

SECTION 42A REPORT

Rebuttal Evidence

Hearing 27D: Natural Hazards and Climate Change - Coastal Hazards

Report prepared by: Kelly Nicolson

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I Introduction

I.1 Background

1. My name is Kelly Nicolson. I am employed by Waikato District Council as a Senior Policy Planner.
2. I am the writer of the original s42A report for Hearing 27D: Coastal Hazards.
3. My qualification and experience are set out in paragraph 2 of that report, and I have not repeated the information contained in section 1.1 to 1.4 of that s42A Hearing Report here, and request that the Hearings Panel take this as read.

2 Purpose of the report

4. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:

If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.
5. The purpose of this report is to consider the primary evidence and rebuttal evidence filed by submitters.
6. Evidence relevant to Hearing 27D: Coastal Hazards was filed by the following submitters within the timeframes directed by the Hearings Panel¹:
 - (a) Fire and Emergency New Zealand [2103]
 - Alec Duncan: Planning (Beca)
 - (b) Heritage New Zealand Pouhere Taonga [2107]
 - Carolyn McAlley: Planning
 - (c) Ministry of Education [2086]
 - Alec Duncan: Planning (Beca)
 - (d) Spark New Zealand Trading Limited [2040]
 - Chris Horne: Planning
 - (e) Rangitahi Limited [2115]
 - Ben Inger: Planning (Monocle)
 - Kenneth Read: Geotechnical Engineering (CMW Geosciences)
 - (f) Kāinga Ora-Homes and Communities [2094]
 - Craig Sharman: Planning (Beca)
 - (g) Waikato Regional Council [2102]
 - James Beban and Sarah Gunnell: Planning (Urban Edge Planning)
 - (h) Ruth Walden [2054]
 - Mark Mitchell: Geotechnical Engineering (Mark T Mitchell)
 - (i) Brett Beamsley [2109]
 - Brett Beamsley: Coastal Science

¹ Hearings Panel Directions 21 May 2019

- (j) Alex Staheli [2087]
 - RDG James: Civil Engineering (Quintet Consulting)
7. Late evidence was filed by the following submitters:
- (a) Tyler Barry [2031]
 - Tyler Barry: Maps – Whale Bay, Raglan (21 April 2021)
 - (b) Andrew Wilson [2066]
 - Andrew Wilson: Maps – Te Akau South (23 April 2021)
 - Michael Carter: Engineering Geology (23 April 2021)
 - (c) Trish Waugh [2080]
 - Trish Waugh: Maps – Te Akau South (23 April 2021)
 - Michael Carter: Engineering Geology (23 April 2021)
 - (d) Horongarara Community Group [2021]
 - Andrew Wilson: Maps – Te Akau South (23 April 2021)
 - Michael Carter: Engineering Geology (23 April 2021).

3 Consideration of evidence received

3.1 Evidence not requiring response in this report

8. The evidence of the following submitters does not require response in this report and is not considered further:
- (a) Fire and Emergency NZ, which supports the recommendations in s42A report 27D and does not wish to be heard but request that the letter of evidence be tabled for Hearings Commissioners;
 - (b) Heritage New Zealand Pouhere Taonga, which concurs with the recommendations in the s42A report 27D;
 - (c) Ministry of Education, which supports the recommendations in s42A report 27D and does not wish to be heard but request that the letter of evidence be tabled for Hearings Commissioners.

3.2 Matters addressed by this report

- 9. This report addresses the evidence of submitters where they disagree with the s42A report.
- 10. I have individually addressed the matters raised in the submitter evidence where there are no common elements.
- 11. The evidence by Ruth Walden, Brett Beamsley, Andrew Wilson, Trish Waugh, Horongarara Community Group, Tyler Barry and Alex Staheli & Viki Stokes largely relate to the mapped coastal hazard areas. My response to the evidence from this group of submitters has relied to some degree on the feedback from coastal scientists Mrs Bronwen Gibberd and Mr Jim Dahm.
- 12. The evidence by Andrew Wilson, Trish Waugh and Horongarara Community Group cover similar matters, and I have structured my response by addressing these submitters together.
- 13. Where the submitters have agreed with recommendations in the s42A report, I have not further discussed these matters in this report.

14. This evidence has been provided by planners, technical experts or lay persons identified in the documents. For simplicity in this report, I reference the evidence by the name of the planner, technical expert or lay person submitter.

3.3 Corrections to the Section 42A Report

15. The following submissions and further submissions were omitted from my Section 42A report. Many have been analysed under another submission by the same submitter or through another submission seeking the same relief. I will address these submission points in this section of the report.

Submission point	Submitter	Summary of submission
2001.2	Ian & Desiree McDonald	Delete the High Coastal Hazard (Erosion) Area from 9 Ryan Road, Te Akau South.
2055.2	Eric Messick	Amend the boundary of the Coastal Sensitivity Area (Erosion) in Horongarara Esplanade on Map 23.3.
2071.2	Tyrone Murphy	Amend Map 23.3 (Raglan West) - High Risk Coastal Hazard (Erosion) Area Overlay and section 15.9 on to accurately reflect the risk at 10 Mara Kai lane, Rangitahi Peninsula, Raglan.
2098.2	Christopher John Mitchell	Amend Map 23.4 (Raglan East), to remove the Coastal Sensitivity Area (Inundation) from 95 Lorenzen Bay Road, Raglan.
2098.3	Christopher John Mitchell	Amend Map 23.4 (Raglan East), to remove the High Risk Coastal Hazard (Erosion) Area from 95 Lorenzen Bay Road, Raglan.
2098.4	Christopher John Mitchell	Amend Map 23.4 (Raglan East), to remove the Coastal Sensitivity Area (Erosion) from 95 Lorenzen Bay Road, Raglan.
2175.5	Darcel Rickard on behalf of Te Kopua Trust & Te Kopua 2b3 Incorporation	Amend Chapter 15.13 to provide for intergenerational adaptive management plans AND Amend Chapter 15.13 to enable development on Maori freehold land as a permitted activity or via a less tiresome planning process so long as development is in accordance with a site-specific adaptive management plan AND Amend Chapter 15.13 to enable tangata whenua to sustainably manage their land in the face of a changing climate
2182.2	Louise Davis	Amend Map 23.3 Coastal Sensitivity Area (Erosion) boundaries along Horongarara Esplanade to be further seaward.

3.4 Analysis

16. Ian & Desiree McDonald [2001.2] have sought to delete the High Coastal Hazard (Erosion) Area from their property at 9 Ryan Road, Te Akau South. However there was no proposed

high risk erosion area on the maps in that area at time of notification. The submitter also sought to amend the Coastal Sensitivity Area (Erosion) overlay on their property by undertaking detailed investigation and mapping of land based on local soil and rock formations [2001.1].

17. Following the detailed mapping carried out on the coastline at Te Akau South, the Coastal Sensitivity Area (Erosion) has been recommended to be significantly reduced and a new High Coastal Hazard (Erosion) Area introduced to the maps for that section of coastline. The submitter's property is not subject to the High Risk Coastal Hazard (Erosion) Area following the changes to the maps. For this reason I recommend that the submission from Ian & Desiree McDonald [2001.2] be **accepted**.
18. Eric Messick [2055.2] requested amendments to the boundary of the Coastal Sensitivity Area (Erosion) in Horongarara Esplanade on Map 23.3. Mr Messick's submission point [2055.1] requested the same amendment, and this was addressed in my Section 42A report Part 2 – Maps, pages 17 and 18, paragraphs 59 – 66. I recommended that submission [2055.2] be accepted and therefore also recommend that submission [2055.1] by Eric Messick be **accepted**.
19. Tyrone Murphy [2071.2] sought to amend the High Risk Coastal Hazard (Erosion) Area Overlay on Map 23.3 and to amend section 15.9 to accurately reflect the risk on his property at 10 Mara Kai lane, Rangitahi Peninsula. Mr Murphy requested the same relief under submission [2071.1], as discussed in my S42A report Part 2 Maps pages 39 – 41, paragraphs 149-156. The submission was reviewed by Mrs Gibberd and Mr Dahm, and changes to the High Risk Coastal Hazard (Erosion) Area were recommended. Submission [2071.1] was recommended to be accepted in part, in so far as it related to the High Risk Coastal Hazard (Erosion) Area. I therefore recommend that submission [2071.2] be **accepted in part**, to the extent indicated on the revised maps.
20. Christopher John Mitchell sought to amend Map 23.4 to remove the Coastal Sensitivity Area (Inundation) [2098.2], the High Risk Coastal Hazard (Erosion) Area [2098.3] and the Coastal Sensitivity Area (Erosion) [2098.4] overlays from his property at 95 Lorenzen Bay Road, Raglan. Although these submissions were not addressed in my section 42A report, submission [2098.1] from the same submitter to remove all coastal overlay areas from 95 Lorenzen Bay Road was. I recommended that this submission be rejected. On this basis I also recommend that submissions [2098.2], [2098.3] and [2098.4] from Christopher John Mitchell be **rejected**.
21. Darcel Rickard on behalf of Te Kopua Trust & Te Kopua 2b3 Incorporation [2175.5] requested amendments to Chapter 15.13 to provide for intergenerational adaptive management plans and to amend Chapter 15.13 to enable development on Maaori freehold land as a permitted activity or via a less tiresome planning process, as long as development is in accordance with a site-specific adaptive management plan, and to amend Chapter 15.13 to enable tangata whenua to sustainably manage their land in the face of a changing climate.
22. Although my s42A report did not specifically address these matters in regard to Chapter 15.13, it did address similar submissions by the same submitter requesting similar amendments to Chapter 15.7 [2175.1], Chapter 15.8 [2175.2], Chapter 15.9 [2175.3] and Chapter 15.10 [2175.4] in section 35.2 of my report. These submissions were recommended to be rejected on the basis that there was not enough detail provided in the submissions on how the amendments to rules based on intergenerational adaptive management plans would work in practice. I invited the submitter to provide further evidence in this respect, but no further evidence was received. On this basis, I recommend that the submission from Darcel Rickard on behalf of Te Kopua Trust & Te Kopua 2b3 Incorporation [2175.5] be **rejected**.
23. Louise Davis [2182.2] sought to amend the boundary of the Coastal Sensitivity Area (Erosion) along Horongarara Esplanade to be further seaward. This matter was addressed in multiple submissions seeking the same relief (refer to section 1.4.2 (pages 17 and 18, paragraphs 59 – 66) of my s42A report Part 2 – Maps), as well as submission [2146.3] from Waikato District

Council. After carrying out detailed mapping for the Te Akau South coastline, the Coastal Sensitivity Area (Erosion) boundaries were revised and recommended to extend further seaward from the position on the notified maps. In this respect the relief sought by Louise Davis in submission [2182.2] has been satisfied, and on this basis I recommend that it be **accepted**.

3.5 Recommendations

24. For the reasons outlined above, it is recommended that the hearings panel:

- (a) **Accept** the submissions from Ian & Desiree McDonald [2001.1];
- (b) **Accept** the submission by Eric Messick [2055.2];
- (c) **Accept in part** the submission by Tyrone Murphy [2071.2] to the extent indicated on the revised maps;
- (d) **Reject** the submissions by Christopher John Mitchell [2098.2], [2098.3] and [2098.4];
- (e) **Reject** the submission from Darcel Rickard on behalf of Te Kopua Trust & Te Kopua 2b3 Incorporation [2175.5];
- (f) **Accept** the submission from Louise Davis [2182.2].

4 Spark New Zealand Trading Limited [2040]

4.1 Introduction

25. This section deals with the matters raised in the planning evidence and rebuttal lodged by Chris Horne on behalf of Spark New Zealand Trading Limited with regard to submission points [2040.09] and [2040.10] to amend Rules 15.9.1 P2 (2) and 15.10.1 P2 (2) which list the utilities and associated activities that are permitted in the High Risk Coastal Hazard Areas by including additional activities within the permitted rule.

26. References

Evidence	Page/paragraph
<i>Telecommunications Infrastructure – High Risk Coastal Hazard Areas</i>	
Spark evidence – Rule 15.9.1 P2	Pages 6 - 9, Paragraphs 21 - 31
S42A report 27D	Page 20, Paragraphs 75 - 79
Spark evidence – Rule 15.10.1 P2	Pages 6 - 9, Paragraphs 21 - 31
S42A report 27D	Pages 36 - 37, Paragraphs 144 - 147

4.2 Analysis

27. The notified version of Rules 15.9.1 P2 (2) and 15.10.1 P2 (2) included new telecommunications lines, poles, cabinets and masts/poles and supporting antennas as a permitted activity. The submitter requested that the rules be amended to include both new and upgrading (to the extent it is not minor upgrading) of infrastructure and utilities, and that clause P2(2) be amended to read:

- (a) Operation, construction, replacement, repair, maintenance, minor upgrading or upgrading of New telecommunication lines, poles, cabinets and masts/ poles supporting antennas.

28. I recommended that the request be rejected on the basis that the amendments, combined with WEL Networks' request to permit earthworks associated with P2 (1) and (2), would effectively preclude any assessment of the impacts that coastal erosion may have on these activities, as well as an assessment of the adverse impacts that the activity will have on vulnerable areas of the coastline that have been identified as currently at high risk of erosion.

29. In his evidence Mr Horne points out that the notified rules already allow for new telecommunications lines, poles, cabinets and masts/poles supporting antennas without any standards. The Spark submission is seeking that the rule also include the operation, replacement, repair, maintenance, minor upgrading or upgrading of the same equipment.

30. Mr Horne also points out in his evidence that repair, maintenance or minor upgrading of all utilities are already provided for under clause (1) of both rules, and that these activities do not need to be repeated in a clause (2).

31. Following a review of the rationale set out in the evidence, I agree with the amendments sought. My initial recommendations to reject the submission points were based on the requested activities combined with any associated earthworks. However Spark's submission was not requesting earthworks, and as new telecommunications equipment is permitted, it should stand that the operation, replacement or upgrading of the same equipment should have the same activity status.

4.3 Recommendations

32. Having considered the points raised in evidence and rebuttal evidence, I now consider changing my recommendation to the following:

- **Accept in part** the submission from Spark NZ Trading Ltd [2040.9], to the extent that Rule 15.9.1 P2 (2) only include construction, operation, replacement or upgrading of telecommunications lines, poles, cabinets and masts/poles supporting antennas;
- **Accept in part** the further submission from *Mercury NZ Ltd* [FS3034.8];
- **Accept in part** the submission from Spark New Zealand Trading Limited [2040.10], to the extent that Rule 15.10.1 P2 (2) only include construction, operation, replacement or upgrading of telecommunications lines, poles, cabinets and masts/poles supporting antennas.

4.4 Recommended amendments

33. The following amendments to Rules 15.9.1 P2 (2) and 15.10.1 P2 (2) are recommended to provisions, beyond those changes recommended in my s42A report H27D.
34. The amendments include consequential amendments to the structure of both rules to separate amendments sought by WEL Networks [2106.20].

Rule 15.9.1 P2

P2	<p>(1) Repair, maintenance or minor upgrading of existing utilities.</p> <p>(2) <u>New Construction, operation, replacement or upgrading</u> of telecommunications lines, poles, cabinets and masts/ poles supporting antennas.</p> <p>(3) <u>New electricity lines, poles, cabinets and masts/ poles supporting antennas.</u>²</p>	<p>(a) <u>The works do not involve coastal protection structures.</u>³</p>
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Rule 15.10.1 P2

P2	<p>(1) Repair, maintenance or minor upgrading of existing utilities.</p> <p>(2) <u>New Construction, operation, replacement or upgrading</u> of telecommunications lines, poles, cabinets and masts/ poles supporting antennas.</p> <p>(3) <u>New electricity lines, poles, cabinets and masts/ poles supporting antennas.</u>⁴</p>	<p>(a) <u>The works do not involve coastal protection structures.</u>⁵</p>
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² WEL Networks [2106.20]

³ Waikato Regional Council [2102.59]

⁴ WEL Networks [2106.20]

⁵ Waikato Regional Council [2102.59]

4.5 Section 32AA Evaluation

35. The s32 report 'Natural Hazards and Climate Change' (2020) evaluates rules for utilities in High Risk Coastal Hazard Areas. The amendments are of a minor nature in that they clarify the activities that would be permitted by the notified rule. There is no material change resulting from the recommended amendments. For these reasons no additional evaluation of the amended text is considered necessary under s32AA.

5 Rangitahi Limited [2115]

5.1 Introduction

36. This section deals with the matters raised in the planning evidence and rebuttal lodged by Ben Inger and geotechnical engineering evidence by Kenneth Read on behalf of Rangitahi Limited.
37. The main topics raised in the planning evidence relate to the Coastal Sensitivity Area mapped overlays, the activity status applied to buildings in the Coastal Sensitivity Area (Erosion) [2115.4], and the activity status for subdivision in the Coastal Sensitivity Area (Erosion), the Coastal Sensitivity Area (Inundation) [2115.5], the High Risk Coastal Hazard (Erosion) Area and the High Risk Coastal Hazard (Inundation) Area [2115.6].
38. The main matters raised in the geotechnical evidence relate to the coastal hazard and geotechnical assessments carried out as part of the previous subdivision applications for Precincts A, B and D of the Rangitahi Peninsula Zone (precincts where subdivision consent has been approved and are currently being developed) and whether these assessments adequately address the effects of climate change.

5.2 Building - Rule 15.7.1 P5 and consequential amendments [2115.4]

39. References:

Evidence	Page/paragraph
<i>Construction of a new building or additions to an existing building within the Coastal Sensitivity Area (Erosion) [2115.4]</i>	
Rangitahi evidence (Mr Inger)	Pages 7-8, Paragraphs 27-28; Pages 9-10, Paragraphs 35-38; Annexure 2, Page 17
Rangitahi evidence (Mr Read)	Pages 6-10, Paragraphs 16-35(f)
S42A report 27D	Page 57, Paragraph 228

5.3 Analysis

40. Mr Inger states that the recommendations in the s42A report will mean that under Rule 15.7.2 RD1, new buildings, additions to existing buildings over 15m² and accessory buildings with a floor will be a restricted discretionary activity for development of recently-approved lots in the Rangitahi Peninsula Zone when within the Coastal Sensitivity Area (Erosion).
41. Mr Inger explains that coastal hazards were investigated at the time of subdivision, and areas where further site-specific work is required have been identified as 'specific design zones.' These zones require specific building design to be addressed at the time of development. This requirement is implemented through a consent notice registered against the records of title of affected properties (attached as Annexure 3 to Mr Inger's evidence), and he considers that this method will address any issues relating to coastal erosion and climate change. Mr Inger's evidence suggests a new permitted activity rule (with different wording from the submission) based on the adequacy of the specific design zones and matters included in the consent notice

to address coastal erosion and climate change to the degree required under proposed Rule 15.7.2 RD1. Below is the new rule as suggested in the evidence from Mr Inger:

Activity	Activity-specific conditions
<p><u>P5</u> <u>Construction of a new building or additions to existing buildings in the Rangitahi Peninsula Zone on a certificate of title which was created by subdivision consent granted prior to [date this rule becomes operative]</u></p>	<p>(a) <u>Compliance with the requirements of any consent notice for the certificate of title pursuant to s221 RMA requiring specific building design.</u></p>

42. Mr Read's statement of evidence includes a review of the geotechnical assessments prepared for Rangitahi Limited in respect of the precincts A, B and D, with a view to determining whether the analysis and recommendations in those reports suitably address climate change. Mr Read is of the opinion is that, although the geotechnical reports prepared to date did not specifically address sea level rise, the specific design zones and the consent notice mechanisms do adequately address the effects of climate change by addressing increased pore water pressures and slope instability.
43. Coastal scientists Bronwen Gibberd and Jim Dahm have reviewed the specific design zones in relation to the Coastal Sensitivity Area and agree that they extend over a similar area. As suggested by Mr Inger, the consent notice applying to these areas does address geotechnical issues identified in the Geotechnical Completion Report through specific building design measures. Mr Read may consider the previous geotechnical investigation to have adequately addressed climate change. However, the mitigation of coastal erosion through the structural design of buildings is only one of the matters included in Rule 15.7.2 RD1.
44. To give effect to the relevant policy direction, it is necessary to address the effects of climate change over the next 100 year period. Where the land will potentially be affected within that timeframe, it is also important to ensure that where necessary, development is designed to be adaptive (i.e. relocatable). Where future relocation may be a requirement of consent, the consent conditions can include triggers that determine when the building and its services are to be relocated or removed. A permitted activity rule will preclude the assessment of proposed buildings with respect to climate change and any adaptive design measures. For these reasons I do not recommend any change to Rule 15.7.2 RD1 and retain my original recommendation to reject submission [2115.4].

5.4 Recommendations

45. Having considered the points raised in evidence and rebuttal evidence I recommend:
- (a) No change in respect of submission from Rangitahi Limited [2115.4].

5.5 Recommended amendments

46. No changes recommended.

5.6 Subdivision Rules

47. **Subdivision - Coastal Sensitivity Areas** – Rules 15.7.2 RD2 and 15.8.2 RD2 [2115.5]
48. **References:**

Evidence	Page/paragraph
<i>Subdivision to create one or more additional vacant lots in Coastal Sensitivity Areas [2115.5]</i>	
Rangitahi evidence	Pages 7-8, Paragraphs 27-28; Pages 9-10, Paragraphs 35-38; Annexure 2, Page 17
S42A report 27D	[2115.5] - Page 64 - 65, Paragraph 257

49. The original submission [2115.5] requests that subdivision within the Coastal Sensitivity Areas be a Restricted Discretionary Activity rather than discretionary. Mr Inger argues for this, saying that the matters to be assessed are well known. Mr Inger suggests that this change should apply district-wide, and has drafted matters of discretion which were not included in the original submission. Below is an example of the new rule as requested by Mr Inger. The new rules as requested are almost identical for each of the Coastal Sensitivity Areas (overlay name and wording in discretionary matter (b)(iv) being the only difference). For this reason I have only shown the rule drafted by Mr Inger for the Coastal Sensitivity Area (Inundation):

15.8.2 - Restricted Discretionary Activities

Activity	Matters of discretion
<p><u>RD2</u> (1) <u>Any subdivision which creates one or more additional vacant lot(s) where the additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Inundation) Area.</u></p> <p>(2) <u>Rule 15.8.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</u></p>	<p>Discretion is restricted to:</p> <p>(a) <u>Whether the vacant lot(s) is capable of containing a complying building platform entirely outside the Coastal Sensitivity Area (Inundation); or</u></p> <p>(b) <u>Where the vacant lot(s) is not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Inundation)</u></p> <p>(i) <u>The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment;</u></p> <p>(ii) <u>Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</u></p> <p>(iii) <u>Adverse effects to people and property and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</u></p> <p>(iv) <u>The setting of minimum floor levels in areas subject to inundation.</u></p>

15.8.3 - Discretionary Activities

<u>D2</u>	<u>Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision creating a reserve allotment.</u>
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50. In my opinion Mr Inger's rationale for subdivision to be assessed as a Restricted Discretionary Activity is reasonable. I also mostly agree with the matters of discretion as suggested, which are largely drawn from the matters of discretion in building Rules 15.7.2 RD1 and 15.8.2 RD1.

51. I would however suggest that the matters of discretion should be expanded to include the ability for Council to consider alternative subdivision layouts, as this may achieve a better outcome with regard to avoiding or mitigating natural hazards. I also suggest that the matters of discretion allow for an assessment of adverse effects to the environment in order to be consistent with Policy 15.2.1.16. For these reasons I recommend that the matters of discretion be further amended, as set out in Section 4.5 below.
52. In the interest of ensuring the the rules are concise, I also recommend minor changes to the wording within the rule, as follows: '~~Any S~~ubdivision ~~which to~~ creates ~~one or more~~ any additional vacant lot~~(s)~~...'.
53. I would also like to highlight here that Kāinga Ora have requested a similar Restricted Discretionary Activity rule for subdivision within the Coastal Sensitivity Area (Inundation) and have suggested matters of discretion additional to those listed above. I am including in my recommendation on Rangitahi [21 I 5.5] one of the Kainga Ora submitted matters of discretion, as discussed in Section 5 below.
54. For the reasons outlined above, I am persuaded to change my recommendation to reject submission [21 I 5.5].

5.8 Recommendations

55. Having considered the points raised in evidence and rebuttal evidence, I recommend that the Panel:
- (a) **Accept in part** the submission from Rangitahi Limited [21 I 5.5] and **amend** Rules 15.7.2 RD2; 15.8.2 RD2; 15.7.3 D2; 15.8.3 D2, with an additional matter of discretion and minor amendments to text (additional amendments shown in green text, as shown in the recommended amendments below).

5.7 Recommended amendments

Coastal Sensitivity Area Subdivision Rules

15.7.2 - Restricted Discretionary Activities

Activity	Matters of discretion
<p>RD2 (1) <u>Any s</u>ubdivision <u>which to creates one or more any additional vacant lot(s) where the additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast).</u></p> <p>(2) <u>Rule 15.7.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</u></p>	<p>Discretion is restricted to:</p> <p>(a) <u>Whether the vacant lot(s) is are capable of containing a complying building platform entirely outside the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast); or</u></p> <p>(b) <u>Where the vacant lot(s) is-are not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast):</u></p> <p>(i) <u>The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment;</u></p> <p>(ii) <u>Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</u></p>

		<p>(iii) <u>The degree to which alternative subdivision layout(s) have been investigated to avoid or mitigate coastal hazards;</u></p> <p>(iv) <u>Adverse effects to people, property and the environment and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</u></p> <p>(v) <u>Within the Coastal Sensitivity Area (Open Coast) only, the setting of minimum floor levels in areas subject to inundation.</u></p>
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15.7.3 - Discretionary Activities

RD2	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision creating a reserve allotment.
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15.8.2 - Restricted Discretionary Activities

Activity	Matters of discretion
<p>RD2 (1) <u>Any subdivision which to creates one or more any additional vacant lot(s) where the additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast).</u></p> <p>(2) <u>Rule 15.8.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</u></p>	<p>Discretion is restricted to:</p> <p>(a) <u>Whether the vacant lot(s) is are capable of containing a complying building platform entirely outside the Coastal Sensitivity Area (Inundation); or</u></p> <p>(b) <u>Where the vacant lot(s) is are not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Inundation)</u></p> <p>(i) <u>The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment;</u></p> <p>(ii) <u>Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</u></p> <p>(iii) <u>The degree to which alternative subdivision layout(s) have been investigated to avoid or mitigate coastal hazards;</u></p> <p>(iv) <u>Adverse effects to people, property and the environment and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</u></p> <p>(v) <u>The setting of minimum floor levels in areas subject to inundation.</u></p>

15.8.3 - Discretionary Activities

D2	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision creating a reserve allotment.
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5.8 Section 32AA Evaluation

56. The s32 report 'Natural Hazards and Climate Change' (2020) evaluates rules for subdivision in Coastal Sensitivity Areas. The only material change resulting from the recommended new rules is to enable subdivision to be assessed as a restricted discretionary activity rather than a discretionary activity. The matters that discretion is restricted to ensure that the relevant issues can be assessed and are considered to be consistent with the relevant policies in Chapter 15.2. For these reasons, no additional evaluation of the amended text is considered necessary under s32AA.

5.9 Subdivision – High Risk Coastal Hazard Areas - Rules 15.9.1 RDI and 15.10 RDI [2115.6]

57. References:

Evidence	Page/paragraph
<i>Subdivision to create one or more additional vacant lots in High Risk Coastal Hazard Areas [2115.6]</i>	
Rangitahi evidence	Pages 7-8, Paragraphs 27-28; Pages 9-10, Paragraphs 35-38; Annexure 2, Page 17
S42A report 27D	[2115.6] – Page 28, Paragraph 110 - 112

58. Mr Inger's evidence considers that there is an issue with the subdivision rules for the High Risk Coastal Hazard Areas, whereby any application for subdivision to create additional vacant lots that are outside of any coastal hazard area will default to a discretionary activity, where the balance lot is subject to one or more coastal hazard overlays. Mr Inger is referring specifically to the subdivision of the large balance lot within Rangitahi Peninsula Zone that is still to be subdivided as part of the development of the peninsula as originally proposed. This balance lot has coastal margins that are subject to coastal hazard overlay areas.
59. Mr Inger has suggested new RDA rules and consequential amendments to the proposed discretionary and non-complying rules for subdivision in High Risk Coastal Hazard Areas to address this issue. These amendments are set out below (note that the new rules and amendments to proposed rules for 15.9 are identical to those requested for 15.10, and for this reason I have only shown the requested amendments to 15.9 for the High Risk Hazard (Erosion) Area) as an example.

15.9.1A Restricted Discretionary Activities

Activity	Matters of discretion
<u>RDI</u> (1) <u>Any subdivision which creates one or more additional vacant lot(s) where the additional vacant lot(s) are located partially within the High Risk Hazard (Erosion) Area and each additional lot(s) contains a net site area more than 5 hectares capable of</u>	Discretion is restricted to: (a) <u>Whether the vacant lot(s) is capable of containing a complying building platform entirely outside the High Risk Hazard (Erosion) Area.</u>

	<p><u>containing a complying building platform entirely outside the High Risk Hazard (Erosion) Area.</u></p> <p>(2) <u>Rule 15.9.1A RDI(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</u></p>	
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15.9.2 Discretionary Activities

D7	<p>(1) Any subdivision which creates one or more additional vacant lot(s) where:</p> <p>(a) The additional vacant lot(s) are located entirely outside the High Risk Hazard (Erosion) Area; or</p> <p>(a) <u>The additional lot(s) are partially within the High Risk Hazard (Erosion) Area and each additional lot(s) contains a net site area less than 5 hectares capable of containing a complying building platform entirely outside the High Risk Hazard (Erosion) Area.</u></p> <p>(2) Rule 15.9.2 D7(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</p>
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15.9.3 Non-Complying Activities

NC2	<p>Subdivision to create one or more additional lot(s) that does not comply with <u>Rule 15.9.1A RDI or Rule 15.9.2 D7.</u></p>
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5.10 Analysis

60. Mr Inger argues that a new rule framework is required to ensure that new subdivision applications (where additional lots may be outside of a High Risk Coastal Hazard Area, but the balance lot (residual parent allotment) is within a High Risk Coastal Hazard Area) are always going to default to a discretionary activity.
61. In my opinion the issue Mr Inger has raised is invalid, as the rules only refer to the additional lots. The balance lot is not an additional lot and is therefore exempt from the rules. I do not believe that the rules apply to the balance lot, therefore the amendments requested are unnecessary.
62. I do however agree with Mr Inger with regard to 15.9.2 D7 (1)(a) and 15.10.2 D6 (1)(a) being an unnecessary clause. The focus of these rules is to assess risk to additional vacant lots and should not apply if the additional lots are located entirely outside a High Risk Coastal Hazard Area where no high coastal hazard risk is present. The rules were designed to enable an assessment of subdivision that results in an intensification of development on land subject to high coastal hazard risk. It was not intended that the rules capture and assess existing development. For this reason I agree that clause (1)(a) should be deleted from each rule, as requested in Mr Inger's evidence.

5.11 Recommendations

63. Having considered the points raised in evidence and rebuttal evidence, I recommend the following:

- (a) **Accept in part** the submission from Rangitahi Limited [21 I5.6] and amend Rules 15.9.2 D7 (1)(a) and 15.10.2 D6 (1)(a) as shown in the Recommended amendments in the following section.

5.12 Recommended amendments

High Risk Coastal Hazard Areas

15.9.2 Discretionary Activities

D7	<p>(1) Any subdivision which creates one or more additional vacant lot(s) where:</p> <p>(a) The additional vacant lot(s) are located entirely outside the High Risk Hazard (Erosion) Area; or</p> <p>(a) <u>The</u> additional lot(s) are partially within the High Risk Hazard (Erosion) Area and each additional lot(s) contains a net site area capable of containing a complying building platform entirely outside the High Risk Hazard (Erosion) Area.</p> <p>(2) Rule 15.9.2 D7(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</p>
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15.10.2 Discretionary Activities

D6	<p>(1) Any subdivision which creates one or more additional vacant lot(s) where:</p> <p>(a) The additional vacant lot(s) are located entirely outside the High Risk Hazard (Inundation) Area; or</p> <p>(a) <u>The</u> additional vacant lot(s) are partially within the High Risk Hazard (Erosion) Area and each additional vacant lot(s) contains a net site area capable of containing a complying building platform entirely outside the High Risk Hazard (Erosion) Area.</p> <p>(2) Rule 15.10.2 D6(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</p>
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5.13 Section 32AA Evaluation

64. The s32 report 'Natural Hazards and Climate Change' (2020) evaluates rules for subdivision in High Risk Coastal Hazard Areas. The recommendation to delete clause (1)(a) ensures that the rule is not applied in a way that was not intended. The amendments are considered necessary to remove the unnecessary and confusing clause. The rules are still considered to be consistent with the relevant policies in Chapter 15.2.
65. An additional evaluation of the amended text under s32AA is not considered necessary because the s32 evaluation of the original text adequately covers and justifies the amendments now proposed to clarify the intent of the rules.

6 Kāinga Ora-Homes and Communities [2094]

6.1 Introduction

66. The main topics raised in the planning evidence and rebuttal by Mr Sharman on behalf of Kāinga Ora-Homes and Communities (Kāinga Ora) relate to the request to include reference to 'reconstruction' of existing buildings within Rule 15.8.2 RD1 [2094.42], and reducing the activity status for subdivision Rule 15.8.3 D2 in the Coastal Sensitivity Area (Inundation) [2094.43] from a Discretionary Activity to a Restricted Discretionary Activity.

6.2 Building – Rule 15.8.2 RDI

67. References:

Evidence	Page/paragraph
<i>Reconstruction of existing buildings in the Coastal Sensitivity Area (Inundation) [2092.42]</i>	
Kāinga Ora evidence	Pages 11-13, Paragraphs 9.1-9.9
S42A report 27D	Page 75, Paragraphs 296

6.3 Analysis

68. The evidence of Mr Sharman includes a discussion on the approach taken by different s42A report writers with respect to including reference to ‘reconstruction’ of existing buildings in Rule 15.8.2 RDI (Coastal Sensitivity Area (Inundation)). Mr Sharman points out that the request to include reference to ‘reconstruction of an existing building’ was recommended to be accepted for inclusion in Rule 15.11.3 DI (Mine Subsidence Risk Area). It was not recommended to be accepted for the applicable building rules in the Coastal Sensitivity Area (Inundation), Defended Area, High Risk Flood Area and Flood Plain Management Area.
69. The original submission [2094.42] requested an amendment to Rule 15.8.2 RDI to specify the reconstruction of an existing building in the same location and of a similar size and scale as a restricted discretionary activity.
70. I recommended that the submission be rejected, on the basis that this activity would be covered by the term ‘construction’, and that in any case the activity would be covered by existing use rights under Section 10 RMA. Mr Sharman did not agree with the rationale for the recommendation, stating that it can be onerous for a property owner to demonstrate existing use rights in accordance with Section 10, and that explicit use of the term ‘reconstruction’ within the rule is preferable to an implicit assumption that reconstruction of an existing building will be encapsulated within the meaning of the term ‘construction’. Mr Sharman asserts preference for the explicit reference to ‘reconstruction’ within the rule to enhance clarity and effectiveness of the rule.
71. I still hold my original position that the term ‘construction’ will cover any activity to reconstruct all or part of an existing building, as any reconstruction will be ‘new construction’, and consider the additional text to add unnecessary clutter to the rule. As such, my initial recommendation has not changed.

6.4 Recommendations

72. Having considered the points raised in evidence and rebuttal evidence, and for the reason set out above, I provide the following recommendations:
- (a) No change to recommendations on submissions [2094.42].

6.5 Recommended amendments

73. No amendments recommended.
74. **Subdivision – Rule 15.8.3 D2**

Evidence	Page/paragraph
<i>Subdivision in the Coastal Sensitivity Area (Inundation) [2092.43]</i>	
Kāinga Ora evidence	Pages 13-15, Paragraphs 10.1-10.10
S42A report 27D	Page 77, Paragraphs 306-308

6.6 Analysis

75. Mr Sharman's evidence sets out reasons for amending subdivision Rule 15.8.3 D2 (Coastal Sensitivity Area (Inundation)) to make it a Restricted Discretionary Activity, as requested by submission [2094.43]. His reasons include providing greater certainty for plan users as to the nature of effects that need to be assessed in relation to the activity, while not precluding the consent authority from granting or refusing an application if it is not consistent with the objectives and policies. Mr Sharman also considers that the potential adverse effects associated with the activity are discrete and well understood, and that there is no benefit from retaining a full discretionary activity status over a restricted discretionary activity status. Submission [2094.43] included a redrafted rule including a list of the matters that discretion be restricted to, as follows:

Rule 15.8.2 RD2

Activity	Matters of discretion
<p><u>RD2</u> (1) <u>Subdivision that creates one or more additional vacant lot(s) where:</u></p> <p>(a) <u>The additional lot(s) are located entirely outside the Coastal Sensitivity Area (Inundation); or</u></p> <p>(b) <u>The additional lot(s) are partially within the Coastal Sensitivity Area (Inundation) and each additional lot(s) contains a complying building platform entirely outside the Coastal Sensitivity Area (Inundation).</u></p> <p>(2) <u>This rule does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</u></p>	<p><u>Discretion is restricted to:</u></p> <p>(a) <u>The effects of the hazard on the intended use of the site or sites created by the subdivision;</u></p> <p>(b) <u>The vulnerability of the uses to coastal hazard events;</u></p> <p>(c) <u>Whether the location and design of the development, including building platforms, are located to avoid the hazard;</u></p> <p>(d) <u>The extent to which changes to the landform for the subdivision are necessary.</u></p>

76. In my response to submission [2094.43], I stated that I was not opposed to the rule being amended to a restricted discretionary activity, but that I was of the opinion that the matters of discretion as proposed were not sufficient to address all future risk, especially with regard to future uncertainty resulting from climate change. I was also not satisfied that the amendments requested were consistent with the policy direction in 15.2, specifically with regard to Policies 15.2.3.1 to 15.2.3.5. I invited the submitter to provide further evidence on the matter, and that in the absence of further evidence, I recommended that the submission be rejected.
77. Mr Sharman has not further considered the matters that discretion is restricted to or whether the decision sought adequately allows for an assessment of all the matters set out in the relevant policies. However, I do agree with the rationale for amending the activity status of the rule to a restricted discretionary activity. In my opinion, a combination of the suggested amendments to the same rule prepared by Rangitahi Limited (see Section 4 above), along with my recommendation to include alternative subdivision layout as a matter of discretion and

some of the matters of discretion requested by Kāinga Ora, will ensure that the rule contains sufficient scope within the matters of discretion for full consideration of the relevant policies.

78. There is some degree of duplication with the matters of discretion proposed by Rangitahi Limited and Kāinga Ora. I consider that matters of discretion (a) and (b) above are covered by matters of discretion (b)(ii) and (b)(iv) respectively in the rule prepared by Rangitahi Limited. The matters included in (c) and (d) above are not covered in the rule prepared by Rangitahi Limited. In my opinion (c) should be retained with minor amendments for consistent terminology. I am not convinced that (d) is necessary, as it is not clear how this matter relates to future coastal hazard risk or the effects of climate change.
79. Minor changes recommended for discretionary matter (c) to ensure consistent terminology in other matters of discretion include ~~'Whether~~The degree to which the location and design of the development, including building platforms are ...').
80. The new rule as drafted by Kainga Ora applies to additional lots that are located entirely outside the Coastal Sensitivity Area (Inundation), or additional lots that are partially within the Coastal Sensitivity Area (Inundation), and include a complying building platform entirely outside the Coastal Sensitivity Area (Inundation). This allows for additional lots located entirely within Coastal Sensitivity Area (Inundation) and additional lots that cannot provide a complying building platform entirely outside the Coastal Sensitivity Area (Inundation) to default to a discretionary activity.
81. For the same reasons outlined in Section 4.3 above with respect to rules for subdivision in high-risk coastal hazard areas, I do not consider it necessary to include reference to any additional lot(s) that are located entirely outside the Coastal Sensitivity Area (Inundation). These lots should be assessed under the general subdivision rules for the underlying zone.
82. I also do not consider it necessary to default to a discretionary activity to assess any additional lots entirely or partially within the Coastal Sensitivity Area (Inundation) whether the lots contain a complying building platform entirely outside the Coastal Sensitivity Area (Inundation) or not. As shown in the recommended amendments for the same rule under Section 4.5 above, I consider that applications for subdivision to create additional lots can be appropriately assessed through a restricted discretionary activity.
83. I now consider that the changes requested to the activity status for the rule along with the matters that discretion is restricted to as suggested by Rangitahi Limited, myself and Kāinga Ora combined, will be appropriate.

6.7 Recommendations

84. Having considered the points raised in evidence and rebuttal evidence, and for the reasons set out above, I provide the following recommendations:
- (a) **Accept in part** submission made by Kāinga Ora [2094.43], to the extent that Rule 15.8.2 RD2 as recommended in response to Rangitahi Limited [2115.5] is adopted, incorporating matter of discretion (c) in the Kainga Ora submitted text.

6.8 Recommended amendments

85. Rule 15.8.2 RD2 amended as recommended in section 4.8 above, in response to Rangitahi Limited [2115.5], incorporating matter of discretion (c) submitted by Kainga Ora [2094.43].

7 Waikato Regional Council [2102]

7.1 Introduction

86. The main matters raised in the evidence by James Beban and Sarah Gunnell on behalf of the Waikato Regional Council (WRC) relate to the suite of provisions sought to address natural

hazard sensitive land uses, regulation of utilities in Coastal Sensitivity Areas, rules for beach nourishment and dune stabilisation, activity status for building in a High Risk Coastal Hazard (Inundation) Area and the use of an adaptive management strategy as a foundation for permitting development in coastal sensitivity areas and high-risk coastal hazard areas. These matters are further analysed in sections 6.2 to 6.5 below.

7.2 Natural hazard sensitive land uses

87. References:

Evidence	Page/paragraph
<i>Rules for Natural Hazard Sensitive Land Use [2012.76], [2012.77], [2012.21] and [2012.22]</i>	
WRC evidence	Pages 8-9, Paragraphs 5.1-5.4
S42A report 27D	[2012.76] - Page 62-63, Paragraph 248 [2012.77] - Page 75, Paragraph 297 [2012.21] - Page 29, Paragraph 114-115 [2012.22] - Page 45, Paragraphs 178-179

7.3 Analysis

88. The evidence supports new rules to regulate “natural hazard sensitive land uses” in areas subject to natural hazards. The evidence suggests that regulating these activities will increase resilience and enable better response and recovery from natural hazard events. I am not persuaded to change my recommendation to reject the additional provisions. It remains my view that the current policy and rule framework both within Chapter 15 and the zone chapters sufficiently manage the natural hazard-sensitive land use activities such as childcare centres and retirement villages. The regulation of these activities is proposed through the regulation of either the activity (in zone chapter rules) or the buildings within which the activity is located (Chapter 15 rules). In my opinion the new rules sought by WRC would be an unnecessary addition to Chapter 15.

7.4 Recommendations

89. Having considered the points raised in evidence and rebuttal evidence I recommend:

- (a) No change to recommendations on submissions [2012.76], [2012.77], [2012.21] and [2012.22].

7.5 Recommended amendments

90. I have not recommended any further amendments beyond those recommended in my s42A report H27D.

7.6 New utilities in Coastal Sensitivity Areas

91. References:

Evidence	Page/paragraph
<i>Rule to regulate new utilities in Coastal Sensitivity Areas [2012.37] and [2012.38]</i>	
WRC evidence	Pages 9-10, Paragraphs 5.5-5.9
S42A report 27D	[2012.37] Page 58, Paragraphs 237-238 [2012.38] Page 71, Paragraph 285-286

7.7 Analysis

92. WRC continues to pursue a restricted discretionary activity status for rules for new utilities in Coastal Sensitivity Areas. Again, I am not persuaded to change my original recommendation and reasons for rejecting the amendments sought. In my opinion, any risk to new utilities can

be adequately managed by the utilities' service providers and will continue to be managed with regard to any future risk. Unlike privately-owned property, the utilities service providers must provide for the continuation of service over the long term and can manage their assets accordingly.

7.8 Recommendations

93. Having considered the points raised in evidence and rebuttal evidence, I provide the following recommendations:

(a) No change to recommendations on submissions [2012.37] and [2012.38].

7.9 Recommended amendments

94. I have not recommended any further amendments beyond those recommended in my s42A report H27D.

7.10 Beach Nourishment and Dune Stabilisation

95. **References:**

Evidence	Page/paragraph
<i>Rules to regulate beach nourishment and dune stabilisation [2102.52], [2102.53], [2102.54] and [2102.55]</i>	
WRC evidence	Pages 11, Paragraphs 5.10-5.12
S42A report 27D	[2102.52] Page 103-104, Paragraphs 387-392 [2102.53] Page 107, Paragraph 402 [2102.54] Page 111, Paragraph 412 [2102.55] Page 115, Paragraph 422

7.11 Analysis

96. Submission [2102.52] to [2102.55] by WRC requested new permitted activity rules within Chapter 15 for beach nourishment and dune stabilisation, including activity-specific conditions and a new discretionary activity rule to apply where these conditions are not met. The submission did not include any specific conditions. WRC also sought to include two new definitions in Chapter 15.14 for beach nourishment and dune stabilisation under submission [2102.56]. The relief sought was in recognition of these activities providing soft protection against natural hazards, as referred to in Policies 15.2.1.7 and 15.2.1.9, and that the Proposed District Plan does not currently provide for these activities.

97. In the absence of specific rules, these activities would likely be assessed under the earthworks rules. I agreed that the current proposed regulatory framework is unlikely to be appropriate for addressing these activities and that there may be merit in including new rules for these activities. However, I did not agree that any activity that either reshapes the dune systems or deposits materials onto the beach should be provided for as a permitted activity. I noted that the Waikato Regional Coastal Plan regulates beach nourishment on the foreshore and seabed as a controlled activity, and that any new rules should be a controlled activity at a minimum.

98. I recommended that the submitter provide further evidence to support a permitted activity status, and in the absence of further evidence, that the submission be rejected. I also suggested that if the panel consider instead that these activities should be provided for as a controlled activity, additional time would be required to draft appropriate activity-specific conditions and matters of control.

99. In their evidence Mr Beban and Ms Gunnell have agreed that the activities should be provided for as a controlled activity, and now seek that appropriate matters of control be drafted to support beach nourishment and dune stabilisation as a controlled activity.

100. When considering appropriate activity-specific conditions and matters of control for a new rule to control beach nourishment, I have looked to the conditions for a controlled activity and matters that the Regional Council reserves its control over for the same activity in the Regional Coastal Plan (Rule 16.6.15). Rule 16.6.15 currently includes volume restrictions on the deposition of sand and/or shell (not containing any contaminants) and provides for the associated vehicle use. Particle size and composition of material, the location of the deposit, the method and rate of deposition, information and monitoring requirements and the location, extent and timing of the use of vehicles, are included as matters over which council reserves its control.
101. The Regional Plan rule provides a suitable starting point for the development of a new rule within Chapter 15. However I am not familiar with the full range of effects associated with such activities and cannot quickly draft up appropriate activity-specific conditions and matters of control without more consideration of the activities and their effects.
102. For this reason I still retain my view that if the Panel considers that these activities should be provided for as a controlled activity within the Waikato District Plan, then additional time will be required to draft the activity-specific conditions and appropriate matters of control.

7.12 Recommendations

103. Having considered the points raised in evidence and rebuttal evidence, I provide the following recommendations:
- (a) No change to recommendations on submissions from Waikato Regional Council [2102.52], [2102.53], [2102.54] and [2102.55], noting that additional consideration is required to finalise activity-specific conditions and appropriate matters of control.

7.13 Recommended amendments

104. I have not made any alternative amendments to provisions, beyond those changes recommended in my s42A report H27D.

7.14 Building in a High Risk Coastal Hazard (Inundation) Area

105. References:

Evidence	Page/paragraph
<i>Discretionary Activity Status for building within a High Risk Coastal Hazard (Inundation) Area – Recommended Rule 15.10.2 D7 Original submissions by Brent Fowler [2005.1], Jason Vink [2168.2] and Jason Vink [2169.2] and Further submissions by WRC [FS3031.1], [FS3031.137] and [FS3031.138]</i>	
WRC evidence	Page 13, Paragraphs 5.20-5.24
S42A report 27D	Page 44, Paragraphs 175-177

7.15 Analysis

106. Mr Beban and Ms Gunnell state that they strongly disagree with my recommendation to amend the non-complying activity rule for building within a High Risk Coastal Hazard (Inundation) Area to be a discretionary activity. My recommendation to amend the activity status was in response to submissions by Brent Fowler [2005.1], Jason Vink [2168.2] and Jason Vink [2169.2] while considering further submissions by WRC [FS3031.1], [FS3031.137] and [FS3031.138]. While acknowledging that the High Risk Coastal Hazard (Inundation) Area is an area where coastal inundation risk is already evident under current coastal conditions and where rising sea level is expected to increase the risk over time, I also acknowledged that in some areas of the high risk overlay area the depth of flooding may not currently be significant.
107. The construction of new buildings or additions to an existing building can potentially be designed to mitigate the risk and I considered that this activity can be effectively regulated as a discretionary activity. I suggested that full discretion is warranted to ensure there is scope

to address all potential current and future risk in areas. I considered that the full discretionary activity status would still allow for the full range of options available to mitigate the risk. These options can be considered through a robust assessment process and the Council retains the ability to decline any proposal where an increase in risk to people's safety, well-being and property cannot be avoided.

108. My recommendation remains unchanged.

7.16 Recommendations

109. Having considered the points raised in evidence and rebuttal evidence, I have not changed my recommendations.

7.17 Recommended amendments

110. I have not made any alternative amendments to provisions, beyond those changes recommended in my s42A report H27D.

8 Ruth Walden [2054]

8.1 Introduction

111. This section of my response report deals with the matters raised in the geotechnical evidence and rebuttal lodged Mark T Mitchell (Geotechnical Engineer) on behalf of Ruth Walden [2054.1]. The main topics raised in the evidence included the extent of the High Risk Coastal Hazard (Erosion) Area along the coastal cliff area above Cox Bay in Raglan and the use of the term 'High Risk' where there is some level of uncertainty regarding the level of risk.

112. **References:**

Evidence	Page/paragraph
<i>Hazard Assessment and Mapped Areas</i>	
Ruth Walden evidence	Pages 1-7
S42A report 27D – Part 2 - Maps	Page 21 – 23 , Paragraphs 75 - 82

8.2 Analysis

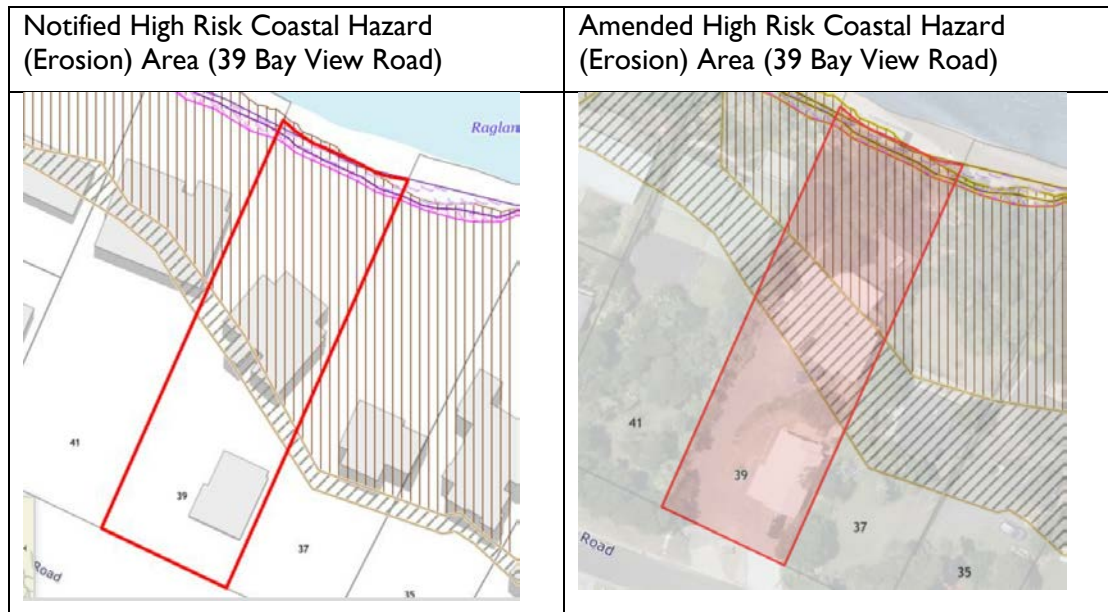
113. Mrs Walden's submission sought an amendment to the High Risk Coastal Hazard (Erosion) Area to take into account the stabilisation and anti-erosion measures carried out on the property at 39 Bay View Road, Raglan. Mrs Walden has engaged Mr Mitchell to provide technical evidence regarding the stabilisation and anti-erosion measures as an effective means to mitigate erosion on the property. Mr Mitchell also included a discussion on the composition of the coastal cliffs and the degree to which he thinks they are likely to erode. He does not include any assessment of the risk in terms of climate change.

114. Mr Mitchell recommended that the high risk coastal hazard area be amended so that it does not cover any part of the dwelling at 39 Bay View Road based on the recent stabilisation and anti-erosion works carried out on the site. He states that as the Council approved building consent for additions to the dwelling as well as the site stabilisation work, there should be recognition of the works being appropriate to stabilise the land.

115. Mr Mitchell based his recommendations on the notified maps and may not have been aware of the review of the mapped areas that resulted in amendments to the maps recommended in my s42A report.

116. Based on the amended maps, I recommended that Mrs Walden's submission [2054.1] be accepted in part, to the degree that the High Risk Coastal Hazard (Erosion) Area was reassessed by Mrs Gibberd and Mr Dahm and amended from a stable slope angle of 1V:2H to

reflect a steeper stable slope of IV:1.5H. This amendment to the mapping methodology resulted in a significant change to the mapped high risk erosion area on Mrs Walden's property. A comparison between the notified High Risk Coastal Hazard (Erosion) Area and the amended High Risk Coastal Hazard (Erosion) Area on 39 Bay View Road is shown below.



117. The notified high risk area almost entirely covered Mrs Walden's house. The amended high risk area only covers a small portion of the most seaward part of the house and deck area. The amended maps may go some way to alleviating Mr Mitchell's and the submitter's concerns.
118. Mr Mitchell also requested that the name of the high risk erosion area be changed to 'Coastal Hazard (Erosion) Area' to:
- (a) alleviate any issues with the insurability of properties;
 - (b) have the ability to utilise geotechnical and geological advice to demonstrate relevant parts of the property where mitigation will allow for safe building areas;
 - (c) have the ability to include properties that are potentially vulnerable to erosion and sea level rise to be added to the category; and
 - (d) ensure that the rateable values of properties remain unchallenged with respect to natural hazards.
119. In response to (a) and (d) above, I understand that the insurability of the property and rateable values are not taken into consideration when assessing hazard risk areas. The ability to utilise geotechnical and geological advice to demonstrate safe building areas (b) is a matter addressed through a resource consent. Regarding (c), the ability to include potentially vulnerable properties to a hazard risk area can only be achieved through a Schedule 1 process.
120. Although I appreciate the concern that property owners have with regard to insurance and property values, the hazard overlay areas do not preclude development on properties within these areas and property owners will be free to carry out site-specific assessments to confirm the stability of a site for future use. Any technical information to confirm site stability will help insurance providers and future property owners make informed decisions.
121. Based on Mr Mitchell's evidence, I think he may have been unaware that amendments to the mapped extents have been recommended in the section 42A report. I think that these amendments may go some way to alleviating the concerns of Mrs Walden and Mr Mitchell without the need for any change in the name of the hazard overlay area.

8.3 Recommendations

122. Having considered the points raised in evidence and rebuttal evidence, I have not changed my recommendations.

8.4 Recommended amendments

123. I have not made any alternative amendments to provisions, beyond those changes recommended in my s42A report H27D.

9 Brett Beamsley [2109]

9.1 Introduction

124. Mr Beamsley's original submission [2109.1] requested further detailed and relevant analysis be undertaken for evaluating and defining the inundation levels for Raglan. He considers the proposed levels to be based on limited data and a flawed methodology resulting in conservative levels. This submission was addressed in the s42A report by Mrs Legarth H27B but with limited analysis. The submission should have been addressed under the Coastal Hazard topic report.

125. **References:**

Evidence	Page/paragraph
<i>Hazard Assessment</i>	
Brett Beamsley evidence	No page numbers or numbered paragraphs
S42A report 27B	Page 82, Paragraph 401

9.2 Analysis

126. Mr Beamsley's evidence supports the position taken in his submission. His evidence directly challenges the methodology used to define the coastal hazard areas (specifically the inundation areas) in the Waikato District Coastal Hazard Assessment prepared by Focus Resource Management Group for this District Plan Review. As the co-author of this report, the evidence has been responded to by Mrs Gibberd.
127. In responding to Mr Beamsley's evidence I refer to the statement of evidence from Mr Gibberd in Appendix 3 of this report. I rely entirely on Mrs Gibberd's evidence on this topic for my recommendation.
128. Mrs Gibberd has addressed and responded to all the matters raised in Mr Beamsley's evidence and does not recommend any changes to the methodology used for identifying the extent of inundation within the Raglan Harbour for both the High Risk Coastal Hazard (Inundation) Area and the Coastal Sensitivity Area (Erosion).

9.3 Recommendations

129. Having considered the points raised in evidence and technical evidence by Mrs Gibberd, I have made no changes to my recommendations.

9.4 Recommended amendments

130. I have not made any alternative amendments to High Risk Coastal Hazard (Inundation) Area and the Coastal Sensitivity Area (Erosion).

10 Alex Staheli [2087]

10.1 Introduction

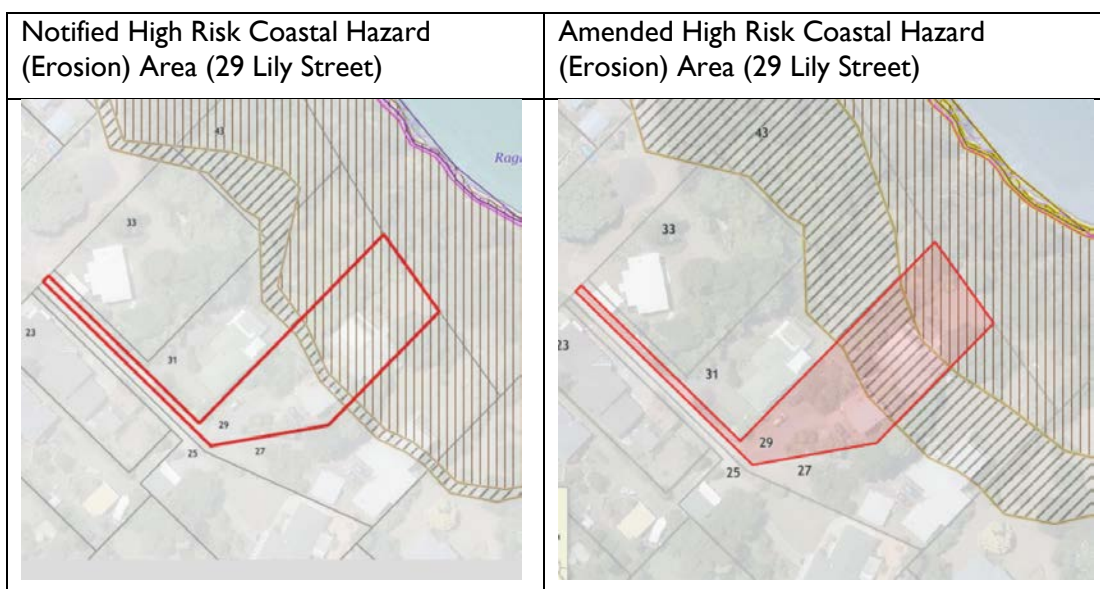
131. This section of my response report deals with the matters raised in the evidence by Alex Staheli. Alex Staheli & Viki Stokes provided a site investigation report by RDG James of Quintet Consulting Ltd for 29 Lily Street in Raglan. Mr James undertook slope stability site observations and concluded that the slope of the bank in the vicinity of the proposed house site is approximately 1 in 7 and not considered to be critical.

132. References:

Evidence	Page/paragraph
<i>Mapping</i>	
Alex Staheli & Viki Stokes evidence	Page 1
S42A report 27D Part 2 - Maps	Page 21 - 23, Paragraphs 75 - 82

10.2 Analysis

133. Alex Staheli & Viki Stokes' submission [2087.1] requested that the High Risk Coastal Hazard (Erosion) Area and the Coastal Sensitivity Area (Erosion) be removed from the property at 29 Lily Street. In response to that submission along with another similar submission, Mrs Gibberd and Mr Dahm carried out a technical review of the mapped areas and recommended that the high Risk Coastal Hazard (Erosion) Area on the property at 29 Lily Street be amended to reflect a 1V:1.5H stable slope. No changes were recommended to the Coastal Sensitivity Area (Erosion). I recommended that the submission be accepted in part based on the recommendations of the technical review. The amendments to the mapped high-risk area on the submitters' property are shown in the images below and may go some way to alleviate their concerns.



134. The evidence presented has not persuaded me to change my recommendation with regard to the mapped extent of the Coastal Sensitivity Area (Erosion). This area does not reflect a current hazard, but rather an area that may potentially be affected by coastal erosion over the next 100 year period based on 1m of sea level rise. The coastal sensitivity areas provide for a precautionary approach, as there is a high degree of uncertainty with regard to future sea level and coastal hazards. The area does not preclude development from occurring but rather

requires site-specific investigations and appropriate mitigation measures when new development is proposed.

10.3 Recommendations

135. Having considered the points raised in evidence and rebuttal evidence, I have not changed my recommendations.

10.4 Recommended amendments

136. I have not made any alternative amendments to provisions, beyond those changes recommended in my s42A report H27B.

11 Tyler Barry [203 I]

11.1 Introduction

137. This section of my response report deals with the matters raised in the evidence by Tyler Barry. The main matters raised in the evidence relate to the mapped Coastal Sensitivity Area (Erosion) and High Risk Coastal Hazard (Erosion) Area on Mr Barry's property at 9 Tohora Close, Whale Bay, Raglan.

138. References:

Evidence	Page/paragraph
<i>Mapping</i>	
Tyler Barry evidence	Page 1
S42A report 27D Part 2 - Maps	Page 51 – 54, paragraphs 210 - 216

11.2 Analysis

139. Mr Barry considers that the High Risk Coastal Hazard (Erosion) Area and the Coastal Sensitivity Area (Open Coast) on his property are overly conservative. Mr Barry suggests in his evidence that there has been no factual evidence that erosion will take place on his property at Whale Bay or that 1 metre of sea level rise would affect his property.

140. In his evidence Mr Barry states that his property is located on volcanic rock which is unlikely to erode. He also expresses concern over the degree to which the Coastal Sensitivity Area affects his property and suggests that his property is well above where any future sea level rise would have an effect over the next 100 years.

141. In responding to Mr Barry's evidence I refer to the statement of evidence from Mr Gibberd in Appendix 3 of this report. I rely entirely on Mrs Gibberd's evidence on this topic for my recommendation.

142. Mrs Gibberd has addressed and responded to all the matters raised in Mr Barry's evidence and does not recommend any changes to the extent of the High Risk Coastal Hazard (Erosion) Area and the Coastal Sensitivity Area (Erosion) on Mr Barry's property at Whale Bay. continues to maintain support for the original methodology for identifying the extent of the

11.3 Recommendations

143. Having considered the points raised in evidence and technical evidence by Mrs Gibberd, I have made no changes to my recommendations.

11.4 Recommended amendments

144. I have not made any alternative amendments to the High Risk Coastal Hazard (Erosion) Area and the Coastal Sensitivity Area (Erosion) at Whale Bay, beyond those changes recommended in my s42A report H27D.

12 Andrew Wilson [2066], Trish Waugh [2080] and Horongarara Community Group [2021]

12.1 Introduction

145. Andrew Wilson, Trish Waugh and Andrew Wilson (Chair) on behalf of the Horongarara Community Group have submitted almost identical evidence outlining their concerns about the accuracy of mapping of the High Risk Coastal Hazard (Erosion) Area in Te Akau South. Their evidence includes a letter from Michael Carter (Geological Engineer) who has recently been engaged by the group to undertake a focused assessment of the potential for coastal erosion and slope failure effecting 2B, 2C, 2D & 2E Ryan Road. The submitters are requesting that the Panel allow additional time for the site specific geological investigation to be completed and for Council to consider the outcome of that investigation in regards to updating the High Risk Coastal Hazard (Erosion) Area on their properties if the outcome of the investigation is different to the proposed mapped area.

146. References:

Evidence	Page/paragraph
<i>Mapping</i>	
Andrew Wilson evidence	Page 1
Trish Waugh evidence	Page 1
Horongarara Community Group evidence	Page 1
S42A report 27D Part 2 - Maps	Page 17 – 18, Paragraphs 59 - 66

12.2 Analysis

147. In their evidence, Mr Wilson, Mrs Waugh and the Horongarara Community Group acknowledge the limitations that Council has with regards to carrying out field investigations for individual properties and are therefore prepared to commission the investigation themselves. They would like to work with Council to ensure the work utilises the appropriate methodology so that it is consistent with and appropriate for the district plan.
148. The evidence includes requests that were not included in their original submissions. This is because the notified version of the Proposed District Plan did not include detailed coastal hazard mapping for the area. Te Akau South was subject to the 100m wide Coastal Sensitivity Area (Erosion) applied around the majority of Whaingaroa Harbour (Raglan Harbour) in the notified version of the Proposed District Plan. The high risk coastal erosion area was introduced by way of submissions requesting detailed mapping to be carried out (including a submission by the Council). Mrs Gibberd and Mr Dahm were engaged by Council to carry out the work. Submitters were generally supportive of this work but were unaware of how the revised mapping would affect their properties. The high risk area now introduces more restrict development provisions and may impact the development potential of some properties.
149. Submitters are required to submit all technical evidence to support their submissions prior to the hearing. This group of submitters did not have enough time to commission the work from

the time the Section 42A Report was made publically available and the date for evidence to be lodged which is why they are making the unusual request to be given additional time.

150. The revised mapping carried out for Te Akau South has been the subject of a peer review by Dr Tom Shand (Tonkin + Taylor). Although the finalised peer review is not yet available, the preliminary comments provide by Dr Shand suggest that there may be some refinement of the mapped area.
151. I understand the concerns raised by this group of submitters with regard to the impact the hazard overlay areas will have on their properties. However, the site specific information required to consider any changes to the mapped area and for the panel to make a decision will not be available at the hearing. There is also no guarantee the work can be completed prior to the completion of the hearings or to an acceptable standard. For these reasons I recommend the request be rejected. When the information is made available there may be the opportunity for it to be considered through a future Schedule 1 process.

12.3 Recommendation

152. Having considered the points raised in evidence I recommend that the panel reject the request to be granted additional time to complete the site specific geological investigation.

12.4 Recommended amendments

153. I have not made any alternative amendments to provisions, beyond those changes recommended in my s42A report H27B.

Appendix I: Table of amended recommendations

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2001.1	Ian & Desiree McDonald	Oppose	Delete the High Coastal Hazard (Erosion) Area from 9 Ryan Road, Te Akau South.	Accept	3.4
2055.2	Eric Messick	Oppose	Amend the boundary of the Coastal Sensitivity Area (Erosion) in Horongarara Esplanade on Map 23.3.	Accept	3.4
2071.2	Tyrone Murphy	Oppose	Amend Map 23.3 (Raglan West) - High Risk Coastal Hazard (Erosion) Area Overlay and section 15.9 on to accurately reflect the risk at 10 Mara Kai lane, Rangitahi Peninsula, Raglan.	Accept in part to the extent indicated on the revised maps	3.4
2098.2	Christopher John Mitchell	Oppose	Amend Map 23.4 (Raglan East), to remove the Coastal Sensitivity Area (Inundation) from 95 Lorenzen Bay Road, Raglan.	Reject	3.4
2098.3	Christopher John Mitchell	Oppose	Amend Map 23.4 (Raglan East), to remove the High Risk Coastal Hazard (Erosion) Area from 95 Lorenzen Bay Road, Raglan.	Reject	3.4
2098.4	Christopher John Mitchell	Oppose	Amend Map 23.4 (Raglan East), to remove the Coastal Sensitivity Area (Erosion) from 95 Lorenzen Bay Road, Raglan.	Reject	3.4

2175.5	Darcel Rickard on behalf of Te Kopua Trust & Te Kopua 2b3 Incorporation	Oppose	Amend Chapter 15.13 to provide for intergenerational adaptive management plans AND Amend Chapter 15.13 to enable development on Maori freehold land as a permitted activity or via a less tiresome planning process so long as development is in accordance with a site-specific adaptive management plan AND Amend Chapter 15.13 to enable tangata whenua to sustainably manage their land in the face of a changing climate	Reject	3.4
2182.2	Louise Davis	Oppose	Amend Map 23.3 Coastal Sensitivity Area (Erosion) boundaries along Horongarara Esplanade to be further seaward	Accept	3.4
2040.9	Spark NZ Trading Ltd	Oppose	Amend Rule 15.9.1 P2 (2) to cover both new and upgrading (to the extent it is not minor upgrading) of infrastructure and utilities. P2(2) should be amended to read: Operation, construction, replacement, repair, maintenance, minor upgrading or upgrading of New telecommunication lines, poles, cabinets and masts/poles supporting antennas.	Accept in part	4.2
FS3034.8	Mercury	Support	<i>Mercury supports policy which allows for the provision of infrastructure within a flood plain or high risk flood area only where such infrastructure has a functional need to be so located. Mercury seeks to ensure also that the functional and operational requirements of the Lower Waikato Flood Scheme are not compromised.</i>	Accept in part	4.2

2040.10	Spark NZ Trading Ltd	Oppose	Amend Rule 15.10.1 P2 (2) to cover both new and upgrading of infrastructure and utilities. Amend P2(2) to read: Operation, construction, replacement, repair , maintenance, minor upgrading or upgrading of New telecommunication lines, poles, cabinets and masts/poles supporting antennas.	<i>Accept in part</i>	4.2
2115.5	Rangitahi Limited	Oppose	Amend Rule 15.7.3 D2 - Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast) – Discretionary Activities, so that subdivision to create one or more additional vacant lot(s) within the Rangitahi Peninsula Zone be a Restricted Discretionary activity under Chapter 15.	<i>Accept in part</i>	5.6
2115.6	Rangitahi Limited	Oppose	Amend rule 15.9.3 NC2 - High Risk Coastal Hazard (Erosion) Area – Non Complying Activities so that subdivision to create one or more additional vacant lot(s) within the Rangitahi Peninsula Zone be a Restricted Discretionary activity under Chapter 15.	<i>Accept in part</i>	5.10
2094.43	Kāinga Ora	Oppose	Amend the activity status of Rule 15.8.3 D2 from Discretionary to Restricted Discretionary Activity. AND Add the following matters of discretion: (a) The effects of the hazard on the intended use of the site or sites created by the subdivision. (b)The vulnerability of the uses to coastal hazard events. (c)Whether the location and design of the development, including building platforms, are located to avoid the hazard. (d)The extent to which changes to the landform for the subdivision are necessary	<i>Accept in part</i>	6.3

Appendix 2: Recommended amendments

154. The following amendments to Rule 15.9.1 P2 (2) and 15.10.1 P2 (2) are recommended to provisions by submissions [2040.9] and [2040.10] respectively.

Permitted activity Rules

15.9.1 – Permitted activities

P2	<p>(1) Repair, maintenance or minor upgrading of existing utilities.</p> <p>(2) <u>New Construction, operation, replacement or upgrading</u>⁶ of telecommunications lines, poles, cabinets and masts/ poles supporting antennas.</p> <p>(3) <u>New electricity lines, poles, cabinets and masts/ poles supporting antennas.</u>⁷</p>	(a) <u>The works do not involve coastal protection structures.</u> ⁸
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15.10.1 - Permitted activities

P2	<p>(1) Repair, maintenance or minor upgrading of existing utilities.</p> <p>(2) <u>New Construction, operation, replacement or upgrading</u>⁹ of telecommunications lines, poles, cabinets and masts/ poles supporting antennas.</p> <p>(3) <u>New electricity lines, poles, cabinets and masts/ poles supporting antennas.</u>¹⁰</p>	(a) <u>The works do not involve coastal protection structures.</u> ¹¹
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Coastal Sensitivity Area - Subdivision Rules

15.7.2 - Restricted Discretionary Activities

Activity	Matters of discretion
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⁶ Spark New Zealand Trading Limited [2040.9]

⁷ WEL Networks [2106.20]

⁸ Waikato Regional Council [2102.59]

⁹ Spark New Zealand Trading Limited [2040.10]

¹⁰ WEL Networks [2106.20]

¹¹ Waikato Regional Council [2102.59]

RD2 ¹²	<p>(1) Any subdivision which to creates one or more any additional vacant lot(s) where the additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast).</p> <p>(2) Rule 15.7.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</p>	<p>Discretion is restricted to:</p> <p>(a) Whether the vacant lot(s) is are capable of containing a complying building platform entirely outside the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast); or</p> <p>(b) Where the vacant lot(s) is-are not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast):</p> <p>(i) The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment;</p> <p>(ii) Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</p> <p>(iii) The degree to which alternative subdivision layout(s) have been investigated to avoid or mitigate coastal hazards;</p> <p>(iv) The degree to which the location and design of the development, including building platforms, are located to avoid the hazard;¹³</p> <p>(v) Adverse effects to people, property and the environment and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</p> <p>(vi) Within the Coastal Sensitivity Area (Open Coast) only, the setting of minimum floor levels in areas subject to inundation.</p>
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15.7.3 - Discretionary Activities

D2 ¹⁴	<p>Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision creating a reserve allotment.</p>
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15.8.2 - Restricted Discretionary Activities

Activity	Matters of discretion
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¹² Rangitahi Limited [2115.5]

¹³ Kāinga Ora [2094.43]

¹⁴ Rangitahi Limited [2115.5]

RD2 ¹⁵	<p>(1) Any subdivision which to creates one or more any additional vacant lot(s) where the additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast).</p> <p>(2) Rule 15.8.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</p>	<p>Discretion is restricted to:</p> <p>(a) Whether the vacant lot(s) is are capable of containing a complying building platform entirely outside the Coastal Sensitivity Area (Inundation); or</p> <p>(b) Where the vacant lot(s) is are not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Inundation)</p> <p>(i) The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment;</p> <p>(ii) Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</p> <p>(iii) The degree to which alternative subdivision layout(s) have been investigated to avoid or mitigate coastal hazards;</p> <p>(iv) The degree to which the location and design of the development, including building platforms, are located to avoid the hazard;¹⁶</p> <p>(v) Adverse effects to people, property and the environment and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</p> <p>(vi) The setting of minimum floor levels in areas subject to inundation.</p>
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15.8.3 - Discretionary Activities

D2 ¹⁷	<p>Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision creating a reserve allotment.</p>
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High Risk Coastal Hazard Areas – Subdivision Rules

15.9.2 Discretionary Activities

D7	<p>(1) Any subdivision which creates one or more additional vacant lot(s) where:</p> <p>(a) The additional vacant lot(s) are located entirely outside the High Risk Hazard (Erosion) Area; or¹⁸</p>
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¹⁵ Rangitahi Limited [2115.5]

¹⁶ Kāinga Ora [2094.43]

¹⁷ Rangitahi Limited [2115.5]

¹⁸ Rangitahi Limited [2115.6]

	<p>(b) The additional lot(s) are partially within the High Risk Hazard (Erosion) Area and each additional lot(s) contains a net site area capable of containing a complying building platform entirely outside the High Risk Hazard (Erosion) Area.</p> <p>(2) Rule 15.9.2 D7(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</p>
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15.10.2 Discretionary Activities

D6	<p>(1) Any subdivision which creates one or more additional vacant lot(s) where:</p> <p>(a) The additional vacant lot(s) are located entirely outside the High Risk Hazard (Inundation) Area; or¹⁹</p> <p>(b) The additional vacant lot(s) are partially within the High Risk Hazard (Erosion) Area and each additional vacant lot(s) contains a net site area capable of containing a complying building platform entirely outside the High Risk Hazard (Erosion) Area.</p> <p>(2) Rule 15.10.2 D6(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</p>
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¹⁹ Rangitahi Limited [2115.6]

Appendix 3: Technical Evidence

Statement of Evidence by Bronwen Gibberd for the Waikato District Council