

# APPENDIX 1

## Appendix 1

### Proposed Plan Change 34 Kai Iwi Coastal Hazard Summary of Submissions, Decisions and Reasons for decisions

**Submitter Name:** Horizons Regional Council

**Submission Number:** 1.1.c34

Summary:

PC34 is not consistent with the intent of the New Zealand Coastal Policy Statement in that it continues to provide for subdivision that it does not avoid redevelopment or land use change leading to additional density of people or property and new occupied structures in the High-Moderate Risk Area.

Decision Sought:

Amend Rule 8.8.5 (Restricted Discretionary Activities) to:

- a. exclude the High-Moderate Risk Area in (a),
- b. include additional provision for non-habitable buildings or structures in the High-Moderate Risk Area, and
- c. exclude subdivision in the High-Moderate Risk Area in(e)

Amend Rule 8.8.6 (Prohibited Activities) to:

- d. include the erection of occupied buildings or structures in the High-Moderate Risk Area
- e. Include subdivision in the High-Moderate Risk Area in (b).

For all submission points HRC also seeks:

1. Alternative amendments or relief as may be necessary or appropriate to give effect to the decisions sought; and
2. Any consequential amendments or relief as may be necessary or appropriate to give effect to the decisions sought.

**Further Submitter Name:** Clive Gibbard

**Further Submission Number:** F1.1.c34

Summary

In support of Horizons Regional Council submission.

Reason

For common sense and consistency with the NZ Coastal Policy Statement.

Decision Sought

Amend rules 8.8.5 and 8.8.6 as outlined by Horizons.

Decisions:

That submission 1.1.c34 from Horizons Regional Council and further submission from Clive Gibbard F1.1.c34 be accepted in part by amending the Plan rules as follows:

**8.8.5 Restricted Discretionary Activities**

The following shall be restricted discretionary activities for which a resource consent application must be made and consent may be granted subject to conditions, or declined.

a. Erection of any building or structure, in the Safety Buffer ~~or High – Moderate Risk Area.~~

aa. Erection of any non-habitable building or structure, in the High - Moderate Risk Area.

.....

8.8.5 e. Subdivision of land in the Safety Buffer Area ~~and~~ or partly within the High-Moderate Risk Area other than allowed by a Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).

#### 8.8.6 **Prohibited Activities**

aa. Erection of any occupied building or structure, in the High - Moderate Risk Area.

b. Subdivision of land in the Extreme Risk Area or fully within the High – Moderate Risk Area other than allowed by Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).

#### Reason for Decision:

In order to avoid risk to life and property, consistent with the intent of the NZ Coastal Policy Statement 2010.

**Submitter Name: Clive Gibbard**

**Submission Number: 2.1.c34**

#### Summary

That Council should consult with all residents in the general area, not just those directly affected.

#### Decision Sought

That consultation for future discussion or review takes place with all residents in the area.

#### Decision

That submission 2.1.c34 from Clive Gibbard be accepted, with no change is made to the Plan, but it has been noted that all affected parties will be consulted for any future Plan Changes for this area.

#### Reason for Decision

Those adjacent to the directly affected area have a material interest in the issue.

# APPENDIX 2

**Wanganui District Council  
District Plan Review  
Phase Five**

**Proposed Plan Change 34  
(Kai Iwi Coastal Hazard)  
Text revised after submissions**

Prepared by: WDC Policy Team  
Dated: October 2014

## Appendix 3 (Extract of relevant text from the District Plan)

Shaded text is provided for information only as it has been reviewed in 2013 as part of Plan Change 25.

All other text is part of the current proposed Plan Change 34

Text that is proposed to be deleted is shown with ~~strikethrough~~ and new text is underlined. Text changes as a result of submissions is shaded in grey

# 8 RECOGNITION AND REDUCTION OF HAZARD POTENTIAL

Wanganui District is affected by a number of natural hazards. Parts of the urban area are particularly prone to flooding, while the coast and hill country are affected by land instability and erosion. The District is also dissected by fault lines and is vulnerable to sea level rise and tsunamis. The natural hazards occurring within the District have an impact on current and future development. They can cause loss of human life and significant damage to private property, roads and other District assets. They can also cause damage to the natural environment.

In addition to natural events, hazards are associated with hazardous facilities, ie the storage, use and transportation of hazardous substances. These facilities are commonly found in both the rural and urban parts of the District. Hazardous substances, like agricultural sprays, industrial chemicals or fuel, have properties which are, or when in contact with air or water are, potentially flammable or explosive, and toxic. If hazardous facilities are not located appropriately or managed properly, the accidental release of, or loss of control of, hazardous substances can cause short or long term damage to human health and contamination of land, water, air, or damage to ecosystems.

It is recognised that while a hazard may be present, the hazard potential is only realised when there are land use activities, buildings or structures and important natural values in the vicinity of the hazard. It is not possible to eliminate hazards, but it is possible to manage the location, design and operation of land use activities and hazardous facilities to avoid, remedy or mitigate the potential adverse effects of hazards on human life, property and the environment.

The Resource Management Act requires both the Regional and the District Councils to share responsibility for the natural hazards of flooding, subsidence, and seismic, volcanic and tsunami hazards; and for hazardous substances. The Regional Policy Statement further defines the appropriate management responsibilities of local authorities for natural hazards and hazardous substances

## **8.1 ISSUES**

### **8.1.1 Variety of natural hazards**

The Wanganui District is affected by a number of natural hazards\*. The most significant ones are flooding, storms, tsunami, erosion and earthquakes. Knowledge of the location and characteristics of natural hazards\* and their impacts on surrounding development \*and the environment\* is far from comprehensive. This along with lack of public awareness hinders the avoidance and mitigation of those hazards.

### **8.1.2 Inappropriate land use in areas at risk of natural hazards**

Inappropriate land use and occupation of areas at risk from earthquake, flooding, ponding land instability can cause unnecessary risks for people and property

## **8.2 OBJECTIVES**

### **8.2.1 Informed community of natural hazard risks**

A community informed about the potential risks of natural hazards to people and property in the Wanganui District.

### **8.2.2 Avoiding and mitigating natural hazards**

The risks of natural hazards through inappropriate subdivision and development are avoided or mitigated whilst minimising adverse effects on natural, cultural and ecological values.

## **8.3 POLICIES**

### **8.3.1 Promote improved understanding of natural hazards**

Promote improved understanding of natural hazards as development constraints and better knowledge and awareness of the risks to people and property in the Wanganui district.

### **8.3.2 Protection from Natural Hazards**

Avoid or minimise risk of loss of life or injury or environmental damage due to use or development in hazard prone areas.

### **8.3.3 Natural Hazard precautionary approach**

Adopt a precautionary approach in relation to use or development affected by potential natural hazards, especially where hazards are not well understood or the effects of natural processes are difficult to assess or where the effect of activities on natural hazards are not well understood.

## 8.8 RULES – KAI IWI COASTAL HAZARD ZONE

This section contains the rules that apply to activities in the Kai Iwi Beach Coastal Hazard Zone, which is an “overlay” zone along the coast at Kai Iwi. The two underlying zones along this stretch are Rural and Reserves and Open Spaces. See the Rural Settlements map for the location of this zone.

This zone stems from the knowledge that it is not possible to control the occurrence of natural hazards, however it is possible to reduce the hazard potential to protect human life, property and the environment.

The potential for coastal erosion in some coastal areas is severe. At Mowhanau, the cliffs have been subject to significant erosion.

The reduction of hazard potential needs to address:

- the location and operation of new land use activities in areas affected by natural hazards.
- protection of existing developments in high risk areas.
- land instability

Traditionally there is a reluctance to identify and recognise hazards as development constraints as there is a concern that the identification will alarm people and reduce the value of properties. However, not recognising the presence of hazards can also lead to increased risks of environmental damage, property damage or loss of life.

The purpose of this zone is to recognise the coastal landslip hazard risk at Kai Iwi and to ensure that any future development in this area occurs in a way that minimises risks to both people and property.

### 8.8.1 Application of Rules

The rules in this section apply where structures in the Kai Iwi Beach Coastal Hazard zone are being constructed, extended or altered or when earthworks or subdivision of land is proposed.

The rules in this section apply in addition to all the rules which apply in the underlying zone, including:

- a. general rules,
- b. financial contributions rules,
- c. activity status rules (lists of permitted, controlled, restricted discretionary, discretionary and non-complying activities)

### 8.8.2 Precedence of Rules where there is a Conflict

Where there is a conflict between rules of the underlying zone and the rules of this overlay zone, the more stringent activity status applies.



### 8.8.3 Permitted Activities

Any activity other than a prohibited, controlled or discretionary activity is permitted within the Kai Iwi Beach Coastal Hazard zone (Overlay zone) subject to the provisions of the underlying zone.

### 8.8.4 Controlled Activities

The following are controlled activities in the Kai Iwi Beach Coastal Hazard zone (Overlay zone):

- a. Subdivision for the purpose of minor boundary adjustments and alterations or vesting of reserves.

Refer to the section on Subdivision for standards, terms and areas of control relating to subdivision in this zone.

### 8.8.5 Restricted Discretionary Activities

The following shall be restricted discretionary activities for which a resource consent application must be made and consent may be granted subject to conditions, or declined.

- a. Erection of any building or structure, in the Safety Buffer ~~or High - Moderate Risk Area~~.
  - aa. Erection of any non-habitable building or structure, in the High - Moderate Risk Area.
- b. Extension/alteration to, any building or structure, in the Safety Buffer or High - Moderate Risk Area.
- c. Demolition of a building or structure in the High-Moderate Risk Area.
- d. Earthworks or vegetation clearance.
- e. Subdivision of land in the Safety Buffer Area and or partly within the High-Moderate Risk Area other than allowed by a Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).
- f. The installation, alteration or removal of works designed to mitigate the effects of coastal hazards.
- g. The erection, maintenance or construction of any network utility in the Safety Buffer Area and the High-Moderate Risk Area.

Council's discretion is restricted to:

- i. whether the proposal would be consistent with the objectives and policies relating to the Recognition and Reduction of Hazard Potential ~~as set out in Topic T7~~.
- ii. The extent to which activities and buildings and structures can be relocated or demolished with minimal disturbance to the site or adjacent site.
- iii. The degree to which the proposal is likely to:

- Accelerate, worsen or result in further damage to that land, other land, or structures or buildings caused either directly or indirectly by erosion.
  - Be subject to erosion or cliff failure.
  - Reduce the net risk of coastal hazards.
  - Provide for the disposal of stormwater and wastewater including discharges from septic tanks.
- iv. Whether, within the High-Moderate Risk Area or Safety Buffer Area, consent should be granted for a limited duration.

#### **8.8.6 Prohibited Activities**

The following are prohibited activities for which no resource consent shall be granted:

- a. The erection of or extension to, any building or structure other than structures for coastal management in the Extreme Risk Area.
  - aa. Erection of any occupied building or structure, in the High - Moderate Risk Area.
- b. Subdivision of land in the Extreme Risk Area or fully within the High – Moderate Risk Area other than allowed by Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).
- c. Installation of septic tanks or soakage pits in the High-Moderate Risk Area and the Extreme Risk Area.
- d. Construction of any new network utility in the Extreme Risk Area.

#### **8.8.7 Regional Council Consents**

Note: Consents may also be required from the Manawatu-Wanganui Regional Council for activities involving soil disturbance or vegetation clearance.

# APPENDIX 3



# APPENDIX 4

**Wanganui District Council  
District Plan Review  
Phase Five**

**Section 32 Report –**

**Proposed Plan Change 34  
(Kai Iwi Coastal Hazard)**

Prepared by: WDC Policy Team  
Dated: November 2013

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# 1. INTRODUCTION

## 1.1 PLAN REVIEW PROCESS

Section 79 of the Resource Management Act 1991 requires Council to commence a review of its plans at least every 10 years. Recent amendments to the Act clarify that whole plans need not be reviewed. A Council may choose to review plans in part.

The existing provisions have been developed at different times and under different scenarios. There are some provisions that have been in the Plan since it was first developed but others have been operative for a shorter period of time. Others have been included in recent plan changes. The intention of the review is not to meet a specific deadline under section 79 but to ensure the provisions in the plan are efficient and effective in managing the resources in the district and ensuring that Council's obligations under the Act are met.

The RMA does not detail how a Council must review its plans. However consideration of the efficiency and effectiveness of existing provisions is considered the first step. Section 32 of the RMA requires Council to carry out an evaluation of options before notifying a proposed plan change. These matters are discussed throughout this report. The efficiency and effectiveness of the provisions in achieving the stated objectives is analysed in this report, as are the various options that were considered.

## 1.2 STATUTORY AND LEGISLATIVE FRAMEWORK FOR THE REVIEW

### 1.2.1 Resource Management Act 1991

Section 74 of the RMA requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the Act in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the RMA:

*31 Functions of territorial authorities under this Act*

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
  - b. *The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of*
    - 
    - i. *the avoidance or mitigation of natural hazards*



2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined:

*5(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:*

- a. *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b. *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c. *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Further guidance and direction on the way in which resources are to be managed is provided in sections 6, 7 and 8 of the RMA.

### **1.2.2 Regional Policy Statement**

In addition, the RMA requires District Plan provisions give effect to the Regional Policy Statement (section 75(3)). The Regional Policy Statement (RPS) is the main vehicle for interpreting and applying the sustainable management requirements of the RMA in a local context, and in this regard, guides the development of lower tier plans, including the District Plan.

Horizons Regional Council’s Operative Regional Policy Statement and Proposed One Plan are relevant to Plan Change 34 as they include requirements relating to the avoidance and mitigation of natural hazards generally.

An assessment of how the provisions in Plan Change 34 compare with the Objectives and Policies of the Operative Regional Policy Statement and the Proposed One Plan are considered in Table 1 below.

**Table 1**

Operative Regional Policy Statement (RPS)		Proposed Plan Change 34
Objectives 24 & 5, 6, & 36	Policy	Evaluation
<p>To avoid or mitigate the adverse effects of natural hazards upon human life, infrastructure and property, and the natural environment.</p> <p>Obj 5. To achieve sustainable land use.</p> <p>Obj 6. To avoid, remedy or mitigate the adverse effects of urban development.</p> <p>Obj 36. To improve the availability of information to assist the understanding of the effects of activities on the environment.</p>	<p>24.1 To raise public awareness of the risks of natural hazards.</p> <p>24.2 To improve knowledge of the threats posed by natural hazards.</p> <p>24.3 To ensure that activities and development of areas at risk from natural hazards minimise risks to human life, infrastructure and property, and the natural environment. In areas of high risk to people and communities, hazard avoidance is to be advocated. Where costs of hazard avoidance outweigh its benefits local authorities are to promote hazard mitigation. This includes education, planning, response and recovery procedures.</p>	<p>Objective O37 gives effect to RPS Objective 36 directly and Objective 24 indirectly.</p> <p>Objective O38 gives effect to RPS Objective 24, 5 and 6 directly as the focus of research and protection is in the urban area where greatest risk to life and infrastructure is present.</p>
Regional One Plan (As Amended by Decision August 2010)		Proposed Plan Change 34
Objective	Policy	Evaluation
<p><b>Objective 10-1: Effects of natural hazard events</b></p> <p>The adverse effects of natural hazard events on people, property, infrastructure and the wellbeing of communities are avoided or mitigated.</p>	<p><b>Policy 10-1: Responsibilities for natural hazard management</b></p> <p>In accordance with s62(1)(i) RMA, <i>local authority</i> responsibilities for <i>natural hazard</i> management ...are as follows:...</p> <p>(c) <i>Territorial Authorities</i> must be responsible for:</p> <p>(i) developing objectives, policies, and methods (including <i>rules</i>) for the control of the use of <i>land</i> to avoid or mitigate <i>natural hazards</i> in all areas and for all activities except those areas and activities described in (b)(ii) above, and</p> <p>(ii) identifying <i>floodways*</i> (as shown in Schedule I1) and other areas known to be inundated by a 0.5% annual exceedance probability (AEP) flood event on planning maps in <i>district plans</i>, and controlling <i>land</i> use activities in these areas in accordance with Policies 10-2, and 10-4.</p>	<p>Proposed Objective 8.2.2 gives effect to One Plan Objective 10-1. Policies 8.3.2, 8.3.3 and 8.3.7 give effect to Policy 10-1. Rules are proposed to be retained for coastal hazards as the most appropriate way to achieve objective 8.2.2 in relation to the effects of coastal hazards at Kai Iwi.</p>
	<p><b>Policy 10-5: Other types of natural hazards</b></p> <p>The ... <i>Territorial Authorities</i> must manage future development and activities in areas susceptible to natural hazard events (excluding flooding) in a manner which:</p> <p>(a) ensures that any increase in risk to human life, property or infrastructure from natural hazard events is avoided where practicable, or mitigated where the risk cannot be practicably avoided</p>	<p>Proposed Objective 8.2.2 gives effect to One Plan Objective 10-1. Policies 8.3.2, 8.3.3 and 8.3.7 give effect to Policies 10-1 and 10-5.</p> <p>It is acknowledged that rules are required along with regular review of the hazard risk. Council has demonstrated a commitment to this with its 2013 review of the Kai Iwi area.</p>

	(b) is unlikely to reduce the effectiveness of existing works, structures, natural landforms or other measures which serve to mitigate the effects of natural hazard events, and (c) is unlikely to cause a significant increase in the scale or intensity of natural hazard events.	
	<b>Policy 10-6: Climate change</b> The ... Territorial Authorities must take a precautionary approach when assessing the effects of climate change and sea level rise on the scale and frequency of natural hazards, with regard to decisions on: ... (c) activities adjacent to rivers, and streams ...(f) flood mitigation efforts activities, .....	Policy 8.3.3 gives effect to this RPS policy, by requiring a precautionary approach in respect to assessment of all hazards and this includes consideration of climate change. It is acknowledged that rules are required. Council proposes to retain the existing effective and appropriate rules.

## 2. PART 1 – PROPOSED PLAN CHANGE

### 2.1 BACKGROUND RESEARCH

The Operative District Plan maps coastal hazard zones at Kai Iwi Beach as defined in a report prepared for Council by Coastal Management Consultancy in November 1999 (Gibb, 1999). Coastal hazard zones describe the present and potential future coastal hazard for a particular area of the coast. The major coastal hazard at Mowhanau is erosion and landslip. Gibb (1999) split the CHZ into three zones. Extreme Risk Zone (ERZ), High- Moderate Risk zone (H-MRZ) and a Safety Buffer Zone (SBZ).

The ERZ is or is likely to be subject to adverse effects from catastrophic landslip at any point in time in any one year. Landward of the ERZ, the H-MRZ is or is likely to be subject to long term retreat based on a 100 year projection. The SBZ is or is likely to be subject to the adverse effects from natural hazards, should the rates of erosion accelerate and/or cliff slope angle reduces.

When cliff slope reduces toward an equilibrium state the rate of erosion will decrease. An equilibrium state is reached by the deposition of talus material at the cliff base. This material acts as a protection to the base of the cliff to prevent undermining by wave action and the potential for further instability. The cliff top will retreat under the process of weathering and other discontinuity characteristics (Selby, 1993; de Lange and Moon, 2005).

The Plan regulates landuse and development within all areas identified as prone to coastal hazard and restricts activities in each zone according to the level of risk.

Gibb (1999) recommended that the coastal hazard zones be reassessed between 2009 and 2014. In June 2012 Council commissioned a review of the coastal erosion processes in the vicinity of Mowhanau Cliff and of the implications any changes may have for coastal hazard risk.

The report, Mowhanau Cliff Line Retreat Review 2012 by eCoast Ltd, provides an up to date, quantitative and qualitative, assessment of cliff line erosion rates. The results of this report have provided the basis for a decision making process to determine whether adjustments to the current hazard and buffer zones are required.

## **2.2 CONSULTATION AND OUTCOMES**

Letters were sent to the seven affected landowners dated 24th September 2013, inviting them to an informal meeting at Mowhanau Community Hall. A copy of maps showing the existing and updated coastal hazard zones was provided to each landowner with the letter.

The meeting was held at Mowhanau Community Hall at 5.35pm on Wednesday 9th October 2013 attended by four of the residents and a local Iwi representative.

The meeting agenda included a brief:

- summary by the Council officer, of work completed by Dr Gibb in 1999 and 2003 update, which formed the basis for the current District Plan zone (Kai Iwi Coastal Hazard zone) and rules.
- explanation and discussion of eCoast review and the proposed minor amendments to zones.
- Current policies and rules were discussed and endorsed.
- explanation of the plan change process itself.

Attendees made comments that due to the strong papa base, erosion is not very fast. It tends to go in 'stops and starts' at various places along the coast.

No other parties were considered to be directly affected.

## **2.3 DESCRIPTION OF THE PROPOSED PLAN CHANGE**

2.3.1 Proposed Plan Change 34 (Coastal Hazard zone) would realign the existing Kai Iwi Coastal Hazard zones, as a result of current projections of coastal hazard erosion in the area. The revised projections are based on the analysis conducted by eCoast Ltd in 2013.

Historical georeferenced aerial photos, recently acquired land-based LIDAR survey data, historical survey data and survey data reproduced from historical documentation was compiled in a GIS database, along with existing hazard and buffer zones. The datasets used are referenced in the

report Mowhanau Cliff Line Retreat Review, June 2013 (p.3) prepared by eCoast Ltd.

This information was then evaluated and comparison made to the existing Kai Iwi Coastal hazard zones.

No change to objectives, policies or methods is proposed.

Refer to Appendix One for a copy of the proposed changes to Planning Maps 5 Mowhanau Settlement and 5A Kai Iwi Beach Coastal Hazard Overlay zone. The maps have been reproduced with the hazard zone boundaries re-aligned with the 2013 revised information.

2.3.2 Council is completing a phased review of the District Plan. Section 70 of the Resource Management Act 1991 requires that where provisions have been reviewed and no changes are proposed, the existing provisions must still be publicly notified as if it were a change. For this reason the existing Plan rules relating to Kai Iwi Coastal Hazard zone form part of Plan Change 34.

2.3.3 The relevant objectives and policies were reviewed in 2012/13 as part of Plan Change 25 (Natural Hazards). A copy of these, are included here for completeness and are not subject to the Plan change process. The rules that relate specifically to the Kai Iwi Coastal Hazard zone are open to submission as part of proposed Plan Change 34.

### **3. PART 2 – SECTION 32 EVALUATION**

#### **3.1 REQUIREMENT TO MAKE AN EVALUATION**

The Resource Management Act 1991 (the Act) requires that when a Council undertakes a plan change it must produce a report evaluating the proposed provisions. This is known as a Section 32 Report. This report contains an evaluation of the Proposed Plan Change, prepared in accordance with section 32 of the Resource Management Act (as amended 2013).

*The evaluation examines:*

- *the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act (to promote the sustainable management of natural and physical resources), and*
- *whether, the provisions are the most appropriate way to achieve the objectives by*
  - *identifying other reasonably practicable options for achieving the objectives; and*
  - *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - *summarising the reasons for deciding on the provisions; and*

- *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the proposal.*

*For the purposes of this examination, the evaluation must:*

- *Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions including the opportunities for –*
  - *economic growth that are anticipated to be provided or reduced; and*
  - *employment that are anticipated to be provided or reduced; and*
- *if practicable, quantify the benefits and costs referred to above; and*
- *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

### 3.2 PROPOSED ISSUES

Although not required by the Act, the identification of resource management issues is generally provided for in most District Plans. It provides a base to develop suitable objectives and policies that are relevant to the local circumstances or context.

There are no issues, objectives or policies that are amended by this proposed Plan Change 34.

For information a copy of the S32 evaluation conducted as part of Plan Change 25 for objectives and policies is copied below:

### 3.3 PROPOSED OBJECTIVES

<b>8.2.1 Informed community of natural hazard risks</b>	
<i>A community informed about the potential risks of natural hazards to people and property in the Wanganui District Council.</i>	
Comment	The proposed objective identifies the need to raise awareness of the potential risks and impacts associated with the presence of natural hazards in the environment.
Summary of benefits	Improved awareness and understanding of the risks of natural hazards.
Summary of costs	No direct cost implications although the community will be in a position to make better informed development and investment decisions.
Effectiveness	The new objective is effective as improved understanding will support better informed decision making.
Efficiency	The new objective is efficient as improved understanding will support better informed decision making which recognises inherent levels of risk.
Appropriateness	The proposed objective is responsive to the understanding

	that an awareness of risk associated with natural hazards is a necessary precursor to taking action to ensure that building design and land use activity reflect the need to avoid or mitigate the potential impacts of natural hazards. Consultation feedback from the community recognised the need to increase knowledge and awareness of natural hazards as well as raising concerns regarding the potential impact on property prices.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	It is vital for the Council to demonstrate that it is managing the risk of natural hazards in accordance with the requirements of the RMA and the Regional Council's Proposed One Plan.

<p><b>8.2.2 Avoiding and Mitigating<sup>4</sup> Natural Hazards</b></p> <p><i>The risks of natural hazards through inappropriate subdivision and development are avoided or mitigated whilst minimising adverse effects on natural, cultural and ecological values.</i></p>	
Comment	This proposed objective directly relates to avoiding and mitigating the risks posed by natural hazards, thereby providing for people's health, safety and well-being. The objective sets clear direction for decision-makers in terms of both avoidance and mitigation. The objective protects subdivision and development from being located where it can be damaged or destroyed by hazards such as flooding. However, by not requiring avoidance in all circumstances, it recognises it is difficult to predict when and where some natural hazards will occur (e.g. earthquakes), where the effects could be extensive. Therefore, it is considered effective and efficient to mitigate the risks in these circumstances. The proposed objective recognises that it will not be possible to eradicate risk entirely and identifies the need to adopt a graduated approach to risk management by either avoiding or mitigating the risks of inappropriate subdivision and development resulting from the presence of natural hazards.
Summary of benefits	Improved awareness and understanding of the risks of natural hazards.
Summary of costs	No direct cost implications although the community will be in a position to make better informed development and investment decisions.
Effectiveness	The proposed objective is amended to better align with the policy direction in the One Plan and is effective as improved understanding will support better informed decision making.

Efficiency	The new objective is efficient as improved understanding will support better informed decision making recognises inherent levels of risk.
Appropriateness	This proposed objective is considered appropriate in achieving the purpose of the RMA.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	It is vital for the Council to demonstrate that it is managing the risk of natural hazards in accordance with the requirements of the RMA and the "One Plan" Regional Policy Statement.

### 3.4 PROPOSED POLICIES

<p><b>8.3.1 Promote improved understanding of natural hazards</b>  <i>Promote improved understanding of natural hazards as development constraints and better knowledge and awareness of the risks to people and property in the Wanganui District.</i></p> <p><b>8.3.2 Protection from Natural Hazards</b>  <i>Avoid or minimise risk of loss of life or injury or environmental damage due to use or development in hazard prone areas.</i></p> <p><b>8.3.3 Natural Hazard precautionary approach</b>  <i>Adopt a precautionary approach in relation to use or development affected by potential natural hazards, especially where hazards are not well understood or the effects of natural processes are difficult to assess or where the effect of activities on natural hazards are not well understood.</i></p>	
<b>Comment</b>	These policies promote a positive and precautionary approach to hazard risk reduction and protection.
<b>Benefits</b>	These policies reflect the intent of the previous policy but are more specific in stating that a precautionary approach is required to give effect to the One Plan and to provide clarity for property owners.
<b>Costs</b>	Given that the coastal hazard risk areas at Kai Iwi are already largely identified and well understood by land owners, this process of reviewing the data and updating the zone boundaries accordingly will not likely cause any additional costs. There are no employment consequences from this plan change.
<b>Effectiveness</b>	These policies are effective as they create more precise guidance for decision makers.
<b>Efficiency</b>	These policies are effective as they create more precise guidance for decision makers.
<b>Appropriateness</b>	These policies are appropriate as they create more precise guidance for decision makers.
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	The zone boundaries are based on the most currently available information so the risk of acting is minimal given that it results in only a minor adjustment of the



	zone boundaries. Regular critical analysis of the risks and boundaries will add to the credibility and effectiveness of the associated regulation.
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### 3.5 PROPOSED RULES

The following methods have been identified as being suitable for achieving the relevant objectives and policies outlined above.

#### 3.5.1 Rules

A review of the existing rules applying within the Kai Iwi Coastal Hazard Overlay zone was completed. It is considered that these rules are still the most appropriate way to achieve the objectives and purpose of the Act.

Revised Evaluation: Following submissions it is considered the Restricted Discretionary and Prohibited rules require amendment to properly achieve the purpose of the Act.

<b>Permitted Activity</b> Any activities other than a prohibited, controlled or discretionary activity.	
<b>Controlled Activity</b> Subdivision for the purpose of minor boundary adjustment and alterations or vesting of reserves.	
<b>Comment</b>	The zone is intended to only consider issues related to coastal hazard. All other matters are addressed in the underlying zone. The principal alternative would be to contain all provisions within the hazard zone and that would result in significant repetition which is not necessary or helpful. Minor subdivision as described has no impact on the density of development or location of residential activity, thus has no impact on the hazard or risk to people and property.
<b>Benefits</b>	<b>Environmental</b> – specifically addresses the hazard issues only and safeguards the environment from unsafe development. The permitted and controlled activities are those which have no hazard effect. <b>Economic</b> – There are no employment/growth potential benefits to be addressed, as this is a continuation of an existing situation. <b>Social &amp; Cultural</b> – continuation of the clear message about development in this hazard prone area.
<b>Costs</b>	<b>Environmental &amp; Economic</b> – Minimal as this is a continuation of an existing clear message about hazard risk and status quo is retained in relation to existing restrictions on development. <b>Social &amp; Cultural</b> continuation of the clear message about development in this hazard prone area.
<b>Effectiveness</b>	Enabling activities not impacted by or impacting on the hazard risk is effective. This is highly effective as it is well understood and accepted by the affected parties and the community having been in place for a number of years. Updating the information ensures the retention of credible accurate zone

	boundaries and facilitates community support and acceptance.
<b>Efficiency</b>	Enabling activities not impacted by or impacting on the hazard risk is efficient and avoids unnecessary consent processes. Efficient as the small cost of the review will protect the integrity of the zone and its purpose into the next decade.
<b>Appropriateness</b>	The Rule allows for development while ensuring that environmental effects are avoided, remedied or mitigated. This is considered to be an appropriate approach.
<b><i>Restricted Discretionary Activities</i></b>	
<p>a. <i>Erection of any building or structure, in the Safety Buffer or High-Moderate Risk Area.</i></p> <p>aa. <u><i>Erection of any non-habitable building or structure, in the High - Moderate Risk Area</i></u></p> <p>b. <i>Extension/alteration to, any building or structure, in the Safety Buffer or High - Moderate Risk Area.</i></p> <p>c. <i>Demolition of a building or structure in the High-Moderate Risk Area.</i></p> <p>d. <i>Earthworks or vegetation clearance.</i></p> <p>e. <i>Subdivision of land in the Safety Buffer Area and or partly within the High-Moderate Risk Area other than allowed by a Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).</i></p> <p>f. <i>The installation, alteration or removal of works designed to mitigate the effects of coastal hazards.</i></p> <p>g. <i>The erection, maintenance or construction of any network utility in the Safety Buffer Area and the High-Moderate Risk Area.</i></p>	
<b>Comment</b>	The zone is intended to only consider issues related to coastal hazard. All other matters are addressed in the underlying zone.
<b>Benefits</b>	<p><b>Environmental</b> – specifically addresses the hazard issues only and avoids unsafe development. The restricted discretionary activities are those which have identified potential impact on hazard risks or affect the impact of hazard events. The process is targeted and clear for plan users, and provides opportunity to consider how effects might be remedied or mitigated.</p> <p><b>Economic</b> – There are no employment/growth potential benefits to be addressed, as this is a continuation of an existing situation.</p> <p><u>Revised Evaluation:</u> A restriction is imposed on development, but this will not impact on growth as the subject area is small in relation to the district.</p>
<b>Costs</b>	<b>Social &amp; Cultural</b> – continuation of the clear message about development in this hazard prone area.
<b>Effectiveness</b>	Specifying activities which are impacted by or impact on the hazard risk is effective. This enables a targeted consideration of the effects of particular proposals. This is highly effective as it is well understood and accepted by the affected parties and the community having been in place for a number of years. Updating the information ensures the retention of credible

	accurate zone boundaries and facilitates community support and acceptance.
<b>Efficiency</b>	Specifying activities which are impacted by or impact on the hazard risk is efficient and avoids unnecessary consent processes and ensures that resources are efficiently targeted to the activities with implications for sustainable management.
<b>Appropriateness</b>	The rules allow for development ensuring that environmental effects are avoided, remedied or mitigated. This is considered to be an appropriate approach.
<b>Principal Alternative</b>	The principal alternative would be to increase or reduce the level of restriction. However no parties have indicated that the current regulation is less than effective or should be improved. <u>Revised evaluation:</u> Consideration of the NZ Coastal Policy Statement has resulted in the increase in the level of restriction.

<b>Prohibited Activities–</b>	
<ul style="list-style-type: none"> <li>a. The erection of or extension to, any building or structure other than structures for coastal management in the Extreme Risk Area</li> <li>aa. <u>Erection of any occupied building or structure, in the High - Moderate Risk Area.</u></li> <li>b. Subdivision of land in the Extreme Risk Area <u>or fully within the High – Moderate Risk Area</u> other than allowed by Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).</li> <li>c. Installation of septic tanks or soakage pits in the High-Moderate Risk Area and the Extreme Risk Area</li> <li>d. Construction of any new network utility in the Extreme Risk Area.</li> </ul>	
<b>Comment</b>	Covers activity in the extreme risk area and the intention is to avoid risk or increase of risk. <u>Revised Evaluation:</u> Covers activity in the Extreme Risk Area and High to Moderate Risk Area and the intention is to avoid risk or increase of risk.
<b>Benefits</b>	<p><b>Environmental</b> – The current list of prohibited activities has proven effective in avoiding any worsening of the hazard risk or impact of the hazard on people and property. <u>Revised Evaluation:</u> The extension of the list of prohibited activities will be more effective in avoiding any increase in hazard risk.</p> <p><b>Economic</b> – The Plan is clear and enables people to make clear decisions based on an established set of development constraints affecting portions of sites within the ERZ. <u>Revised Evaluation:</u> The Plan is clear and enables people to make clear decisions based on a set of development constraints affecting portions of sites within the Extreme Risk Area and High to Moderate Risk Area.</p> <p><b>Social &amp; Cultural</b> - continuation of a clear message in the Plan about development in this hazard prone area.</p>

<b>Costs</b>	<p><b>Environmental</b> - As no new structures or subdivision can occur, the environment status quo is largely protected and this is considered sustainable.</p> <p><b>Economic</b> – Existing costs for landowners in the form of loss of development potential are retained with the Plan Change. However in reality the ERZ land is not safe for development so little loss of economic value occurs.</p> <p><u>Revised Evaluation:</u> The extension of development potential loss into the High to Moderate Risk Area, in which there were very few sites with theoretical development potential, is minor relative to the risks associated with those sites.</p> <p><b>Social &amp; Cultural</b> - Risks to people and property are avoided as there is no provision for development or subdivision in the most hazard prone areas.</p>
<b>Effectiveness</b>	<p>Prohibiting activities which cannot ever occur safely or sustainably under any imaginable circumstance sends a clear message to the owners and the public about the risks and the value of the land. It is effective as once accepted, as in this case, it avoids costs associated with consent applications designed to test the limits of development potential for such land.</p>
<b>Efficiency</b>	<p>Avoiding activities that have effects in relation to natural hazards that cannot be remedied or mitigated provides certainty for land owners. It avoids unnecessary consent processes and ensures that resources are efficiently targeted to the activities with implications for sustainable management.</p>
<b>Appropriateness</b>	<p>This is the only use of Prohibited activities in the Plan. All other options were explored (both now and in 2004 when first implemented), before making the decision to use this extreme level of regulation. Prohibited status has been deemed appropriate since 2004, and nothing has materially changed to alter the perceived risk to people and property. This approach is still considered to be the most appropriate way to achieve sustainable management of our natural and physical resources in this hazard prone area.</p>
<b>Principal Alternative</b>	<p>To provide for activities as non-complying and assess each proposal on its own merits. However this sends the wrong signal about the potential for safe development within the ERZ, especially given that such activities are presently prohibited by the Plan.</p> <p><u>Revised Evaluation:</u> To provide for activities as non-complying and assess each proposal on its own merits. However this sends the wrong signal about the potential for safe long-term development within the Extreme Risk Area and High to Moderate Risk Area.</p>

# **APPENDIX ONE**

## **Proposed Plan Maps**

**(updated following the 2013 report Mowhanau Cliff Line Retreat  
Review by eCoast Ltd)**

## APPENDIX TWO

(Extract of relevant text from the District Plan)

Shaded text is provided for information only as it has been reviewed in 2013 as part of Plan Change 25.

All other text is part of the current proposed Plan Change 34

Text that is proposed to be deleted is shown with ~~strikethrough~~ and new text is underlined.

### 8 RECOGNITION AND REDUCTION OF HAZARD POTENTIAL

Wanganui District is affected by a number of natural hazards. Parts of the urban area are particularly prone to flooding, while the coast and hill country are affected by land instability and erosion. The District is also dissected by fault lines and is vulnerable to sea level rise and tsunamis. The natural hazards occurring within the District have an impact on current and future development. They can cause loss of human life and significant damage to private property, roads and other District assets. They can also cause damage to the natural environment.

In addition to natural events, hazards are associated with hazardous facilities, ie the storage, use and transportation of hazardous substances. These facilities are commonly found in both the rural and urban parts of the District. Hazardous substances, like agricultural sprays, industrial chemicals or fuel, have properties which are, or when in contact with air or water are, potentially flammable or explosive, and toxic. If hazardous facilities are not located appropriately or managed properly, the accidental release of, or loss of control of, hazardous substances can cause short or long term damage to human health and contamination of land, water, air, or damage to ecosystems.

It is recognised that while a hazard may be present, the hazard potential is only realised when there are land use activities, buildings or structures and important natural values in the vicinity of the hazard. It is not possible to eliminate hazards, but it is possible to manage the location, design and operation of land use activities and hazardous facilities to avoid, remedy or mitigate the potential adverse effects of hazards on human life, property and the environment.

The Resource Management Act requires both the Regional and the District Councils to share responsibility for the natural hazards of flooding, subsidence, and seismic, volcanic and tsunami hazards; and for hazardous substances. The Regional Policy Statement further defines the appropriate management responsibilities of local authorities for natural hazards and hazardous substances

## **8.1 ISSUES**

### **8.1.1 Variety of natural hazards**

The Wanganui District is affected by a number of natural hazards\*. The most significant ones are flooding, storms, tsunami, erosion and earthquakes. Knowledge of the location and characteristics of natural hazards\* and their impacts on surrounding development \*and the environment\* is far from comprehensive. This along with lack of public awareness hinders the avoidance and mitigation of those hazards.

### **8.1.2 Inappropriate land use in areas at risk of natural hazards**

Inappropriate land use and occupation of areas at risk from earthquake, flooding, ponding land instability can cause unnecessary risks for people and property

## **8.2 OBJECTIVES**

### **8.2.1 Informed community of natural hazard risks**

A community informed about the potential risks of natural hazards to people and property in the Wanganui District.

### **8.2.2 Avoiding and mitigating natural hazards**

The risks of natural hazards through inappropriate subdivision and development are avoided or mitigated whilst minimising adverse effects on natural, cultural and ecological values.

## **8.3 POLICIES**

### **8.3.1 Promote improved understanding of natural hazards**

Promote improved understanding of natural hazards as development constraints and better knowledge and awareness of the risks to people and property in the Wanganui district.

### **8.3.2 Protection from Natural Hazards**

Avoid or minimise risk of loss of life or injury or environmental damage due to use or development in hazard prone areas.

### **8.3.3 Natural Hazard precautionary approach**

Adopt a precautionary approach in relation to use or development affected by potential natural hazards, especially where hazards are not well understood or the effects of natural processes are difficult to assess or where the effect of activities on natural hazards are not well understood.

## 8.8 RULES – KAI IWI COASTAL HAZARD ZONE

This section contains the rules that apply to activities in the Kai Iwi Beach Coastal Hazard Zone, which is an “overlay” zone along the coast at Kai Iwi. The two underlying zones along this stretch are Rural and Reserves and Open Spaces. See the Rural Settlements map for the location of this zone.

This zone stems from the knowledge that it is not possible to control the occurrence of natural hazards, however it is possible to reduce the hazard potential to protect human life, property and the environment.

The potential for coastal erosion in some coastal areas is severe. At Mowhanau, the cliffs have been subject to significant erosion.

The reduction of hazard potential needs to address:

- the location and operation of new land use activities in areas affected by natural hazards.
- protection of existing developments in high risk areas.
- land instability

Traditionally there is a reluctance to identify and recognise hazards as development constraints as there is a concern that the identification will alarm people and reduce the value of properties. However, not recognising the presence of hazards can also lead to increased risks of environmental damage, property damage or loss of life.

The purpose of this zone is to recognise the coastal landslip hazard risk at Kai Iwi and to ensure that any future development in this area occurs in a way that minimises risks to both people and property.

### 8.8.1 Application of Rules

The rules in this section apply where structures in the Kai Iwi Beach Coastal Hazard zone are being constructed, extended or altered or when earthworks or subdivision of land is proposed.

The rules in this section apply in addition to all the rules which apply in the underlying zone, including:

- a. general rules,
- b. financial contributions rules,
- c. activity status rules (lists of permitted, controlled, restricted discretionary, discretionary and non-complying activities)

### 8.8.2 Precedence of Rules where there is a Conflict

Where there is a conflict between rules of the underlying zone and the rules of this overlay zone, the more stringent activity status applies.



### 8.8.3 Permitted Activities

Any activity other than a prohibited, controlled or discretionary activity is permitted within the Kai Iwi Beach Coastal Hazard zone (Overlay zone) subject to the provisions of the underlying zone.

### 8.8.4 Controlled Activities

The following are controlled activities in the Kai Iwi Beach Coastal Hazard zone (Overlay zone):

- a. Subdivision for the purpose of minor boundary adjustments and alterations or vesting of reserves.

Refer to the section on Subdivision for standards, terms and areas of control relating to subdivision in this zone.

### 8.8.5 Restricted Discretionary Activities

The following shall be restricted discretionary activities for which a resource consent application must be made and consent may be granted subject to conditions, or declined.

- a. Erection of any building or structure, in the Safety Buffer or ~~High-Moderate Risk Area~~.
- aa. Erection of any non-habitable building or structure, in the High - Moderate Risk Area.
- b. Extension/alteration to, any building or structure, in the Safety Buffer or High - Moderate Risk Area.
- c. Demolition of a building or structure in the High-Moderate Risk Area.
- d. Earthworks or vegetation clearance.
- e. Subdivision of land in the Safety Buffer Area and or partly within the High-Moderate Risk Area other than allowed by a Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).
- f. The installation, alteration or removal of works designed to mitigate the effects of coastal hazards.
- g. The erection, maintenance or construction of any network utility in the Safety Buffer Area and the High-Moderate Risk Area.

Council's discretion is restricted to:

- i. whether the proposal would be consistent with the objectives and policies relating to the Recognition and Reduction of Hazard Potential ~~as set out in Topic T7~~.
- ii. The extent to which activities and buildings and structures can be relocated or demolished with minimal disturbance to the site or adjacent site.
- iii. The degree to which the proposal is likely to:

- Accelerate, worsen or result in further damage to that land, other land, or structures or buildings caused either directly or indirectly by erosion.
  - Be subject to erosion or cliff failure.
  - Reduce the net risk of coastal hazards.
  - Provide for the disposal of stormwater and wastewater including discharges from septic tanks.
- iv. Whether, within the High-Moderate Risk Area or Safety Buffer Area, consent should be granted for a limited duration.

#### **8.8.6 Prohibited Activities**

The following are prohibited activities for which no resource consent shall be granted:

- a. The erection of or extension to, any building or structure other than structures for coastal management in the Extreme Risk Area.
  - aa. Erection of any occupied building or structure, in the High - Moderate Risk Area.
- b. Subdivision of land in the Extreme Risk Area or fully within the High – Moderate Risk Area other than allowed by Controlled Activity for the Kai Iwi Beach Coastal Hazard zone (Overlay zone).
- c. Installation of septic tanks or soakage pits in the High-Moderate Risk Area and the Extreme Risk Area.
- d. Construction of any new network utility in the Extreme Risk Area.

#### **8.8.7 Regional Council Consents**

Note: Consents may also be required from the Manawatu-Wanganui Regional Council for activities involving soil disturbance or vegetation clearance.