

- report

**Plan Change 1B -
Subdivision Section 32
Assessment**

▪ report

Plan Change 1B - Subdivision Section 32 Assessment

Prepared for
Wairoa District Council

By
Beca Carter Hollings & Ferner Ltd

December 2006

Revision History

Revision N°	Prepared By	Description	Date
A	Namouta Poutasi	Draft	8/2/06
A	Namouta Poutasi	Changes due to verification	1/6/06
Final	Lucy Brake	Variation to Plan Change to extend geographic extent	23/10/06
1B Final	Keith Frentz	Final	4/12/06

Document Acceptance

Action	Name	Signed	Date
Prepared by	Lucy Brake		
Reviewed by	James Low		
Approved by	Keith Frentz		
on behalf of	Beca Carter Hollings & Ferner Ltd		

Table of Contents

1	Introduction	1
1.1	Process to Date and Geographic Extent of the Plan Change.....	1
1.2	Consultation.....	1
2	Section 32 RMA	3
3	Subdivision Evaluation.....	5
3.1	Appropriateness of the Objective in achieving the purpose of the Act	5
3.2	Objective	5
3.3	Policies.....	6
3.4	Rules, including Planning Maps & Other Methods	7
3.5	Risk of Not Acting	31

1 Introduction

This assessment pursuant to Section 32 of the Resource Management Act 1991 (RMA), relates to, and is an integral part of Plan Change 1 to the Wairoa District Plan. The Plan Change proposes to refine the operative rules of the District Plan in relation to Subdivision and Coastal Hazards as described in the Plan Change documentation. The Plan Change has been initiated partly in response to the Wairoa Coastal Strategy, Mahia Beach and Mahia Isthmus Communities Structure Plans.

The Wairoa District Plan was drafted to promote development and growth within the district. While this has been suitable for past uses increasing pressure has been placed on Wairoa's Coastal environment to the extent that it is time for the subdivision rules to be reviewed.

1.1 Process to Date and Geographic Extent of the Plan Change

The Plan Change has previously been notified, as Plan Change 1, to include the settlements of Mahia Beach, Waikokopu, Opoutama, Mahanga and Oraka. In considering these areas Council determined that areas immediately adjoining the Plan Change including the settlement of Te Mahia and the 'Coastal' zone (500m inland from the high tide mark) around the entire Mahia Peninsula are affected in the same way as the main settlements and the Plan Change as notified has been amended to reflect the wider geographic scope. As this falls outside of the limits of the Plan Change previously notified it is re-notified in its entirety as Plan Change 1B. Plan Change 1 is withdrawn. All submitters to Plan Change 1 have been advised of this and all submissions to the earlier notification are accepted by Council as submissions to this second notification.

The Proposed Plan Change covers the settlements of Mahia Beach, Waikokopu, Opoutama, Mahanga and Oraka as well as the settlement of Te Mahia and the 'Coastal' zone (500m inland from the high tide mark) around the entire Mahia Peninsula.

1.2 Consultation

Three rounds of consultation have been undertaken with the public, landowners and other stakeholders in the area affected by the Plan Change. During the first round of consultation all land owners were advised of the intention to initiate this Plan Change by way of an individual consultation pack providing details of the proposal and inviting them to three public meetings held on 2nd August 2005 at Rakato Marae, 3rd August 2005 at the Mahia Golf Course and 4th August 2005 at Mahanga Marae. A tangata whenua meeting was held on Monday 1st August 2005. The public were invited to these meetings by way of public notice in the local newspapers and rate payer mail out and advertising on Council's website.

The second round of consultation was undertaken between Friday 9th and Thursday 15th December 2006. This involved a presentation to the Kaiwaitau Trustees (K1) on Friday 9th December, four public meetings held on 12th December 2005 at Mahanga Marae, 13th December 2005 at Ruawharo Marae, 14th December 2005 at Rakato Marae and 15th December 2005 at the Mahia Golf Course. Meetings were advertised in the same way as the first round of consultation.

The third round of consultation was held on Thursday 28th September 2006 at Te Mahia Marae and at Mokotahi Hall. The public were invited to these meetings by way of public notice in the local newspapers and ratepayer mail out to those in the area affected by the Variation and advertising on Council's website.

A statutory liaison group made up of Hawke's Bay Regional Council, Department of Conservation and Historic Places trust was set up to consult with directly. A summary of consultation undertaken and feedback received is attached as Appendix 1.

The proposed change introduces two new zones to the District Plan, the Residential (Mahia) Zone (Section 18A), to cover areas developed or to be developed for residential uses, and the Coastal (Mahia) Zone (Section 15A) for other areas adjacent to the coast. These zones include objectives and policies (where relevant) for the existing Residential and Coastal zones but incorporate additional objectives and policies and new rules for subdivision and development as outline in this assessment. Subdivision Rules (Section 27) are also proposed to be amended and a new section for Subdivision in the Coastal Hazard Erosion Policy Area (Section 27A) is introduced. This section is amended to take into account the recent notification by the Hawke's Bay Regional Council of the Regional Coastal Environment Plan.

Unless otherwise stated, other parts of the District Plan remain unchanged.

2 Section 32 RMA

The Council must ensure that prior to adopting an objective, policy, rule or other method in the District Plan, that the proposed provisions meet the requirements of the Resource Management Act 1991 (the Act) through an assessment of matters outlined in section 32 of the Act. Section 32 has been repealed and substituted by the Resource Management Amendment Act 2003, and this assessment has taken into account the new provisions of this section.

In achieving the purpose of the Act, the Council must carry out an evaluation under Section 32 before notifying a Plan Change and prepare a report, which is publicly available from the date of notification. This report will therefore address the relevant matters set out in Section 32.

The relevant parts of section 32 RMA state:

32. Consideration of alternatives, benefits, and costs

- (1) *In achieving the purpose of the Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by –*

.....
 - (c) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or....*
- (2) *A further evaluation must also be made by –*
 - (a) *a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and.....*
- (3) *An evaluation must examine –*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.*
- (4) *For the purpose of this examination, an evaluation must take into account –*
 - (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

The purpose of the RMA as stated in section 5(1) is "*to promote sustainable management of natural and physical resources*".

In terms of sustainable management the following issue has been identified in the operative District Plan as the issue relating to coastal subdivision:

“Issue 6.3.7. Loss or reduction in amenity values caused by inappropriate subdivision, use and development in the coastal environment.”

The following objectives relate to coastal subdivision:

“Objective 6.4.1 To provide for use, development and subdivision that protects and enhances the natural character, amenity values, public access, and cultural values associated with the coastal environment and safeguards ecological values.”

“Objective 6.4.3 To preserve the natural character of the coastal environment, and promote its enhancement.”

The sustainable management of coastal areas subject to subdivision and development is achieved by maintaining a balance between the physical development and use of the area by landowners and the community desire to maintain the natural character, amenity values, public access and cultural values associated with the Mahia coastal environment.

While the issues and objectives relating to subdivision and development in the coastal environment in the Wairoa District Plan are sound there no rules to support them. The evaluation therefore assesses and evaluates the proposed Mahia Coastal area rules and other methods as an appropriate means of achieving the purpose of the Resource Management Act as required by section 32. Having regard to the effectiveness and efficiency of those rules and other methods the evaluation provides an examination of their appropriateness in achieving the sustainable management of the Mahia coastal environment.

3 Subdivision Evaluation

3.1 Appropriateness of the Objective in achieving the purpose of the Act

Part II of the Act states its purpose.

“5. Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing and for the health and safety while-*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

3.2 Objective

The following objectives relating to subdivision already exists and are therefore considered the most appropriate way to achieve the purpose of the Act for the bulk of the District. This Plan Change provides for the specific circumstances in the Mahia Isthmus and Mahia Beach Communities:

“Objective 6.4.1

To provide for use, development and subdivision that protects and enhances the natural character, amenity values, public access, and cultural values associated with the coastal environment and safeguards ecological values.

Objective 6.4.2

To minimise disruption of natural coastal processes.

Objective 6.4.3

To preserve the natural character of the coastal environment, and promote its enhancement.

Objective 6.4.4

To avoid adverse effects on sites of value to tangata whenua.

Objective 6.4.5

To avoid unlawful destruction or modification to archaeological sites in the coastal area.

Objective 6.4.6

To maintain and enhance public access to the coastal marine area.

Objective 6.4.7

To recognise that the use of land and coastal waters must be considered in an integrated manner.

Objective 6.4.8

Encourage management, maintenance and enhancement of the coastal lagoons identified in Schedule 5 to retain and enhance their wildlife values.”

These objectives remain unchanged.

3.3 Policies

The following policies relating to subdivision already exist:

“Policy 6.5.1

Avoid use, development and subdivision in the coastal environment, which adversely affects, or has the potential to adversely affect:

- (1) *natural coastal processes;*
- (2) *the relationship of tangata whenua with their ancestral coastal lands, waahi tapu and taonga;*
- (3) *ecosystems, outstanding natural features and landscapes associated with the coast;*
- (4) *the quality of coastal waters; and*
- (5) *public access to and along the coastal environment.*

Policy 6.5.2

Encourage appropriate subdivision, use and development in the coastal environment where natural character has already been compromised.

Policy 6.5.3

Avoid, where appropriate, sprawling or sporadic subdivision, use and development in the coastal environment.

Policy 6.5.4

Enable subdivision, use and development in the coastal environment that avoids, remedies or mitigates adverse environmental effects. In those areas of the Mahia Peninsula where there has been little subdivision, use and development, ensure that the following aspects of these environments are also maintained and considered:

- *The natural character of the coastal environment;*
- *Natural coastal processes;*
- *The relationship of tangata whenua with their ancestral coastal lands, waahi tapu and taonga; and/or*
- *Public access.*

Policy 6.5.5

Encourage and promote the enhancement of public access to the coastal environment, which contributes to people’s enjoyment of recreational use, while avoiding, remedying or mitigating adverse environmental effects.

Policy 6.5.6

Where land in the coastal zone has been partitioned by the Maori Land Court, avoid, remedy or mitigate any adverse effects arising from its use and development.

Policy 6.5.7

Encourage management, maintenance and enhancement of the coastal lagoons identified in Schedule 5 to retain and enhance their wildlife values.”

These policies remain unchanged.

3.4 Rules, including Planning Maps & Other Methods

3.4.1 Effectiveness and Efficiency of the Proposed Rules and their Alternatives

Effectiveness

It is important to determine whether the preferred approach will be more effective than other alternatives in achieving the objectives and whether this effectiveness comes at a higher cost than other alternatives. It is also important that the Council considers whether the economic, social, cultural or environmental costs potentially outweigh the benefits. In the preparation of the plan change it is considered that the chosen rules are the best means of achieving the objectives and policies in an effective and efficient manner.

A regulatory approach to the district plan provisions is recommended as the Council has few, if any, alternatives that enable it to fulfil its functions in terms of managing the actual and potential effects of the use, development or protection of the land in Mahia’s coastal environment.

Alternatives to the regulatory approach include the use of voluntary agreements through the use of covenants (between Council and an applicant), building guidelines or the ‘do nothing’ status quo option.

Having identified the issue of subdivision pressure on the Mahia coastal environment, and having undertaken research into the extent of that pressure on the environment, through the number and extent of subdivisions and enquiries regarding possible subdivisions or development in the area, Council is obliged to set standards for the development, use and subdivision of land within the Mahia coastal environment as there are no other reasonable mechanisms available to meet the Council’s obligations under the Act. In particular Council cannot rely on residents, landowners and developers to undertake their own subdivisions in a way that achieves sustainable management as the outcome does not meet the plans intended objectives and policies in providing subdivision of a scale and extent which is not suited to that existing Mahia coastal environment.

Council could prepare building guidelines to ensure that use and development standards within the Mahia coastal environment are provided for in such a way that the objectives and policies can be practicably achieved. However, these are not in themselves District Plan Rules and without the empowering nature of the rules do not provide for enforcement action to achieve a certain outcome.

Similarly the use of covenants does not provide for an integrated comprehensive approach to monitoring, enforcement and review of consent conditions that the proposed rules achieve. It is Council’s view that without an integrated approach to management in the Mahia coastal environment the objective of the Act and the Plan of sustainable management could not be achieved.

The laissez-faire approach promoted in the operative District Plan has been identified by the community and Council as an issue as it has the potential to result in over-development of a relatively pristine coastal environment, contrary to Section 6 of the RMA. Providing rules in the Plan gives certainty to residents and developers alike.

Rules and a regulatory approach in general are considered to be an effective means of implementing the objectives as the consequences of continuing with a *laissez faire* approach and allowing unplanned, uncoordinated, sporadic subdivision with potential cumulative effects which can't be controlled in Mahia would be contrary to the stated objectives.

Efficiency

The efficiency of this approach will be monitored over time through the key performance indicators of the number, location, type and extent of subdivision within Mahia. It is anticipated that the proposed change will provide developers with greater direction and certainty on the acceptable/compatible scale, density and coverage of new buildings in Mahia's coastal environment. This may then be achieved in an efficient, managed, way. Through this process of consent and decision making the rules will be monitored and over time refined further. To this end the key performance indicators will be reviewed on a regular basis and the Proposed Change provides a mechanism for more stringent analysis of subdivision and land use applications.

Council's experience has been that without a strong regulatory framework in place the anticipated environmental outcomes do not result and the objectives fail. Council cannot risk doing nothing or fail to provide for the effective future management of the Mahia coastal environment in a sustainable manner.

3.3.2 The Costs and Benefits of the Proposed Policies and Rules

Section 32(4) (a) and (b) are set out below. For the Council to be satisfied that the evaluation in s32(3) has been completed the Council must:

For the purpose of this examination, an evaluation must take into account –

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

The Council has assessed the particular costs and benefits of the proposed policies above and the main costs and benefits of the rules and other methods below:

Costs

- Potential inconsistencies with the other residential and rural areas within the Wairoa District Plan.
- Potential reduction in development opportunities while dwellings remain in the Mahia residential and/or coastal areas.
- Increased costs for the Council for monitoring and ensuring compliance of resource consents and increased administration costs.

Benefits

- Improved environmental outcomes in terms of the maintenance and enhancement of the Mahia natural environment.
- To provide for use, development and subdivision that protects and enhances the natural character, amenity values, public access, and cultural values associated with the coastal environment and safeguards ecological values.

It is considered that the proposed Plan Change achieves an overall net benefit by seeking that all the proposed future development within the Mahia Coastal and residential areas occurs in a manner that protects and maintains the character and attributes of the area whilst providing for subdivision and development in appropriate locations.

Council has also recognised that it must adopt an integrated approach to the development and use of the Mahia coastal environment to ensure that the natural environment is protected for the long term.

The Council considers that the alternative means, such as continued *laissez faire* development within the Mahia Coastal area will not achieve the purpose of the Act and will not result in sustainable management in terms of the Act.

3.4.2 Evaluation of Rules

Section 15A Coastal (Mahia) Zone

Evaluation	
Rule 15A Coastal (Mahia) Zone	
Summary of benefits	■ Provides guidance for residents and owners of land in the Coastal (Mahia) zone.
Summary of costs	■ Restricts potential density of development in Coastal (Mahia) zoned land.
Effectiveness	■ Effective as it maintains the ability of residents and developers to achieve the objective and policies relating to subdivision and development.
Efficiency	■ Efficient in providing for development opportunities while at the same time maintaining, protecting and enhancing the natural environment.
Appropriateness	■ Appropriate as a means of sustainably managing activities in the Coastal (Mahia) zone, implementing Policy 15A.3 and achieving the objectives of preserving, protecting and enhancing the natural environment.

Evaluation	
Zone Description and Issues	
15A.1.1	<i>The coastal environment is sensitive to change from activities, which involve earthworks, removal of vegetation and creation of structures that change the “natural” processes of the ocean.</i>
15A.1.2	<i>Parts of the coastal area have high cultural/spiritual values as well as providing important seafood resources for Maori.</i>
15A.1.3	<i>The coast also supports, and provides access to the sea, for a range of recreational activities such as swimming, surfing, fishing, game bird hunting and diving.</i>
15A.1.4	<i>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. For the Mahia Peninsula this area is a specific Coastal (Mahia) Zone is provided.</i>
15A.1.5	<i>Not all land use practices have an adverse effect on the coastal environment. Sometimes land use activities can have positive benefits. For example, re-vegetation of erosion prone areas can reduce coastal erosion. In some cases this must be balanced against the potential loss of scenic values and views of neighbours.</i>
Summary of benefits	<ul style="list-style-type: none"> ■ A description of the zone provides certainty in the administration of the Plan
Summary of costs	<ul style="list-style-type: none"> ■ NA
Effectiveness	<ul style="list-style-type: none"> ■ Clearly explains the area covered by Section 15A.
Efficiency	<ul style="list-style-type: none"> ■ Defines appropriate areas for different levels of development.
Appropriateness	<ul style="list-style-type: none"> ■ The Coastal (Mahia) Zone is defined in the same way as the Coastal Zone. It is therefore appropriate for inclusion in 15A.1.

Evaluation	
Objectives	
15A.2.1	<i>Refer to Objectives in Section 6.4 and 8.4</i>
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	<ul style="list-style-type: none"> ■ That this section relies on Sections 6.4 and 8.4 for Objectives.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it ensures activities undertaken in the Coastal (Mahia) zone are consistent with Objectives in Section 6.4 and 8.4.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as they define relevant Coastal (Mahia) zone objectives.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of encouraging avoidance, remediation and mitigating activities undertaken in the Coastal (Mahia) zone.

Evaluation	
Policies	
15A.3.1	<i>Refer to Policies in Section 6.5 and 8.5</i>
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	<ul style="list-style-type: none"> ■ That this section relies on Sections 6.5 and 8.5 for Policies.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it ensures activities undertaken in the Coastal (Mahia) zone are consistent with Objectives in Section 6.5 and 8.5.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as they define relevant Coastal (Mahia) zone policies.

Evaluation	
Policies	
15A.3.1 Refer to Policies in Section 6.5 and 8.5	
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of encouraging avoidance, remediation and mitigating activities undertaken in the Coastal (Mahia) zone.

Evaluation	
Methods to Sustainably manage the coastal influenced environment	
15A.4.1 Refer to Methods in Section 6.6 and 8.6	
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	<ul style="list-style-type: none"> ■ That this section relies on Sections 6.6 and 8.6 for Methods.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it ensures the implementation of the objectives and policies.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides direction on methods of implementation.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of implementing the objectives and policies.

Evaluation	
Explanation and Reason	
15A.5.1 Refer to Explanation & Reasons in Section 6.7 and 8.7	
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	<ul style="list-style-type: none"> ■ That this section relies on Sections 6.7 and 8.7 for an explanation and reasons.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it provides a basis for Section 15A.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides an explanation and the reasons behind the section.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of explaining the objectives and policies.

Evaluation	
Anticipated Environmental Results	
15A.6.1 Refer to Anticipated Environmental Results in Section 6.8 and 8.8	
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	<ul style="list-style-type: none"> ■ That this section relies on Sections 6.8 and 8.8 for anticipated environmental results.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it provides a basis for Section 15A.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides a clear direction for development and subdivision to maintain and enhance the natural character of the Coastal (Mahia) zone.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of anticipating the outcomes of the objectives and implementing the policies.

Evaluation	
Permitted Activities	
15A.7.1 <i>The following a permitted activities in the Coastal (Mahia) Zone.</i>	
<ul style="list-style-type: none"> ■ <i>Accessory buildings/activities</i> ■ <i>Accommodation facilities (for a maximum of 4 persons)</i> ■ <i>Activities on reserves as provided for in the Reserves Act 1977.</i> ■ <i>Construction, addition to, or alteration of residential buildings</i> ■ <i>Education facilities for a maximum of 10 persons (excluding staff)</i> ■ <i>Home Business</i> ■ <i>Installation or alteration of antennas</i> ■ <i>Maintenance of existing public works and network utilities</i> ■ <i>Meteorological activities</i> ■ <i>Residential activity/dwelling</i> ■ <i>Rural activity</i> ■ <i>Soil conservation and water management works</i> ■ <i>Temporary activities (other than network utility activities)</i> ■ <i>Wetland and wildlife habitats conservation</i> 	
Summary of benefits	<ul style="list-style-type: none"> ■ The description of permitted activities in the Coastal (Mahia) zone provides certainty in the administration of the Plan. In conjunction with the definitions the identified activities provide for the environmental results anticipated in the Coastal (Mahia) Zone.
Summary of costs	<ul style="list-style-type: none"> ■ Limits development to that identified and requires development to meet specified standards and conditions.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it maintains the character of the coastal environment.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it limits activities to the existing environment.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Coastal (Mahia) Zone, implementing Policies 15A.3 by limiting development in that area.

Evaluation	
<p>Discretionary Activities</p> <p>15A.7.2 Any activity unable to comply with one or more of the standards and conditions for permitted activities.</p> <p>15A.7.3 Activities as specified in Rule 27A.1.4.</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ Clearly identifies that all activities that do not meet the performance standards for permitted activities require resource consent. ■ Provides for consideration of activities within the CHEPA.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential development of the site by restricting the types of activities considered.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the rule clearly states the activities that may be considered.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides for the development of the area on the basis of the potential for adverse effects.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Coastal (Mahia) zone, implementing Policy 15A.3 and achieving the objectives of preserving, protecting and enhancing the natural environment

Evaluation	
15A.8	Performance Standards/Development criteria for permitted and discretionary activities in Coastal (Mahia) Zone
	Maximum Building Site Coverage
15A.8.1	Total building coverage of the site with impermeable surfaces shall not exceed 10% of the net site area.
	Density
15A.8.2	Household density shall not exceed one dwelling per 5,000m ² of the net site area OR For areas of land of less than 5,000m ² held in one certificate of title first registered before 19 December 2006, one dwelling unit is permitted.
	Noise
15A.8.3	All activities shall be designed and conducted to ensure that the following noise limits are not exceeded: <ul style="list-style-type: none"> A. At or within the notional boundary of any dwelling or place of assembly: <ul style="list-style-type: none"> 7am to 10pm 50dBA L₁₀ 10pm to 7am 40dBA L₁₀ On any day between 10pm-7am 65dBA L_{max} B. At or within the boundary of any site in the Coastal (Mahia) Zone other than the site from which the noise is being emitted: <ul style="list-style-type: none"> At all times 50 dBA L₁₀ At all times 65 dBA L_{max}
	Odour
15A.8.4	Any new dwelling shall be set back 200metres from any buildings associated with any existing intensive farming activity, oxidation pond, effluent holding pond or waste disposal area.
15A.8.5	Any building associated with a new intensive farming activity, oxidation pond, effluent holding pond or waste disposal area shall be set back in accordance with the following separation distances: <ul style="list-style-type: none"> From a Town Centre or Coastal (Mahia) Zone boundary 500m
	Glare
15A.8.6	Light emissions measured from any site shall not exceed a measurement of 10 lux (lumens per square metre) measured at 1.5metres above ground level at the site boundary.
15A.8.7	No building or structure shall be finished with materials that create a glare nuisance to neighbouring properties or road users.
	Privacy, Shading & Visual Amenity
15A.8.8	All buildings shall meet the following bulk and location requirements: <ul style="list-style-type: none"> Minimum front yard 15.0m (refer to Note 1) Minimum side yards 15.0m (refer to Note 1) Minimum rear yards 15.0m (refer to Note 1) Maximum Building height 10.0m (refer to Note 2) <ul style="list-style-type: none"> (1) 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 and Council endorsed on the plans submitted for building consent. (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.
	Signs
15A.8.9	One on-site advertising sign per property frontage (excluding temporary signs) not exceeding 1.5m ² in area, or 3.0m ² in area where the property fronts a State Highway with a designated speed limit in excess of 70kph, (refer to definition of advertising sign in Chapter 31).
15A.8.10	All signs required to be read from the road shall meet the following minimum lettering height size when related to road speed limits: <ul style="list-style-type: none"> (1) less than 70kph 120mm

Evaluation	
<p>(2) greater than 70kph 160mm</p> <p>15A.8.11 All signs visible from roads (excluding signs required to be erected by statute and warning signs related to aspects of public safety) shall be located at least 15m from any traffic control signs or signals; shall not obstruct driver visibility along the road and at intersections and accessways; and shall not contain any flashing, animated or illuminated components.</p> <p>15A.8.12 Temporary signs relating to the disposal of property or local or central government election shall not exceed 1.0m² in area, for community activities 3.0m² and shall not remain on the property for more than 6 months and shall be removed within 7 days following the event.</p> <p>15A.8.13 When attached to a building no part of the sign shall protrude above the eaves, or when free standing shall not exceed 4.0m in height.</p> <p>Hazardous Substances</p> <p>15A.8.14 The use, storage, disposal or transportation of hazardous substances shall not exceed the Low Threshold Hazard Factor (refer definitions and Appendix III for examples).</p> <p>15A.8.15 Any activity involving the use, storage, disposal or transportation of hazardous substances on-site, shall ensure that any area or container used, is designed, constructed and managed to prevent any leakages or spills.</p> <p>Earthworks</p> <p>15A.8.16 Earthworks activities shall meet the following standards: Max Vol (m³) over 12 months per site 50 Max face height (m) 1.5 Max area of work per site (m²) 300 Proximity to water body 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.</p> <p>Other District Wide Rules</p> <p>15A.8.17 All activities must also comply with the rules contained in the following chapters of this Plan (where relevant):</p> <ul style="list-style-type: none"> • Cultural Heritage (Chapter 22) • Indigenous Vegetation and Habitats of Indigenous Fauna (Chapter 23) • Access and Parking (Chapter 24) • Surface of Water (Chapter 25) • Subdivision (Chapter 27) • Natural Hazards (Chapter 27A) • Information Requirements (Chapter 28). <p>Note: activities associated with the construction and maintenance of utilities are provided</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ The provision of specific standards for permitted and discretionary activities ensures that the anticipated environmental outcome is achieved. ■ The standards specified ensure that the effects on the environment remain, as a minimum, the same or similar as exist currently. ■ The sunset clause for lots existing as at 19 December 2006 ensures that existing lots of less than 5,000m² may be used for their intended purpose.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential for development permitted in the Coastal (Mahia) zone.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it clearly identifies the limits that apply to permitted and discretionary activities so that the scale and intensity of the activities remains the same or similar.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides clear direction for a range of activities to be undertaken without resource consent (where appropriate).
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Coastal (Mahia) zone, implementing Policy 15A.3 and achieving the objectives of preserving, protecting and enhancing the natural environment.

Section 18 Residential Zone

Evaluation	
Residential Zone	
Rule 18.1 <i>Zone Description and Issues</i>	
18.1.1	<i>The Residential Zone covers the residential areas within Wairoa Township and Mahia Beach. These residential areas are primarily low-to-medium density housing of a variety of styles and types, with lower density housing on the rural/urban fringe. Demand for residential development in Wairoa is low, however, it is relatively high at Mahia Beach. Council considers that these residential areas should be zoned mainly to provide for residential purposes...</i>
18.1.3	<i>Therefore the performance standards encourage a variety of housing styles and types while controlling the extent of non-residential activities and their impacts on residential amenity. Standards have also been set in terms of bulk and location to safeguard privacy, parking and access, traffic generation and hazardous substances. These standards have been set at levels that reflect and or enhance the existing amenity values of the residential areas of Wairoa and Mahia Beach.</i>
Summary of benefits	<ul style="list-style-type: none"> ■ Provides guidance for residents and owners of land in the Residential zone that Mahia Beach is not included.
Summary of costs	<ul style="list-style-type: none"> ■ Excludes Mahia Beach from this section of the Plan.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it restricts Section 18 to residential areas other than Mahia Beach.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the rule removes reference to Mahia Beach.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of directing activities occurring in the Residential (Mahia) zone to the relevant section of the plan. Changes in this part of the Plan are necessary to avoid confusion between the two residential zones.

Evaluation	
Policies	
18.3.1 <i>Enable a mixture of housing and lifestyles in urban Wairoa and Mahia Beach.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The amendment to this policy provides certainty in the administration of the Plan that Residential (Mahia) zone is covered in Section 18A.
Summary of costs	<ul style="list-style-type: none"> ■ Excludes Mahia Beach from this section of the Plan.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it restricts Section 18 to residential areas other than Mahia Beach.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the rule removes reference to Mahia Beach.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of directing activities occurring in the Residential (Mahia) zone to the relevant section of the plan.

Evaluation	
Methods	
18.4.4 <i>Rules and standards to protect and enhance the amenity values of the residential areas of Wairoa and Mahia Beach.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The amendment to this policy provides certainty in the administration of the Plan that Residential (Mahia) zone is covered in Section 18A.
Summary of costs	<ul style="list-style-type: none"> ■ Excludes Mahia Beach from this section of the Plan.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it restricts Section 18 to residential areas other than Mahia Beach.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the rule removes reference to Mahia Beach.

Evaluation	
Methods	
18.4.4 <i>Rules and standards to protect and enhance the amenity values of the residential areas of Wairoa and Mahia Beach.</i>	
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of directing activities occurring in the Residential (Mahia) zone to the relevant section of the plan.

Evaluation	
Explanation and Reasons	
18.5.1 <i>The Residential Zone generally relates to urban Wairoa and Mahia Beach. The objectives and policies for the Residential (Mahia) Zone seek to provide flexibility in the types of activities whilst maintaining and enhancing the predominant residential amenity in these areas.</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ The amendment to this policy provides certainty in the administration of the Plan that Residential (Mahia) zone is covered in Section 18A.
Summary of costs	<ul style="list-style-type: none"> ■ Excludes Mahia Beach from this section of the Plan.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it restricts Section 18 to residential areas other than Mahia Beach.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the rule removes reference to Mahia Beach.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of directing activities occurring in the Residential (Mahia) zone to the relevant section of the plan.

Section 18A Residential (Mahia) Zone

Evaluation	
Rule 18A Residential (Mahia) Zone	
Summary of benefits	<ul style="list-style-type: none"> ■ Provides guidance for residents and owners of land in the Residential (Mahia) zone.
Summary of costs	<ul style="list-style-type: none"> ■ Restricts potential development/subdivision in Residential (Mahia) zoned land.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it maintains the ability of residents and developers to achieve the objective and policies relating to subdivision and development in the Residential (Mahia) Zone.
Efficiency	<ul style="list-style-type: none"> ■ Efficient in providing for development opportunities while at the same time as maintaining, protecting and enhancing the natural environment.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Residential (Mahia) zone, implementing Policy 18A.3 and achieving the objectives of preserving, protecting and enhancing the natural environment.

Evaluation	
Zone Description & Issues	
18A.1.1	<i>The Residential (Mahia) Zone covers the residential areas within Mahia including Waikokopu, Opoutama, Mahanga, Te Mahia and Oraka. The residential areas are primarily low-to-medium density housing of a variety of styles and types, with lower density housing on the rural/urban fringe. Demand for residential development in Mahia is relatively high. Council considers that these residential areas should be zoned mainly to provide for residential purposes.</i>
18A.1.2	<i>Residential areas contain a range of complementary non-residential activities relating to the health, educational, spiritual, cultural, recreational, social and day-to-day economic needs of residents. Many of these require a residential location because of the local service they provide to residents. At the same time, residential areas exhibit the greatest sensitivity to adverse effects such as noise, traffic, parking and loss of privacy.</i>
18A.1.3	<i>Therefore the performance standards encourage a variety of housing styles and types while controlling the extent of non-residential activities and their impacts on residential amenity. Standards have also been set in terms of bulk and location to safeguard privacy, parking and access, traffic generation and hazardous substances. These standards have been set at levels that reflect and or enhance the existing amenity values of the residential areas of Mahia.</i>
18A.1.4	<i>Also of particular importance is the susceptibility of parts of the residential zone in Wairoa to large-scale flooding events. Methods to inform residents and to avoid or limit the effect of natural hazards have been developed within the plan.</i>
Summary of benefits	<ul style="list-style-type: none"> ■ A description of the zone provides certainty in the administration of the Plan ■ The zone description is consistent with the Residential Zone.
Summary of costs	<ul style="list-style-type: none"> ■ NA
Effectiveness	<ul style="list-style-type: none"> ■ Clearly explains the area covered by Section 18A.
Efficiency	<ul style="list-style-type: none"> ■ Defines appropriate areas for different levels of development.
Appropriateness	<ul style="list-style-type: none"> ■ As a means of identifying areas which relate to Objectives 18A.2 and Policies 18A.3.

Evaluation	
Objectives	
18A.2.1	<i>To maintain and enhance residential amenity values.</i>
18A.2.2	<i>To avoid, remedy or mitigate the adverse effects of non-residential activities in residential areas so as to maintain the amenity values of the area.</i>
18A.2.3	<i>To develop residential areas that avoid or limit the effects of natural hazards.</i>
18A.2.4	<i>To manage utility services and other natural and physical resources in a sustainable manner.</i>
18A.2.5	<i>Refer to objectives in Section 6.4 and 8.4.</i>
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	<ul style="list-style-type: none"> ■ That this section relies on Sections 6.4 and 8.4 for Objectives.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it ensures activities undertaken in the Residential (Mahia) zone are consistent with Objectives in Section 6.4 and 8.4 and also Section 18.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as they define relevant Residential (Mahia) zone objectives.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of encouraging avoidance, remediation and mitigating activities undertaken in the Residential (Mahia) zone

Evaluation	
Policies	
18A.3.1	<i>Enable a mixture of housing and lifestyles in Mahia including Waikokopu, Opoutama, Mahanga, Te Mahia and Oraka.</i>
18A.3.2	<i>Ensure the design and siting of development maintains residential amenity values and will not reduce sunlight, daylight and privacy to neighbouring properties, and will not generate unacceptable levels of noise, glare, odour or dust.</i>
18A.3.3	<i>Enable the establishment of non-residential activities where the activity is compatible in terms of potential effects with the amenity values of the residential area and the environment.</i>
18A.3.4	<i>Ensure that the design and construction of new activities that establish on land subject to known natural hazard events take into account the potential threat of the hazard event(s).</i>
18A.3.5	<i>Require the disposal of sewage, wastewater, solid waste and stormwater in a manner that avoids, remedies or mitigates any adverse effects on the environment.</i>
18A.3.6	<i>Refer to Policies in Section 6.5 and 8.5</i>
18A.3.7	<i>Ensure the site services (wastewater, stormwater, water, electricity, telephone) are provided either through connection to existing services or through the provision of new services.</i>
18A.3.8	<i>Ensure access to each site it provided in accordance with Council standards.</i>
18A.3.9	<i>Ensure traffic generated by any new activity is consistent with the existing environment and does not adversely affect the roading network.</i>
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan. ■ Provides direction for the provision of site services, access and traffic.
Summary of costs	<ul style="list-style-type: none"> ■ That this section relies on Sections 6.5 and 8.5 for Policies. ■ The potential additional cost to landowners of providing site services, access and generally demonstrating compliance with the objectives.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it ensures activities undertaken in the Residential (Mahia) zone are consistent with Policies in Section 6.5 and 8.5 and also Section 18. ■ Effective in the clear provision of site services and access.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as they define relevant Residential (Mahia) Zone policies.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of encouraging avoidance, remediation and mitigating activities undertaken in the Residential (Mahia) Zone.

Evaluation	
Methods	
18A.4.1	<i>Identify land known to be susceptible to flood hazards and record on plan maps.</i>
18A.4.2	<i>Use of LIMs (Land Information Memorandums) and PIMs (Project Information Memorandums) to identify known hazards on a site-specific basis.</i>
18A.4.3	<i>Require building floor levels to be set in accord with the provisions of the Building Act 1991, to safeguard buildings locating in those areas that are known to be subject to flooding.</i>
18A.4.4	<i>Rules and standards to protect and enhance the amenity values of the residential areas of Mahia including Waikokopu, Opoutama, Mahanga, Te Mahia and Oraka.</i>
18A.4.5	<i>Refer to Methods in Section 6.6 and 8.6.</i>
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	<ul style="list-style-type: none"> ■ That this section relies on Sections 6.6 and 8.6 for Methods.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it ensures the implementation of the objectives and policies.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides direction on methods of implementation.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of implementing the objectives and policies.

Evaluation	
Explanation and Reasons	
18A.5.1	<i>The Residential (Mahia) Zone generally relates to Mahia including Waikokopu, Opoutama, Mahanga, Te Mahia and Oraka. The objectives and policies for the Residential (Mahia) Zone seek to provide flexibility in the types of activities whilst maintaining and enhancing the predominant residential amenity in these areas.</i>
18A.5.2	<i>Refer to Explanation and Reasons in Section 6.7 and 8.7.</i>
Summary of benefits	■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	■ That this section relies on Sections 6.7 and 8.7 for an explanation and reasons.
Effectiveness	■ Effective as it provides a basis for Section 18A.
Efficiency	■ Efficient as it provides an explanation and the reasons behind the section.
Appropriateness	■ Appropriate as a means of justifying the objectives and policies.

Evaluation	
Anticipated Environmental Results	
18A.6.1	<i>A variety of residential accommodation is available in residential areas together with non-residential activities where adverse effects of the activity can be avoided, remedied or mitigated.</i>
18A.6.2	<i>Refer to Anticipated Environmental Results in Section 6.8 and 8.8</i>
Summary of benefits	■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	■ That this section relies on Sections 6.8 and 8.8 for anticipated environmental results.
Effectiveness	■ Effective as it provides a basis for Section 18A.
Efficiency	■ Efficient as it provides a clear direction for development and subdivision to maintain and enhance the natural character of the Residential (Mahia) zone.
Appropriateness	■ Appropriate as a means of justifying the objectives and policies.

Evaluation	
Permitted Activities	
18A.7.1 <i>The following are permitted activities in the Residential (Mahioa) Zone</i>	
<ul style="list-style-type: none"> ■ <i>Accessory buildings/activities</i> ■ <i>Accommodation facilities (for a maximum of 4 persons)</i> ■ <i>Activities on reserves as provided for in the Reserves Act 1977</i> ■ <i>Construction, addition to, or alteration of residential buildings</i> ■ <i>Education facilities for a maximum of 10 persons (excluding staff)</i> ■ <i>Home Business</i> ■ <i>Installation or alteration of antennas (other than network utility activities)</i> ■ <i>Maintenance of existing public works and network utilities</i> ■ <i>Meteorological activities</i> ■ <i>Residential activity/dwelling</i> ■ <i>Temporary activities</i> ■ <i>Wetland and wildlife habitats conservation</i> 	
Summary of benefits	<ul style="list-style-type: none"> ■ Provides guidance for residents and owners of land the Residential (Mahia) zone. ■ Provides certainty in the administration of the Plan.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential for permitted development that may otherwise be permitted in the Residential zone.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it maintains the ability of residents and developers to achieve the objective and policies relating to subdivision and development.
Efficiency	<ul style="list-style-type: none"> ■ Efficient in providing for development opportunities while at the same time as maintaining, protecting and enhancing the natural environment.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Residential (Mahia) zone, implementing Policy 18A.3 and achieving the objective of avoiding, remedying or mitigating damage to land and the natural environment.

Evaluation	
Discretionary Activities	
18A.7.2 Any activity unable to comply with all the standards and conditions for permitted activities.	
18A.7.3 Activities as specified in Rule 27A.1.4.	
Summary of benefits	<ul style="list-style-type: none"> ■ The description of permitted activities in the Residential (Mahia) zone provides certainty in the administration of the Plan. In conjunction with the definitions the identified activities provide for the environmental results anticipated in the Residential(Mahia) Zone.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential development of the site by restricting the types of activities considered.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the rule clearly states the activities that may be considered.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides for the development of the area on the basis of the potential for adverse effects.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Residential (Mahia) zone, implementing Policy 18A.3 and achieving the objective of avoiding, remedying or mitigating damage to land and the natural environment.

Evaluation	
Performance Standards/Development criteria for permitted and controlled activities in Residential (Mahia) Zone	
18A.8.1	<p>Maximum Building Site Coverage Total building coverage of the site with impermeable surfaces shall not exceed 40% of the net site area.</p>
18A.8.2	<p>Density Household density shall not exceed one dwelling per 800m² of the net site area for serviced lots or one dwelling per 1000m² for unserviced lots OR For areas of land of less than 800m² held in one certificate of title first registered before 19 December 2006, one dwelling unit is permitted.</p>
18A.8.3	<p>Noise All activities shall be designed and conducted to ensure that the following noise limits are not exceeded at or within the boundary of any site in the Residential Zone other than the site from which the noise is being emitted: 7am to 10pm 50dBA L₁₀ 10pm to 7am 40dBA L₁₀ On any day between 10pm-7am 65dBA L_{max}</p>
Odour	
18A.8.4	Any new dwelling shall be set back 200 metres from any buildings associated with any existing intensive farming activity, oxidation pond, effluent holding pond or waste disposal area.
18A.8.5	Any building associated with a new intensive farming activity, oxidation pond, effluent holding pond or waste disposal area shall be set back in accordance with the following separation distances: From a Residential (Mahia) Zone Boundary Separation Distance (m)500
Glare	
18A.8.6	Light emissions measured from any site shall not exceed a measurement of 10 lux (lumens per square metre) measured at 1.5metres above ground level at the site boundary.
18A.8.7	No building or structure shall be finished with materials that create a glare nuisance to neighbouring properties or road users.

Evaluation	
.	
Privacy, Shading and Visual Amenity	
18A.8.8	<p>All buildings shall meet the following bulk and location requirements:</p> <p>Minimum front yard 3.0m</p> <p>Minimum side yards 2.0m</p> <p>Minimum rear yards 5.0m</p> <p>Maximum Building height 9.0m (1)</p> <p>(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.</p>
18A.8.9	<p>Where a non-residential activity is to locate within or adjacent to land zoned “Residential (Mahia)”, or adjacent to a residential activity, screening shall be provided along the boundary to a height of 1.8metres.</p>
Signs	
18A.8.10	<p>One on-site advertising sign per property frontage (excluding temporary signs) not exceeding 1.5m² in area, or 3.0m² in area where the property fronts a State Highway with a designated speed limit in excess of 70kph, (refer to definition of advertising sign in Chapter 31).</p>
18A.8.11	<p>All signs required to be read from the road shall meet the following minimum lettering height size when related to road speed limits:</p> <p>(1) less than 70kph 120mm</p> <p>(2) greater than 70kph 160mm</p>
18A.8.12	<p>All signs visible from roads (excluding signs required to be erected by statute and warning signs related to aspects of public safety) shall be located at least 15m from any traffic control signs or signals; shall not obstruct driver visibility along the road and at intersections and accessways; and shall not contain any flashing, animated or illuminated components</p>
18A.8.13	<p>Temporary signs relating to the disposal of property or local or central government election shall not exceed 1.0m² in area, for community activities 3.0m² and shall not remain on the property for more than 6 months and shall be removed within 7 days following the event.</p>
18A.8.14	<p>When attached to a building no part of the sign shall protrude above the eaves, or when free standing shall not exceed 4.0m in height.</p>
Hazardous Substances	
18A.8.15	<p>The use, storage, disposal or transportation of hazardous substances shall not exceed the Low Threshold Hazard Factor (refer definitions and Appendix III for examples).</p>
18A.8.16	<p>Any activity involving the use, storage, disposal or transportation of hazardous substances on-site, shall ensure that any area or container used, is designed, constructed and managed to prevent any leakages or spills.</p>
Earthworks	
18A.8.17	<p>Earthworks activities shall meet the following standards:</p> <p>Max Vol (m³) over 12 months per site 150</p> <p>Max face height (m) 3.0</p> <p>Max area of work per site (m²) 150</p> <p>Proximity to water body measured from the bank edge at bank full height. No closer than 20m.</p> <p>Note: The volume of earthworks is to be measured prior to excavation.</p>
Other District Wide Rules	
18A.8.18	<p>All activities must also comply with the rules contained in the following chapters of this Plan (where relevant):</p> <ul style="list-style-type: none"> • Cultural Heritage (Chapter 22) • Indigenous Vegetation and Habitats of Indigenous Fauna (Chapter 23) • Access and Parking (Chapter 24) • Surface of Water (Chapter 25) • Subdivision (Chapter 27) • Natural Hazards (Chapter 27A)

Evaluation	
<ul style="list-style-type: none"> • <i>Information Requirements (Chapter 28).</i> <p><i>Note: activities associated with the construction and maintenance of utilities are provided</i></p>	
Summary of benefits	<ul style="list-style-type: none"> ■ The provision of specific standards for permitted and controlled activities ensures that the anticipated environmental outcome is achieved. ■ The standards specified ensure that the effects on the environment remain, as a minimum, the same or similar as exist currently.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential for development that may otherwise be permitted in the Residential (Mahia) zone.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it clearly identifies the limits that apply to permitted and controlled activities so that the scale and intensity of the activities remains the same or similar.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides for some activities to be undertaken without resource consent (where relevant).
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Residential (Mahia) zone, implementing Policies 18A.3 and achieving the objectives of preserving, protecting and enhancing the natural environment.

Section 27 Subdivision

Evaluation	
Rules other than Residential (Mahia) and Coastal (Mahia) Zones	
Summary of benefits	<ul style="list-style-type: none"> ■ The change to the Rule name identifies the separation of Rules for the two residential zones.
Summary of costs	<ul style="list-style-type: none"> ■ N/A.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it restricts Section 27.6 to other residential and coastal areas.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the rule removes reference to Residential (Mahia) and Coastal (Mahia) zoned land.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of directing activities occurring in the Residential (Mahia) and Coastal (Mahia) zones to the relevant section of the plan.

Evaluation	
Rule 27.9 Rules – Residential (Mahia) and Coastal (Mahia) Zones	
Summary of benefits	<ul style="list-style-type: none"> ■ Provides guidance for residents and owners of land in the Residential (Mahia) and Coastal (Mahia) zones.
Summary of costs	<ul style="list-style-type: none"> ■ Restricts potential development/subdivision in Residential (Mahia) and Coastal (Mahia) zoned land.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it maintains the ability of residents and developers to achieve the objective and policies relating to the amenity/clustering of the area.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the rule is a permitted activity condition that may be applied in all development situations.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Residential (Mahia) zone and Coastal (Mahia), implementing Policies 15A.3 and 18A.3 and achieving the objectives of preserving, protecting and enhancing the natural environment and avoiding, remedying or mitigating damage to land and the natural environment.

Evaluation	
Controlled Activities	
<p>27.9.1 All subdivision within the Residential (Mahia) Zone provided it complies with 18A.8 and 27.10 General Performance Standards for Residential (Mahia) & Coastal (Mahia) Zones</p> <p>27.9.2 Subdivision around activities subject to resource consent.</p> <p>27.9.3 Subdivision for boundary adjustment purposes.</p> <p>NOTE: The undertaking of some of the activities noted above may require resource consent or written approval from Hawke’s Bay Regional Council</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ Clearly identifies the activities that require resource consent that, provided they meet the specified standards, are likely to be granted consent.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential development of the site by restricting the types of activities considered.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the rule clearly states the activities that may be considered. ■ Effective as it maintains the character of the coastal environment.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it limits activities to existing environment.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Residential (Mahia) zone, implementing Policies 6.5 and achieving the objective by enhancing the natural character of the environment. Provides for the specific circumstance of subdivision in the Residential (Mahia) Zone.

Evaluation	
Discretionary Activities	
<p>27.9.4 All subdivision within the Coastal (Mahia) Zone provided it complies with 15A.8 and 27.10 General Performance Standards for Residential (Mahia) & Coastal (Mahia) Zones.</p> <p>27.9.5 Subdivisions listed in Section 27A.1.4</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ Clearly identifies the activities that require resource consent that relate to matters, which Council has considered. ■ Provides for consideration of activities that meet the specified standards.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential development of the site by restricting the types of activities considered.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the rule clearly states the activities that may be considered.
Efficiency	<ul style="list-style-type: none"> ■ Effective as it maintains the character of the coastal environment.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Coastal (Mahia) zone, implementing Policies 6.5 and achieving the objective by enhancing the natural character of the environment. Provides for the specific circumstance of subdivision in the Coastal (Mahia) Zone.

Evaluation	
Non-Complying Activities	
27.9.6 Subdivisions not listed as Controlled, Discretionary or Prohibited or that do not meet 27.10 General Performance Standards for Residential (Mahia) & Coastal (Mahia) Zones.	
Summary of benefits	<ul style="list-style-type: none"> ■ Provides opportunity for activities not listed to be considered by way of application subject to either compliance with the objectives and policies of the District Plan or having a minor effect on the environment. ■ Clearly identifies that Council considers that such activities are not appropriate in Residential (Mahia) and Coastal (Mahia) zones.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential development of the site by restricting the types of activities considered.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the rule clearly states the activities that may be considered.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides a means of allowing any application to be made, other than for activities that are prohibited.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Residential (Mahia) and Coastal (Mahia) zones, implementing Policies 6.5 and achieving the objectives of preserving, protecting and enhancing the natural environment. ■ Subdivisions that do not meet the performance standards for the zone are not considered to be in accordance with the objectives and policies of the District Plan and must therefore be considered on a non-complying basis.

Evaluation	
Prohibited Activities	
27.9.7 Subdivisions listed in Section 27A.1.6. Also refer to Coastal Protection Section 32 Assessment	
Summary of benefits	<ul style="list-style-type: none"> ■ Clearly identifies activities that are not allowed in the CHEPA because the potential adverse effects outweigh any benefit the activity may provide. ■ Establishes a limit on the potential development, and thus the risk to that development, in areas subject to coastal erosion and inundation. ■ Provides for the maintenance and enhancement of the buffering capacity of the foredune by not allowing increased levels of development.
Summary of costs	<ul style="list-style-type: none"> ■ Restricts development opportunities in the CHEPA.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it establishes a limit to the development of the area at risk from coastal erosion and inundation. ■ Effective as it avoids development in the CHEPA thus meeting the objective. ■ Effective as it encourages “managed retreat” .
Efficiency	<ul style="list-style-type: none"> ■ Efficient as residents and developers are left with no doubt that the activities prohibited cannot be granted consent.
Justification	<ul style="list-style-type: none"> ■ The proposed rule prohibits subdivision, or the creation of increased risk, in the CERZ, an area where the potential adverse effects of natural hazards on the development or use of the land is unacceptable. Such risks include the destruction of property or the loss of life, which cannot be avoided or mitigated against other than by locating beyond the CERZ. Rules allowing the subdivision of land in this area require the ability to provide building platforms in areas where the risk is more acceptable.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the CHEPA, implementing Policies 8.5.6-8.5.9 8.5.9 (inclusive) and 8.5.12, and 8.5.17 and achieving the objective of avoiding, remedying or mitigating damage to land, structures and the environment from coastal erosion and inundation.

Evaluation

Specific Performance Standards for Residential (Mahia) & Coastal (Mahia) Zones

The following performance standards are applied to the Residential (Mahia) and Coastal (Mahia) zones in addition to Performance Standards 27.7.

Minimum Lot Size

- 27.10.1** Coastal (Mahia) Zone Minimum lot size of 5,000m².
Residential (Mahia) Zone Minimum lot size of 800m² (where reticulated wastewater services are available), 1,000m² (where reticulated wastewater services are not available).

Site Suitability

- 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):

- (a) Certification that each building area is free from flooding or inundation, erosion, subsidence and thermal ground.
- (b) Matters related to slope stability, foundations of structures, major earthworks including access tracks and roads.
- (c) Ground water table levels.
- (d) Earthquake fault lines or other seismic hazard.
- (e) For contaminated sites, a report on the extent and likely effect of the contamination on the proposed activity, including any off-site effects that may occur as a result of disturbance or development of the site.

The report shall set out the facts relating to the investigation together with test results and other data on which recommendations are based.

- (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.

See also Section 27A Natural Hazards.

Explanation:

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.

Site Services

27.10.3 General

All lots shall be provided with adequate supply of potable water and water for fire fighting purposes, power and telephone, provision for the disposal of sewage effluent and solid waste, and provision for the disposal and control of stormwater in accordance with NZS 4404:2002 (and any subsequent version) to ensure that :

- Potential future uses in the catchment are able to be served.
- The level of service provided by existing utility services is not compromised.
- Adverse effects on existing infrastructure are minor.

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.

Explanation:

Site services should be able to be provided to a lot to enable a range of land uses to be carried out.

Council would expect to receive written confirmation that power and telephone services can be supplied from the relevant agencies.

Evaluation	
27.10.4	<p>Water Supply</p> <p>(a) An adequate reliable safe and efficient supply of potable water including adequate fire protection shall be provided to all new lots or proposed developments.</p> <p>(b) In land being subdivided or developed that lies within an area served by a Council water supply, the water reticulation and water supply for fire fighting purposes shall be provided by the developer to the subdivision in such a manner as to enable each lot to be connected to the Council supply system.</p> <p>(c) Land being subdivided or developed that lies outside of an area serviced by Council water supply an alternative source shall be utilised until Council supply system is developed. When a council system is developed the subdivision or development are required to connect.</p> <p>(d) Alternative source of water supply for fire fighting is in accordance with the NZFS Fire Fighting Water Supplies Code of Practice.</p>
27.10.5	<p>Sewage Disposal</p> <p>(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.</p> <p>(b) Land being subdivided or developed that is not able to be serviced by Council Sewerage Scheme shall comply 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 systems.</p> <p>(c) Any disposal or treatment areas located off-site, other than to Councils owned systems, shall be protected by easements.</p>
27.10.6	<p>Stormwater</p> <p>(a) Domestic stormwater soakage systems must be located landward of the CERZ.</p> <p>(b) Over land flow paths shown on the stormwater plan shall be protected by easement from building encroachment.</p>
27.10.7	<p>Works and Network Utilities</p> <p>The location of all utility services which are provided through a network of physical lines shall be within the road or otherwise parallel to common property boundaries wherever practicable. Services located within a council road shall be at the location and depth required by the street services plans held at Council's offices.</p> <p>Services located within a State highway road require the written permission of Transit New Zealand.</p> <p>Explanation:</p> <p>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.</p>
Roads	
27.10.8	<p>The design and formation of new roads created by subdivision or development shall be to a standard not less than that specified by Council's Engineering Code of Practice. Roads to vest in Council shall be certified as being to this standard or of a higher standard before Council accepts ownership.</p>
OTHER DISTRICT WIDE RULES	
27.10.9	<p>All activities must also comply with the rules contained in the following chapters of this Plan (where relevant):</p> <ul style="list-style-type: none"> ■ Cultural Heritage (Chapter 22) ■ Indigenous Vegetation and Habitats of Indigenous Fauna (Chapter 23)

Evaluation	
<ul style="list-style-type: none"> ■ <i>Access and Parking (Chapter 24)</i> ■ <i>Surface of Water (Chapter 25)</i> ■ <i>Subdivision (Chapter 27)</i> ■ <i>Coastal Zone (Chapter 15)</i> ■ <i>Residential Zone (Chapter 18)</i> ■ <i>Natural Hazards (Chapter 27A)</i> ■ <i>Information Requirements (Chapter 28).</i> <p><i>Note: Activities associated with the construction and maintenance of utilities are provided for in Chapter 26.</i></p>	
Summary of benefits	<ul style="list-style-type: none"> ■ The provision of specific standards for controlled activities ensures that the anticipated environmental outcome is achieved. ■ The standards specified ensure that the effects on the environment remain, as a minimum, the same or similar as exist currently.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential for development that may otherwise be permitted in the Residential (Mahia) zone.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it clearly identifies the limits that apply to permitted activities so that the scale and intensity of the activities remains the same or similar.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides for a range of activities to be undertaken without resource consent.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Residential (Mahia) and Coastal (Mahia) zones, implementing Policies 6.5 and achieving the objectives of preserving, protecting and enhancing the natural environment. ■ The rules provided in this section clearly identify the standards expected for subdivision of land in the Coastal (Mahia) and Residential (Mahia) Zones that meet the objectives and policies for the sustainable management of development in the zone. Critical to sustainable management are the determination of the suitability of the site from the outset, the ability to service the site in a manner that meets acceptable levels of service and provides for appropriate standards of access.

Evaluation	
<p>Rule 28.8 Additional information requirements in relation to subdivision/landuse consent applications in the Residential (Mahia) & Coastal (Mahia) Zones</p> <p><i>An application for subdivision consent shall be accompanied by information contained in Section 28.3 and the following information (where relevant).</i></p> <ul style="list-style-type: none"> ■ <i>A visual assessment including the impacts of the subdivision/development on the surrounding environment.</i> ■ <i>Details of potential and existing coastal hazards on site and a description of how the proposed subdivision /development may effect these.</i> ■ <i>All subdivisions shall consider the necessity of providing 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.</i> ■ <i>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.</i> ■ <i>Consideration will be given to the layout of existing reticulation, distribution and transmission lines or pipes.</i> ■ <i>An ecological and landscape assessment to be undertaken by trained professional in the relevant field e.g. ecologist.</i> 	
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan.
Summary of costs	<ul style="list-style-type: none"> ■ Potentially increased costs for applicants that need to provide additional information with landuse/stormwater resource consent applications (where relevant).
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it provides sufficient information to assess a subdivision/landuse resource consent application.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides clear direction to an applicant of additional information required to be submitted with a resource consent application. t
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as it supports Rules outlined in Sections 15A , 18A and 27 of the District Plan.

3.5 Risk of Not Acting

There is development pressure in Mahia’s coastal environment including residential areas such as Mahia Beach and Mahanga as well as less developed areas, and although there are sound issues and objectives relating to subdivision and development there are no rules to support them. Wairoa District Council takes this opportunity to introduce relevant subdivision and development rules relating to in the Mahia’s coastal environment into the District Plan.

The risk of not acting allows for *ad hoc* development of different scales, intensities, densities and site coverage, which may not suit the existing natural environment. In terms of Part II of the Act, this is not a sustainable or desirable outcome and is not consistent with the Wairoa District Plan’s existing objectives and policies relating to subdivision and development.