

564 **Change 22: Hazards Management**■ **DECISIONS AND REASONS****Final Decision 564.1**

C22.3703.3	Gina Jessen Family Trust	Allow In Part
C22.3707.3	Jackson, Evellen	Disallow
C22.3707.5	Jackson, Evellen	Allow In Part
C22.3708.3	Jackson, John	Disallow
C22.3712.3	Kelly, Tim & Lyn	Disallow

Plan Amendments

Plan Topic C22 GEN

No Plan amendments.

Reasons

1. The Council has prepared several documents as a basis for consultation on possible changes to the policy and rules that apply at Mapua and Ruby Bay and has sought public feedback.
2. Staff have given presentations about the possible changes at community meetings and have met with individual landowners as well as community groups.
3. Detailed feedback was received on the draft plan change in 2010 which indicates that there has been an opportunity for the public to consider the range of issues and options put forward by the Council.
4. The Council is not undertaking a further study at present or considering alternative hazard mitigation other than the measures included in the Plan Change such as setbacks, building restrictions and ground level requirements.
5. The investigations into hazard risks and options assessment does not prevent decisions that adjust the level of development restrictions in response to submissions.

Final Decision 564.2

C22.3034.37	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.75	
<i>Disallow</i>	FC22.342.1	FC22.3736.1

Plan Amendments

Plan Topic C22 GEN

No Plan amendments.

Reasons

1. The Council has considered an option of a coastal zone with land filling as a flood hazard mitigation measure in its Section 32 analysis.
2. The option was not considered to be prudent or practical as the area in question is large and filled land on the coastal plain may still remain subject to coastal erosion and seawater and freshwater inundation.
3. Filling is likely to exacerbate freshwater flooding on adjoining land within particular areas of the coastal plain.

Final Decision 564.3

C22.1445.6	Director-General of Conservation	Allow
<i>Allow</i>	FC22.3151.10	
C22.3034.6	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.44	
<i>Disallow</i>	FC22.342.2	FC22.3736.2
C22.3718.11	Mapua and District Cycle-Walkways Group	Allow In Part
<i>Allow in Part</i>	FC22.3151.95	
<i>Disallow</i>	FC22.3736.5	
C22.3729.2	Sampson, Russell & Pam	Allow In Part

Plan Amendments

Plan Topic C22 GEN

Change all references in the Plan to "Coastal Hazard Area" to read "Coastal Risk Area"

Plan Topic 6.15.1.1

No Plan amendments to issue statement 6.15.1.1.

Other Action

Coastal risk area identification and delineation elsewhere in the district.

564 Change 22: Hazards Management**DECISIONS AND REASONS****Reasons**

1. The issue statement recognises the complex interplay of factors that relate to the management of coastal hazard risk at Mapua/Ruby Bay, including projected sea level rise.
2. The Council is in agreement with submitter 3718.11 that coastal risk area identification will need to be undertaken elsewhere in the district. This will be undertaken as an "other action" rather than as part of this Plan Change.
3. Building and engineering techniques are some of the methods for addressing the issue.

Final Decision 564.4

C22.342.6	Adventurer Leisure Properties Ltd	Disallow
C22.2874.16	Mitchell, David & Judy	Disallow
C22.2874.18	Mitchell, David & Judy	Disallow
C22.3034.16	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.54	
C22.3718.19	Mapua and District Cycle-Walkways Group	Disallow
<i>Disallow</i>	FC22.3151.103	
C22.3718.21	Mapua and District Cycle-Walkways Group	Disallow
<i>Disallow</i>	FC22.3151.105	

Plan Amendments*Plan Topic 13.1.3.2*

No Plan amendments to policy 13.1.3.2.

Plan Topic 13.1.20

No Plan amendments to method 13.1.20.1(c).

Reasons

1. When deciding what subdivision, use or development in the coastal environment is appropriate, the need to avoid those sites "where practicable" in circumstances where protection works are likely to be required is sufficiently strong for the Council to meet its obligations under the NZ Coastal Policy Statement and the Resource Management Act.
2. The two policies 13.1.3.2 and 13.1.3.7 serve different purposes, with the latter relating to decision-making on the need for coastal protection structures, while the former has to do with how appropriate the development proposal is for the area.
3. It is unrealistic to only consider "new development" in the policy.
4. The method about limiting activities in coastal hazard risk areas is not proposed to be altered in Plan Change 22 as it fairly represents the rule framework that has been adopted.

Final Decision 564.5

C22.3034.17	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.55	
C22.3707.4	Jackson, Evellen	Allow In Part
<i>Disallow</i>	FC22.3151.77	
C22.3715.4	Le Petit, Gary and 95 others	Allow In Part
<i>Disallow</i>	FC22.3151.81	

Plan Amendments*Plan Topic 13.1.3.4A*

Add to the end of policy 13.1.3.4A:
"other than on specified sites"

Reasons

1. General avoidance of the construction of new habitable buildings at Ruby Bay is in accord with the principles of the NZ Coastal Policy Statement .
2. Council policy is to direct new development of residential land on to higher ground on the hills surrounding Mapua and Ruby Bay that is not subject to present or future coastal and flooding hazards.
3. The policy does not prevent existing dwellings from being maintained, repaired and renovated.

Final Decision 564.6

C22.3034.18	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.56	

564 Change 22: Hazards Management**DECISIONS AND REASONS**

C22.342.15	Adventurer Leisure Properties Ltd	Allow
C22.342.16	Adventurer Leisure Properties Ltd	Allow
C22.3034.35	Gallagher, Devin & Charmaine	Allow
<i>Disallow</i>	FC22.3151.73	
C22.3736.13	Talley, P; Ryder, J; Fitchett, J	Disallow
<i>Allow</i>	FC22.3151.138	
C22.3736.14	Talley, P; Ryder, J; Fitchett, J	Allow
<i>Disallow</i>	FC22.3151.139	
C22.3736.15	Talley, P; Ryder, J; Fitchett, J	Allow
<i>Disallow</i>	FC22.3151.140	

Plan Amendments

Plan Topic 18.9.2.2

Rewrite matter (1A) as follows:

"(1A) The risk of coastal erosion and flooding and adverse effects on the building and property from present and potential future coastal erosion and flooding hazards."

Reasons

1. The matter deleted still has some relevance and has been reinstated. The effect of natural hazards on the proposed building is a relevant matter.
2. It is relevant that buildings are relocatable in the Tourist Services Zone at Mapua as the location is subject to residual and increasing potential coastal hazard risk in the long term, despite these risks being mitigated to an extent at present by walls.
3. Building relocatability is also a relevant consideration with respect to submitter 3736's land. While this land has been raised to 5 metres above mean sea level and erosion and inundation hazard risks are presently significantly mitigated by a substantial coastal protection structure, a residual coastal hazard risk for erosion and inundation (however small at present) still remains to this land in the long term. This is evidenced by the need to undertake substantial repair work to avoid failure of the original and significant seawall structure. In addition, seawater impacting on the seawall in storm events causes the land behind to be subject to a degree of inundation from time to time. These hazard impacts are likely to slowly, but progressively, increase in the long term, particularly under the influence of projected sea level rise and climate change effects.

Final Decision 564.12

C22.342.17	Adventurer Leisure Properties Ltd	Allow
C22.3718.25	Mapua and District Cycle-Walkways Group	Disallow
<i>Disallow</i>	FC22.3151.109	
C22.3718.26	Mapua and District Cycle-Walkways Group	Allow
<i>Allow</i>	FC22.3151.110	
C22.3722.7	Ngaruroro Farm Ltd	Disallow
C22.3736.16	Talley, P; Ryder, J; Fitchett, J	Allow
<i>Disallow</i>	FC22.3151.141	

Plan Amendments

Plan Topic 18.5.2.3

Delete rule 18.5.2.3(b) and rewrite as:

"It is not within the Coastal Risk Area or in the Residential Coastal Zone at Iwa Street, Mapua."

Plan Topic 18.9.2.3

1. Delete condition 18.9.2.3(b).
2. Add to matters:
"(4) Any effects on recreation."

Plan Topic 18.9.2.4

No Plan amendments.

Reasons

1. Condition 18.9.2.3(b) about earthworks altering the shape of the natural landform would be more appropriate in Chapter 18.5 where there are other rules about land disturbance and recontouring.
2. The restricted discretionary rule for coastal protection structures is appropriate.
3. The list of matters to be considered is quite comprehensive now that "recreation" has been added as a matter.

564 Change 22: Hazards Management**■ DECISIONS AND REASONS****Final Decision 564.13**

C22.342.22	Adventurer Leisure Properties Ltd	Disallow
<i>Allow</i>	FC22.3151.3	
C22.342.23	Adventurer Leisure Properties Ltd	Disallow
<i>Allow</i>	FC22.3151.4	
C22.1445.1	Director-General of Conservation	Allow
<i>Allow</i>	FC22.3151.5	
C22.1445.2	Director-General of Conservation	Allow
<i>Allow</i>	FC22.3151.6	
C22.1445.3	Director-General of Conservation	Disallow
<i>Disallow</i>	FC22.3151.7	
C22.1445.4	Director-General of Conservation	Disallow
<i>Disallow</i>	FC22.3151.8	
C22.1445.5	Director-General of Conservation	Disallow
<i>Disallow</i>	FC22.3151.9	
C22.2870.6	Gilkison, Bruce J	Allow In Part
C22.3034.1	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.39	
C22.3034.13	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.51	
C22.3034.14	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.52	
C22.3706.1	Herbert, Robert & Jacqueline	Disallow
C22.3710.1	Jarvis, Martin D	Disallow
C22.3712.2	Kelly, Tim & Lyn	Disallow
C22.3716.1	Lewis, R G & B L	Disallow
C22.3736.18	Talley, P; Ryder, J; Fitchett, J	Disallow
<i>Allow</i>	FC22.3151.143	
C22.3738.2	Watson, Garth	Disallow

Plan Amendments

Plan Topic 6.15.20

No Plan amendments to add bands of risk.

Plan Topic AM 54

No Plan amendments to extent of Coastal Risk Area.

Plan Topic AM 87

No Plan amendments to extent of Coastal Risk Area.

Reasons

1. The former Coastal Hazard Area does not take account of all of the coastal and flooding hazards that the coastal plain is subject to, nor the most recent guidance to Councils from the Ministry for the Environment on the potential effect of sea level rise projected to occur in the next 80-100 years.
2. The new Coastal Hazard Area (renamed "Coastal Risk Area") is quite extensive because it takes account of the potential for future coastal erosion and inundation as well as freshwater flooding.
3. The banded hazard zone of different risk levels suggested by submitter 3034 does not account for the interacting set of hazards that interplay over different areas, over different timeframes with different levels of hazard mitigation of structural or other form on the Mapua Ruby Bay coastal plain.
4. The area is identified in a recent study, 'Preliminary Assessment of the Liquefaction Hazard in Nelson and Tasman Regions', M Johnston, June 2011, as having the potential to liquefy during ground shaking although the risk is presently unquantified.
5. The Coastal Risk Area should not be removed from individual properties at 144 Stafford Drive, 16 and 38 Broadsea Avenue, 154 Aranui Road and on Pomona Estate subdivision as all these properties are in an area where coastal hazard and flooding risk exists to some degree at present or in the long term, despite hazards being mitigated to varying degrees at present.

Final Decision 564.14

C22.342.1	Adventurer Leisure Properties Ltd	Allow
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564 Change 22: Hazards Management**DECISIONS AND REASONS**

C22.3034.4 <i>Allow in Part</i>	Gallagher, Devin & Charmaine FC22.3151.42	Allow In Part
C22.3736.1 <i>Disallow</i>	Talley, P; Ryder, J; Fitchett, J FC22.3151.126	Allow

Plan Amendments*Plan Topic Chapter 2*

- Amend definition of "building" to read as follows:
"Building - means any structure (as defined in the Act) or part of a structure whether temporary or permanent, movable or immovable, including accessory buildings, but does not include:
(aa) coastal protection structures
(a) any scaffolding or falsework ..."
- Add definition of "coastal protection structure" as follows:
"Coastal Protection Structure - means a seawall, rock revetment, groyne, breakwater, stopbank, retaining wall or comparable structure or modification to the seabed, foreshore or land adjacent to the coast that has a purpose or effect of protecting land from a coastal hazard, including seawater inundation or erosion".

Other Action

Prepare a draft Plan change to include a consent requirement for coastal protection structures in the Coastal Environment Area rules.

Reasons

- The specific exclusion of coastal protection structures in the Coastal Risk Area from the definition of "building", the insertion of a separate definition for coastal protection structures will remove the potential problems posed by the inclusion of "coastal protection structures" within the definition of building that would have extended this restriction across the district without due process.
- The new definition of "coastal protection structure" is based on the definition in the NZ Coastal Policy Statement 2010 which has become available since Plan Change 22 was notified.
- The addition of a definition is to clarify that walls that are coastal protection structures are not a permitted activity, irrespective of their design or height.

Final Decision 564.15

C22.3034.2 <i>Allow</i>	Gallagher, Devin & Charmaine FC22.3151.40	Disallow
C22.3694.1	Blair, Malcolm & Natalie	Disallow
C22.3703.1	Gina Jessen Family Trust	Disallow
C22.3707.1	Jackson, Evellen	Disallow
C22.3708.1	Jackson, John	Disallow
C22.3715.7 <i>Allow</i>	Le Petit, Gary and 95 others FC22.3151.84	Disallow
C22.3738.1	Watson, Garth	Disallow

Plan Amendments*Plan Topic ZM 87*

No Plan amendments to the Residential Closed Zone at Ruby Bay.

Reasons

- The name "Residential Closed Zone" is in accord with other zones in the district where subdivision has been limited to boundary relocations for hazard risk reasons.
- The Ruby Bay coastal strip, because of its exposure to present and/or future coastal hazard and flooding risk, is considered to be an inappropriate location for further subdivision and second dwellings in terms of the NZ Coastal Policy Statement principles.
- The Council policy is to accommodate residential growth at Ruby Bay on the hillslopes above the Bay to avoid exacerbating the risks from coastal erosion and inundation on developments in this area.

Final Decision 564.16

C22.1223.1	Garnett, Colin J & Hulse, Carol	Allow In Part
C22.1223.3	Garnett, Colin J & Hulse, Carol	Allow In Part
C22.1223.4	Garnett, Colin J & Hulse, Carol	Disallow
C22.1223.5	Garnett, Colin J & Hulse, Carol	Allow In Part

564 Change 22: Hazards Management**■ DECISIONS AND REASONS**

C22.3034.23 <i>Disallow</i>	Gallagher, Devin & Charmaine FC22.3151.61	Allow In Part
C22.3034.29 <i>Allow</i>	Gallagher, Devin & Charmaine FC22.3151.67	Disallow
C22.3034.30 <i>Allow</i>	Gallagher, Devin & Charmaine FC22.3151.68	Disallow
C22.3689.1	Atkins, Sue	Allow In Part
C22.3689.2	Atkins, Sue	Allow In Part
C22.3689.3	Atkins, Sue	Disallow
C22.3692.1	Bannister, Frederick & Annamarie	Allow In Part
C22.3692.2	Bannister, Frederick & Annamarie	Allow In Part
C22.3692.4	Bannister, Frederick & Annamarie	Disallow
C22.3704.1	Hall, William	Allow In Part
C22.3723.1	Ralfe, J & Pritchard, D	Allow In Part
C22.3723.2	Ralfe, J & Pritchard, D	Allow In Part
C22.3726.1	Rhodes, Charles R	Allow In Part
C22.3726.3	Rhodes, Charles R	Allow In Part
C22.3728.1	Robinson, Tim & Jill	Allow In Part
C22.3728.2	Robinson, Tim & Jill	Allow In Part
C22.3728.3	Robinson, Tim & Jill	Disallow
C22.3729.1	Sampson, Russell & Pam	Allow In Part
C22.3739.3	Waugh, J and Armstrong, A	Allow In Part

Plan Amendments*Plan Topic 6.15.30*

In the fifth paragraph, fourth sentence, insert "is closed" after "Ruby Bay" and change "closed" to "limited".

Plan Topic 16.3.3.1

Add to Figure 16.3A a new provision (xi):

"(xi) Tahī St and Iwa St Residential Coastal One new allotment of at least 650m² with a balance allotment of at least 650m² may be created from a certificate of title existing at 26 February 2011

Plan Topic 16.3.3.2

Add new condition (d) to Restricted Discretionary Subdivision rule 16.3.3.2:

"Tahī and Iwa Streets, Mapua

(d) The subject land is not in the Residential Coastal Zone at Tahī Street or Iwa Street, Mapua."

Plan Topic 16.3.3.3

Add a new condition to Discretionary Subdivision rule 16.3.3.3:

"(d) It is not in the Residential Coastal Zone at Tahī Street or Iwa Street, Mapua."

Plan Topic 16.3.3.6

1. Insert after 16.3.3.6 as 16.3.3.6A:

"16.3.3.6A Prohibited Subdivision (Residential Coastal Zone at Tahī or Iwa Street)

Except as provided for in Rule 16.3.3.1, subdivision in the Residential Coastal Zone at Tahī Street or Iwa Street is a prohibited activity for which no resource consent will be granted."

2. Delete the words: "and parts of Tahī and Iwa Streets at Mapua" from Prohibited Subdivision (Residential Closed Zone) rule 16.3.3.6.

Plan Topic 17.1.3.2

Amend in condition (d) of Controlled Activities (Building Construction) rule 17.1.3.2 the words "the Residential Closed Zone at Mapua" to read "the Residential Coastal Zone at Mapua"

Plan Topic 17.1.3.4

Add a new condition to Restricted Discretionary Activities (Building Construction) rule 17.1.3.4:

"Residential Coastal Zone Reserve Building Area

(k) There is sufficient space for a reserve building area for the existing dwelling."

Plan Topic 17.1.20

564 Change 22: Hazards Management**DECISIONS AND REASONS**

No Plan amendments to statement about second dwellings in parts of Tahī and Iwa Streets.

Plan Topic ZM 87

Rename the Residential Closed Zone at Tahī Street and part of Iwa Street as Residential Coastal Zone.

Reasons

1. It is considered prudent to allow only a limited amount of further subdivision in these low-lying areas in view of present and potential future flooding risk and increasing coastal hazard risk, particularly as a consequence of projected sea level rise and climate change.
2. Second dwellings are not considered to be appropriate as a controlled activity.
3. Intensive subdivision and second dwellings in the low-lying parts of Tahī and Iwa Streets are considered to be inappropriate, both presently and particularly in the long term, in terms of the NZ Coastal Policy Statement and the promotion of the sustainable management of resources under the Resource Management Act.
4. The Council policy is to accommodate residential growth at Mapua on the hillslopes above Mapua and Ruby Bay to avoid exacerbating the risks from coastal erosion and inundation on low-lying sites.

Final Decision 564.17

C22.2870.7	Gilkison, Bruce J	Disallow
C22.2874.19	Mitchell, David & Judy	Disallow
C22.2874.20	Mitchell, David & Judy	Allow In Part
C22.3034.24	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.62	
C22.3034.27	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.65	
C22.3034.28	Gallagher, Devin & Charmaine	Disallow
<i>Allow</i>	FC22.3151.66	
C22.3710.4	Jarvis, Martin D	Disallow
C22.3710.5	Jarvis, Martin D	Disallow
C22.3710.6	Jarvis, Martin D	Disallow
C22.3710.7	Jarvis, Martin D	Disallow
C22.3712.1	Kelly, Tim & Lyn	Disallow
C22.3718.22	Mapua and District Cycle-Walkways Group	Disallow
<i>Disallow</i>	FC22.3151.106	
C22.3718.23	Mapua and District Cycle-Walkways Group	Allow In Part
<i>Allow in Part</i>	FC22.3151.107	
C22.3736.5	Talley, P; Ryder, J; Fitchett, J	Disallow
<i>Allow</i>	FC22.3151.130	
C22.3736.6	Talley, P; Ryder, J; Fitchett, J	Disallow
<i>Allow</i>	FC22.3151.131	
C22.3736.8	Talley, P; Ryder, J; Fitchett, J	Disallow
<i>Allow</i>	FC22.3151.133	
C22.3736.9	Talley, P; Ryder, J; Fitchett, J	Disallow
<i>Allow</i>	FC22.3151.134	

Plan Amendments

Plan Topic 16.3.5.1

Amend controlled activity rule 16.3.5.1(b) by changing "3.5 hectares" to "3.0 hectares".

Plan Topic 16.3.5.3

No Plan amendments to discretionary subdivision rule 16.3.5.3.

Plan Topic 16.3.5.4

No Plan amendments to rule 16.3.5.4.

Plan Topic 17.5.1

No Plan amendments to rule 17.5.1.

Plan Topic ZM 87

No Plan amendments to Rural 1 Coastal Zone.

564 Change 22: Hazards Management**DECISIONS AND REASONS****Reasons**

1. The Council has taken a measured approach to further subdivision, rather than prohibiting all further subdivision on the coastal plain. A banded approach to subdivision minimum lot size below 3.0 hectares is considered to be inappropriate on the low-lying coastal plain and contrary to the principles of the NZ Coastal Policy Statement.
2. A compromise position is considered reasonable where the few larger lots are permitted to be subdivided, after which further subdivision is then prohibited. Boundary adjustment subdivisions require a consent for a discretionary activity.
3. The discretionary subdivision rule 16.3.5.3 does not specify that these boundary adjustment subdivisions will be non-notified.
4. The prohibited subdivision rule 16.3.5.4 is considered to be appropriate in this area of coastal and flooding hazard risk.
5. The Council has taken into account that this zone has a wide variety of lot sizes which distinguishes it from other adjoining zones.

Final Decision 564.18

C22.3694.2	Blair, Malcolm & Natalie	Disallow
C22.3694.3	Blair, Malcolm & Natalie	Disallow
C22.3694.5	Blair, Malcolm & Natalie	Disallow
C22.3703.2	Gina Jessen Family Trust	Disallow
C22.3703.4	Gina Jessen Family Trust	Disallow
<i>Allow</i>	FC22.3151.76	
C22.3707.2	Jackson, Evellen	Disallow
C22.3707.6	Jackson, Evellen	Disallow
C22.3708.2	Jackson, John	Disallow
C22.3708.4	Jackson, John	Disallow

Plan Amendments

Plan Topic C22 GEN

No Plan amendments to reverse the Environment Court decision.

Reasons

1. The Council cannot rescind the Environment Court decision but it will be making decisions on submissions that may change some parts of the Plan Change.
2. Compensation is not generally payable in respect of planning provisions unless land is incapable of reasonable use.
3. Where land has some physical limitations it may not be so highly valued and this may be reflected in a reduction of rates.
4. The Council has not committed in its Long Term Plan to building any further new seawalls at northern Ruby Bay.

Final Decision 564.19

C22.3034.3	Gallagher, Devin & Charmaine	Allow In Part
<i>Disallow</i>	FC22.3151.41	

Plan Amendments

Plan Topic 16.3.5.1

Add new condition (ba):

"The minimum area of allotments created by subdivision on Lot 7, DP16467 is 1.5 hectares and the land is subdivided in a way that results in no more than two allotments."

Plan Topic 16.3.5.2

Add in brackets after the words "controlled conditions of rule 16.3.5.1": "(other than condition 16.3.5.1(ba))."

Plan Topic 16.3.5.4

Add after "16.3.5.1(b)" the following: "(ba)"

Reasons

1. The submitters land is surrounded on two sides by residential lots on a low lying part of Ruby Bay which distinguishes it from other land on the coastal plain.
2. The low lying nature of the site means it is not suitable for the large number of lots suggested by the submitter.

564 **Change 22: Hazards Management**

■ **DECISIONS AND REASONS**

Reasons

There is still some risk of coastal inundation and freshwater flooding despite recent stormwater works.

3. There is limited water supply to the site.

4. Council policy is to encourage future urban development on to the hills surrounding Mapua and Ruby Bay.