

- report

## **Plan Change 1B - Coastal Protection Section 32 Assessment**

▪ report

# **Plan Change 1B - Coastal Protection 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	Changes from Variation to Plan Change	23/10/06

## Document Acceptance

Action	Name	Signed	Date
Prepared by	Lucy Brake		
Reviewed by	Keith Frentz		
Approved by	Keith Frentz		
on behalf of	<b>Beca Carter Hollings &amp; Ferner Ltd</b>		

## Table of Contents

<b>1</b>	<b>Introduction .....</b>	<b>2</b>
1.1	Process to Date and Geographic Extent of the Plan Change.....	2
1.2	Consultation.....	2
<b>2</b>	<b>Section 32 RMA .....</b>	<b>4</b>
<b>3</b>	<b>Natural Hazards Evaluation.....</b>	<b>6</b>
3.1	Appropriateness of the Objective in Achieving the Purpose of the Act .....	6
3.2	Objective .....	6
3.3	Policies.....	7
3.4	Rules, including Planning Maps, and Other Methods.....	8
3.4	Risk of Not Acting .....	16

## 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 1B 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 Wairoa Coastal Strategy, Mahia Beach and Mahia Isthmus Communities Structure Plans and the Hawke's Bay Regional Council's proposed Coastal Hazard Rules.

### 1.1 Process to Date and Geographic Extent of the Plan Change

The Plan Change has previously been notified 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. All previous submitters 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 2<sup>nd</sup> August 2005 at Rakato Marae, 3<sup>rd</sup> August 2005 at the Mahia Golf Course and 4<sup>th</sup> August 2005 at Mahanga Marae. A tangata whenua meeting was held on Monday 1<sup>st</sup> August 2005. The public were invited to these meetings by way of public notice in the local newspapers and ratepayer mail out and advertising on Council's website.

The second round of consultation was undertaken between Friday 9<sup>th</sup> and Thursday 15<sup>th</sup> December 2006. This involved a presentation to the Kaiwaitau Trustees (K1) on Friday 9<sup>th</sup> December, four public meetings held on 12<sup>th</sup> December 2005 at Mahanga Marae, 13<sup>th</sup> December 2005 at Ruawharo Marae, 14<sup>th</sup> December 2005 at Rakato Marae and 15<sup>th</sup> 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 28<sup>th</sup> 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.

The proposed change introduces amendments to the objective and policies for Natural Hazards (Section 8) of the District Plan. Coastal Hazard rules (Section 27A) are also introduced.

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 hazards:

***"8.3.1 An increase in the potential severity or damage resulting from natural hazard events as a result of inappropriate land use, development and subdivision."***

A change to Objective 8.4.1 is proposed promoting the sustainable management of coastal land that is subject to erosion or inundation.

The sustainable management of areas prone to coastal erosion and inundation is determined to be primarily a function of the Regional Authority except where the Local Authority is responsible for subdivision and the effects of subdivision.

Accordingly the Hawke's Bay Regional Council have notified the Hawke's Bay Regional Coastal Environment Plan (HBRCEP) that provides for the management of land-use in areas subject to coastal erosion and inundation. Plan Change 1B differs from Plan Change 1 (which has been withdrawn), in that the provisions proposed for the management of land-use within the Coastal Hazard Erosion Policy Area have been removed to avoid duplicating process between the two authorities. The Wairoa District Council therefore relies on the provisions of the HBRCEP to manage the potential adverse effects of land-use in this environment. In this way the two authorities provide for the integrated management of the coastal environment.

The evaluation assesses the proposed amendment to Objective 8.4.1 as an appropriate means of achieving the purpose of the Resource Management Act and then provides an evaluation of the policies, rules and other methods as required by section 32. Having regard to the effectiveness and efficiency of those policies, rules and other methods the evaluation provides an examination of their appropriateness in achieving the sustainable management of the area subject to Coastal Hazard.

### 3 Natural Hazards Evaluation

#### 3.1 Appropriateness of the Objective in Achieving the Purpose of the Act

Part II of the Act states:

**“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 objective is proposed (text inserted is underlined and text deleted from the operative objective is shown strikethrough):

##### Objective 8.4.1

~~To minimise the vulnerability of the community to the effects of natural hazards on people, property, and community services and infrastructure. 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.~~

It is considered that the proposed objective is the most appropriate way to achieve the purpose of the Act for the following reasons:

- The Council, having identified a resource management issue related to development in areas prone to natural hazards, is required to prepare objectives, policies and implementation methods for the sustainable management of the issue, in this case the risk to use, and development in areas prone to, coastal erosion and inundation. Council is required by Section 106, RMA, to have particular regard to natural hazards in relation to the subdivision of land, which states:
  - “(1) *Despite section 77B, a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions if it considers that-*

- (a) *the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or*
- (b) *any subsequent use that is likely to be made of the land is likely to accelerate, worsen or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (c) ...
- (2) *Conditions under subsection (1) must be -*
  - (a) *for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*
  - (b) *of a type that could be imposed under section 108."*
- The objective defines the actions necessary to achieve the desired environmental outcome. Those actions are the avoidance, remediation and mitigation of damage on activities and structures in the CHEPA resulting from the natural processes associated with coastal erosion and inundation. These actions are identified in section 5 as an integral element of sustainable management (S.5(2)(c).

### 3.3 Policies

#### Section 8 Natural Hazards

<b>8.5.6 Policy: Foreshore &amp; River Mouth Protection</b>	
<u>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.</u>	
Summary of benefits	■ Clearly identifies the actions necessary to achieve the objective.
Summary of costs	■ Potential for damage in active erosion systems.
Effectiveness	■ Natural dunal systems provide the most effective protection against coastal erosion and inundation.
Efficiency	■ <b>Efficient</b> as the policy clearly identifies what the desired outcome is.
Appropriateness	■ <b>Appropriateness:</b> it provides for the natural preservation of the District's coastal character.

<b>8.5.7 Policy: Managing erosion and inundation hazards.</b>	
a) <u>New Subdivision or Use:</u> Avoidance or mitigation of coastal erosion and inundation hazards is the appropriate <u>means of implementing coastal erosion and inundation hazard management for new subdivision.</u>	
Summary of benefits	■ Clearly identifies the actions necessary to achieve the objective.
Summary of costs	■ Potential costs of damage sustained by allowing an increased number of buildings and activities to remain in an active risk area.
Effectiveness	■ <b>Effective</b> by emphasising avoidance and mitigation (by relocation for example) as the preferred management method to achieve long-term sustainable management of the area.
Efficiency	■ <b>Efficient</b> in identifying a direction for development that will, on implementation, avoid coastal erosion and inundation to 2100.

<p><b>8.5.7 Policy: Managing erosion and inundation hazards.</b></p> <p>a) <u>New Subdivision or Use:</u></p> <p><u>Avoidance or mitigation of coastal erosion and inundation hazards is the appropriate means of implementing coastal erosion and inundation hazard management for new subdivision.</u></p>	
Appropriateness	<ul style="list-style-type: none"> <li>■ <b>Appropriate</b> as a long-term solution that would achieve the objective and increase resilience of buildings and activities in the CHEPA against damage from coastal erosion and inundation.</li> </ul>

<p><b>8.5.8 Policy: Subdivision</b></p> <p>a) <u>CERZ:</u></p> <p>(i) <u>New lots shall not be created on land wholly located within the CERZ.</u></p> <p>(ii) <u>New lots may be created on land partially located within the CERZ provided a new building platform can be provided outside of the CERZ.</u></p> <p><b><u>Note: Any use or development within the CHEPA, as defined within this Plan or the Hawke's Bay Regional Coastal Environment Plan (HBRCEP), may also be subject to the objectives, policies and rules of the HBRCEP and may require resource consent from the Hawke's Bay Regional Council.</u></b></p>	
Summary of benefits	<ul style="list-style-type: none"> <li>■ Clearly identifies avoidance or mitigation as the preferred management options through the establishment of a building platform outside of the current erosion risk zone.</li> </ul>
Summary of costs	<ul style="list-style-type: none"> <li>■ Potential restriction on development opportunities where landowners may wish to develop in the CHEPA.</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>■ <b>Effective</b> as the provision of a building platform outside the CERZ reduces the potential for increased risk within the CERZ.</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>■ <b>Efficient</b> as the policy clearly identifies what the desired outcome is.</li> </ul>
Appropriateness	<ul style="list-style-type: none"> <li>■ <b>Appropriate</b> as a means of remediating or mitigating damage from coastal erosion and inundation to land being subdivided as required by the objective.</li> </ul>

### 3.4 Rules, including Planning Maps, and Other Methods

#### 3.3.1 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 objective and whether this effectiveness comes at a higher cost than other alternatives. It is also important that the Council considers whether the costs potentially outweigh the benefits. In the preparation of the plan change it is considered that the chosen policies and rules are the best means of achieving the objective in an effective and efficient manner, when considered as part of an integrated approach with the HBRCEP.

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 subdivision of land in the CHEPA.

Alternatives to the regulatory approach include the use of other statutory mechanisms such as by-laws and allowing residents to provide their own mitigation on an *ad hoc* basis.

Having identified the issue that there is a risk from hazard events, and having undertaken research into the extent of that risk, Council is obliged to set standards for the subdivision of land within the CHEPA as there are no other reasonable mechanisms available to meet the Council's obligations under the Act.

The use of by-laws 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 areas subject to coastal erosion and inundation the objective of the Act and the Plan of sustainable management could not be achieved.

Further investigation (and funding for that investigation), monitoring, education and information provision (Other Methods) will also support the rules and long term sustainable management of use and development within the area. With regard to the use and development of land in the CHEPA the "Other Methods" provide for the HBRCEP in accordance with the Regional Council's obligations in this area.

Rules and a regulatory approach in general are considered to be an effective means of implementing the objective as the consequences of continuing with a *laissez faire* approach allowing new use and development in areas of current risk in particular are likely to result in damage to land, structures and the environment contrary to the stated objective.

To this end new subdivision wholly within the Current Erosion Risk Zone is prohibited.

### **Efficiency**

The efficiency of this approach will be monitored over time through the key performance indicators of number and value of dwellings in the CHEPA (where those values are referenced to a base prior to the change becoming effective). It is anticipated that the proposed change will enable residents to continue to enjoy and maintain their property to its current or similar standards and it is only when significant change is proposed that retreat is necessary. This may then be achieved in an efficient, managed, way.

Council's experience has been that without a strong regulatory framework in place the anticipated environmental outcomes do not result and the objective is not achieved. Council cannot risk doing nothing or fail to provide for the effective future management of subdivision in the CHEPA 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 and the main costs and benefits of the rules and other methods:

#### **Costs**

- Potential increased costs of design and construction in direct response to the rules.
- Increased costs for the Council for monitoring and ensuring compliance of resource consents and increased administration costs.
- Increased costs of investigation, data gathering and research to ensure that the underlying integrity of the CHEPA is maintained.
- Increased costs for Council in developing and maintaining the Hazard Zone boundary information and all associated costs of advice, education, ongoing consultation and supporting information.

#### **Benefits**

- Improved environmental outcomes in terms of the maintenance and enhancement of the natural buffering ability of the foredune system.
- Over time the ecological characteristics of the foredune system are retained or enhanced.
- Reduced exposure to risk to people and physical resources from coastal erosion and inundation in the CHEPA.
- The ability to avoid, remedy or mitigate adverse effects on land, structures and the environment resulting from coastal erosion or inundation in the area of risk.
- The achievement of the environmental outcomes defined for the CHEPA will benefit the rest of the City.

Council has a duty to use and rely on the most up-to-date data available and the introduction of Coastal Hazard Lines in the Hawke's Bay Regional Plan reflects the current data available. Further monitoring will be undertaken and the data used to determine those boundaries will be reviewed on a regular basis.

It is considered that the proposed Plan Change achieves an overall net benefit by seeking that all the proposed future subdivision within the CHEPA occurs in a manner that protects the character and attributes of the area whilst recognising that conventional unconstrained subdivision would adversely and irrevocably affect the buffering capacity of the foredune system.

Council has also recognised that it must adopt an integrated approach to the development and use of the CHEPA with the HBRC 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 CHEPA, will not achieve the purpose of the Act and will not result in sustainable management in terms of the Act.

3.3.3 Evaluation of Rules

Section 27A Coastal Hazards

Evaluation	
<i>Rule 27A1 Coastal Hazard Rules</i>	
Summary of benefits	<ul style="list-style-type: none"> <li>■ Provides guidance for residents and owners of land within the CHEPA. Provides for the avoidance of damage from Coastal Hazards.</li> </ul>
Summary of costs	<ul style="list-style-type: none"> <li>■ May restrict property rights on small lots.</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>■ <b>Effective</b> as it maintains the ability of residents and developers to achieve the objective and policies for the CHEPA in the event of the potential for damage from coastal erosion and inundation.</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>■ <b>Efficient</b> as it provides a clear outline of what subdivision within the CHEPA is required to achieve.</li> </ul>
Appropriateness	<ul style="list-style-type: none"> <li>■ <b>Appropriate</b> as a means of sustainably managing activities in the CHEPA, implementing the relevant policies and achieving the objective of avoiding, remedying or mitigating damage to land, structures and the environment from coastal erosion and inundation.</li> </ul>

<i>27A.1.2 Activities are permitted by the Wairoa District in accordance with the rules for the underlying land-use zone.</i>	
Summary of benefits	<ul style="list-style-type: none"> <li>■ Activities permitted in the CHEPA relate to the underlying zone. Management of the effects of the activities rests with the HBRC</li> </ul>
Summary of costs	<ul style="list-style-type: none"> <li>■ May result in double-handling of land-use and development proposals where resource consent is required from both authorities</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>■ <b>Effective</b> as it ensures that development in areas subject to coastal erosion and inundation is sustainably managed under the HBRCEP</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>■ <b>Efficient</b> as rules for use and development in the CHEPA rest in one place.</li> </ul>
Appropriateness	<ul style="list-style-type: none"> <li>■ <b>Appropriate</b> as a means of sustainably managing activities in the CHEPA, implementing the relevant policies and achieving the objective of avoiding, remedying or mitigating damage to land, structures and the environment from coastal erosion and inundation.</li> </ul>

<b>Evaluation</b>	
<p>27A.1.3 <i>Permitted activities in the CHEPA shall comply with the standards and conditions for permitted activities in the underlying land-use zone.</i></p> <p><i>Construction, modification and demolition of building, earthworks and vegetation removal within the CHEPA are managed by HBRC in accordance with provisions of the HBRCEP. Activities within the CHEPA are subject to the objectives policies and rules of the HBRCEP and may require resource consent from the HBRC.</i></p>	
Summary of benefits	<ul style="list-style-type: none"> <li>■ The provision of specific standards for permitted activities ensures that the anticipated environmental outcome is achieved.</li> <li>■ The standards specified ensure that the effects on the environment remain, as a minimum, the same as exist in the adjoining area.</li> </ul>
Summary of costs	<ul style="list-style-type: none"> <li>■ Limits the potential for development that may otherwise be permitted in the underlying zone.</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>■ <b>Effective</b> 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.</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>■ <b>Efficient</b> as it provides for a range of activities to be undertaken without resource consent.</li> </ul>
Appropriateness	<ul style="list-style-type: none"> <li>■ <b>Appropriate</b> as a means of sustainably managing activities in the CHEPA, implementing the relevant policies and achieving the objective of avoiding, remedying or mitigating damage to land, structures and the environment from coastal erosion and inundation.</li> </ul>

<b>Evaluation</b>	
<p>27A.1.4 <i>The following are discretionary activities:</i></p> <p>(a) <i>Activities that are determined discretionary in accordance with the rules for the underlying land-use zone.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>In the CERZ:</i></p> <p>(i) <i>Subdivision where:</i></p> <ul style="list-style-type: none"> <li>■ <i>land is partly located in the CERZ; and</i></li> <li>■ <i>the land located within the CERZ is to be held in the certificate of title of the proposed seaward lot; and</i></li> <li>■ <i>no buildings or structures are proposed on that part of the land located in the CERZ.</i></li> </ul> <p>(ii) <i>Boundary adjustments that comply with the boundary adjustment criteria provided for in Rule 27A.1.10(b)(ii).</i></p> <p>(c) <i>In the 2060 year and 2100 year Erosion Risk Zones:</i></p> <p>(i) <i>Subdivision of land provided that:</i></p> <ul style="list-style-type: none"> <li>■ <i>no averaging of lot sizes shall be permitted.</i></li> </ul> <p>(ii) <i>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.</i></p>	
<p><b>NOTE:</b> <i>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.</i></p>	
Summary of benefits	<ul style="list-style-type: none"> <li>■ Clearly identifies the activities that require resource consent</li> <li>■ Differentiates between the CERZ and the 2060-year and 2100year Erosion Risk Zones where the risk of coastal erosion and inundation is correspondingly less.</li> </ul>
Summary of costs	<ul style="list-style-type: none"> <li>■ Limits the potential development of the site by restricting the types of activities considered.</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>■ <b>Effective</b> as the rule clearly states the activities that may be considered.</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>■ <b>Efficient</b> as it provides for activities to be considered on the basis of the effects they may have on the environment.</li> </ul>
Appropriateness	<ul style="list-style-type: none"> <li>■ <b>Appropriate</b> as a means of sustainably managing activities in the CHEPA, implementing the relevant policies and achieving the objective of avoiding, remedying or mitigating damage to land, structures and the environment from coastal erosion and inundation.</li> </ul>

## Evaluation

### 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.*
- (b) *Special Standards and Terms for Discretionary Activities in the 2060 year and 2100 year Erosion Risk Zones:*
  - (i) *On a subdivision, any new lot created which contains land within the CERZ shall be provided with a building platform outside of the CERZ.*
- (c) *Matters of Discretion*

*The Council limits the exercise of its discretion to:*

  - (i) *Whether the proposal is consistent with the objectives and policies for Natural Hazards (Chapter 8).*
  - (ii) *The extent to which proposed activities, buildings and structures will be able to be built with minimal disturbance to the foredune.*
  - (iii) *The degree to which the proposed subdivision is likely to:*
    - *Accelerate, worsen or result in further damage to that land, other land, or structures or buildings caused either directly or indirectly by coastal erosion or inundation.*
    - *Be subject to damage from erosion and inundation.*
    - *Compromise the natural buffering ability of the foredune system.*
    - *Reduce the net risk of coastal erosion and inundation hazards.*
  - (iv) *The general requirements for development or subdivision of land (see Chapter 27).*
  - (v) *The on-going provision of access to the site*
  - (vi) *Any other matter to which Council has limited its discretion in the zone in which the activity occurs.*
  - (vii) *The location of the 2060 year and 2100 year Erosion Risk Zone boundary.*

<p>(d) <i>Conditions:</i></p> <p><i>Conditions may be imposed in respect of any of the matters over which discretion is reserved, and may include the following matters:</i></p> <p>(i) <i>Land use consent may require a review of conditions under s128 of the Resource Management Act 1991. This review would be initiated where defined hazard risk circumstances occur on the site particularly:</i></p> <ul style="list-style-type: none"> <li>■ <i>When the crest of the foredune or the top of any dune scarp recedes to a point within 10 metres or less from the nearest part of the building.</i></li> </ul> <p><i>The review will enable the actual risk to be considered at that time, and appropriate mitigation measures implemented through changed consent conditions, should this be deemed necessary, including but not limited to conditions requiring the relocation of any building, structure or other works to the Alternative Building Site and/or further monitoring.</i></p> <p>(ii) <i>Subdivision consent shall include conditions that existing and new lots be provided with practical building platforms. Such requirements and other on-going conditions such as those requiring periodic review shall be registered on the certificate of title for the lot/lots created by way of a consent notice.</i></p> <p>(iii) <i>The general requirements for development or subdivision of land (see Chapter 27).</i></p> <p>(iv) <i>Any other matter to which Council has limited its discretion in the Zone in which the activity occurs.</i></p>	
Summary of benefits	<ul style="list-style-type: none"> <li>■ The rule clearly identifies the information required to enable a discretionary activity in the CHEPA to be fully assessed. This information is in addition to the other requirements of the District Plan.</li> <li>■ The rule clearly identifies what the desired outcome is by providing special standards and terms for activities within the 2060 and Erosion Risk Zones.</li> <li>■ The rule identifies the matters over which Council holds discretion so the residents, developers and processing staff understand the intent of the rule to maintain and enhance the buffering capacity of the foredune system.</li> <li>■ The rule identifies conditions that may be imposed to provide certainty of outcome to residents and developers.</li> </ul>
Summary of costs	<ul style="list-style-type: none"> <li>■ Requires application to be made for subdivision in the CHEPA and may thus restrict development opportunities in the area.</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>■ <b>Effective</b> as the rule is specific in its desired inputs and outcome. A controlled activity by comparison would not be effective as Council is required to grant consent to a controlled activity thus eliminating the potential for Council to decline an activity that does not meet the objectives and policies of the Plan.</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>■ <b>Efficient</b> as it provides for activities to be considered on the basis of the effects they may have on the environment.</li> </ul>
Appropriateness	<ul style="list-style-type: none"> <li>■ <b>Appropriate</b> as a means of sustainably managing activities in the CHEPA, implementing the relevant policies and achieving the objective of avoiding, remedying or mitigating damage to land, structures and the environment from coastal erosion and inundation.</li> </ul>

<b>Evaluation</b>	
<b>27A.1.6</b>	
<i>(a) In the CERZ: Subdivision of land that is not provided for as a discretionary activity listed in Rule 27A.1.4(c)(i).</i>	
Summary of benefits	<ul style="list-style-type: none"> <li>■ Clearly identifies activities that are not allowed in the CHEPA because the potential adverse effects outweigh any benefit the activity may provide.</li> </ul>
Summary of costs	<ul style="list-style-type: none"> <li>■ Restricts development opportunities in the CHEPA.</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>■ <b>Effective</b> as it establishes a limit to the subdivision of the area at risk from coastal erosion and inundation.</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>■ <b>Efficient</b> as residents and developers are left with no doubt that the activities prohibited cannot be granted consent.</li> </ul>
Appropriateness	<ul style="list-style-type: none"> <li>■ <b>Appropriate</b> as a means of sustainably managing activities in the CHEPA, implementing the relevant policies and achieving the objective of avoiding, remedying or mitigating damage to land, structures and the environment from coastal erosion and inundation.</li> </ul>

<b>Evaluation</b>	
<b>Changes to Coastal Hazard Maps, Section 7 Part C</b>	
Summary of benefits	<ul style="list-style-type: none"> <li>■ Provides for the most recent data to be applied to determining the location of the boundaries within the CHEPA.</li> <li>■ Removal of the Safety Buffer Zone reduces the CHEPA and allows greater development opportunity in the coastal environment.</li> </ul>
Summary of costs	<ul style="list-style-type: none"> <li>■ Potential for change to disadvantage properties on a site-by-site consideration of the location of the hazard boundaries. Consideration of the proposed change to date has not identified any properties that are worse off following the change.</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>■ <b>Effective</b> as it provides certainty for users of the Plan so they can rely on the data provided.</li> </ul>
Efficiency	<ul style="list-style-type: none"> <li>■ <b>Efficient</b> as the Planning Maps are an easy tool to use and easily understood by residents and landowners.</li> </ul>
Appropriateness	<ul style="list-style-type: none"> <li>■ <b>Appropriate</b> as a means of sustainably managing activities in the CHEPA, implementing the relevant policies and achieving the objective of avoiding, remedying or mitigating damage to land, structures and the environment from coastal erosion and inundation.</li> </ul>

### 3.4 Risk of Not Acting

The Hawke’s Bay Regional Council has undertaken an investigation in to the potential for erosion around the coastline of the Mahia peninsula. The Regional Coastal Plan is proposed to incorporate this information as well as objectives, policies and rules that relate to the use and development of land at risk from natural hazards. It is the duty of the District Council, however, to determine a framework within which it can obtain consistency with the Regional Plan with particular regard to the subdivision of land. The Council takes this opportunity to introduce rules related to coastal erosion hazards.

The risk of not acting is to provide a District Plan that is not consistent with the Regional Plan. This would result in uncertainty and potentially conflicting outcomes between District and Regional procedures.