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Plan Change 1B - Coastal Protection Section 32 Assessment

▪ report

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Prepared for
Wairoa District Council

By
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1 Coastal Protection

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.

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.

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 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 ratepayer 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.

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*".

3 Natural Hazards Evaluation

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

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 Coastal 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)).

3.2 Policies and Rules, including Planning Maps, and Other Methods

3.3.1 Summary of 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 Summary of 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 District.

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 Policies & Rules

Section 8 Natural Hazards

8.5.6 Policy: Foreshore & River Mouth Protection Maintain or enhance, where possible, the capacity of the active foredune areas and river mouths, to provide unimpeded natural protection against coastal erosion and inundation.	
Summary of benefits	<ul style="list-style-type: none"> Clearly identifies the actions necessary to achieve the objective.
Summary of costs	<ul style="list-style-type: none"> Potential for damage in active erosion systems.
Effectiveness	<ul style="list-style-type: none"> Natural dunal systems provide the most effective protection against coastal erosion and inundation.
Efficiency	<ul style="list-style-type: none"> Efficient as the policy clearly identifies what the desired outcome is.
Appropriateness	<ul style="list-style-type: none"> Appropriateness: it provides for the natural preservation of the District's coastal character.

8.5.7 Policy: Managing erosion and inundation hazards. Subdivision Avoidance of coastal erosion and inundation hazards is the appropriate means of implementing coastal erosion and inundation hazard management for new subdivision; only where avoidance is not practicable is mitigation an appropriate response.	
Summary of benefits	<ul style="list-style-type: none"> Clearly identifies the actions necessary to achieve the objective as is reduces the risk of life and well being of people and physical resources.
Summary of costs	<ul style="list-style-type: none"> Potential costs of damage sustained by allowing an increased number of buildings and activities to remain in an active risk area. Reduces the potential for land wholly within the CERZ to be subdivided.
Effectiveness	<ul style="list-style-type: none"> Effective by emphasising avoidance as the preferred management method to achieve long-term sustainable management of the area.
Efficiency	<ul style="list-style-type: none"> Efficient in identifying a direction for development that will, on implementation, avoid coastal erosion and inundation to 2100.
Appropriateness	<ul style="list-style-type: none"> Appropriate 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.

<p>8.5.8 Policy: Subdivision</p> <p>(i) New lots shall not be created on land wholly located within the CERZ.</p> <p>(ii) New lots may be created on land partially located within the CERZ provided a new building platform can be provided outside of the CERZ.</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ Clearly identifies avoidance as the preferred management options through the establishment of a building platform outside of the current erosion risk zone. ■ Safer sustainable housing outside the CERZ which meets the objective of avoiding the effects of coastal hazards on the use, subdivision and development of land in the CHEPA. ■ The CERZ is an area of active erosion. There may be significant movement of land from and in the location of the MHWS line on a seasonal and decadal basis, the area may also be subject to coastal inundation during storm events. Providing for new allotments wholly within the CERZ significantly increases the risk to life and property where development is allowed in this zone and should not be contemplated under any circumstances. Development and the provision of new titles wholly within the zone must be avoided to ensure that the risk is mitigated. The long term benefit is a safer and more sustainable residential living environment.
Summary of costs	<ul style="list-style-type: none"> ■ Potential restriction on development opportunities where landowners may wish to develop in the CHEPA.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the provision of a building platform outside the CERZ reduces the potential for increased risk within the CERZ.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the policy clearly identifies what the desired outcome is.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of remediating or mitigating damage from coastal erosion and inundation to land being subdivided as required by the objective.

<p>8.5.9 Policy: Erosion Risk Zones</p> <p>(a) CERZ</p> <p>Subdivision of land wholly or partially within the CERZ shall ensure the maintenance and enhancement of the natural buffering effect of the foredune area.</p> <p>(b) 2060 year and 2100 year Erosion Risk Zones</p> <p>Due to the lower risk of coastal erosion and inundation in the 2060 year and 2100 year Erosion Risk Zones subdivision may be undertaken in managed circumstances that maintain or enhance the natural buffering effect of the foredune area</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ The standards specified ensure subdivided land within the CHEPA maintains and enhances the foredune area. ■ Measured response relative to degree of risk. ■ The methods provide support and promote a closer working relationship with Hawke’s Bay Regional Council (HBRC).
Summary of costs	<ul style="list-style-type: none"> ■ Potential restriction on development opportunities where landowners may wish to develop in the CHEPA. and requiring esplanade reserves for land abutting the foreshore for natural hazard mitigation and/or protection of ecological or resource values. ■ Establishes a new natural hazard objective, policies and rules relating to only part of the district (the area subject to Plan Change 1B e.g. Mahia, Mahia Peninsula and isthmus areas).

<p>8.5.9 Policy: Erosion Risk Zones</p> <p>(a) CERZ</p> <p>Subdivision of land wholly or partially within the CERZ shall ensure the maintenance and enhancement of the natural buffering effect of the foredune area.</p> <p>(b) 2060 year and 2100 year Erosion Risk Zones</p> <p>Due to the lower risk of coastal erosion and inundation in the 2060 year and 2100 year Erosion Risk Zones subdivision may be undertaken in managed circumstances that maintain or enhance the natural buffering effect of the foredune area</p>	
Effectiveness	<ul style="list-style-type: none"> ■ Effective as the provision ensures the maintenance of the foredunes buffering capacity. ■ Provides guidance on how to achieve the objective.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the policy clearly identifies what the desired outcome is. ■ Efficient as it provides clear direction on how it achieves the desired environmental outcomes.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of maintaining and enhancing the natural buffering effect of the foredune area of land being subdivided as required by the objective.

Section 27A Coastal Hazards

Evaluation	
<p>Rule 27A.1 Rules</p> <p>These rules apply to the Coastal Hazard Erosion Policy Area (CHEPA) which is defined as land that comprises the Current Erosion Risk Zone (CERZ), the 2060 year Erosion Risk Zone (2060 year ERZ) and the 2100 year Erosion Risk Zone (2100 year ERZ), being that area of land located between mean high water springs (MHWS) and the landward extent of the 2100 year Erosion Risk Zone boundary.</p> <p>This is applied as an overlay to the underlying zones within the Mahia Peninsula area being that area subject to Plan Change 1B.</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ The coastal hazard lines were provided by HBRC and met statutory obligations (under Section 75(4)(b) of the RMA) at the time the plan change was notified. ■ Provides guidance for residents and owners of land within the CHEPA. Provides for the avoidance of damage from Coastal Hazards.
Summary of costs	<ul style="list-style-type: none"> ■ Increased risk to life and property by not showing the proposed coastal hazard lines and associated restrictions. ■ The increased risk to Council of not providing full known information on coastal hazards to the public. ■ That the coastal hazard lines may change as a result of changes to the HBRCEP and that a plan change will be required in the future to update these lines.
Effectiveness	<ul style="list-style-type: none"> ■ Effective 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.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides a clear outline of what subdivision within the CHEPA is required to achieve.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate 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.

Evaluation	
Discretionary Activities	
<p>27A.1.4 The following are discretionary activities:</p> <p>(a) Activities that are determined discretionary in accordance with the rules for the underlying land-use zone.</p> <p>(b) Subdivision of land or the erection of any building on land (either natural ground level or any artificially created ground level) in areas potentially subject to flood hazard.</p> <p>(c) In the CERZ:</p> <p>(i) Subdivision where:</p> <ul style="list-style-type: none"> ■ land is partly located in the CERZ; and ■ the land located within the CERZ is to be held in the certificate of title of the proposed seaward lot; and ■ no buildings or structures are proposed on that part of the land located in the CERZ and a consent notice is registered on the resulting certificate of title to this effect. <p>(ii) Boundary adjustments that comply with the boundary adjustment criteria provided for in Rule 27A.1.10(b)(ii).</p> <p>(c) In the 2060 year and 2100 year Erosion Risk Zones:</p> <p>(i) Subdivision of land provided that:</p> <ul style="list-style-type: none"> ■ no averaging of lot sizes shall be permitted. <p>(ii) Minor boundary adjustments of 2 or more adjacent allotments provided that no additional allotments will be created and the net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 5% of, the net site area of that allotment as it existed prior to the boundary adjustment.</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ Clearly identifies the activities that require resource consent ■ Differentiates between the CERZ and the 2060-year and 2100year Erosion Risk Zones where the risk of coastal erosion and inundation is correspondingly less. ■ Safer sustainable housing outside the CERZ which meets the objective of avoiding the effects of coastal hazards on the use, subdivision and development of land in the CHEPA. ■ Implements policy 8.5.8.
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 activities to be considered on the basis of the effects they may have on the environment.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate 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.

Evaluation

Discretionary Activities – Standards and Terms

2 7A.1.5 Within the CHEPA

- (a) Information Requirements
 - (i) The activity shall, where practicable, comply with the permitted activity criteria of the 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.

(d) Conditions:

Conditions may be imposed in respect of any of the matters over which discretion is reserved, and may include the following matters;

(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:

- 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.

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.

(ii) 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.

(iii) The general requirements for development or subdivision of land (see Chapter 27).

(iv) Any other matter to which Council has limited its discretion in the Zone in which the activity occurs.

Summary of benefits	<ul style="list-style-type: none"> ■ 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. ■ The rule clearly identifies what the desired outcome is by providing special standards and terms for activities within the 2060 and Erosion Risk Zones. ■ 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. ■ The rule identifies conditions that may be imposed to provide certainty of outcome to residents and developers.
Summary of costs	<ul style="list-style-type: none"> ■ Requires application to be made for subdivision in the CHEPA and may thus restrict development opportunities in the area.
Effectiveness	<ul style="list-style-type: none"> ■ Effective 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.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides for activities to be considered on the basis of the effects they may have on the environment.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate 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.

Evaluation	
27A.1.6 Prohibited Activities	
(a) In the CERZ: Subdivision of land that is not provided for as a discretionary activity listed in Rule 27A.1.4(c)(i).	
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. ■ The CERZ is an area of active erosion. There may be significant movement of land from and in the location of the MHWS line on a seasonal and decadal basis, the area may also be subject to coastal inundation during storm events. Providing for new allotments wholly within the CERZ significantly increases the risk to life and property where development is allowed in this zone and should not be contemplated under any circumstances. Development and the provision of new titles wholly within the zone must be avoided to ensure that the risk is mitigated. The long term benefit is a safer and more sustainable residential living environment. ■ Safer sustainable housing outside the CERZ which meets the objective of avoiding the effects of coastal hazards on the use, subdivision and development of land in the CHEPA.
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 subdivision of the area at risk from coastal erosion and inundation.
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.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate 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.

Evaluation	
31 Definitions	
Chartered Professional Engineer	
means: a person who meets the requirements listed in the Chartered Professional Engineers of New Zealand Act, 2002, or any superseding legislation. The Chartered Professional Engineer (CPE) shall be experienced in the analysis and design of structure sand shall have experience in designing modular type structures. The role of CPE for Chapter 27A of the plan is to confirm the suitability of the proposed structures design, consistent with the requirements of the District Plan relating to easily relocatable structures from within the CHEPA if erosion occurs.	
Coastal Hazard Erosion Policy Area (CHEPA)	
means: land that comprises the Current Erosion Risk Zone (CERZ), the 2060 year Erosion Risk Zone (2060 year ERZ) and the 2100 year Erosion Risk Zone (2100 year ERZ), being that area of land located between mean high water springs (MHWS) and the landward extent of the 2100 year Erosion Risk Zone boundary.	
Summary of benefits	Clearly defines new terms used within Plan Change 1B and provides certainty in the administration of the Plan. Ensures the right professional is giving the advice.

Summary of costs	Does not allow for alternative definitions. It will impose additional costs for developers.
Effectiveness	Effective as it provides a basis for terms used to assess resource consent applications subject to natural hazards.
Efficiency	Provides clear direction for development in the CHEPA.
Appropriateness	Appropriate as a means of helping to implement the objectives and policies.

Evaluation	
<i>Changes to Coastal Hazard Maps, Section 7 Part C</i>	
Summary of benefits	<ul style="list-style-type: none"> ■ Makes planning map changes consistent with Plan Change text. ■ Provides for consistent location of the boundaries within the CHEPA with HBRC and meets statutory obligations (RMA Section 75((4)(b)) at the time the plan change was notified. ■ The Conservation & Reserves area notation along the Pukenui area is necessary as the reserve area is vested in Council as Esplanade Reserve and relevant consent notices and consent conditions apply to lots 9 and 14 that remain in private ownership.
Summary of costs	<ul style="list-style-type: none"> ■ 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.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it provides certainty for users of the Plan so they can rely on the data provided.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as the Planning Maps are an easy tool to use and easily understood by residents and landowners.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate 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.

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.

- 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

August 2007

Revision History

Revision N°	Prepared By	Description	Date
A	Namouta Poutasi	Draft	8/2/06
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Document Acceptance

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on behalf of	Beca Carter Hollings & Ferner Ltd		

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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 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.

This report deals with the Subdivision Section of Plan Change 1B. 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.

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.

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.*

3 Subdivision Evaluation

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

The following objectives relating to subdivision already exist and are therefore considered the most appropriate way to achieve the purpose of the Act for the bulk of the District.

“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.

This Plan Change provides for the specific circumstances in the Mahia Isthmus and Mahia Beach Communities therefore the following objectives are proposed:

18A.2.1 To maintain and enhance residential amenity values.

It is considered that the proposed objective is the most appropriate way to achieve the purpose of the Act because it gives effect to Section 7(c) (the maintenance and enhancement of amenity values) of the RMA.

18A.2.2 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.

The purpose of the RMA is to “promote the sustainable management of natural and physical resources”. Sustainable management is defined in section 5(2) of the RMA as “managing the use, development and protection of natural and physical resources....while avoiding, remedying, or

mitigating any adverse effects of activities on the environment". Objective 18A.2.2 directly reflects the purpose of the Act while implementing Sections 6(a) and 7(c) of the RMA.

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

Objective 18A.2.3 encourages residential growth away from areas subject to natural hazards. This is an integral element of sustainable management (Section 5(2)(c)) and is a matter of national importance (Section (6)(a)). It also implements Section 7(f) the maintenance and enhancement of the quality of the environment

18A.2.4 To manage utility services and other natural and physical resources in a sustainable manner.

Objective 18A.2.4 promotes sustainable management through the management of utility services (which are limited in Mahia) and other natural and physical resources in relation to Sections 5(2)(a), 7(b) and 7(ba) of the RMA

3.2 Policies, Rules, including Planning Maps & Other Methods

3.2.1 Summary of 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 Summary of 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.
- A reduction in development opportunities by restricting the potential to subdivide land to smaller lot sizes.
- 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.
- Being consistent with HBRC in relation to lot sizes for unserviced lots.

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.

3.2.2 Detailed Evaluation of Policies, Rules and Methods

The proposed rules also implement existing Policies 6.5.1 to 6.5.7 listed in Appendix 1 which remain unchanged.

A new policy 6.5.8 and associated method 6.6.10 are proposed to introduce a Coastal Mahanga Policy Area (CMPA).

Section 6

Evaluation	
<p>Policies</p> <p>6.5.8 Provide a transition from the Residential (Mahia) Zone to the west of Pukenui Road at Mahanga to the beach front of lower density beachside development that recognises the special coastal character of this area and provides for the avoidance, mitigation and remediation of adverse effects on the visual landscape, ecological and coastal hazard environment in this area.</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ Provides guidance for resident and owners of land in the Coastal Mahanga Policy Area. ■ The introduction of the Coastal Mahanga Policy Area provides for a sensitive coastal environment close to Mahanga settlement with special character. ■ This area is important and sensitive, it is part of the coastline that has retained its relatively undeveloped, rural character and while other areas are subject to increasing pressures from development it is the local communities desire to retain the present openness, landscaping and visual environment and the undeveloped coastal/rural character and amenity.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential for development permitted within the Coastal Mahanga Policy Area.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it provides for a transition area between the Mahanga settlement to the beach front.
Efficiency	<ul style="list-style-type: none"> ■ Efficient in providing for low density beachside development consistent with the special character of the area.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Coastal Mahanga Policy Area, and achieving the objective of preserving, protecting and enhancing the natural environment.

Evaluation	
<p>6.6 District Plan Methods</p> <p>6.6.10 Identify a Coastal Mahanga Policy Area to the east of Pukenui Road, Mahanga (as developed at 19 June 2007) to the adjoining Coastal Mahia Zone to provide a transition between the Residential (Mahia) zone and the coast.</p>	
Summary of benefits	<ul style="list-style-type: none"> ■ The method implements proposed Policy 6.5.8. ■ Clearly defines the area included in the Coastal Mahanga Policy Area and provides certainty in the administration of the Plan. ■ Provides guidance for resident and owners of land in the Coastal Mahanga Policy Area.
Summary of costs	<ul style="list-style-type: none"> ■ Provides an exception for a particular geographic location over other areas. ■ Limits the potential for development permitted within the Coastal Mahanga Policy Area.
Effectiveness	<ul style="list-style-type: none"> ■ Effective as it ensures the implementation of the objectives and policies. ■ Effective as it provides for a transition area between the Mahanga settlement to the beach front.
Efficiency	<ul style="list-style-type: none"> ■ Efficient as it provides direction on methods of implementation. ■ Efficient in providing for low density beachside development consistent with the special character of the area.
Appropriateness	<ul style="list-style-type: none"> ■ Appropriate as a means of sustainably managing activities in the Coastal Mahanga Policy Area, and achieving the objective of preserving, protecting and enhancing the natural environment and policy 6.5.8.

Section 15A Coastal (Mahia) Zone

Evaluation	
Rule 15A Coastal (Mahia) Zone	
Summary of benefits	<ul style="list-style-type: none"> ■ Implementing Operative Policies 6.5.1 to 6.5.7 (See Appendix 1). ■ Provides guidance for residents and owners of land in the Coastal (Mahia) zone. ■ The Coastal (Mahia) Zone boundary is the same as the existing Coastal Zone on the Mahia isthmus and peninsula e.g. 500m inland from the MHWS mark with the exception of new residential areas.
Summary of costs	<ul style="list-style-type: none"> ■ Restricts potential density of development in 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 subdivision and development.
Efficiency	<ul style="list-style-type: none"> ■ Efficient in providing for development opportunities while at the same time maintaining, protecting and enhancing the natural environment.
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	
Permitted Activities	
<p>15A.7.1 The following are permitted activities within the Coastal (Mahia) Zone provided that compliance with the performance standards of the Coastal (Mahia) Zone is achieved:</p> <ul style="list-style-type: none"> ■ Accessory buildings/activities ■ Accommodation facilities (for a maximum of 4 persons) ■ Activities on reserves as provided for in the Reserves Act 1977. ■ Construction, addition to, or alteration of residential buildings ■ Education facilities for a maximum of 10 persons (excluding staff) ■ Home Business ■ Installation or alteration of antennas ■ Maintenance of existing public works and network utilities ■ Meteorological activities ■ Residential activity/dwelling ■ Rural activity ■ Soil conservation and water management works ■ Temporary activities (other than network utility activities) ■ Wetland and wildlife habitats conservation 	
Summary of benefits	<ul style="list-style-type: none"> ■ Implementing operative policies 6.5.1 to 6.5.7. ■ 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	
Discretionary Activities	
<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 Coastal Hazard Erosion Policy Area.
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	
<p>15A.8 Performance Standards for Permitted and Discretionary Activities in Coastal (Mahia) Zone</p> <p>Maximum Building Site Coverage</p> <p>15A.8.1. A Total building coverage of the site with impermeable surfaces shall not exceed 1.25% of the net site area (except within the Coastal Mahanga Policy Area).</p> <p>B Within the Coastal Mahanga Policy Area the total building coverage of the site with impermeable surfaces shall not exceed 5% of the net site area.</p> <p>Density</p> <p>15A.8.2 Household density shall not exceed one dwelling per 4.0ha of the net site area, except in the Coastal Mahanga Policy Area where household density shall not exceed one dwelling per 5,000m² of the net site area.</p> <p>OR</p> <p>For areas of land of less than 5,000m² held in one certificate of title first registered before 19 December 2006, one dwelling unit is permitted.</p>	

Evaluation	
Noise	
15A.8.3	<p>All activities shall be designed and conducted to ensure that the following noise limits are not exceeded:</p> <p>A. At or within the notional boundary of any dwelling or place of assembly:</p> <p style="padding-left: 40px;">7am to 10pm 50dBA L₁₀</p> <p style="padding-left: 40px;">10pm to 7am 40dBA L₁₀</p> <p style="padding-left: 40px;">On any day between 10pm-7am 65dBA L_{max}</p> <p>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:</p> <p style="padding-left: 40px;">At all times 50 dBA L₁₀</p> <p style="padding-left: 40px;">At all times 65 dBA L_{max}</p> <p>C. Construction Noise Standards</p> <p style="padding-left: 40px;">Construction noise from sites shall meet the limits recommended in, and shall be measured in accordance with NZS6803:1999 Acoustics Consultation Noise or any superseding codes of practice or standards.</p> <p style="padding-left: 40px;">At all times 50 dBA L₁₀</p> <p style="padding-left: 40px;">At all times 65 dBA L_{max}</p>
Odour	
15A.8.4	<p>Any new dwelling shall be set back 200 metres from any buildings or areas associated with, or developed for, any existing intensive farming activity and its associated oxidation pond, effluent holding pond or waste disposal area or other effluent storage or treatment facility.</p>
15A.8.5	<p>Any building or area associated with or developed for, a new intensive farming activity, oxidation pond, effluent holding pond or waste disposal area, or other effluent storage or treatment facility, shall be set back in accordance with the following separation distances:</p> <p style="padding-left: 40px;">From a Town Centre or Coastal (Mahia) Zone boundary 500m</p>
Glare	
15A.8.6	<p>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.</p>
15A.8.7	<p>No building or structure shall be finished with materials that create a glare nuisance to neighbouring properties or road users.</p> <p>For the purposes of this rule:</p> <p>(a) No part of any surface of any exterior structure or building shall have a reflectance value exceeding 35%</p> <p>(b) The term reflectance value shall have the same meaning as used in "BS5252:1976</p>

Evaluation

Framework for colour co-ordination for building purposes”.

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

Privacy, Shading & Visual Amenity

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

Minimum front yard 15.0m

Minimum side yards 15.0m

Minimum rear yards 15.0m

Maximum Building height 8.0m

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

15A.8.8 B 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.

Signs

15A.8.9 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).

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:

(1) less than 70kph 120mm

(2) greater than 70kph 160mm

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.

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.

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.

Hazardous Substances

15A.8.14 The use, storage, disposal or transportation of hazardous substances shall not exceed

Evaluation	
<p>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.8.16A Earthworks activities shall meet the following standards:</p> <p style="padding-left: 40px;">Max Vol (m³) over any 12 month period per site 150</p> <p style="padding-left: 40px;">Max face height (m) 1.5</p> <p style="padding-left: 40px;">Max area of work per site (m²) (except within the Coastal Mahanga Policy Area) 500</p> <p style="padding-left: 40px;">Max area of work per site (m²) in the Coastal Mahanga Policy Area 250</p> <p style="padding-left: 40px;">Proximity to the Coastal Marine Area or any water body as measured from the bank edge at bank full height. No closer than 20m.</p> <p style="padding-left: 40px;">Note: The volume of earthworks is to be measured prior to excavation.</p> <p>18A.8.16 B Earthworks undertaken on any site shall ensure that any adverse effects of the activity are mitigated within the site through the use of sediment and erosion controls and dust suppression.</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>	
<p>Summary of benefits</p>	<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, particularly in relation to household density and building site coverage. ■ 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. ■ Building site coverage in the Coastal (Mahia) zone of 1.25% (or 500m²) and in the Coastal Mahanga Policy Area of 10% (500m²) provides for a reasonable sized dwelling, associated garage and other structures required for a rural residential lifestyle e.g. large shed and limited imposition on the coastal landscape in the areas of smaller lot size.

Evaluation	
	<ul style="list-style-type: none"> ■ Provision for household density suitable for rural residential areas. ■ Reduced height provides for a two storey house within the Coastal (Mahia) zone which is similar to existing houses heights in the Coastal zone. ■ Yards in the Coastal (Mahia) zone are the same as that in the Coastal zone and will provide the same setbacks as existing dwellings. ■ Allowing for earthworks associated with the permitted building site coverage to be permitted and not require a resource consent. ■ A maximum volume of 150m² provides for the reasonable development of buildings on the site without adversely affecting or changing the landscape or potentially increasing erosion and sedimentation.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential for development permitted in the Coastal (Mahia) zone including the Coastal Mahanga Policy Area. ■ There will be a difference between building heights of the Coastal (Mahia) zone and the Rural 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 within Residential (Mahia) and Coastal (Mahia) zones (excluding the CMPA). ■ Effective for CMPA as it identifies the limits that apply to permitted or discretionary activities suitable for this area.
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

Existing Policies, Methods and Rules in Section 8 have been amended as a consequence of this Plan Change to exclude Mahia Beach from this 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	
Proposed Policies	
18A.3.1	Enable a mixture of housing and lifestyles in Mahia including Waikokopu, Opoutama, Mahanga, Te Mahia and Oraka.
18A.3.2	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.
18A.3.3	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.
18A.3.4	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).
18A.3.5	Require the treatment and disposal of sewage, wastewater, solid waste and stormwater in a manner that avoids, remedies or mitigates any adverse effects on the environment.
18A.3.6	Refer to Policies in Section 6.5 and 8.5
18A.3.7	Ensure that site services (wastewater, stormwater, water, electricity) are provided either through connection to existing services or through the provision of new services.
18A.3.8	Ensure access to each site it provided in accordance with Council standards.
18A.3.9	Ensure traffic generated by any new activity is consistent with the existing environment and does not adversely affect the roading network.
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan. ■ Provides users of the Plan direction for the provision of site services, access and traffic. ■ Provides for a mixture of housing, while maintaining amenity values and achieving operative objectives 6.4.1 to 6.4.8 and new objectives 18A.2.1 to 18A.2.4. ■ Avoidance, mitigation and/or remediation of new residential activities on natural hazards and the environment.
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 And Other Methods	
18A.4.1	Require new lots in the Residential (Mahia) Zone to be provided with services for the disposal and/or treatment of stormwater in a manner that does not result in adverse effects on the environment.
18A.4.2	Use of LIMs (Land Information Memorandums) and PIMs (Project Information Memorandums) to identify known hazards on a site-specific basis.
18A.4.3	Require building floor levels to be set in accord with the provisions of the Building Act 2004, to safeguard buildings locating in those areas that are known to be subject to flooding.
18A.4.4	Rules and standards to protect and enhance the amenity values of the residential areas of Mahia including Waikokopu, Opoutama, Mahanga, Te Mahia and Oraka.
18A.4.5	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. ■ Avoidance of flooding by requiring minimum floor levels in accord with the Building Act. ■ Public knowledge improved through the provision of LIMs to identify known hazards. ■ Benefits to the environment from all new lots disposing and/or treating stormwater in a way that does not adversely effect the environment. ■ Enhancement and protection of amenity values.
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	
Permitted Activities	
<p>18A.7.1 The following are permitted activities within the Residential (Mahia) Zone provided that compliance with the performance standards of the Residential (Mahia) Zone is achieved:</p> <ul style="list-style-type: none"> ■ Accessory buildings/activities ■ Accommodation facilities (for a maximum of 4 persons) ■ Activities on reserves as provided for in the Reserves Act 1977 ■ Construction, addition to, or alteration of residential buildings ■ Education facilities for a maximum of 10 persons (excluding staff) ■ Home Business ■ Installation or alteration of antennas (other than network utility activities) ■ Maintenance of existing public works and network utilities ■ Meteorological activities ■ Residential activity/dwelling ■ Temporary activities ■ Wetland and wildlife habitats conservation 	
Summary of benefits	<ul style="list-style-type: none"> ■ Implementing Operative Policies 6.5.1 to 6.5.7. ■ 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	
<p>18A.7.2 Any activity unable to comply with all the standards and conditions for permitted activities.</p>	
<p>18A.7.3 Activities as specified in Rule 27A.1.4.</p>	
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 for Permitted and Controlled Activities in Residential (Mahia) Zone	
18A.8.1	Maximum Building Site Coverage
	Total building coverage of the site with impermeable surfaces shall not exceed 40% of the net site area.
18A.8.2	Density
	Household density shall not exceed one dwelling per 800m ² of the net site area for serviced lots or one dwelling per 1000m ² for unserviced lots
	OR
	For areas of land of less than 800m ² held in one certificate of title first registered before 19 December 2006, one dwelling unit is permitted.
18A.8.3A	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 L ₁₀
	10pm to 7am 40dBA L ₁₀
	On any day between 10pm-7am 65dBA L _{max}
18A.8.3B	Construction Noise Standards
	Construction noise from sites shall meet the limits recommended in, and shall be measured in accordance with, NZS6803:1999 Acoustics Construction Noise or any superseding codes of practice or standards.
	Odour
18A.8.4	Any new dwelling shall be set back 200 metres from any buildings or areas associated with, or developed for, any existing intensive farming activity, and its associated oxidation pond, effluent holding pond or waste disposal area or other effluent storage or treatment facility.
18A.8.5	Any building or area associated with, or developed for, a new intensive farming activity and its associated oxidation pond, effluent holding pond or waste disposal area, or other effluent storage or treatment facility, shall be set back in accordance with the

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	<p>following separation distances:</p> <p>From a Residential (Mahia) Zone Boundary Separation Distance (m)500</p>
	<p>Glare</p>
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.
	For the purposes of this rule:
	(A) No part of any surface of any exterior structure or building shall have a reflectance value exceeding 35%.
	(B) The term reflectance value shall have the same meaning as used in “BS5252:1976, Framework for colour co-ordination for building purposes”.
	(C) This rule shall not apply to any window frames, guttering or downpipes.
	<p>Privacy, Shading and Visual Amenity</p>
18A.8.8A	All buildings shall meet the following bulk and location requirements:
	Minimum front yard 3.0m
	Minimum side yards 1.5m
	Minimum rear yards 3.0m
	Maximum Building height 8.0m
18A.8.8 B	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.
18A.8.9	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</p>
18A.8.10	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).
18A.8.11	All signs required to be read from the road shall meet the following minimum lettering height size when related to road speed limits:
	(1) less than 70kph 120mm
	(2) greater than 70kph 160mm
18A.8.12	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

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intersections and accessways; and shall not contain any flashing, animated or illuminated components

18A.8.13 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.

18A.8.14 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.

Hazardous Substances

18A.8.15 The use, storage, disposal or transportation of hazardous substances shall not exceed the Low Threshold Hazard Factor (refer definitions and Appendix III for examples).

18A.8.16 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.

Earthworks

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

Max Vol (m³) over any 12 month per site 150

Max face height (m) 3.0

Max area of work per site (m²) 320

Proximity the Coastal Marine Area or any water body as measured from the bank edge at bank full height. No closer than 20m.

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

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

Other District Wide Rules

18A.8.18 All activities must also comply with the rules contained in the following chapters of this Plan (where relevant):

- 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).

Note: activities associated with the construction and maintenance of utilities are

Evaluation	
provided	
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, particularly in relation to household density and building site coverage. ■ Building site coverage of 40% provides for a reasonable sized dwelling and associated garage consistent with what currently exists. ■ Reduced height provides for a two storey house within the Residential (Mahia) zone which is similar to existing houses heights. ■ Yards in the Residential (Mahia) zone is the same as that in the Residential zone and will provide the same setbacks as existing dwellings. ■ Allowing for earthworks for a 40% permitted activity building site to be permitted. ■ A maximum volume of 150m² provides for the reasonable development of buildings on the site without adversely affecting or changing the landscape or potentially increasing erosion and sedimentation. ■ The minimum permitted lot size/ density of one dwelling per 1000m² for un-serviced dwellings provides for reasonable compliance with HBDC Regional Plan/s in most circumstances.
Summary of costs	<ul style="list-style-type: none"> ■ Limits the potential for development that may otherwise be permitted in the Residential (Mahia) zone. ■ There will be a difference between building heights of the Residential (Mahia) zone and the Rural 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

Existing Rules in Section 8 have been amended as a consequence of the Plan Change to exclude the Residential (Mahia) and Coastal (Mahia) zones from Section 27.6 of the District Plan.

Evaluation	
Controlled Activities	
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
27.9.2	Subdivision around land use activities subject to resource consent from the Wairoa District Council.
27.9.3	Subdivision for boundary adjustment purposes.
NOTE: The undertaking of some of the activities noted above may require resource consent or written approval from Hawke’s Bay Regional Council	
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. ■ Enables subdivision in accordance with the matters of control and assessment standards as controlled activities that must be approved.
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	
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.
27.9.5	Subdivisions listed in Section 27A.1.4
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. Subdivision in the Coastal (Mahia) Zone has the potential for wider adverse effects on the environment than the immediate site, including visual landscape, ecological and heritage values and should be considered in relation to these effects. ■ 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	<p>■ 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.</p>
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Evaluation	
Specific Performance Standards for Residential (Mahia) & Coastal (Mahia) Zones	
<p>The following performance standards are applied to the Residential (Mahia) and Coastal (Mahia) zones in addition to Performance Standards 27.7.</p>	
Minimum Lot Size	
27.10.1	<p>Coastal (Mahia) Zone (other than the Coastal Mahanga Policy Area) Minimum lot size of 4.0ha.</p> <p>Coastal Mahanga Policy Area Minimum lot size of 5,000m².</p> <p>Residential (Mahia) Zone Minimum lot size of 800m² (where reticulated wastewater services are available), 1,000m² (where reticulated wastewater services are not available)¹.</p>
Site Suitability	
27.10.2	<p>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.</p> <p>Conditions or information required may include (but is not necessarily limited to):</p> <ul style="list-style-type: none"> (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. <p>The report shall set out the facts relating to the investigation together with test results and other data on which recommendations are based.</p> <ul style="list-style-type: none"> (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

¹ Note: The maximum dwelling density is one dwelling per 800m² of the net site area for serviced lots or one dwelling per 1000m² for unserviced lots

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effects resulting from contaminants on the site.

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

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.

Note:

In the case of developments within the CHEPA the report produced will be made available to Hawke's Bay Regional Council.

Site Services

27.10.3 General

All lots shall be provided with adequate supply of potable water and water for fire fighting purposes and power, 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.

Where reticulated services are provided by agencies other than the Wairoa District Council, the Council would require written confirmation that those services can be supplied.

27.10.4 Water Supply

- (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.
- (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.
- (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

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required to connect.

- (d) In areas not served by a reticulated Council water supply, the water supply installed (including, but not necessarily limited to, roof water and/or bore water shall be to a standard that enables the pressure and quantity required for fire fighting to be maintained.

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

Explanation:

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

27.10.5 Sewage Disposal

- (a) Land being subdivided or developed that lies within an area served by a Council Sewerage Scheme the property shall be reticulated and connected to that scheme by the developer.
- (b) Land being subdivided or developed that is not able to be serviced by a Council Sewerage Scheme shall either be serviced by:
 - (i) a decentralised wastewater treatment and disposal system constructed by the developer, or
 - (ii) an individual onsite wastewater system, or
 - (iii) on-site holding tanks in accordance with the requirements of the Hawke’s Bay Regional Council (HBRC).

Should a resource consent from HBRC be required for the discharge it shall be applied for by the developer when lodging subdivision consent and then transferred to the owner of the new lot.

Where relevant, a copy of the resource consent allowing the discharge of contaminants from the proposed no-reticulated wastewater system, shall be provided to the Wairoa District Council prior to approval of subdivision pursuant to Section 224 of the Resource Management Act, 1991.

- (c) Any disposal or treatment areas located off-site, other than to Councils owned systems, shall be protected by easements.

27.10.6 Stormwater

- (a) Domestic stormwater soakage systems must be located landward of the CERZ.
- (b) Over land flow paths shown on the stormwater plan shall be protected by easement from building encroachment.

Note: Earthworks and the placement of domestic stormwater soakage systems within the CHEPA are matters for which HBRC is the consent authority and may require resource consent form that

Evaluation	
<p>authority.</p> <p>27.10.7 Works and Network Utilities</p> <p>Utility services shall be provided in accordance with Council’s standards.</p> <p>Services located within a State highway road require the written permission of Transit New Zealand.</p> <p>Services located within railway premises require the written permission of the New Zealand Railways Corporation.</p> <p>Roads</p> <p>27.10.8 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> <p>OTHER DISTRICT WIDE RULES</p> <p>27.10.9 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) ■ Coastal Zone (Chapter 15) ■ Residential Zone (Chapter 18) ■ Natural Hazards (Chapter 27A) ■ Information Requirements (Chapter 28). <p>Note: Activities associated with the construction and maintenance of utilities are provided for in Chapter 26.</p>	
<p>Summary of benefits</p>	<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 in the Coastal (Mahia) (excluding the CMPA) and Residential (Mahia) areas ■ The provision of a special character CMPA, which provides a transition between Residential (Mahia) and Pukenui Road. ■ Making the Wairoa District Plan consistent with HBRC’s plans in relation to setting minimum lot sizes for unserviced lots at 1,000m². ■ The minimum lot size for an un-serviced dwelling provides for reasonable compliance with HBRC Plan/s in most circumstances.
<p>Summary of costs</p>	<ul style="list-style-type: none"> ■ Limits the potential for development that may otherwise be permitted in the Residential (Mahia) zone.

Evaluation	
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>An application for subdivision consent shall be accompanied by information contained in Section 28.2 to 28.7 (inclusive) and the following information (where relevant).</p> <ul style="list-style-type: none"> ■ A landscape and visual assessment including the impacts of the subdivision/development on the surrounding environment. ■ Details of potential and existing coastal hazards on site and a description of how the proposed subdivision /development may effect these. ■ All subdivisions shall consider the necessity of providing stormwater storage facilities to reduce the demand on Council infrastructure and public waterways during short duration, high intensity rainfalls. Provisions to mitigate, avoid or remedy any results adverse environmental effects shall be included in the assessment of environmental effects submitted with the application for subdivision consent. ■ Council may require a detailed stormwater plan to ensure that there are no adverse stormwater effects off-site. The plan shall include the location of overland flow paths where applicable. The applicant shall liaise with the HBRC with regard to discharge consents and shall advise Council of any additional consents required. ■ Consideration will be given to the layout of existing reticulation, distribution and transmission lines or pipes. ■ An ecological assessment to be undertaken by a suitable qualified professional in the relevant field. ■ Council may require a detailed wastewater disposal plan to ensure that there are no adverse wastewater effects off-site. ■ Council may require the submission of an archaeological assessment of the site to enable the actual and potential effects of the proposed activity on any archaeological assessment should be prepared by a qualified professional archaeologist who is a member of the New Zealand Archaeological Association. ■ Council may require the submission of a cultural assessment of the site to enable the actual and potential effects of the proposed activity on sites of cultural heritage value to be assessed. The cultural assessment shall be undertaken by a suitably experienced person acknowledged in the field of cultural assessment. 	
Summary of benefits	<ul style="list-style-type: none"> ■ Keeps this section consistent with other relevant sections in the plan and provides for ecological, landscape, archaeological and cultural assessment s where relevant
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.

Evaluation
<p>31 Definitions</p> <p>Accessory building/activity</p> <p>means:</p> <p>(a) A building, structure or activity that is detached from, and the use/operation of which is incidental to that of, any other principal building(s)/ activity (ies) on the same site, and in relation to a site on which no principal building has been erected, is incidental to the use which may be permitted on the site</p> <p>(b) A fence or free-standing wall of a height greater than 2m</p> <p>(c) Accessory activities shall not include home business activities.</p> <p>Accommodation facility</p> <p>means: any form of residential accommodation that does not comply with the definition of Residential Activities/dwellings and includes; bed and breakfast facilities, farmstays, boarding houses, hotels, hostels, motels, camping grounds, retirement villages and resthomes for the rehabilitation and care of any group. Occupancy of any accommodation facility shall be assessed on a person per bed basis (i.e. one single bed equals one person, one double/queen/king size bed equals two persons).</p> <p>Antenna</p> <p>means: that part of a radio communication facility or telecommunication facility used for transmission or reception including dish antennas and antenna mountings but not any supporting mast or similar structure.</p> <p>Area subject to flood hazards</p> <p>means: areas of land identified as part of a subdivision or land use consent application that may be subject to inundation or flood hazard.</p> <p>Building Site Coverage</p> <p>means: that portion of the site area which may be covered by buildings and structures but does not include:</p> <ol style="list-style-type: none"> 1. Eaves 1m or less in width 2. Uncovered terraces or uncovered decks less than 1m above ground level 3. Driveways 4. Footpaths

Education Facility

means: land and/or buildings used to provide regular instruction or training and includes pre-schools, schools, tertiary education institutions, work skills training centres, outdoor education centres and sports training establishments.

Home Business

means: a, craft, business, trade or profession which is carried out in conjunction with and ancillary to a residential activity, that has a gross occupied area (inside and/or outside, excluding car parking and access) of 50m² or less and employ no more than one Full Time Equivalent (FTE) staff member not resident in the associated dwelling. Provided that the traffic generated by the Home Business Activity does not increase the total traffic movements to/from the site beyond that anticipated for a permitted residential activity.

Meteorological activities

means: the establishment and operation of facilities and installations or equipment to measure, collect and distribute meteorological information. This includes telecommunication, radio and satellite links.

Net Site Area

means:

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

Residential activities/dwellings

means: the use of premises for any domestic or related purpose by persons living alone or in family or non-family groups (whether any person is subject to care or supervision), and shall include emergency and refuge accommodation. Residential activity shall not include home business, accommodation facilities or caravans or mobile forms of accommodation unless they are used for residential activities for periods totalling more than six months in any one calendar year. Dwelling means a building or part of a building designed to accommodate one residential activity.

Rural activities

means agriculture, vegetable growing, organic farming, production forestry, conservation forestry, horticulture, floriculture, beekeeping, viticulture, and the keeping and/or

breeding of horses, poultry, pigs and other animals, and ancillary activities.

For the purposes of this definition:

- (a) Production forestry is the management of land for commercial wood production including the preparation of land for planting, but does not include the harvesting, milling or processing of timber.
- (b) Rural activities do not include intensive farming meaning mushroom farming, intensive livestock farming including poultry farms, pig farming of more than 10 pigs, animal feed lots and other activities (whether free range or indoors) which have or require:
 - (i) no dependency on the qualities of the soils naturally occurring on the site; or
 - (ii) buildings for the housing and growth of livestock or fungi.

Note: This excludes greenhouses and other buildings used for the growth of vegetative matter.

- (c) Ancillary activities includes the fencing of land, constructing accessory buildings or structures, planting shelterbelts, and may include (but is not limited to) the operation of a topdressing strip and helipads, and the application of additives to enhance the life supporting capacity of the soil. This may include (but is not limited to) dairy factory wastewater, whey and dairy factory by-products.

Site

means: any area of land comprised wholly in one certificate of title or any allotments as defined by the Act, or any allotments linked pursuant to the provisions of section 37 of the Building Act 1991.

Serviced lots

means: allotment(s) that have available at their boundary reticulated services for wastewater disposal and/or water supply or for which a commitment exists for the provision of these things prior to the construction of dwellings on the allotment(s).

Soil conservation and water management works

means: the management of land to maintain the quantity, quality, and availability of the soil resources, including works for the purpose of mitigating the impacts of land related hazards including flooding, subsidence and erosion.

Temporary activities

means: any activity that is of a non-repetitive transient nature and includes entertainment, cultural and sporting events that are a maximum of four days' duration and that do not involve permanent structures. Also military training activity, carried out under the Defence Act, that is of a non-repetitive transient nature and maximum duration of 21 days and which does not involve the building of permanent structures.

Summary of benefits	Clearly defines new terms used within Plan Change 1B and provides certainty in the administration of the Plan.
Summary of costs	Does not allow for alternative definitions.
Effectiveness	Effective as it provides a basis for terms used to assess subdivision/landuse resource consent applications
Efficiency	Provides clear direction for development and subdivision in the

	Residential (Mahia) Zone and the Coastal (Mahia) Zone.
Appropriateness	Appropriate as a means of helping to implement the objectives and policies.

Evaluation	
Changes to Planning Maps, Section 7 Part C	
Summary of benefits	<ul style="list-style-type: none"> ■ Makes planning map changes consistent and more accurate with Plan Change text. ■ Removal of a part of Coastal Mahia zone from Mahia township provides for greater development potential. ■ The addition of a scale to all amended maps provides a constant measure for plan users. ■ The removal of an industrial zone, which was inadvertently included and did not form part of Plan Change 1B and provides for accurate planning maps. ■ The Residential (Mahia) zone in Mahanga has been amended to include the original settlement zoned land and provides for accurate planning maps.
Summary of costs	■ NA
Effectiveness	■ Effective as it provides certainty for users of the Plan.
Efficiency	■ Efficient as the Planning Maps are an easy tool to use and easily understood by residents and landowners.
Appropriateness	■ Appropriate as the best means of clarifying and updating planning maps.

3.3 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.

- Appendix 1

Policies 6.5.1 to 6.5.7

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.