

CAP Workshop – RMA Planning Briefing

25 May 2022

Purpose and Introduction

RMA – High Level Purpose and Structure

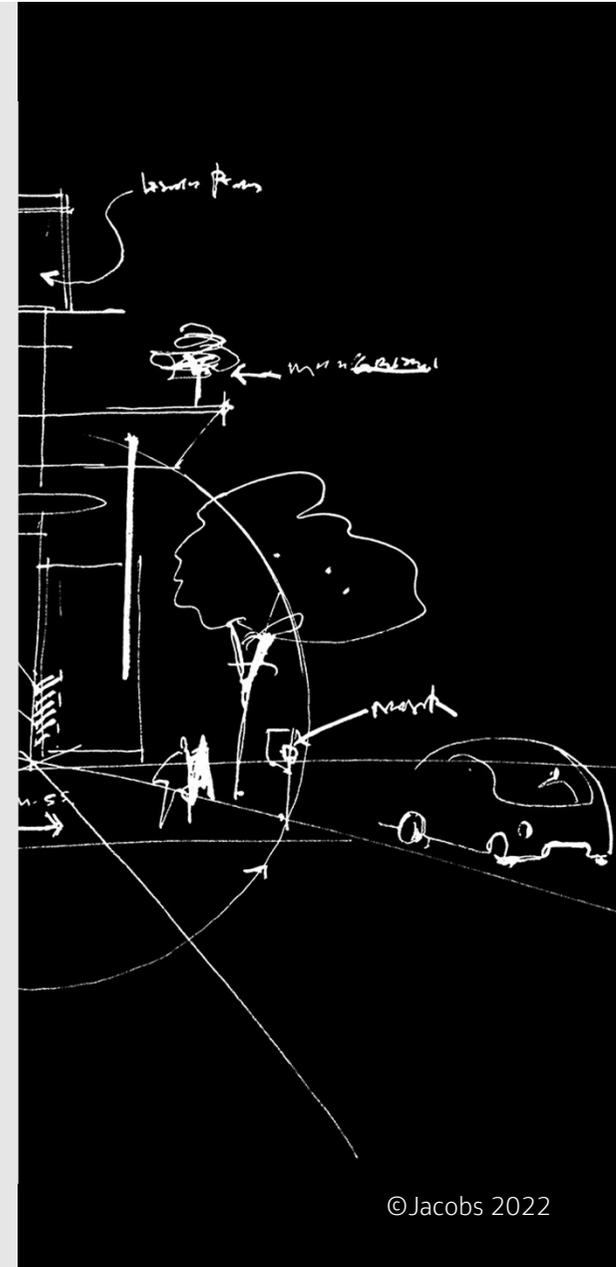
- Part 2 of the RMA

RMA – Role of Councils

- Regional v District Councils

RMA – Hierarchy of Policies and Plans

- New Zealand Coastal Policy Statement
- Other National Policy Statements
- Regional Policy Statement for Wellington
- Regional Plans
- The Kapiti Coast District Plan
- Relationship to Related non-RMA processes/documents



Purpose of Today's Briefing

- Give a high-level briefing on the structure, content and underlying documents of the RMA
- Cover how coastal hazards and planning is addressed by the RMA
- Highlight key documents and policy directions
- Discuss how the above will affect the CAP's work

Who I am – Planning Advisor to CAP

- Tim Hegarty – Senior Associate Planner based in Christchurch
- 18 Years experience in New Zealand, Australia and the UK
- Including strategy, consenting and enforcement roles
- Member of the NZPI and a certified RMA Hearings Commissioner

RMA -High Level Purpose and Structure

- All documents, plans, processes and decisions under the RMA are ultimately governed by “Part 2 Matters”
- Part 2 of the RMA sets the scene to its purpose, important matters for consideration and its relationship to the Treaty of Waitangi
- Part 2 matters are often a focus for decision making, not least at public hearings and the Environment Court
- So what does Part 2 say?

RMA -High Level Purpose and Structure

Section 5 states its purpose:

*The purpose of this Act is to promote the **sustainable management** of natural and physical resources.*

*(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 well-being 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.***

RMA -High Level Purpose and Structure

Section 6 covers “Matters of National Importance”

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, **shall recognise and provide** for the following matters of national importance:

- (a) **the preservation of the natural character of the coastal environment** (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (d) **the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:**
- (e) **the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:**
- (h) **the management of significant risks from natural hazards.**

RMA -High Level Purpose and Structure

Section 7 lists “Other Matters”

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, **shall have particular regard** to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(i) the effects of climate change:

RMA -High Level Purpose and Structure

Section 8 covers the Treaty of Waitangi:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

RMA – Role of Councils

■ Regional v District Councils

– Regional Councils

- Prepare Regional Policy Statements
- Prepare Regional Plans
- Issue resource consents – for coastal activities below Mean High Water Spring
- Also consents for discharges, bulk earthworks, activities in rivers and lakes

– District Councils

- Prepare District Plans, including plan changes (i.e. the Coastal Activities Plan Change)
- Issue resource consents for “land use activities” – e.g. new homes, removal of vegetation, roads

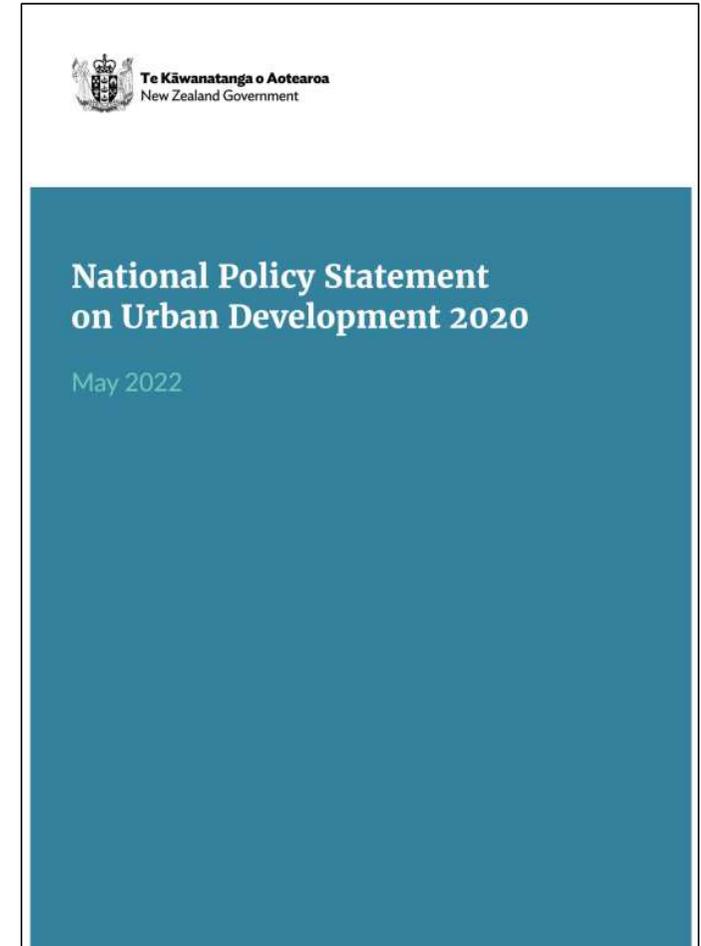
– Some parts of NZ have Unitary Authorities that do all the above combined.



RMA – Hierarchy of Policies and Plans

The RMA is a hierarchical system of environmental planning:

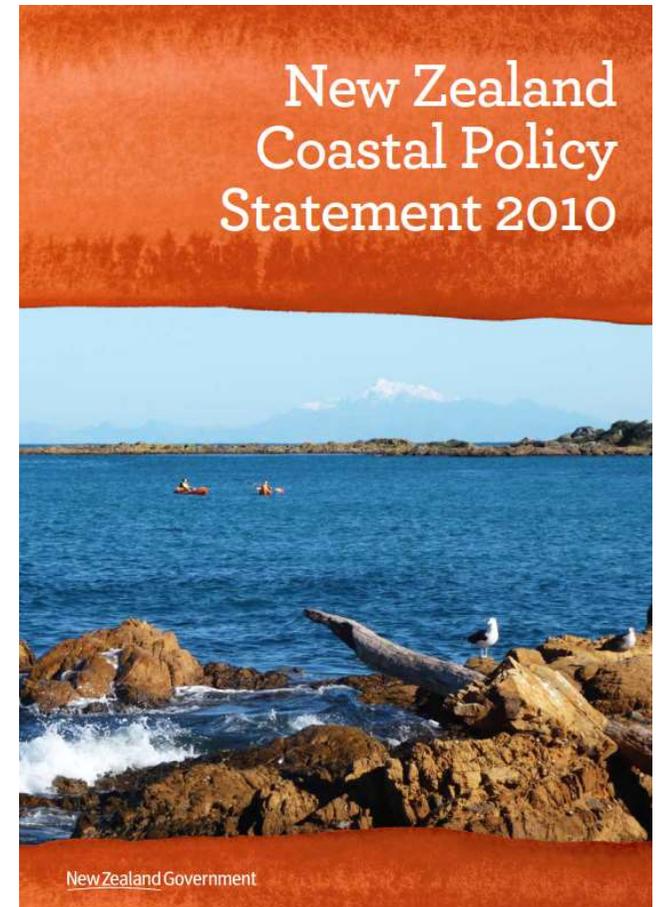
- The New Zealand Coastal Policy Statement
- Other National Policy Statements
 - E.g. Urban Development, Freshwater Management
- National Environmental Standards
 - E.g. Freshwater
- Regional Policy Statements
 - Regional Policy Statement for the Wellington region
- Regional Plans
 - Existing and Proposed Plans
- District Plans
 - Kapiti Coast District Plan



RMA – The New Zealand Coastal Policy Statement (the NZCPS)

- Sets out national objectives for managing the coastal environment.
 - Managing coastal hazards
 - Taking a precautionary approach
 - Controlling development in coastal hazard areas

- This affects decision making across Regional and District Plans



The NZCPS – Managing Coastal Hazards

Objective 5 sets the direction needed for managing coastal hazards

To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;*
- considering responses, including managed retreat, for existing development in this situation; and*
- protecting or restoring natural defences to coastal hazards*

The NZCPS – Managing Coastal Hazards

- Policy 3 requires a precautionary approach and a high degree of data collection, analysis and consultation:
 - (1) *Adopt a **precautionary approach** towards proposed activities whose effects on the coastal environment are **uncertain, unknown, or little understood, but potentially significantly adverse.***
 - (2) *In particular, adopt a **precautionary approach to use and management of coastal resources** potentially vulnerable to effects from climate change, so that:
 - (a) **avoidable social and economic loss and harm to communities does not occur;**
 - (b) **natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and**
 - (c) **the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.***

The NZCPS – Identifying Coastal Hazards

Policy 24 sets out what information, risk types and timescales need to be addressed by Councils

*(1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), **giving priority to the identification of areas at high risk of being affected.** Hazard risks, **over at least 100 years**, are to be assessed having regard to:*

(a) physical drivers and processes that cause coastal change including sea level rise;

(b) short-term and long-term natural dynamic fluctuations of erosion and accretion;

(c) geomorphological character;

(d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;

(e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;

(f) influences that humans have had or are having on the coast;

(g) the extent and permanence of built development; and

(h) the effects of climate change on:

(i) matters (a) to (g) above;

(ii) storm frequency, intensity and surges; and

(iii) coastal sediment dynamics; taking into account national guidance and the best available information on the likely effects of climate change on the region or district.

The NZCPS – Subdivision, Use, and Development in Areas of Coastal Hazard Risk

Policy 25 will also direct the upcoming plan change, consultation and assessments -

In areas potentially affected by coastal hazards over at least the next 100 years:

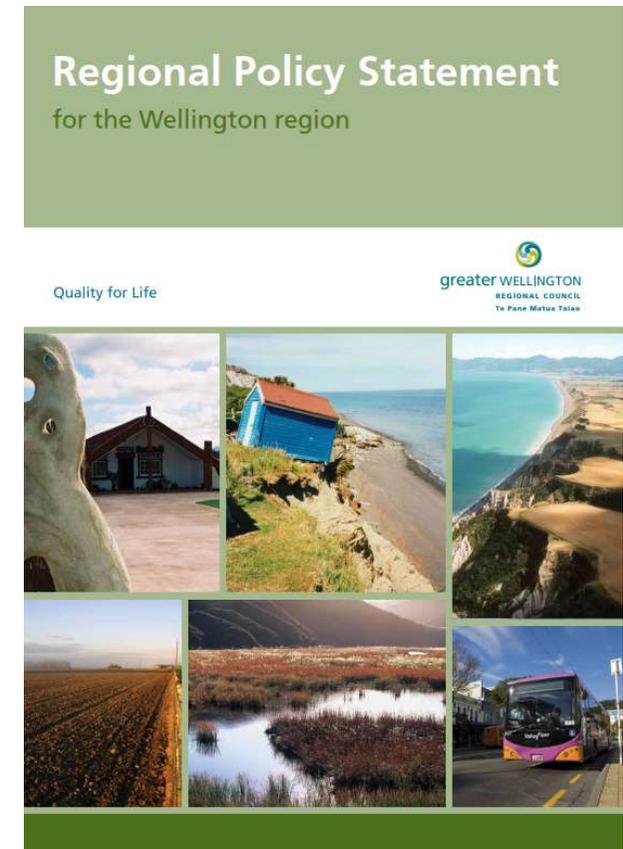
- (a) **avoid increasing the risk** of social, environmental and economic harm from coastal hazards;*
- (b) **avoid redevelopment, or change in land use, that would increase the risk** of adverse effects from coastal hazards;*
- (c) **encourage redevelopment, or change in land use, where that would reduce the risk** of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- (d) **encourage the location** of infrastructure away from areas of hazard risk where practicable;*
- (e) **discourage hard protection structures** and promote the use of alternatives to them, including natural defences; and*
- (f) **consider the potential effects of tsunami** and how to avoid or mitigate them.*

Regional Policy Statement for the Wellington Region

- The RPS follows the direction set by the NZCPS and sets the direction for regional and district plans.
- The RPS details climate change in its natural hazards' issues text:

Climate change will increase both the magnitude and frequency of natural hazard events. Climate change will increase the risks from natural hazard events that already occur within the region, particularly:

 - (a) sea level rise, exacerbating the effects of coastal erosion and inundation and river flooding in low lying areas, especially during storm surge;*
 - (b) increased frequency and intensity of storm events, adding to the risk from floods, landslides, severe wind, storm surge, coastal erosion and inundation; and*
 - (c) increased frequency of drought, placing pressure on water resources and increasing the wildfire risk*
- This translates to objectives/policies on:
 - The need to plan for natural hazard events
 - The need to plan for climate change over a 100-year timeframe
 - Providing for hazard mitigation and controls (e.g. land use rules)
- A new RPS will be notified in August 2022



The Proposed Natural Resources Plan 2019

- Currently under appeal, but relevant as the part of the future operative planning framework for Wellington
- A District Plan can not be inconsistent with a regional plan.
- Its Objectives and Policies will be relevant to the Coastal Plan Change. Again, these include:
 - A precautionary approach to coastal planning
 - Ensuring that hazard risks, including adverse effects from climate change are acceptable
 - Discouraging hard coastal protection works (e.g. seawalls)
 - Using a 100 year period for planning decisions
 - Relying more on natural buffers (e.g. dunes) as protection from coastal hazards

Kapiti Coast District Plan 2021

- Natural hazards and coastal matters are detailed in several sections of the District Plan. This include district wide objectives/policies and more thematic based sections.

- District Wide Objectives include:

DO-03 Development Management-

To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering ... resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events

DO-04 Coastal Environment

To have a coastal environment where ... the effects of inappropriate subdivision, use and development are avoided, remedied, or mitigated.

- Important to note the District Plan can be altered by plan changes.

Kapiti Coast District Plan 2021 - Natural Hazards

- While the District Plan specifically excludes coastal hazards from its natural hazard objectives and policies, these parts of it still provide a useful start for considering how coastal hazards could be addressed.
- Specifically, this chapter reiterates the precautionary principle:

“A precautionary approach will be taken to the management of risks from hazards that may impact on subdivision, use and development on , where there is uncertainty about the potential effects and where the effects are potentially significantly adverse.”

Kapiti Coast District Plan 2021 – Coastal

- The District Plan contains a mix of older (i.e. 1999) and more recent coastal objectives, policies and rules.
- Coastal hazards are taken from the previous 1999 version of the District Plan. The approach to these hazards is quite limited, when compared to current coastal hazard management in higher order plans and the NZCPS.
- Results in very limited rules – based on 20m and 50m setbacks for relocatable buildings at identified locations.



Relationship to Other Processes and Documents

- Other processes and documents can also influence RMA decision making, as well as providing alternative mechanisms to addressing coastal issues. These include:
 - Iwi Management Plans
 - Long Term Plans and Infrastructure Strategies under the Local Government Act
 - Relationship to the LTP 30 Year Infrastructure Strategy and related investment
 - Marine and Coastal Area (Takutai Moana) Act 2011
 - Customary Marine Titles and Approval Process
 - Building Act
 - Building standards relating to habitable floor levels and flooding
 - Other Strategies and Plans (e.g. Reserve Management Plans)

Conclusions

- The RMA has a numerous policy and rule-based layers, which set the scene for District Plan content and environmental management.
- The content and approaches of the District Plan are set by the NZCPS, RPS and Regional Plans.
- Currently, the District Plan has very limited rules and related policies for coastal hazards.
- Opportunities also exist outside RMA Plans to manage coastal hazards.

Questions/Discussion

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