

27A COASTAL HAZARDS

27A.1 RULES

These rules apply to the Coastal Hazard Erosion Policy Area (CHEPA) which is defined as land that comprises the Current Erosion Risk Zone (CERZ), the 2060 year Erosion Risk Zone (2060 year ERZ) and the 2100 year Erosion Risk Zone (2100 year ERZ), being that area of land located between mean high water springs (MHWS) and the landward extent of the 2100 year Erosion Risk Zone boundary.

This is applied as an overlay to the underlying zones within the Mahia Peninsula area being that area subject to Plan Change 1B.

27A.1.1 Section 31 also contains definitions for the following terms:

- Building Site Coverage;
- Chartered Professional Engineer;
- Coastal Hazard Erosion Policy Area (CHEPA);
- Areas subject to flood hazard;
- Site; and
- Serviced lots.

Permitted Activities

27A.1.2 Activities are permitted by the Wairoa District Plan in accordance with the rules for the underlying land-use zone.

Permitted Activity Conditions

27A.1.3 Permitted activities in the CHEPA shall comply with the standards and conditions for permitted activities in the underlying land-use zone.

Note: Construction, modification and demolition of building, earthworks and vegetation removal within the CHEPA are managed by Hawke's Bay Regional Council (HBRC) in accordance with provisions of the Hawke's Bay Regional Coastal Environment Plan (HBCEP). Activities within the CHEPA are subject to the objectives policies and rules of the HBCEP and may require resource consent from the HBRC.

Discretionary Activities

27A.1.4 The following are discretionary activities:

- (a) Activities that are determined discretionary in accordance with the rules for the underlying land-use zone;
- (b) Subdivision of land or the erection of any building on land (either natural ground level or any artificially created ground level) in areas potentially subject to flood hazard;
- (c) In the CERZ:
 - (i) Subdivision where:
 - land is partly located in the CERZ; and

- the land located within the CERZ is to be held in the certificate of title of the proposed seaward lot; and
 - no buildings or structures are proposed on that part of the land located in the CERZ and a consent notice is registered on the resulting certificate of title to this effect.
- (ii) Subdivision of land wholly within the CERZ that is to vest in the ownership of the local or regional authority;
- (iii) Boundary adjustments that comply with the boundary adjustment criteria provided for in Rule 27A.1.4(d)(ii).
- (d) In the 2060 year and 2100 year Erosion Risk Zones:
- (i) Subdivision of land provided that:
- no averaging of lot sizes shall be permitted;
- (ii) Minor boundary adjustments of 2 or more adjacent allotments provided that no additional allotments will be created and the net site area of any proposed allotment created by the boundary adjustment is the same as, or does not differ by more than 5% of, the net site area of that allotment as it existed prior to the boundary adjustment.

Advisory Note: Other District Plan provisions may require consent from affected parties or require notification. The undertaking of some of the activities noted above may also be subject to rules in regional plans. Those activities may not be allowed unless they fully comply with rules in those regional plans or resource consents are obtained from HBRC.

Discretionary Activities - Standards and Terms

27A.1.5 Within the CHEPA

- (a) Information Requirements
- (i) The activity shall, where practicable, comply with the permitted activity criteria of the Zone in which it is located. Where there is a conflict with the rules contained in this Chapter, the rules contained in this Chapter shall prevail.
- (b) Special Standards and Terms for Discretionary Activities in the 2060 year and 2100 year Erosion Risk Zones:
- (i) On a subdivision, any new lot created which contains land within the CERZ shall be provided with a building platform outside of the CERZ.
- (c) Matters of Discretion
- The Council limits the exercise of its discretion to:
- (i) Whether the proposal is consistent with the objectives and policies for Natural Hazards (Chapter 8);
- (ii) The extent to which proposed activities, buildings and structures will be able to be built with minimal disturbance to the foredune;
- (iii) The degree to which the proposed subdivision is likely to:
- Accelerate, worsen or result in further damage to that land, other land, or structures or buildings caused either directly or indirectly by coastal erosion or inundation;
 - Be subject to damage from erosion and inundation;

- Compromise the natural buffering ability of the foredune system; and
 - Reduce the net risk of coastal erosion and inundation hazards.
- (iv) The general requirements for development or subdivision of land (see Chapter 27);
- (v) The on-going provision of access to the site;
- (vi) Any other matter to which Council has limited its discretion in the zone in which the activity occurs; and
- (vii) The location of the 2060 year and 2100 year Erosion Risk Zone boundary.
- (d) Conditions:

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

- (i) Land use consent may require a review of conditions under s128 of the Resource Management Act 1991. This review would be initiated where defined hazard risk circumstances occur on the site particularly:
- When the crest of the foredune or the top of any dune scarp recedes to a point within 10 metres or less from the nearest part of the building.
- The review will enable the actual risk to be considered at that time, and appropriate mitigation measures implemented through changed consent conditions, should this be deemed necessary, including but not limited to conditions requiring the relocation of any building, structure or other works to the Alternative Building Site and/or further monitoring.
- (ii) Subdivision consent shall include conditions that existing and new lots be provided with practical building platforms. Such requirements and other on-going conditions such as those requiring periodic review shall be registered on the certificate of title for the lot/lots created by way of a consent notice;
- (iii) The general requirements for development or subdivision of land (see Chapter 27); and
- (iv) Any other matter to which Council has limited its discretion in the Zone in which the activity occurs.

Prohibited Activities

27A.1.6

In the CERZ:

Subdivision of land that is not provided for as a discretionary activity listed in [Rule 27A.1.4\(c\)\(i\)](#).