

564 **Change 22: Hazards Management**■ **SUBMISSIONS DEALT WITH IN THIS REPORT**

Consideration Order : 2

<b>C22.342.1</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>2.2</b>	Insert new definition of "coastal protection structure".
<b>C22.342.6</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>13.1.3.2</b>	Amend policy 13.1.3.2 so it relates to new development only or delete it and rely on policy 13.1.3.7.
<b>C22.342.11</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>18.9.2.1</b>	Retain existing permitted activity condition (b).
<b>C22.342.12</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>18.9.2.1</b>	Retain existing permitted activity condition (c).
<b>C22.342.13</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>18.9.2.1(d)</b>	Retain existing permitted activity condition (d) or amend to take account of enabled Tourist Service Zone activities.
<b>C22.342.14</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>18.9.2.2</b>	Delete condition (a) requiring "relocatable and not a dwelling (unless there is no other dwelling)".
<b>C22.342.15</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>18.9.2.2</b>	Amend matter (1) to focus on coastal hazard issues.
<b>C22.342.16</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>18.9.2.2</b>	Amend matter (1B) so directed at natural hazard effects.
<b>C22.342.17</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>18.9.2.3</b>	Amend provision (b) about activities altering the shape of natural landform so it reads more clearly.
<b>C22.342.22</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>AM 54</b>	Delete Coastal Hazard Area from Tourist Services Zone, Mapua.
<i>Oppose</i>	FC22.3151.3		
<b>C22.342.23</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>AM 87</b>	Delete Coastal Hazard Area from Tourist Services Zone, Mapua.
<i>Oppose</i>	FC22.3151.4		
<b>C22.1223.1</b>	<b>Garnett, Colin J &amp; Hulse, Carol</b>	<b>ZM 87</b>	Change Residential Closed Zone on Tahī and Iwa Streets to Residential, including 20 Iwa Street.
<b>C22.1223.3</b>	<b>Garnett, Colin J &amp; Hulse, Carol</b>	<b>16.3.3.6</b>	Delete reference to Iwa Street in prohibited activity subdivision rule.
<b>C22.1223.4</b>	<b>Garnett, Colin J &amp; Hulse, Carol</b>	<b>17.1.20</b>	Delete reference to Iwa Street not allowing second dwellings.
<b>C22.1223.5</b>	<b>Garnett, Colin J &amp; Hulse, Carol</b>	<b>17.1.20</b>	Be consistent how Iwa Street is described in respect to coastal hazard.
<b>C22.1445.1</b>	<b>Director-General of Conservation</b>	<b>AM 87</b>	Retain addition to Coastal Hazard Area.
<i>Support</i>	FC22.3151.5		
<b>C22.1445.2</b>	<b>Director-General of Conservation</b>	<b>AM 54</b>	Retain addition to Coastal Hazard Area.
<i>Support</i>	FC22.3151.6		
<b>C22.1445.3</b>	<b>Director-General of Conservation</b>	<b>AM 87</b>	Amend the Coastal Environment Area to include the whole of the Coastal Hazard Area.
<i>Support</i>	FC22.3151.7		

<b>C22.1445.4</b>	<b>Director-General of Conservation</b>	<b>AM 54</b>	Amend the Coastal Environment Area to include the whole of the Coastal Hazard Area.
<i>Support</i>	FC22.3151.8		
<b>C22.1445.5</b>	<b>Director-General of Conservation</b>	<b>AM 87</b>	Add Residential Closed Zone at Iwa Street and Grossi Point to Coastal Hazard Area.
<i>Support</i>	FC22.3151.9		
<b>C22.1445.6</b>	<b>Director-General of Conservation</b>	<b>6.15.1.1</b>	Retain issue statement 6.15.1.1.
<i>Support</i>	FC22.3151.10		
<b>C22.1445.10</b>	<b>Director-General of Conservation</b>	<b>13.1.30</b>	Retain reasons in 13.1.30.
<i>Support</i>	FC22.3151.14		
<b>C22.2870.6</b>	<b>Gilkison, Bruce J</b>	<b>AM 87</b>	Retain Coastal Hazard Zone but make all subdivision prohibited.
<b>C22.2870.7</b>	<b>Gilkison, Bruce J</b>	<b>16.3.5.1</b>	Delete the provision in condition (b) that reduces the minimum lot size to 3.5 ha in a hazard zone.
<b>C22.2874.16</b>	<b>Mitchell, David &amp; Judy</b>	<b>13.1.3.2</b>	Strengthen policy 13.1.3.2 so it does not refer to the need for further assessment (wording supplied).
<b>C22.2874.17</b>	<b>Mitchell, David &amp; Judy</b>	<b>13.1.3.4C</b>	Retain policy 13.1.3.4C subject to changing "limit" to "prohibit" regarding further subdivision.
<b>C22.2874.18</b>	<b>Mitchell, David &amp; Judy</b>	<b>13.1.20.1</b>	Clarify that rules prevent certain specified activities.
<b>C22.2874.19</b>	<b>Mitchell, David &amp; Judy</b>	<b>16.3.5.1</b>	Retain 12 ha as minimum lot size.
<b>C22.2874.20</b>	<b>Mitchell, David &amp; Judy</b>	<b>16.3.5.3</b>	Delete rule 16.3.5.3 for discretionary subdivision in Rural 1 Coastal Zone if it means non-notified applications.
<b>C22.2875.1</b>	<b>Tansley, Mrs Wilma</b>	<b>18.9.2.1</b>	Allow extra building on unbuilt sections at Ruby Bay.
<b>C22.2875.2</b>	<b>Tansley, Mrs Wilma</b>	<b>18.9.2</b>	Apply equitable building rules to all, including Leisure Park and Warren Place industrial estate.
<b>C22.3034.1</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>AM 87</b>	Retain old limit of Coastal Hazard Area. OR Introduce a graduated/banded zone of hazard.
<i>Oppose</i>	FC22.3151.39		
<b>C22.3034.2</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>AM 87</b>	Alter zoning of Ruby Bay from Residential Closed to Residential or to Residential Infill with structure plan (copy supplied).
<i>Oppose</i>	FC22.3151.40		
<b>C22.3034.3</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>AM 87</b>	Alter zoning of Gallagher property (Lot 7 DP 16467) to Residential or Residential Infill.
<i>Oppose</i>	FC22.3151.41		
<b>C22.3034.4</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>2.2</b>	Retain definition of "building".
<i>Support</i>	FC22.3151.42		
<b>C22.3034.5</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>13.1.30</b>	Amend to recognise Council's long term commitment to protect Ruby Bay from coastal hazards.
<i>Oppose</i>	FC22.3151.43		
<i>Support</i>	FC22.342.3	FC22.3736.3	

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<b>C22.3034.6</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>6.15.1.1</b>	Add to hazard issue that Council will take account of building and engineering techniques.
<i>Oppose</i>	FC22.3151.44		
<i>Support</i>	FC22.342.2	FC22.3736.2	
<b>C22.3034.13</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>6.15.20.1</b>	Retain former wording of method 6.15.20.1(b).
<i>Oppose</i>	FC22.3151.51		
<b>C22.3034.14</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>6.15.20</b>	Add a new method that recognises hazard zoning with three bands of risk.
<i>Oppose</i>	FC22.3151.52		
<b>C22.3034.16</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>13.1.3.2</b>	Amend to acknowledge that development is appropriate where coastal protection works already exist.
<i>Oppose</i>	FC22.3151.54		
<b>C22.3034.17</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>13.1.3.4A</b>	Delete Policy 13.1.3.4A.
<i>Oppose</i>	FC22.3151.55		
<b>C22.3034.18</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>13.1.3.4B</b>	Delete Policy 13.1.3.4B.
<i>Oppose</i>	FC22.3151.56		
<b>C22.3034.19</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>13.1.3.4C</b>	Delete Policy 13.1.3.4C.
<i>Oppose</i>	FC22.3151.57		
<b>C22.3034.20</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>13.1.30</b>	Delete explanation after paragraph 5 about new policy for buildings at Ruby Bay.
<i>Oppose</i>	FC22.3151.58		
<b>C22.3034.23</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>16.3.3.6</b>	Delete reference to Ruby Bay and Tahī and Iwa Streets in prohibited subdivision rule.
<i>Oppose</i>	FC22.3151.61		
<b>C22.3034.24</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>16.3.5.1</b>	Replace the 3.5 ha minimum lot size trigger with smaller different values for three coastal hazard subzones.
<i>Oppose</i>	FC22.3151.62		
<b>C22.3034.27</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>16.3.5.3</b>	Remove Rural 1 Coastal Zone subdivision from rule 16.3.5.3 to rule 16.3.5.2 so subdivision below 3.5 ha is discretionary.
<i>Oppose</i>	FC22.3151.65		
<b>C22.3034.28</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>16.3.5.4</b>	Delete Rural 1 Coastal Zone from prohibited activity rule 16.3.5.4.
<i>Oppose</i>	FC22.3151.66		
<b>C22.3034.29</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>17.1.3.4</b>	Provide for building construction or alteration as a restricted discretionary activity at Ruby Bay Residential or Residential Closed Zone.
<i>Oppose</i>	FC22.3151.67		
<b>C22.3034.30</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>17.1.20</b>	Delete reason for not permitting second dwellings at Ruby Bay and parts of Tahī and Iwa Streets.
<i>Oppose</i>	FC22.3151.68		
<b>C22.3034.33</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>18.9.2.1</b>	Alter rule 18.9.2.1 so relocatable structures, whether habitable or not, are a permitted activity.
<i>Oppose</i>	FC22.3151.71		
<i>Support</i>	FC22.342.4	FC22.3736.4	

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<b>C22.3034.35</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>18.9.2.2</b>	Retain existing matter (1): "The risk of coastal erosion and flooding" and renumber new matter (1) as (1A).
<i>Oppose</i>	FC22.3151.73		
<b>C22.3034.37</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>C22 GEN</b>	Reassess section 32 options based on commitment to seawall, existing infrastructure, residences and businesses in Ruby Bay area.
<i>Oppose</i>	FC22.3151.75		
<i>Support</i>	FC22.342.1	FC22.3736.1	
<b>C22.3689.1</b>	<b>Atkins, Sue</b>	<b>ZM 87</b>	Retain Residential Zone rather than Residential Closed at Tahī St and part of Iwa St.
<b>C22.3689.2</b>	<b>Atkins, Sue</b>	<b>16.3.3.6</b>	Allow rather than prohibit subdivision at Tahī and Iwa Streets.
<b>C22.3689.3</b>	<b>Atkins, Sue</b>	<b>17.1.3.2</b>	Reinstate the right to build a second dwelling as a controlled activity in the Residential Closed Zone at Mapua.
<b>C22.3692.1</b>	<b>Bannister, Frederick &amp; Annamarie</b>	<b>ZM 87</b>	Retain Residential Zone on Iwa and Tahī Streets.
<b>C22.3692.2</b>	<b>Bannister, Frederick &amp; Annamarie</b>	<b>16.3.3.6</b>	Remove prohibited subdivision rule for Iwa and Tahī Streets.
<b>C22.3692.4</b>	<b>Bannister, Frederick &amp; Annamarie</b>	<b>17.1.3.4</b>	Do not apply restricted discretionary building rule 17.1.3.4 to submitter's land.
<b>C22.3694.1</b>	<b>Blair, Malcolm &amp; Natalie</b>	<b>ZM 87</b>	Remove Residential Closed Zone.
<b>C22.3694.2</b>	<b>Blair, Malcolm &amp; Natalie</b>	<b>C22 GEN</b>	Rescind Environment Court decision.
<b>C22.3694.3</b>	<b>Blair, Malcolm &amp; Natalie</b>	<b>C22 GEN</b>	Retain submitters' property rights and compensate for any loss of value from Council decisions.
<b>C22.3694.5</b>	<b>Blair, Malcolm &amp; Natalie</b>	<b>C22 GEN</b>	Complete 600m of seawall to protect remaining properties on Stafford Drive that have little protection from the sea.
<b>C22.3703.1</b>	<b>Gina Jessen Family Trust</b>	<b>ZM 87</b>	Delete Residential Closed Zone at 154 Stafford Drive and maintain right to develop, extend or add to submitter's property.
<b>C22.3703.2</b>	<b>Gina Jessen Family Trust</b>	<b>C22 GEN</b>	Withdraw Environment Court Decision NZEnvC 47.
<b>C22.3703.3</b>	<b>Gina Jessen Family Trust</b>	<b>C22 GEN</b>	Consult more and provide more explanation on Plan Change 22.
<b>C22.3703.4</b>	<b>Gina Jessen Family Trust</b>	<b>C22 GEN</b>	Consider rates reduction and compensation for loss of property rights if Plan Change 22 proceeds.
<i>Oppose</i>	FC22.3151.76		
<b>C22.3704.1</b>	<b>Hall, William</b>	<b>ZM 87</b>	Delete Residential Closed Zone at 25 Tahī Street or have a transition period after which there can be no further subdivision.
<b>C22.3706.1</b>	<b>Herbert, Robert &amp; Jacqueline</b>	<b>AM 87</b>	Remove Coastal Hazard Area from property at 16 Broadsea Avenue or provide compensation.
<b>C22.3707.1</b>	<b>Jackson, Evellen</b>	<b>ZM 87</b>	Delete the Residential Closed, Rural 1 Coastal, and Tourist Services zones at Mapua/Ruby Bay.
<b>C22.3707.2</b>	<b>Jackson, Evellen</b>	<b>C22 GEN</b>	Reverse the Environment Court decision.

<b>C22.3707.3</b>	<b>Jackson, Evellen</b>	<b>C22 GEN</b>	Undertake independent scientific study.
<b>C22.3707.4</b>	<b>Jackson, Evellen</b>	<b>ZM 87</b>	Allow property owners to maintain and protect their properties.
<i>Oppose</i>	FC22.3151.77		
<b>C22.3707.5</b>	<b>Jackson, Evellen</b>	<b>C22 GEN</b>	Consult more and provide more explanation on Plan Change 22.
<b>C22.3707.6</b>	<b>Jackson, Evellen</b>	<b>C22 GEN</b>	Consider rates reduction and compensation for loss of property rights if Plan Change 22 proceeds.
<b>C22.3708.1</b>	<b>Jackson, John</b>	<b>ZM 87</b>	Delete Residential Closed, Rural 1 Coastal, and Tourist Services zones at Mapua/Ruby Bay.
<b>C22.3708.2</b>	<b>Jackson, John</b>	<b>ZM 87</b>	Reverse Environment Court decision NZEnvC 47.
<b>C22.3708.3</b>	<b>Jackson, John</b>	<b>C22 GEN</b>	Revise Plan Change after considering alternative hazard mitigation and new easy-to-follow format for change.
<b>C22.3708.4</b>	<b>Jackson, John</b>	<b>C22 GEN</b>	Consider rates reduction and compensation for loss of property rights if Plan Change 22 proceeds.
<b>C22.3710.1</b>	<b>Jarvis, Martin D</b>	<b>AM 87</b>	Delete extension to Coastal Hazard Area (and specifically on 44 Stafford Drive).
<b>C22.3710.4</b>	<b>Jarvis, Martin D</b>	<b>ZM 87</b>	Delete Rural 1 Coastal Zone (and specifically on 44 Stafford Drive).
<b>C22.3710.5</b>	<b>Jarvis, Martin D</b>	<b>17.5.1</b>	Delete reference to Rural 1 Coastal Zone in rule 17.5.1.
<b>C22.3710.6</b>	<b>Jarvis, Martin D</b>	<b>16.3.5.3</b>	Delete reference to Rural 1 Coastal Zone in rule 16.3.5.3.
<b>C22.3710.7</b>	<b>Jarvis, Martin D</b>	<b>16.3.5.4</b>	Delete reference to Rural 1 Coastal Zone in prohibited activity rule 16.3.5.4.
<b>C22.3710.8</b>	<b>Jarvis, Martin D</b>	<b>13.1.30</b>	Remove reference to prohibition on redeveloping dwellings further seaward.
<b>C22.3712.1</b>	<b>Kelly, Tim &amp; Lyn</b>	<b>ZM 87</b>	Remove Rural 1 Coastal provisions on submitters' property and adjacent land.
<b>C22.3712.2</b>	<b>Kelly, Tim &amp; Lyn</b>	<b>AM 87</b>	Delete extension to Coastal Hazard Area (especially on 38 Broadsea Avenue and adjacent land).
<b>C22.3712.3</b>	<b>Kelly, Tim &amp; Lyn</b>	<b>C22 GEN</b>	Provide more analysis of hazard, risks and consequences before adding constraints to development in Mapua/Ruby Bay area.
<b>C22.3715.1</b>	<b>Le Petit, Gary and 95 others</b>	<b>6.15.1.1</b>	Change coastal hazard reference in issue 6.15.1.1 to "Coastal Protected Area".
<i>Oppose</i>	FC22.3151.78		
<b>C22.3715.4</b>	<b>Le Petit, Gary and 95 others</b>	<b>13.1.3.4A</b>	Allow residents in the Residential Closed Zone at Ruby Bay to renovate, develop and subdivide their land.
<i>Oppose</i>	FC22.3151.81		
<b>C22.3715.5</b>	<b>Le Petit, Gary and 95 others</b>	<b>13.1.3.4B</b>	Allow residents in the Residential Closed Zone at Ruby Bay to renovate, develop and subdivide their land.
<i>Oppose</i>	FC22.3151.82		
<b>C22.3715.6</b>	<b>Le Petit, Gary and 95 others</b>	<b>13.1.3.4C</b>	Allow residents in the Residential Closed Zone at Ruby Bay to renovate, develop and subdivide their land.
<i>Oppose</i>	FC22.3151.83		

<b>C22.3715.7</b>	<b>Le Petit, Gary and 95 others</b>	<b>ZM 87</b>	Review Residential Closed Zone and consider renaming it "Residential Protected".
<i>Oppose</i>	FC22.3151.84		
<b>C22.3716.1</b>	<b>Lewis, R G &amp; B L</b>	<b>AM 87</b>	Exclude Pomona Estate subdivision (RM 980153) from Coastal Hazard Area so boundary is Stafford Drive.
<b>C22.3718.11</b>	<b>Mapua and District Cycle-Walkways Group</b>	<b>6.15.1.1</b>	Rewrite 6.15.1.1 to give greater recognition to National Coastal Policy priorities and expand coastal hazard area to all Tasman District coastline as appropriate.
<i>Oppose</i>	FC22.3736.5		
<i>Support</i>	FC22.3151.95		
<b>C22.3718.19</b>	<b>Mapua and District Cycle-Walkways Group</b>	<b>13.1.3.2</b>	Strengthen policy 13.1.3.2 so it does not refer to the need for further assessment (wording supplied).
<i>Support</i>	FC22.3151.103		
<b>C22.3718.20</b>	<b>Mapua and District Cycle-Walkways Group</b>	<b>13.1.3.4C</b>	Retain policy 13.1.3.4C subject to changing "limit" to "prohibit" further subdivision.
<i>Support</i>	FC22.3151.104		
<b>C22.3718.21</b>	<b>Mapua and District Cycle-Walkways Group</b>	<b>13.1.20.1</b>	Clarify that rules prevent certain specified activities.
<i>Support</i>	FC22.3151.105		
<b>C22.3718.22</b>	<b>Mapua and District Cycle-Walkways Group</b>	<b>16.3.5.1</b>	Retain 12 ha as minimum lot size.
<i>Support</i>	FC22.3151.106		
<b>C22.3718.23</b>	<b>Mapua and District Cycle-Walkways Group</b>	<b>16.3.5.3</b>	Delete rule 16.3.5.3 for discretionary subdivision in Rural 1 Coastal Zone if it means non-notified applications.
<i>Support</i>	FC22.3151.107		
<b>C22.3718.25</b>	<b>Mapua and District Cycle-Walkways Group</b>	<b>18.9.2.3</b>	Have a more stringent rule than restricted discretionary for coastal protection structures.
<i>Support</i>	FC22.3151.109		
<b>C22.3718.26</b>	<b>Mapua and District Cycle-Walkways Group</b>	<b>18.9.2.3</b>	Add more matters to be considered in resource consents for coastal protection structures (list supplied).
<i>Support</i>	FC22.3151.110		
<b>C22.3719.1</b>	<b>March, Judith</b>	<b>18.9.2.1</b>	Make coastal hazard area building rule 18.9.2.1(d) less restrictive.
<b>C22.3722.2</b>	<b>Ngaruroro Farm Ltd</b>	<b>13.1.3</b>	Use replenishment option to manage coastal hazards.
<b>C22.3722.5</b>	<b>Ngaruroro Farm Ltd</b>	<b>18.9.2.1</b>	Allow all relocatable structures whether habitable or not.
<b>C22.3722.6</b>	<b>Ngaruroro Farm Ltd</b>	<b>18.9.2.2</b>	Allow a relocatable dwelling as a permitted activity.
<b>C22.3722.7</b>	<b>Ngaruroro Farm Ltd</b>	<b>18.9.2.4</b>	Delete rule 18.9.2.4 and allow building activity as a controlled activity.
<b>C22.3723.1</b>	<b>Ralfe, J &amp; Pritchard, D</b>	<b>ZM 87</b>	Retain Tahī St as Residential Zone.
<b>C22.3723.2</b>	<b>Ralfe, J &amp; Pritchard, D</b>	<b>17.1.3.2</b>	Retain restrictions on second dwellings to mitigate sea level concerns.
<b>C22.3726.1</b>	<b>Rhodes, Charles R</b>	<b>ZM 87</b>	Remove Tahī Street from the Residential Closed Zone.
<b>C22.3726.3</b>	<b>Rhodes, Charles R</b>	<b>16.3.3.6</b>	Delete reference to Tahī St as prohibited subdivision (Residential

Closed Zone).

<b>C22.3728.1</b>	<b>Robinson, Tim &amp; Jill</b>	<b>ZM 87</b>	Retain Iwa St and Tahi St in Residential.
<b>C22.3728.2</b>	<b>Robinson, Tim &amp; Jill</b>	<b>16.3.3.6</b>	Delete prohibited subdivision rule 16.3.3.6.
<b>C22.3728.3</b>	<b>Robinson, Tim &amp; Jill</b>	<b>17.1.3.2(d)</b>	Allow second dwelling as a controlled activity.
<b>C22.3729.1</b>	<b>Sampson, Russell &amp; Pam</b>	<b>ZM 87</b>	Retain Residential Closed Zone on 6 and 8 Iwa Street.
<b>C22.3729.2</b>	<b>Sampson, Russell &amp; Pam</b>	<b>C22 GEN</b>	Make policies apply to a larger section of coast.
<b>C22.3736.1</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>2.2</b>	Insert new definition of "coastal protection structure".
<i>Oppose</i>	FC22.3151.126		
<b>C22.3736.4</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>13.1.3.4C</b>	Delete policy 13.1.3.4C on limiting subdivision and buildings on the Mapua Ruby Bay coastal plain.
<i>Oppose</i>	FC22.3151.129		
<b>C22.3736.5</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>16.3.5.1</b>	Delete reference to Rural 1 Coastal Zone.
<i>Oppose</i>	FC22.3151.130		
<b>C22.3736.6</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>16.3.5.1</b>	Delete new 3.5ha provision in condition (b) for Rural 1 Coastal Zone subdivision.
<i>Oppose</i>	FC22.3151.131		
<b>C22.3736.8</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>16.3.5.3</b>	Delete the discretionary subdivision rule for boundary adjustments in the Rural 1 Coastal Zone.
<i>Oppose</i>	FC22.3151.133		
<b>C22.3736.9</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>16.3.5.4</b>	Delete the prohibited subdivision rule in the Rural 1 Closed and Rural 1 Coastal Zone.
<i>Oppose</i>	FC22.3151.134		
<b>C22.3736.10</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>18.9.2.1(b)</b>	Retain former provision that buildings are set back a minimum of 25 metres inland of former Coastal Hazard Area.
<i>Oppose</i>	FC22.3151.135		
<b>C22.3736.11</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>18.9.2.1(c)</b>	Retain former provision that no additions are made to existing buildings between mean high water springs and 25 metres inland of the Coastal Hazard Area.
<i>Oppose</i>	FC22.3151.136		
<b>C22.3736.12</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>18.9.2.1(d)</b>	Delete permitted activity condition that a building is relocatable and not habitable.
<i>Oppose</i>	FC22.3151.137		
<b>C22.3736.13</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>18.9.2.2(a)</b>	Delete the discretionary activity condition (a).
<i>Oppose</i>	FC22.3151.138		
<b>C22.3736.14</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>18.9.2.2</b>	Amend matter (1) to focus on coastal hazard issues.
<i>Oppose</i>	FC22.3151.139		
<b>C22.3736.15</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>18.9.2.2</b>	Amend matter (1B) so directed at natural hazard effects.

<b>Oppose</b>	FC22.3151.140		
<b>C22.3736.16</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>18.9.2.3</b>	Amend provision (b) about activities altering the shape of natural landform so it reads more clearly.
<b>Oppose</b>	FC22.3151.141		
<b>C22.3736.18</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>AM 87</b>	Delete extension of Coastal Hazard Area on 154 Aranui Rd.
<b>Oppose</b>	FC22.3151.143		
<b>C22.3738.1</b>	<b>Watson, Garth</b>	<b>ZM 87</b>	Delete Residential Closed Zone in Ruby Bay and Mapua.
<b>C22.3738.2</b>	<b>Watson, Garth</b>	<b>AM 87</b>	Delete Coastal Hazard Area extension at Ruby Bay.
<b>C22.3739.2</b>	<b>Waugh, J and Armstrong, A</b>	<b>13.1.3.4C</b>	Delete policy 13.1.3.4C on limiting subdivision and habitable buildings on the coastal plain from Ruby Bay to Mapua.
<b>C22.3739.3</b>	<b>Waugh, J and Armstrong, A</b>	<b>16.3.3.6</b>	Delete the prohibited subdivision Residential Closed Zone rule 16.3.3.6 from Tahī Street and Iwa Street.

## ■ ASSESSMENT

### 1.0 SAR 564: HAZARDS MANAGEMENT

This report addresses the matters raised in submissions about hazards management in the Mapua Ruby Bay area. The Council has a function under the Resource Management Act to control the effects of the use of land including for the purpose of the avoidance or the mitigation of natural hazards (Section 31(b)(i) – RMA. One of the purposes of Plan Change 22 is to review the adequacy of the current TRMP provisions for hazard management at Mapua/Ruby Bay in the light of increased demand for coastal protection structures, better stormwater management, projections of rising sea level (and the need for local councils to plan for that), new information on land levels from LiDAR and the NZ Coastal Policy Statement 2010.

Submitter C22.3712.3 has asked for more analysis of the hazards, risks and consequences before the Council adds further constraints to development at Mapua Ruby Bay. Submitter C22.3707.3 asks for an independent scientific study of the implications of coastal hazards in the Mapua/Ruby Bay area. The Council has prepared a coastal hazard report and a freshwater flooding report to assist it in planning for the future of Mapua/Ruby Bay. Included in the coastal assessment is the standard hazard planning assumption that existing hazard mitigation measures may not continue to be present or fully effective in the long term. The reports, which include assessment of Port Nelson tide records and effect of future climate change projections, as well as some freshwater flood modelling results, have taken a long term view i.e. 80 to 100 years. That is because many developments such as buildings and associated infrastructure have a relatively long design life e.g. 80 years or more and are potentially subject to significant hazard impacts in this time frame. These impacts include difficulties of relocating buildings such as dwellings that are exposed to increased hazard risk and damage to fixed infrastructure assets associated with new development.

Council is faced with a situation where the existing paradigm of hazard management and old tools are increasingly inadequate to manage development in areas of increasing hazard risk. The previous coastal hazard area, based on long-term erosion rates on a natural shoreline, was added to the district plan 20 years ago. No allowance for or regard to freshwater flooding or seawater inundation hazards was made in the original coastal hazard area (CHA) mapping exercise. Furthermore, the projections for sea level rise have commenced and increased since that original CHA mapping work was done. Extensive seawall construction has occurred to varying standards that presently significantly mitigates backshore inundation hazard risk and long-term erosion rates on this shoreline, assessed as being up to and exceeding one metre per year.

This report addresses submissions on:

#### PART A

- Consultation/Section 32
- Issue statement 6.15.1.1
- Policies on coastal hazards in Chapter 13
- Rules for coastal hazard area in Chapter 18.9
- Extent of the coastal hazard area
- Definition of “coastal protection structure”

#### PART B

- Residential Closed Zone Stafford Drive
- Residential Closed Zone Tahī Street

- Residential Zone Iwa Street
- Rural 1 Coastal Zone
- Environment Court
- Compensation/Rates/New Seawall

## 2.0 CONSULTATION, DRAFT PLAN CHANGE AND SECTION 32

Submitters C22.3703.3 and C22.3707.5 have sought more consultation about the hazard problems the Council is trying to resolve. The Council prepared a Mapua structure plan with a section on natural hazard risk mitigation and a draft plan change in June 2010. Public comment was sought on these documents. There were 52 responses received and considered by the Council at a meeting in September 2010. As part of the background information to the change, various options to address the hazard issues have been canvassed and made available to the public – see the Plan Change 22 Report on Assessment of Alternatives under Section 32 of the Resource Management Act and Mapua Ruby Bay Coastal Hazards and Management Options Report.

C22.3034.37 seeks a reassessment of options based on Council's commitment to the construction and maintenance of the seawall, the presence of Council infrastructure, significant residences and businesses. The Council did consider an option of filling low-lying areas of the coastal plain and taking over responsibility for all coastal defences for erosion and inundation hazard management, whether on public or private land. Both appeared to be unaffordable options. Instead the Council is committed to managing and helping to protect the status quo in the short to medium term, but with a longer term view of managed retreat from erosion, seawater inundation and freshwater flooding hazards in some areas.

## 3.0 ISSUE STATEMENT 6.15.1.1

There are four submissions on the issue statement which is:

"Sustainable management of major coastal hazards of erosion and inundation that take account of existing coastal protection structures, current projections on sea level rise, land levels and demand for public access".

(i) Submitter C22.1445.6 Director General of Conservation supports the issue statement.

(ii) Submitter C22.3034.6 would like to add reference to "building and engineering techniques". This is not supported as the issue statement outlines what the issues are, not how the issues might be dealt with.

(iii) Submitter C22.3715.1 wants to change the name Coastal Hazard Area to Coastal Protection Area. This is not supported, as the plan seeks to identify the area subject to present or potential future hazards, rather than the area that is subject to or requiring hazard protection.

(iv) Submitter C22.3718.11 wants 'policy' 6.15.1.1 rewritten to give greater recognition to national coastal policies and to extend the coastal hazard area to the entire coastline in the district, as appropriate. The submitter has mistaken the issue statement for a policy which it is not. It is reasonable that the Council takes account of a variety of related issues that interplay in this section of the district's coastline. It is agreed with this submitter and submitter C22.3729.2 that coastal hazard area identification and delineation will need to be undertaken and implemented elsewhere in the district. However that should be undertaken as a separate plan change and is recommended under "Other action".

## 4.0 POLICIES ON COASTAL HAZARDS

### Policy 13.1.3.2

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"When determining appropriate subdivision, use or development in the coastal environment to assess the likely need for coastal protection works and, where practicable, avoid those for which protection works are likely to be required".

Submitters C22.2874.16 and C 22.3718.19 consider the policy is not strong enough, does not reflect the priorities of the NZCPS and they disagree with the qualification "where practicable".

Submitter C22.342.6 wants the policy to relate to new development only or to delete it and rely on Policy 13.1.3.7. However Policy 13.1.3.2 is saying something different to policy 13.1.3.7. The latter relates to decision-making on the need for coastal protection works, whereas the former is about whether subdivision and development is appropriate. It would be difficult to determine what "new development" is - does that mean development on "greenfield" sites only or would it include any development that was "new"?

C22.3034.16 wants the policy amended to add acknowledgement that development is appropriate where coastal protection works already exist. This is not supported, as present protection works may not provide sufficient, appropriate, economic or enduring "protection" for the life of the development. The policy as currently worded is considered robust as the standard of protection works is also likely to be an important consideration. No change to the policy is recommended.

## 5.0 POLICIES ON HABITABLE BUILDINGS:

### Policy 13.1.3.4A

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"To avoid the construction of new habitable buildings in the Residential Closed Zone at Ruby Bay".

C22.3034.17 opposes the policy on the grounds that extra buildings would provide a stronger basis for funding the maintenance of the coastal protection works which are already in existence. The submission is not supported as a significant length of the shoreline of the proposed Residential Closed Zone is in a natural state, subject to likely increased hazard risk in the future. In addition, on the shoreline where protection works exist, these works have a limited consent period and may not be present for the lifetime of the new development. Such works will be subject to increasing hazard risk during and certainly beyond the time that existing hazard mitigation works are permitted, are economically viable or environmentally sustainable. However the Council's preferred policy is that subdivisions for additional dwellings be located on higher ground on the hills surrounding Mapua, not subject to coastal and flooding hazards and not requiring hazard mitigation works. Under Council's current funding model these households will assist with the future maintenance funding.

The proposed policy is to avoid, not prohibit, new habitable development in the Residential Closed Zone. The rules in the Coastal Hazard Area presently allow the owners of the few unbuilt sections in the Area to apply to build a dwelling. The policy may need to acknowledge that. Consent for any new development will require regard be had to matters such as hazard risk exposure, the need for coastal hazard mitigation works, relocatable building design or limited tenure on the site. There will be issues raised about coastal protection for these sections.

#### Policy 13.1.3.4B

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"To limit the reconstruction or replacement of an existing habitable building to a position that is no further seaward than the original habitable building in the Ruby Bay Residential Closed Zone".

C22.3034.18 submits the policy should be deleted. C22.3715.5 wants residents in the Residential Closed Zone to be able to renovate, develop and subdivide their land. The policy does not prevent residents from renovating their homes. It limits development occurring seawards. This preserves available buffer space for mitigation of inundation and erosion hazards or failure of protection structures. No change to the policy is recommended.

#### Policy 13.1.3.4C

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"On the coastal plain from Ruby Bay to Mapua, to limit further subdivision and habitable buildings in order to avoid their exposure to long-term coastal inundation, flooding and erosion risks".

C22.3718.20 and C22.2874.17 support the policy subject to changing "limit" to "prohibit". They assert this is the appropriate and responsible Council response to the present and long-term hazard risks. However there are other submitters who want the policy deleted – C22.3034.19, C22.3736.4 and C22.3739.2. Prohibition is the ideal but not essential at this time. Rather than prohibit or allow subdivision to be discretionary, it is proposed to allow a very limited opportunity for a few of the largest lots on the coastal plain to be subdivided and be developed within tight constraints. Thereafter the area is closed to further subdivision opportunities. While there is an element of compromise involved, this policy is considered to be reasonable and in accord with the NZ Coastal Policy Statement 2010.

#### Explanation 13.1.30

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The explanation in 13.1.30 for the hazard policies and adjustment of the coastal hazard area for Mapua/Ruby Bay is supported by the Director General of Conservation C22.1445.10. Submitter C22.3034.5 & .20 would like to delete the explanation after paragraph 5 about the new policy for buildings at Ruby Bay. The submitter's view is that the Council is committed to the protection of the area as it has budgeted for seawall maintenance in the Coastal Structures Activity Management Plan August 2009 and it has also obtained a 35-year consent for the seawall at Old Mill Walkway. It is agreed with the submitter that a statement should be added acknowledging the presence of the seawalls, that they will provide some measure of hazard mitigation while they are present and are maintained, but that there is a variable quality of construction in these seawalls - only some of which are owned by the Council.

Submitter C22.3708.3 suggests that the Plan Change be revised to reflect that it is not abandoning Ruby Bay in the long term. In response, the degree of Council commitment to hazard management in the short, medium and long term should be more fully explained – in particular the rationale for the containment of current development and intentions regarding protection of the status quo at Ruby Bay. The Council position with respect to hazard management in the short term may not be the position it will continue to hold in the long term and policies have been written to reflect this. Council has to have regard to present and future hazard risks and be practical as well as responsible in what hazard management actions it is committing future generations to undertake and property it commits to protect. Notwithstanding having a 35-year term for the consent for existing Council-owned revetment works, Council may wish to embark on an alternate hazard management strategy during this period. It is also unknown how long or even if landowners of private hazard mitigation works will continue to maintain those works into the future.

#### Alternative Policy Option

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Submitter C22.3722.2 prefers that Council undertake replenishment of beach gravels as a hazard management option referred to in the Kirk and Allan report, rather than implement limitations on development. This submission is not supported, as beach nourishment, at best, mitigates only erosion hazard risk but not inundation hazard,

particularly in the long term. There are also significant and practical difficulties in sourcing the volume of appropriate beach gravels required, either at Mapua/Ruby Bay or from more distant sources. This option is not considered viable as a sustainable and enduring method for coastal hazard mitigation at Ruby Bay and has not been pursued. Beach replenishment has nevertheless been implemented as an option elsewhere in the district where there is a sand resource nearby.

## 6.0 RULES FOR COASTAL HAZARD AREA

There are three types of rules which apply in the Coastal Hazard Area (CHA). These are:

- Permitted activities
- Restricted discretionary activities
- Non complying activities

The CHA has been extended to take into account the present and potential future coastal erosion, seawater inundation and freshwater flooding hazards in the Mapua/Ruby Bay area in the next 80-100 year period, being the lifetime of existing and new developments that may occur in this area. The CHA covers the coastal plain area between the Ruby Bay shoreline, Seaton Valley Stream and extends across Stafford Drive to the base of the Ruby Bay cliffs. The previous CHA was based on a projection of average long-term historical erosion rates on a natural shoreline to 2040. It did not include known or potential flooding hazards or allowance for climate change effects. It excluded inundation hazard risk. It was also limited in that it did not cover the Mapua Leisure Park site or all the land and dwellings along the Ruby Bay coast.

### Permitted Activities Rule 18.9.2.1

The rule as rewritten in the change permits buildings that are relocatable and not habitable. Submitters have proposed three alternatives:

Submitters C22.3034.33 and C22.3722.5 & .6 would like all relocatable structures whether habitable or not to be a permitted activity. Submitter C22.3719.1 would also like relocatable habitable buildings to be permitted. Submitter C22.2875.1 seeks assurance that unbuilt-on sections at Ruby Bay can be built on. Submitter C22.3736.12 seeks the condition that a building needs to be relocatable and not habitable to comply as a permitted activity be deleted.

These submissions are not supported, as no discretion is available to grant consent with appropriate conditions or otherwise refuse consent because potential adverse effects cannot be satisfactorily mitigated. A relocatable building condition may not be the only mitigation measure required if any consent is granted. The rule as proposed determines that a new habitable building on a vacant section would be a restricted discretionary activity. This allows empty sections to be potentially built on dependent on the specific circumstances of the site and with conditions required to satisfactorily mitigate actual and potential adverse effects.

Other submitters (C22.342.11 & .12 and C22 3736.10 & .11) want to retain both the former coastal hazard area and rule, which was to have all buildings other than accessory buildings set back 25 metres inland of the CHA and to have no additions be made to existing buildings that lie between MHWS and any point 25m inland from the former CHA. These submissions are opposed, as the previous CHA did not take into account all the present and potential future coastal and flooding hazards and for the longer time period now being considered, or extend over the affected area of the development at Ruby Bay so did not cover all properties at risk.

### Restricted Discretionary Activities Rule 18.9.2.2

Submitters C22.342.14 and C22.3736.13 would like to delete condition 18.9.2.2(a) - that the construction or alteration of any building that is not a permitted activity is to be a restricted discretionary activity providing it is relocatable and not a dwelling (unless there is no other dwelling on the site) – as being unnecessary in the context of the circumstances of their sites. These submissions are not supported.

The matters of discretion are challenged by C22.3034.35 who suggests that existing matter 1 relating to the risk of coastal erosion and flooding should be retained. It is agreed that this has been deleted erroneously and should be reinstated. Submitters C22.3736.14 & .15 and C22.342.15 & .16 also seek more emphasis on matters being related to natural hazard effects.

### Restricted Discretionary Activities (other) Rule 18.9.2.3

C22.342.17 considers that rule 18.9.2.3(b) about altering the shape of land and earthworks is poorly drafted. Land disturbance associated with structures or buildings is a relevant matter to consider in the CHA. However, because land disturbance/earthworks rules are also in Chapter 18.5, this rule may be more appropriately located there under the restricted discretionary activity rule. It is recommended to allow the submission.

### Non-Complying Activities Rule 18.9.2.4

C22.3722.7 seeks to delete the rule and allow building alteration as a controlled activity. However building alterations that extend a building towards the coastline may be inappropriate.

## 7.0 EXTENT OF COASTAL HAZARD AREA

There are a number of submissions on the extent of the Coastal Hazard Area. These include complete support for the extended CHA, having a “banded” coastal hazard area reflecting the varying degree of hazard risk, retaining the existing CHA to removing the CHA altogether from individual properties. The CHA on the Mapua Ruby Bay coastal plain is quite extensive because it takes into account present as well as long-term potential future coastal erosion and inundation as well as freshwater flooding hazard.

Submitter C22.3034.1 wants to retain the old limit of the CHA or have a CHA which has bands of risk. Mapping varying risk levels is difficult to achieve, as there are risks associated with three different hazards (erosion, seawater inundation and freshwater flooding), each occurring in different areas over varying time frames. This may be able to be achieved, but only after extensive computer modelling of shoreline and hydrologic processes. The ability to do this is being developed. The submission is not supported as sufficient studies have been undertaken to support the mapped extent of hazard risk.

Submitter C22.1445.1, .2, .3, .4 (Director General of Conservation) supports the new extent of the CHA and asks that the Coastal Environment Area be extended to match it. The first two submissions are supported but the latter two are open to question, as the CEA is not subject to any alteration in the Plan Change. This raises an issue of going beyond the scope of the change.

Submitter C22.3716.1 would like the CHA deleted from the inland side of Stafford Drive. This submission is not supported as the CHA was extended to cover that land because the area between the Ruby Bay cliff and the road is low-lying and subject to freshwater flooding. Of greater concern, however, is that this land is sufficiently proximate to the coast for most of its extent to be subject to potential seawater inundation hazard. A number of submissions request deletion of the CHA from individual properties and/or provide compensation – C22.3706.1 seeks deletion of CHA from 16 Broadsea Avenue; C22.3710.1 seeks its deletion from 44 Stafford Drive; C22.3738.2 seeks its deletion from Ruby Bay; C22.3712.2 seeks its deletion from 38 Broadsea Avenue and C22.3736.18 seeks its deletion from 154 Aranui Road. None of these submissions are supported as all properties concerned are exposed to coastal and flood hazard risk to some degree at present or in the long term, despite the current presence of hazard mitigation works. From a long-term hazard management planning perspective, it cannot be assumed that these properties will continue to benefit from or be provided with comprehensive direct or indirect hazard mitigation works.

In the case of submitter C22.3736 (Talley), their 2.8 hectare property was raised to 5 metres amsl in 2005. A substantial concrete wall was constructed in 2005. This structure was subject to extensive maintenance in 2010 as a result of wave action and overtopping causing structure settlement and the first stage of failure. Despite the wall being a much more robust structure than others on this coastline, the property is affected by minor seawater inundation from time-to-time and this is likely to increase with projected sea level rise. It is not considered to be removed from coastal hazard risk.

38 Broadsea Avenue is a 6.4 hectare property (C22.3712) fronting Ruby Bay beach. It is presently protected from erosion and to some degree from seawater inundation by the new Old Mill walkway revetment. While the revetment affords some protection for the consent period to 2044, it assumes the structure will be fully maintained for the period so as to provide this protection. Beyond that time it provides good but not comprehensive runup inundation protection that will gradually reduce in time as sea level rises. A large part of the property is generally low-lying at the rear and is subject to increasing risk of seawater inundation and flooding during intense rainfall.

The property at 44 Stafford Drive (C22.3710) is set back further from the coast behind the 6.4 hectare property described above. It is relatively low lying (about 3.5m amsl) and the 4 ha site more at risk in the short to medium term from fresh water flooding rather than from coastal inundation. The property is more likely to be subject to seawater inundation and flooding risk in the medium to long term.

The property at 16 Broadsea Avenue is located on an 809 sqm lot on the inland side of Broadsea Avenue. The 3.5 metre contour bisects the property so it is presently at risk from seawater inundation in a severe storm or cyclonic event. The risk exists despite the presence of the rock revetment which gives erosion and partial inundation protection. Without these works being present in a much more substantial form in the long term, particularly in a situation of projected sea level rise, this property and all the others in Broadsea Avenue are exposed to significant and increasing risk from inundation and erosion hazards.

The Mapua/Ruby Bay coastal plain has also been identified in a recent study, 'Preliminary Assessment of the Liquefaction Hazard in Tasman and Nelson Regions', M Johnston, June 2011, as having a potential for low-lying estuarine and floodplain sediments, particularly in lower-lying areas to liquefy during ground shaking. This work is at a high level, preliminary stage and while the existence of the risk is identified, it remains unquantified at this time.

## 8.0 COASTAL PROTECTION STRUCTURES

Plan Change 22 introduces new management regime for coastal protection structures. Coastal protection structures are now specifically defined and are excluded from the definition of “building” in the TRMP. There are two submissions which are generally supportive of a more consistent approach to coastal protection structures.

C22.3034.4 supports retaining the amendment to the definition of “building” and would like to see a consistent engineering standard for seawall design at Ruby Bay, irrespective of whether the structure is on public or private land. This submission is supported in part as having a specific definition for coastal protection structures is

considered warranted. The desire to have a consistent design standard for seawalls appears reasonable but has a weakness in that it fails to take into account a range of factors that apply to sites having variable risk exposure – one design or design philosophy does not fit all locations or circumstances.

Submitters C22.342.1 and C22.3736.1 want a separate definition for “coastal protection structure” inserted that is outside the definition of “building”. They are concerned about coastal protection structures having to comply with other building rules such as setbacks that are unreasonable in the circumstances. They have also queried whether rock walls under 1.8m used for coastal protection would be exempt from the definition of building. These submissions are supported.

#### 9.0 RESIDENTIAL CLOSED ZONE - STAFFORD DRIVE RUBY BAY

A new Residential Closed Zone has been introduced for the residential development along Stafford Drive, Broadsea Avenue and Tait Street. This gives the residential properties residential yards, coverage and daylighting rule protection not available in the previous Rural 1 zone. However it does not permit further subdivision other than boundary adjustments. Submitter C22.3034.2 seeks rezoning of Residential Closed to Residential or Residential Infill. This submission is not supported as the locality is considered to be inappropriate for further subdivision and second dwellings in terms of the NZ Coastal Policy Statement 2010 and Council policies 6.15.3.1 and 6.15.3.2.

There are seven submissions that oppose the Residential Closed zoning. Submitter C22.3738.1 representing two households at 6 Tait Street and 6 Broadsea Avenue is concerned about loss of property value. These properties would have been difficult to subdivide under Rural 1 zoning as they are already small in size. Submitter C22.3715.7, who represents many households from Ruby Bay and Mapua, asks if the name of the zone can be changed to “Residential Protected” rather than “Residential Closed”. Elsewhere in the district in areas where subdivision is restricted, the zone has been named “Closed” so the terminology is appropriate.

Submitters C22.3703.1, C22.3707.1 and C22.3708.1 also oppose the Residential Closed Zone.

Submitter C22.3694.1 also opposes the Residential Closed Zone as they consider it extinguishes “multiple property rights” and devalues the property at 148 Stafford Drive. The property would have been difficult to subdivide under Rural 1 zoning because of the hazard issues affecting it. Coastal hazard protection measures for the property have been repaired and raised twice in the last 20 years.

#### 10.0 RESIDENTIAL CLOSED ZONE - TAHI STREET AND IWA STREET

Parts of Iwa Street and most of Tahī Street in Mapua are low lying (i.e below 3.5 metres above mean sea level) and close to the coast. Parts of Iwa St have been subject to flooding hazard. Some minor erosion has or is occurring on property frontages bounding the Mapua channel and estuary, resulting in the construction of a range of protection structures. Nevertheless, the risk of erosion and inundation is less extreme than on the open coast at Ruby Bay. It is considered prudent to restrict all further subdivision in these low-lying flood or coastal hazard prone areas other than for boundary adjustments.

Several submitters want to retain the Residential Zone in both streets - C22.1223.1, C22.3689.1, C22.3692.1, C22.3704.1 (on 25 Tahī Street), C22.3723.1, C22.3726.1, C22.3728.1, C22.3729.1, C22.3739.3. Four of these submitters want the controlled activity rule for second dwellings reinstated. These submissions are not supported as the locality is considered to be subject to a variety of present and future hazards that make the area inappropriate for further subdivision and second dwellings in terms of the NZ Coastal Policy Statement 2010. Council policies 6.15.3.1 and 6.15.3.2 are relevant (ie further residential growth is provided for on the hill land behind Mapua and Ruby Bay).

Submissions C22.1223.3, C22.3034.23, C22.3689.2, C22.3692.2, C22.3726.3, C22.3728.2 and C22.3739.3 that want to allow rather than prohibit subdivision in part of Iwa Street and Tahī Street are not supported. No change to rule 16.3.3.6 is recommended.

#### 11.0 RURAL 1 COASTAL ZONE

There are seven submissions about the Rural 1 Coastal Zone from landowners and public interest groups. This new subzone has a minimum lot size of 3.5ha. Subdivision below that is a prohibited activity. Three submitters oppose lowering the minimum lot size because “it would increase the number of dwellings in a well documented hazard zone” (C22.2870.7, C22.2874.19, C22.3718.22) and would be inconsistent with the NZ Coastal Policy Statement in an identified hazard area. While the position of these submissions is partly supported, the position is a compromise one and there are very few properties affected by this proposal. A minimum 3.5ha size preserves the ability for each lot to remain independent from publicly funded servicing or other infrastructure requirements.

C22.3712.1 seeks retention of the existing Rural 1 Zone on his 6 hectare property on the grounds that the new zone is too restrictive and the risks haven’t been sufficiently quantified. This submission is not supported as actual and potential hazard risks have been identified.

C22.3034.3 seeks residential or residential infill zoning on his low-lying land at the north end of the zone. This submission is not supported as the property is subject to present and future hazard risks and is inappropriate for the zoning sought and inconsistent with the NZCPS.

C22. 3710.4 seek deletion of the Rural 1 Coastal Zone, specifically over 44 Stafford Drive. This submission is not supported as the property is likely to be exposed to coastal hazard and flooding risks, particularly in the long term. It's unclear what alternative zoning is sought.

C22.3736 at 154 Aranui Road opposes the new subdivision rules for the Rural 1 Coastal Zone. The changes are considered unnecessary and inefficient by the submitter. This submission is opposed, for reasons already identified relating to present and future hazard risk exposure. It's unclear what alternative zoning is sought.

## 12.0 SUBDIVISION IN THE RURAL 1 COASTAL ZONE

There are several options proposed in respect of the rules for the Rural 1 Coastal Zone. These range from submitters who want the minimum area to remain as 12 hectares and not be reduced to 3.5 hectares (C22.2870.7, C22.2874.19, C22. 3718 and C22.3736.6). Submitter C22.3034.24 wants to replace the 3.5 hectares with smaller different values for three bands of coastal hazard subzones. The coastal plain is an unsuitable area for smaller lots sizes than 3.5 ha as suggested by the latter submitter and it is not recommended to make subdivision below 3.5 ha a discretionary activity - as sought in C22.3034.27.

Several submitters oppose subdivisions for boundary adjustments in the Rural 1 Coastal Zone being a discretionary activity if that means they will be non-notified. It does not mean that - as it has not been specified in rule 16.3.5.3 that these types of subdivision will always be non-notified.

There are several submissions that oppose rule 16.3.5.4 - the prohibited subdivision rule that applies after the 3.5 ha threshold has been reached. These are C22.3034.28, C22.3710.7 and C22.3736.9. The rule has worked quite successfully in other areas of the district where subdivision has been limited to boundary adjustments only - because of coastal hazard risks.

Another option is non-complying status - as used in the Tourist Services Zone at Mapua. Although not requested by any submitter, it may lie within the scope of submissions.

## 13.0 ENVIRONMENT COURT

The Council applied to the Environment Court to have part of the Plan Change 22 rules to have some effect from notification. Three submitters (C22.3703.2, C22.3707.3, C22.3708.2) have asked for the Environment Court decision to be rescinded. It is not possible for the Council to rescind the Environment Court order which was legitimately made under section 86D of the Resource Management Act. The current hearing process is an opportunity for the Council to consider the submissions received and decide whether any changes to Plan Change 22 are necessary.

## 14.0 COMPENSATION / RATES / NEW SEAWALL

Some submitters have asked for compensation for loss of property rights (C22.3703.4, C22.3707.6 and C22.3708.4). Compensation is not generally payable in respect of planning provisions unless land is incapable of reasonable use. Rates reduction is also sought by these same submitters. Rates are struck on the basis of capital value of land in the Tasman district. Where land has some limitations it may not be so highly valued and rated.

Submitter C22.3694.5 has asked for the Council to complete 600 metres of seawall at the northern end of Ruby Bay. The Council has not committed to building any further coastal protection works at Ruby Bay.

## ■ RECOMMENDATIONS AND REASONS

### **Recommendation 564.1**

<b>C22.3703.3</b>	<b>Gina Jessen Family Trust</b>	<b>Allow In Part</b>
<b>C22.3707.3</b>	<b>Jackson, Evellen</b>	<b>Disallow</b>
<b>C22.3707.4</b> <i>Disallow</i>	<b>Jackson, Evellen</b> FC22.3151.77	<b>Allow In Part</b>
<b>C22.3708.3</b>	<b>Jackson, John</b>	<b>Disallow</b>
<b>C22.3712.3</b>	<b>Kelly, Tim &amp; Lyn</b>	<b>Disallow</b>
<b>C22.3736.16</b> <i>Disallow</i>	<b>Talley, P; Ryder, J; Fitchett, J</b> FC22.3151.141	<b>Allow</b>

### **Plan Amendments**

*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 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.

**Recommendation 564.2**

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

**Plan Amendments**

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.

**Recommendation 564.3**

<b>C22.1445.6</b>	<b>Director-General of Conservation</b>	<b>Allow</b>
<i>Allow</i>	FC22.3151.10	
<b>C22.3034.6</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>Disallow</b>
<i>Allow</i>	FC22.3151.44	
<i>Disallow</i>	FC22.342.2	FC22.3736.2
<b>C22.3715.1</b>	<b>Le Petit, Gary and 95 others</b>	<b>Disallow</b>
<i>Allow</i>	FC22.3151.78	
<b>C22.3718.11</b>	<b>Mapua and District Cycle-Walkways Group</b>	<b>Allow In Part</b>
<i>Allow in Part</i>	FC22.3151.95	
<i>Disallow</i>	FC22.3736.5	
<b>C22.3729.2</b>	<b>Sampson, Russell &amp; Pam</b>	<b>Allow In Part</b>

**Plan Amendments**

Topic : 6.15.1.1

No Plan amendments to issue statement 6.15.1.1.

**Other Action**

Coastal hazard area identification and delineation elsewhere in the district.

**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 hazard 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.

**Recommendation 564.4**

<b>C22.342.6</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>Disallow</b>
<b>C22.2874.16</b>	<b>Mitchell, David &amp; Judy</b>	<b>Disallow</b>

<b>C22.2874.18</b>	<b>Mitchell, David &amp; Judy</b>	<b>Disallow</b>
<b>C22.3034.16</b> <i>Allow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.3151.54	<b>Disallow</b>
<b>C22.3718.19</b> <i>Disallow</i>	<b>Mapua and District Cycle-Walkways Group</b> FC22.3151.103	<b>Disallow</b>
<b>C22.3718.21</b> <i>Disallow</i>	<b>Mapua and District Cycle-Walkways Group</b> FC22.3151.105	<b>Disallow</b>

**Plan Amendments**

*Topic : 13.1.3.2*

No Plan amendments to policy 13.1.3.2.

*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 hazard areas is not proposed to be altered in Plan Change 22 as it fairly represents the rule framework that has been adopted.

**Recommendation 564.5**

<b>C22.3034.17</b> <i>Allow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.3151.55	<b>Disallow</b>
<b>C22.3707.5</b>	<b>Jackson, Evellen</b>	
<b>C22.3715.4</b> <i>Disallow</i>	<b>Le Petit, Gary and 95 others</b> FC22.3151.81	<b>Allow In Part</b>

**Plan Amendments**

*Topic : 13.1.3.4A*

Add to the end of policy 13.1.3.4A:  
"other than on speciifed 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 dwellngs from being renovated.

**Recommendation 564.6**

<b>C22.3034.18</b> <i>Allow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.3151.56	<b>Disallow</b>
<b>C22.3715.5</b> <i>Disallow</i>	<b>Le Petit, Gary and 95 others</b> FC22.3151.82	<b>Allow In Part</b>

**Plan Amendments**

*Topic : 13.1.3.4B*

No Plan amendments to policy 13.1.3.4B.

**Reasons**

1. It is sound planning that reconstructed or replacement buildings are not located any closer to mean high water springs in an

area actually or potentially subject to coastal hazards.  
 2. Exposure to coastal hazard risk will be at least partially mitigated by maintaining or increasing setback distance from the coast for existing habitable buildings.

**Recommendation 564.7**

<b>C22.2874.17</b>	<b>Mitchell, David &amp; Judy</b>	<b>Disallow</b>
<b>C22.3034.19</b> <i>Allow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.3151.57	<b>Disallow</b>
<b>C22.3715.6</b> <i>Disallow</i>	<b>Le Petit, Gary and 95 others</b> FC22.3151.83	<b>Allow In Part</b>
<b>C22.3718.20</b> <i>Disallow</i>	<b>Mapua and District Cycle-Walkways Group</b> FC22.3151.104	<b>Disallow</b>
<b>C22.3736.4</b> <i>Allow</i>	<b>Talley, P; Ryder, J; Fitchett, J</b> FC22.3151.129	<b>Disallow</b>
<b>C22.3739.2</b>	<b>Waugh, J and Armstrong, A</b>	<b>Disallow</b>

**Plan Amendments**

*Topic : 13.1.3.4C*

No Plan amendments to policy 13.1.3.4C.

**Reasons**

1. The Council has taken a measured approach to subdivision on the coastal plain at Mapua Ruby Bay that is designed to ensure a low density of development that will not require further services.
2. Low density (minimum 3.5ha lots) subdivision is only available for large lots that are in an area that is adjacent to the proposed Residential Closed Zone at Ruby Bay but also in an area that is subject to coastal and flooding hazards where subdivision and development should be constrained.
3. A lot size similar to many of the existing larger lots on the coastal plain is set as the basis for a controlled activity subdivision and once these lots are subdivided to that 3.5ha minimum, further subdivision would be a prohibited activity.
4. Wording to achieve this is included in the Plan.

**Recommendation 564.8**

<b>C22.1445.10</b> <i>Allow</i>	<b>Director-General of Conservation</b> FC22.3151.14	<b>Allow</b>
<b>C22.3034.5</b> <i>Allow in Part</i> <i>Disallow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.342.3                      FC22.3736.3 FC22.3151.43	<b>Allow In Part</b>
<b>C22.3034.20</b> <i>Allow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.3151.58	<b>Disallow</b>
<b>C22.3710.8</b>	<b>Jarvis, Martin D</b>	<b>Disallow</b>

**Plan Amendments**

*Topic : 13.1.30*

Add to the end of the fifth paragraph, the following:  
 "The Council intends to maintain its rock revetments at Ruby Bay for up to the expiry of their consent (in 2044) and endeavour to protect the status quo".

**Reasons**

1. The Council has taken a practical approach to what it believes is sustainable with respect to hazard management and what development and land the community can afford to protect at Ruby Bay.
2. Assets at risk from coastal hazard and flooding at Ruby Bay are contained rather than expanded.
3. The NZ Coastal Policy Statement requires the Council to take sea level rise projections into account in its future planning.
4. The Resource Management Act requires the Council to take present and future hazard risks, including the potential effects of climate change into account in its planning and decision-making functions.

**Recommendation 564.9**

<b>C22.3722.2</b>	<b>Ngaruroro Farm Ltd</b>	<b>Disallow</b>
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**Plan Amendments**

Topic : 13.1.3

No Plan amendment to add a policy on replenishment at Ruby Bay.

**Reasons**

Beach replenishment is not considered to be a comprehensive, long-term hazard management option for Ruby Bay. There are practical difficulties in sourcing the required volumes of material for managing erosion hazards at Mapua/Ruby Bay.

**Recommendation 564.10**

C22.342.11	Adventurer Leisure Properties Ltd	Disallow
C22.342.12	Adventurer Leisure Properties Ltd	Disallow
C22.342.13	Adventurer Leisure Properties Ltd	Disallow
C22.2875.1	Tansley, Mrs Wilma	Allow In Part
C22.2875.2	Tansley, Mrs Wilma	Allow In Part
C22.3034.33	Gallagher, Devin & Charmaine	Disallow
Allow	FC22.3151.71	
Disallow	FC22.342.4	FC22.3736.4
C22.3719.1	March, Judith	Disallow
C22.3722.5	Ngaruroro Farm Ltd	Disallow
C22.3736.10	Talley, P; Ryder, J; Fitchett, J	Disallow
Allow	FC22.3151.135	
C22.3736.11	Talley, P; Ryder, J; Fitchett, J	Disallow
Allow	FC22.3151.136	
C22.3736.12	Talley, P; Ryder, J; Fitchett, J	Disallow
Allow	FC22.3151.137	

**Plan Amendments**

Topic : 18.9.2.1

No Plan amendments to rule 18.9.2.1.

**Reasons**

1. The previous Coastal Hazard Area did not cover all properties at risk as it did not extend the full length of development at Ruby Bay to Mapua Channel.
2. Sea level rise projections and climate change make it likely that there will be an increased risk of erosion and flood hazard in low-lying coastal areas like Ruby Bay which have a documented hazard risk.
3. The Council has adopted a precautionary approach to habitable buildings in the Coastal Hazard Area consistent with restrictions in the Fault Rupture Risk Area.

**Recommendation 564.11**

C22.342.14	Adventurer Leisure Properties Ltd	Disallow
C22.342.15	Adventurer Leisure Properties Ltd	Allow
C22.342.16	Adventurer Leisure Properties Ltd	Allow
C22.3034.35	Gallagher, Devin & Charmaine	Allow
Disallow	FC22.3151.73	
C22.3722.6	Ngaruroro Farm Ltd	Disallow
C22.3736.13	Talley, P; Ryder, J; Fitchett, J	Disallow
Allow	FC22.3151.138	
C22.3736.14	Talley, P; Ryder, J; Fitchett, J	Allow
Disallow	FC22.3151.139	



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

**Plan Amendments**

*Topic : 6.15.20*

No Plan amendments to add bands of risk.

*Topic : AM 54*

No Plan amendments to extent of Coastal Hazard Area.

*Topic : AM 87*

No Plan amendments to extent of Coastal Hazard 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 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 Hazard Area should not be removed from individual properties at 144 Stafford Drive, 16 and 38 Broadsea Avenue and 154 Aranui Road 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.

**Recommendation 564.14**

<b>C22.342.1</b>	<b>Adventurer Leisure Properties Ltd</b>	<b>Allow</b>
<b>C22.3034.4</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>Allow In Part</b>
<i>Allow in Part</i>	FC22.3151.42	
<b>C22.3034.14</b>	<b>Gallagher, Devin &amp; Charmaine</b>	<b>Disallow</b>
<i>Allow</i>	FC22.3151.52	
<b>C22.3736.1</b>	<b>Talley, P; Ryder, J; Fitchett, J</b>	<b>Allow</b>
<i>Disallow</i>	FC22.3151.126	

**Plan Amendments**

Topic : Chapter 2

1. 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 ...

(a) coastal protection structure

(b) any scaffolding or falsework ....."

and renumber accordingly.

2. 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".

Topic : 18.11.2

Amend rule 18.11.2.1(b) to read:

"The activity is not the construction of a new building, a coastal protection structure or the disposal of refuse".

Topic : 18.11.3

1. Add to controlled activity rule 18.11.3.1, a new condition (g):

"(g) It is not a coastal protection structure"

2. Amend restricted discretionary activity rule 18.11.3.2 as follows:

"18.11.3.2 Restricted Discretionary Activities (Building or Coastal Protection Structure Construction)

Construction of or extension to a new building or coastal protection structure that does not comply with the conditions of Rule 18.11.3.1 is a restricted discretionary activity.

A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matters to which the Council has restricted its discretion:

(1) The effects of the location, design and appearance of the building or coastal protection structure, including ....."

**Reasons**

1. The specific exclusion of coastal protection structures from the definition of "building", the insertion of a separate definition for coastal protection structures and the clarification of them in the coastal environment area rule will result in the same consent requirements for coastal protection structures as that proposed in Plan Change 22 but will remove the potential problems posed by the inclusion of "coastal protection structures" within the definition of building.

2. 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.

3. 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.

**Recommendation 564.15**

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

**Plan Amendments**

Topic : ZM 87

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

**Reasons**

1. 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.

2. 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.

3. 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.

**Recommendation 564.16**

C22.1223.1	Garnett, Colin J & Hulse, Carol	Disallow
C22.1223.3	Garnett, Colin J & Hulse, Carol	Disallow
C22.1223.4	Garnett, Colin J & Hulse, Carol	Disallow
C22.1223.5	Garnett, Colin J & Hulse, Carol	Allow In Part
C22.3034.23 Allow	Gallagher, Devin & Charmaine FC22.3151.61	Disallow
C22.3034.29 Allow	Gallagher, Devin & Charmaine FC22.3151.67	Disallow
C22.3034.30 Allow	Gallagher, Devin & Charmaine FC22.3151.68	Disallow
C22.3689.1	Atkins, Sue	Disallow
C22.3689.2	Atkins, Sue	Disallow
C22.3689.3	Atkins, Sue	Disallow
C22.3692.1	Bannister, Frederick & Annamarie	Disallow
C22.3692.2	Bannister, Frederick & Annamarie	Disallow
C22.3692.4	Bannister, Frederick & Annamarie	Disallow
C22.3704.1	Hall, William	Disallow
C22.3723.1	Ralfe, J & Pritchard, D	Disallow
C22.3723.2	Ralfe, J & Pritchard, D	Allow In Part
C22.3726.1	Rhodes, Charles R	Disallow
C22.3726.3	Rhodes, Charles R	Disallow
C22.3728.1	Robinson, Tim & Jill	Disallow
C22.3728.2	Robinson, Tim & Jill	Disallow
C22.3728.3	Robinson, Tim & Jill	Disallow
C22.3729.1	Sampson, Russell & Pam	Disallow
C22.3739.3	Waugh, J and Armstrong, A	Disallow

**Plan Amendments**

Topic : 16.3.3.6

No Plan amendments to rule 16.3.3.6.

Topic : 17.1.3.4

No Plan amendments.

Topic : 17.1.3.2

No Plan amendments to reinstate second dwellings as a controlled activity.

Topic : 17.1.20

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

Topic : ZM 87

No Plan amendments to the Residential Closed Zone at Tahī Street and part of Iwa Street.

**Reasons**

1. It is considered prudent to restrict all further subdivision in these low-lying areas (below 3.5 metres above mean sea level) other than boundary adjustments in view of present and potential future flooding risk and increasing coastal hazard risk, particularly as a consequence of projected sea level rise. Second dwellings are no longer considered to be appropriate as a controlled activity.
2. Further subdivision and second dwellings in the low-lying parts of Tahī Street and Iwa Street are considered to be inappropriate, both presently and particularly in the long term, in terms of the NZ Coastal Policy Statement.
3. 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.

**Recommendation 564.17**

<b>C22.2870.7</b>	<b>Gilkison, Bruce J</b>	<b>Disallow</b>
<b>C22.2874.19</b>	<b>Mitchell, David &amp; Judy</b>	<b>Disallow</b>
<b>C22.2874.20</b>	<b>Mitchell, David &amp; Judy</b>	<b>Allow In Part</b>
<b>C22.3034.3</b> <i>Allow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.3151.41	<b>Disallow</b>
<b>C22.3034.24</b> <i>Allow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.3151.62	<b>Disallow</b>
<b>C22.3034.27</b> <i>Allow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.3151.65	<b>Disallow</b>
<b>C22.3034.28</b> <i>Allow</i>	<b>Gallagher, Devin &amp; Charmaine</b> FC22.3151.66	<b>Disallow</b>
<b>C22.3710.4</b>	<b>Jarvis, Martin D</b>	<b>Disallow</b>
<b>C22.3710.5</b>	<b>Jarvis, Martin D</b>	<b>Disallow</b>
<b>C22.3710.6</b>	<b>Jarvis, Martin D</b>	<b>Disallow</b>
<b>C22.3710.7</b>	<b>Jarvis, Martin D</b>	<b>Disallow</b>
<b>C22.3712.1</b>	<b>Kelly, Tim &amp; Lyn</b>	<b>Disallow</b>
<b>C22.3718.22</b> <i>Disallow</i>	<b>Mapua and District Cycle-Walkways Group</b> FC22.3151.106	<b>Disallow</b>
<b>C22.3718.23</b> <i>Allow in Part</i>	<b>Mapua and District Cycle-Walkways Group</b> FC22.3151.107	<b>Allow In Part</b>
<b>C22.3736.5</b> <i>Allow</i>	<b>Talley, P; Ryder, J; Fitchett, J</b> FC22.3151.130	<b>Disallow</b>
<b>C22.3736.6</b> <i>Allow</i>	<b>Talley, P; Ryder, J; Fitchett, J</b> FC22.3151.131	<b>Disallow</b>
<b>C22.3736.8</b> <i>Allow</i>	<b>Talley, P; Ryder, J; Fitchett, J</b> FC22.3151.133	<b>Disallow</b>
<b>C22.3736.9</b> <i>Allow</i>	<b>Talley, P; Ryder, J; Fitchett, J</b> FC22.3151.134	<b>Disallow</b>

**Plan Amendments**

*Topic : 16.3.5.1*

No Plan amendments to controlled activity rule 16.3.5.1(b).

*Topic : 16.3.5.3*

No Plan amendments to discretionary subdivision rule 16.3.5.3.

*Topic : 16.3.5.4*

No Plan amendments to rule 16.5.4.

*Topic : 17.5.1*

No Plan amendments to rule 17.5.1.

Topic : ZM 87

No Plan amendments to Rural 1 Coastal Zone.

**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 3.5 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.

**Recommendation 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
Allow	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**

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 to 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.