over the area of the Reserve area vested on subdivision of the Pukenui Road development. It is not intended that the zone encroach on private land and it is not the intention of WDC to purchase additional land in this area. I recommend that the area of Conservation and Reserves Zone be amended to coincide with the surveyed boundary of vested reserves between the Pukenui Road development and Mean High Water Springs. I also note that this does not extend beyond the boundary of the development to the south as reserves have not been vested in this area.

With regard to submission 13.6 the area of proposed residential land has been identified in terms of what is physically able to be developed that provides sufficient land over a 20 year planning horizon. The potential effect of this is that a settlement of a roughly rectangular shape will extend mainly to the south of the existing settlement. The geographic centre of the settlement will, as a consequence, move to the south as well. Overall though the settlement will be approximately 800m from north to south and 400m from east to west. In my opinion the shape and extent of the proposed future settlement would provide for the integrated and orderly growth of Mahanga, in particular supporting the sustainable management of existing and future public infrastructure. No change is recommended.

With regard to submission 19.1 it is not appropriate that individual parcels of land are excluded from the zoning of a particular area. The proposed zoning of this area recognises the special coastal environment and provides for subdivision in that environment. The rights of the land owner to subdivide are not diminished in any way, relative to the operative Wairoa District Plan.

With regard to submission 24.1 I refer to the zoning of the Conservation and Reserves zone above and provide an appropriate recommendation below. With regard to consultation it is my understanding that consultation has been undertaken. I apologise if it is the view of the landowners that this is not the case. However, I would note that consultation provides a range of views from the community not all of which can be accommodated in the Plan Change. In my opinion it is not appropriate that the area of land between Pukenui Road and MHWS, for example, should be zoned Residential (Mahia) because of its particular coastal character, and I acknowledge that this is contrary to the views of the landowners expressed in consultation. I also note that Pukenui Road has been developed in accordance with a resource consent required because it was not in accordance with the Operative Wairoa District Plan. Further development will also require resource consent which will be considered on its merits, including the mitigation provided by the existing (and future) infrastructure.

With regard to submission 29.3 I acknowledge the value of the Department of Conservation covenant and note that Rule 18A.8.17 provides for a buffer for earthworks in the proximity of a water body of 20m. This would seem to meet the relief sought by the submission.

With regard to submission 33.2 I am advised that more information provided and will be considered prior to the Hearing.

With regard to submission 44.1 I note that Proposed Plan Change 1B does not change the zone boundary in this area from the Operative District Planning Maps. While I acknowledge that the zone boundary crosses the subject lots this is not an uncommon situation and clearly defines that area that is considered appropriate for the sustainable management of the residential area of mahanga and that which lies beyond this settlement boundary. Further extension of the Residential (Mahia) zone to the north would stretch the future settlement over a wider area taking development beyond the nominal 400m walk to the 'centre' of the settlement. I also note that extending the zone boundary to the Lot boundary would appear to create a much larger extent of residential land that would potentially be developed over a longer time frame. In my opinion the uptake of the proposed residential land should be monitored and if there is an identifiable pressure in this area additional land be zoned as part of a general Plan Review in the future. The landowners may also take the opportunity to pursue a private plan change. No change is recommended.

### **Planner's Recommendations**

I recommend that Planning Map 59, Mahanga, be amended to clearly identify that the Conservation and Reserves Zone to the east of Pukenui Road only covers areas of reserve vested in the Wairoa District Council.

I further recommend that, for the reasons identified in the comments above:

Submission 13.2 be **accepted**.

Submission 24.1 be **accepted in part**.

Submissions 1.3, 3.4, 13.6, 19.1 and 44.1 be **rejected**.

Submission 33.2 to be determined following submission of further information.

12.5 The following submissions oppose changes to Planning Map 62, Mahia Beach 2:

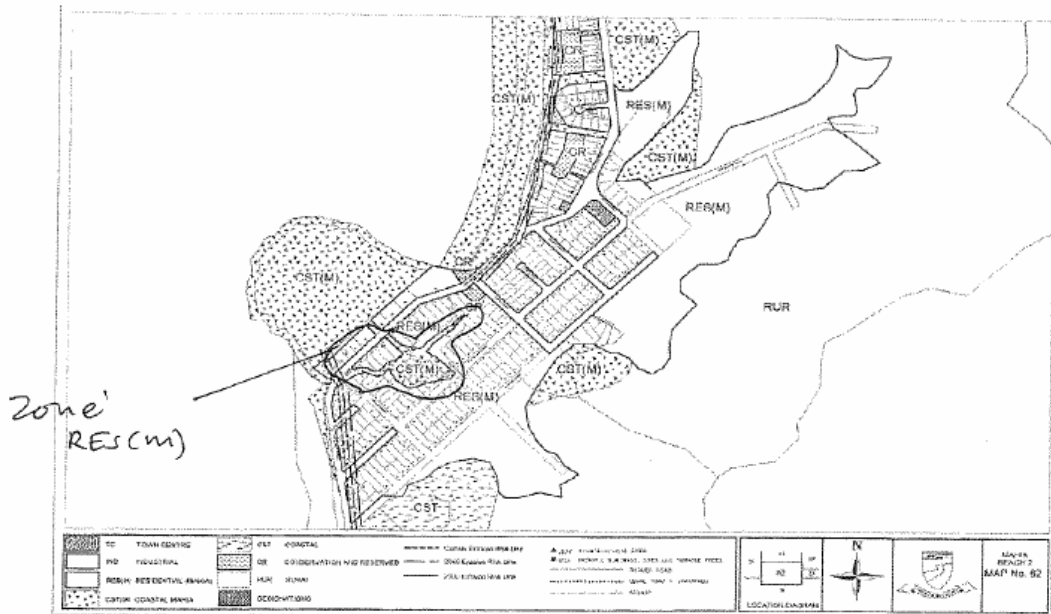
- 34.1 Penny Ann Fishing Company Ltd
- 51.1 Archie Packer

### **Submission Details**

Submissions 34.1 and 51.1 oppose zoning an area of land on Planning Map 62, Mahia Beach 2 as Coastal (Mahia) Zone. The submissions state that the proposed Plan Change(s):

- “(i) Do not provide a logical zoning for the land in question*
- (ii) Result in land suited for residential growth being sterilised*
- (iii) Are not necessary to achieve the objectives and policies of the Resource Management Act, 1991*
- (iv) Are not necessary to achieve the objectives and policies of the Wairoa District Plan*
- (v) Will result in an unnecessarily fragmented approach to land management in the Wairoa District*
- (vi) The amendment to re-zoning as submitted will promote the sustainable management of natural and physical resources”.*

The Plan submitted with the submission is shown below.



**Planner's Comments**

The area is located on the inland side of Newcastle Street and is surrounded by Residential (Mahia) zoned land. It is generally undeveloped at present, flat and low-lying. There are no coastal hazard lines affecting the area, however, further development, whether within the Coastal (Mahia) or the Residential (Mahia) Zones, will need to assess the suitability of the site for that development. A previous recommendation in this report proposes that the minimum area for subdivision in the Coastal (Mahia) Zone be 4ha. Should this recommendation be accepted then the area identified in the submission would not be able to be subdivided as it is less than 4ha in area.

I recommend that the area identified in the submission be zoned Residential (Mahia).

**Planner's Recommendations**

I recommend that, for the reasons identified in the comments above, the area identified in the submissions be rezoned as a Residential (Mahia) Zone:

Submissions 34.1 and 51.1 be **accepted**.

12.6 The following submission opposes changes to Planning Map 63, Oraka:

- 6.10 Mark Rodgers

**Submission Details**

Submission 6.10 opposes the hazard zones shown on Planning Map 63, Kaiuku/ Oraka. The submission states that *"The lines are demonstrably wrong, especially*

*the placement of the Current Erosion Risk Zone ... The rate of erosion at Oraka is much less than that calculated in the Tonkin and Taylor report to HBRC and the lines on the HBRC map are wrong, as are the lines on the WDC map.”*

**Planner’s Comments**

The coastal hazard lines shown on the Planning Maps are provided by the Hawke's Bay Regional Council. The hazard lines adopted at Oraka provide the best available information for users of the District Plan including the residents at Oraka. As recommended above at Section 12.2 the most up-to-date information available from the Hawke’s Bay Regional Council is, subject to the recommendation being adopted, to be included in the Planning Maps prior to the decision on Plan Change 1B.

**Planner’s Recommendations**

I recommend that, for the reasons identified in the comments above:

Submission 6.10 be **rejected**.