

Memorandum No. 1 Summary of the Planning Framework Relevant to Coastal Hazards

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1. Glossary of Abbreviations and Defined Terms

The table below sets out the abbreviations used in this memorandum

Abbreviation	Term
Adaption Actions	The specific measure taken to reduce or eliminate long-term risk associated with the hazard(s)
CADMF	Coastal Adaptation Decision Making Framework
CAP	Coastal Adaptation Panel
CMA	Coastal Marine Area
CS	Coastal Strategy
DAPP	Dynamic Adaptive Policy Pathways
GWRC	Greater Wellington Regional Council
GWRPS	Greater Wellington Regional Policy Statement for the Wellington Region
KCDC	Kāpiti Coast District Council
LGA	Local Government Act 2002
LTP	Long Term Plan 2021-41
MACA Act	Marine and Coastal Area (Takutai Moana) Act 2011
MHWS	Mean High Water Spring
MDRS	Medium Density Residential Standards
MFE	Ministry for the Environment
NES	National Environmental Standard
NES-F	National Environmental Standard for Freshwater Management 2020
NES-TF	National Environment Standard for Telecommunications Facilities 2016
NPS	National Policy Statement
NZCPS	New Zealand Coastal Policy Statement 2010
NPS-F	National Policy Statement for Freshwater Management 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPS-RET	National Policy Statement for Renewable Electricity Transmission 2008
NPS- UD	National Policy Statement for Urban Development 2020

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Abbreviation	Term
OSS	Open Space Strategy
PNRP	Proposed Natural Resources Plan
RAQP	Regional Air Quality Management Plan for the Wellington Region, 2000
RCP	Regional Coastal Plan for the Wellington Region, 2000
RFWP	Regional Freshwater Plan for the Wellington Region,
RPDL	Regional Plan for discharges to the land, 1999
RPS	Regional Policy Statement
RSP	Regional Soil Plan for the Wellington Region, 2000
RMA	Resource Management Act 1991
TA	Territorial Authorities
KCDC	Kāpiti Coast District Council

2. Executive Summary

This memorandum is the first of a series of technical memoranda intended to:

- assist the Takutai Kāpiti Community Coastal Adaptation Project and Coastal Advisory Panel (CAP) in developing coastal adaptation options, specific actions, and recommendations for Kāpiti Coast District Council's (KCDC) consideration¹ throughout the *Takutai Kāpiti: Our community-led coastal adaptation project* (Takutai Kāpiti); and
- inform the Coastal Plan Change² to the Kapiti Coast District Plan (the District Plan).

This memorandum provides a high-level summary of the planning framework that the CAP and KCDC will need to consider during coastal hazard planning considerations. The focus of this memorandum is narrowed chiefly to coastal hazards. It deliberately does not cover all other relevant RMA matters the CAP will need to consider and address as part of developing coastal adaptation options and recommendations. Additional memoranda will be prepared to cover other relevant topics.

The overarching document controlling resource management in New Zealand is the Resource Management Act 1991 (RMA), which sets out the functions of district councils including the processes that district councils must follow when developing a plan change to a District Plan. The RMA identifies a hierarchy of statutory instruments and matters that District Councils must ensure plan changes are in accordance with, or have regard to, throughout the plan development process. These instruments are afforded different weight in the decision making process. In relation to the Coastal Plan Change to the Kapiti Coast District Plan the primary instruments include (but are not limited to):

- The RMA;
- The New Zealand Coastal Policy Statement (2010);
- The National Planning Standards (2019);
- The Greater Wellington Regional Policy Statement (2013);
- A Proposed Regional Policy Statement;
- Greater Wellington Regional Plans;
- The Proposed Natural Resources Regional Plan (2019); and
- Relevant planning documents recognised by iwi authorities and lodged with the territorial authority.

These statutory instruments provide direction to district councils on how to approach risk based coastal hazard planning and effectively place obligations on district councils when developing district plan changes relating to coastal hazards. The framework sets out required actions and areas where the Council have or do not have discretion in decision making.

The existing planning framework is dynamic and will be subject to change during the Takutai Kāpiti. This memorandum discusses changes that are likely to occur and potential influences these changes will have on the Coastal Plan Change process. Further information will be provided to the CAP when made available by the relevant authorities.

Beyond the RMA and other national level directives, there are several regional and local documents that the CAP and KCDC will need to consider in the specific Wellington and Kāpiti context. This memorandum provides a brief overview of these documents and their potential relevance in *Takutai Kāpiti: Our community-led coastal adaptation project*.

¹ *Terms of Reference for the Takutai Kāpiti Coastal Advisory Panel*, Final Agreed Version, 21 March 2022

² The Coastal Plan Change is identified in the forward programme of district plan changes to be developed and monitored, within the Kāpiti Coast District Council Long-term Plan 2021-41 (page 254)

3. Introduction

This memorandum is the first of a series of technical memoranda intended to:

- assist the Takutai Kāpiti Community Coastal Adaptation Project and Coastal Advisory Panel (CAP) in developing coastal adaptation options, specific actions, and recommendations for Kāpiti Coast District Council's (KCDC) consideration³ throughout the *Takutai Kāpiti: Our community-led coastal adaptation project* (Takutai Kāpiti); and
- inform the Coastal Plan Change⁴ to the Kapiti Coast District Plan (the District Plan).

This memorandum provides a high-level summary of the planning framework relevant to coastal hazard district planning considerations and assessment. This information is intended to assist Takutai Kāpiti and the CAP in developing recommendations on coastal adaptation options for Kāpiti Coast District Council's consideration.

The recommendations, including any potential costs, legislative requirements and benefits associated with those options, should also guide development of Coastal Plan Change provisions to manage coastal issues and an approach for the district dealing with coastal hazards. These recommendations will be evaluated by the Council as part of the development of the future Coastal Plan Change.

As such, it is important to understand the statutory planning framework including:

- a) Obligations on district councils to deal with coastal hazards in a district plan;
- b) The extent to which the statutory framework either limits discretion, or provides discretion but offers some direction about the approach to be taken in particular circumstances;
- c) The evaluative requirements for plan changes under section 32 of the RMA (at a high level); and
- d) Beyond the RMA and other national level directives, the regional and local documents that require consideration in the specific Wellington and Kāpiti Coast context.

This memorandum provides a high-level summary of the relevant coastal hazard planning documents and related policies that the CAP needs to consider throughout the Coastal Adaptation Decision Making Framework (CADMF) process. The district council function to control activities to avoid or mitigate natural hazards relates to the area above the Mean High Water Spring (MHWS) (explained further in Section 4). The coastal hazard planning framework relates to documents that are currently in effect, and up to date evidence base documents that are not yet contained in the district plan. Changes in legislation, changes to statutory strategies and plans, and new evidence base information may occur during the CADMF process. Council will aim to advise CAP of upcoming changes to any of these matters and the influence they may have to the CADMF process as they become relevant.

While this memorandum addresses the coastal hazard planning framework only, options for the management of coastal hazards cannot be considered in isolation from other coastal issues, such as coastal natural character, the extent of the coastal environment, and other relevant considerations under the RMA and other statutory planning documents. The Council is required to consider and address all these issues when preparing plan changes in accordance with the NZCPS and other higher-level statutory planning documents. Because of this, the Coastal Plan Change to the District Plan may have a broader scope. Further material will be provided to the CAP addressing other matters relevant to the coastal plan change throughout the CADMF process.

The provisions referenced in this memorandum are set out in full in Appendix A.

³ *Terms of Reference for the Takutai Kāpiti Coastal Advisory Panel*, Final Agreed Version, 21 March 2022

⁴ The Coastal Plan Change is identified in the forward programme of district plan changes to be developed and monitored, within the Kāpiti Coast District Council Long-term Plan 2021-41 (page 254)

4. Resource Management Act 1991

The current NZ planning framework has been established under the RMA. The RMA is the overarching legislation for sustainable management at the national, regional and district/city levels and provides scope, content and outcomes sought in planning documents. The RMA also sets out clear functions, powers and duties for regional and district councils to achieve the purpose of the RMA. For now, the RMA remains the relevant legislation under which this study has been undertaken⁵.

4.1 Section 5

Part 2 of the RMA details its purpose and principles, with the principles following a hierarchy beneath the purpose (i.e. sections 5 – 8). Part 2 sets the direction for all RMA processes and the matters that must be recognised and provided for, given particular regard to, and taken into account. At a more strategic level, changes to district plans must be in accordance with Part 2, while more day-to-day decision making (e.g. resource consents) must also be consistent with Part 2. While Part 2's language is relatively high-level, it is important to understand its various sections given their influence and role in the future development of any plan change(s) to the District Plan.

The first section of Part 2 is section 5, which sets out the overall purpose of the RMA:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resource;*
- (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.*

The purpose of the RMA is focused on the sustainable management of resources, as opposed to "sustainable development" which is more widely used internationally⁶. This is a significant difference from other nations' environmental frameworks and removes the assumption that activities and development can occur as of right.

A key aspect of section 5 and sustainable management is ensuring that community wellbeing is delivered in a manner which protects the health and safety of the community. This is also linked to providing for the reasonably foreseeable needs of future generations. These requirements begin to illustrate the need for adequate information and investigations to understand how decisions under the RMA could affect communities' wellbeing. This philosophical approach to environmental decision making flows through to all RMA processes. There is a key role for community involvement in helping develop what values should be included in "community wellbeing", as well as how these values could be impacted by hazards.

It is important to note that section 5 also introduces the concept that there is a duty to avoid, remedy or mitigate adverse effects on the environment. An example of this could involve a coastal structure (e.g. a wharf) which has been designed to avoid aggravating coastal erosion. As such, it should be remembered that RMA documents (like the NZCPS, RPS and the District Plan) may not outright prohibit activities in the coastal environment, but could allow them or provide a consenting pathway for them to occur based on specified measures to avoid, remedy or mitigate effects on the environment.

⁵ The government intends to repeal the RMA and replace it with three new pieces of legislation including the Natural and Built Environment Act (NBEA), the Strategic Planning Act (SPA) and the Climate Change Adaptation Act (CCAA). The Government plans to introduce the NBEA and the SPA within the existing parliamentary term. Detail on these legislative processes will be provided to the CAP following the release of further information from the Government

⁶ The key difference between 'sustainable development' and 'sustainable management' is that the latter removes the presumption that a portion of the environment (e.g. land) can be modified/used by humans as of right.

The definition of the environment is relevant when considering the adverse effects of activities in accordance with section 5(2) (d). Part 1, section 5 of the RMA sets out the interpretation and application of the Act, and states that the

environment includes—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters.

This broad definition includes a holistic consideration of the environment encompassing not only the natural environment and associated amenity values but also people and communities and the social, economic, aesthetic and cultural conditions which affect these values.

4.2 Section 6

Section 6 sets out the matters of national importance that must be recognised and provided for in RMA processes and decision making. Although all clauses of Section 6 are relevant when identifying and considering options to address coastal hazards through a plan change, Section 6h directly addresses coastal hazards:

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:

...

(h) *the management of significant risks from natural hazards.*

Section 6(h) identifies that councils have a duty, at a minimum, to manage significant risks. Environment Court decisions have established that the requirement to “recognise and provide for” section 6 matters implies that these matters have a significant priority and cannot merely be an equal part of a general balancing exercise⁷. However, section 6(h) does not prevent councils from considering other risks (i.e. risks less than significant in scale or risks associated with manmade hazards). Significant risks are not defined within the RMA, but the determination of the level of a particular risk is generally informed by independent technical reports, non-statutory guidance documents and planning authorities to define and determine their significance (such as National Climate Change Risk Assessment for New Zealand 2020). Consideration of what is significant risk for the Kāpiti Coast will form an important part of the upcoming Coastal Plan Change and is a key area for community involvement in determining what such risks entail, what is impacted by these risks and where risks will occur. The determination of risk is discussed further in Section 5 below in relation to the NZCPS.

4.3 Section 7

Section 7 of the RMA details “other matters”. Although many Section 7 matters are relevant to the identification and consideration of options to address coastal hazard risks, Section 7(i) is particularly relevant to coastal hazard planning and assessment:

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—

...

(i) *the effects of climate change.*

⁷ *Bleakley v Environmental Risk Management Authority* [2001] 3 NZLR 213 (HC) and *Harrison v Tasman DC* [1994] NZRMA 193 (PT)

Relevant case law states that the matters in section 7 must be recognised as important to any decision where they are relevant and therefore are to be considered and carefully weighed in reaching a decision⁸. The direction to have “*particular regard to*” the matters listed in Section 7 rather than “*recognise and provide for*” as used in Section 6 is used because the matters in Section 7 are considered more abstract and more evaluative than the matters set out in section 6⁹. The effects of climate change are themselves undefined in the RMA and it is generally left to planning instruments (e.g. the New Zealand Coastal Policy Statement (Section 5)) to determine the types and timeframes of such effects. When developing appropriate scenarios and thresholds for risk based coastal hazard planning assessment, consideration should be given to whether the “effects” are reasonably foreseeable (RMA section 5) and whether the risks are significant (RMA section 6(h)). This highlights the importance of technical studies, but also community involvement given their knowledge of the local environment, at-risk locations and historic environmental changes.

4.4 Section 8

The last section (section 8) of RMA Part 2 relates to linking RMA decision-making to 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).

Section 8 places a duty on decision-makers is to properly consider Māori perspectives and the principles of the Te Tiriti o Waitangi before making a decision¹⁰ and highlights the importance of engagement with local iwi to ensure that the full quantum of risk and effects of coastal hazards is compiled. Consultation with Māori, or the need to consult, arises from the principle of partnership in the Treaty of Waitangi, requiring the partners to act reasonably and to make informed decisions¹¹. This is particularly important given the intrinsic nature of many cultural values which may not be clearly apparent when undertaking hazard assessments in a purely technical manner. The effects on cultural values, both physical and intrinsic should be undertaken in direct consultation with the potentially affected hapū and other relevant mana whenua entities. It is also recognised that local hapū and other organisations may also hold significant knowledge of historic changes within the coastal environment. This knowledge is important for understanding environmental trends, particularly when technical records/investigations are not available.

4.5 District Plan Changes

A Coastal Plan Change to the District Plan will be a key consideration during the CADMF process. Section 31 of the RMA sets out the functions of territorial authorities (TAs) such as KCDC, when preparing a plan change:

(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 of the district:*

(aa) *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*

(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; and*

(ii) *[Repealed]*

⁸ *Marlborough DC v Southern Ocean Seafoods Ltd* [1995] NZRMA 220 & 336 (PT).

⁹ *EDS v King Salmon*, at [26]

¹⁰ *He Tirohanga o Kawa ki te Tiriti o Waitangi A Guide to the Principles of the Treaty of Waitangi* (2001) as expressed by the Courts and the Waitangi Tribunal

¹¹ [Treaty of Waitangi Obligations | Quality Planning](#)

(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:

(iii) the maintenance of indigenous biological diversity:

(c) [Repealed]

(d) the control of the emission of noise and the mitigation of the effects of noise:

(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

(f) any other functions specified in this Act.

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

Of important note is KCDC's function to control effects associated with activities to avoid or mitigate natural hazards. This includes use, development, or protection of land, as well as the control of subdivision. Equally, KCDC is not able to impose controls (e.g. rules) on activities below Mean High Water Spring (MHWS). Below this survey mark, RMA decision making is the responsibility of the Greater Wellington Regional Council. Due to the nature of coastal processes the exact location of MHWS is dynamic and subject to change. This highlights the importance of working with other RMA decision makers in achieving integrated environmental outcomes.

4.5.1 Section 32

Section 32 of the RMA sets out the assessment process for proposed district plans or plan changes¹². Section 32 requires an evaluation of the extent to which the objectives of the proposal are the most appropriate way to achieve the provisions and objectives of the plan change and the purpose of the Act (section 32(1)(a) and s.32(3)). The evaluation needs to contain a level of detail that corresponds to the scale and significance of the environmental, social, economic and cultural effects anticipated from the implementation of the option. The identification and analysis of reasonably practicable alternative options is required, as is the identification of the degree of risks and uncertainty associated with the options considered.

These requirements highlight the importance of accurate technical assessments and thorough community engagement. This will require clear identification and descriptions of the coastal hazards and the issues that they cause for the community. Identifying the relevant statutory direction required by higher-level statutory planning documents and how the resultant District Plan text addresses all these matters will be required. Consideration will also be as to how other methods (i.e. not in the District Plan) could be employed to bolster the response to coastal hazards. In a practical sense, this includes measures in the Long Term Plan.

This process is both forward and backward looking. While consideration of future impacts on communities and the wider environment is needed, the plan change process will also need to consider why any current District Plan content is inadequate. Community consultation on this aspect of current measures will be a component to the development of an accurate and appropriate controls in the future plan change.

4.6 Subdivision

In accordance with Section 106(1) of the RMA a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if there is a significant risk from natural hazards. Section 106(1A) states:

an assessment of the risk from natural hazards requires a combined assessment of—

¹² Section 32 of the RMA accessed 18/05/2022: [Resource Management Act 1991 No 69 \(as at 12 April 2022\), Public Act 32 Requirements for preparing and publishing evaluation reports – New Zealand Legislation](#)

- a) *the likelihood of natural hazards occurring (whether individually or in combination); and*
- b) *the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*
- c) *any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).*

It is the responsibility of a TA to identify and communicate the existence of known natural hazards. Under Section 106 of the RMA, relevant information on known natural hazards does not need to be within the District Plan for a TA to use in a section 106(1)(a) determination. However, it is important that the District Plan incorporates clear and accurate identification of coastal hazards to provide certainty to consent applicants, stakeholders and decision makers on subdivision proposals.

4.7 Hierarchy of Planning Instruments Established Under the RMA

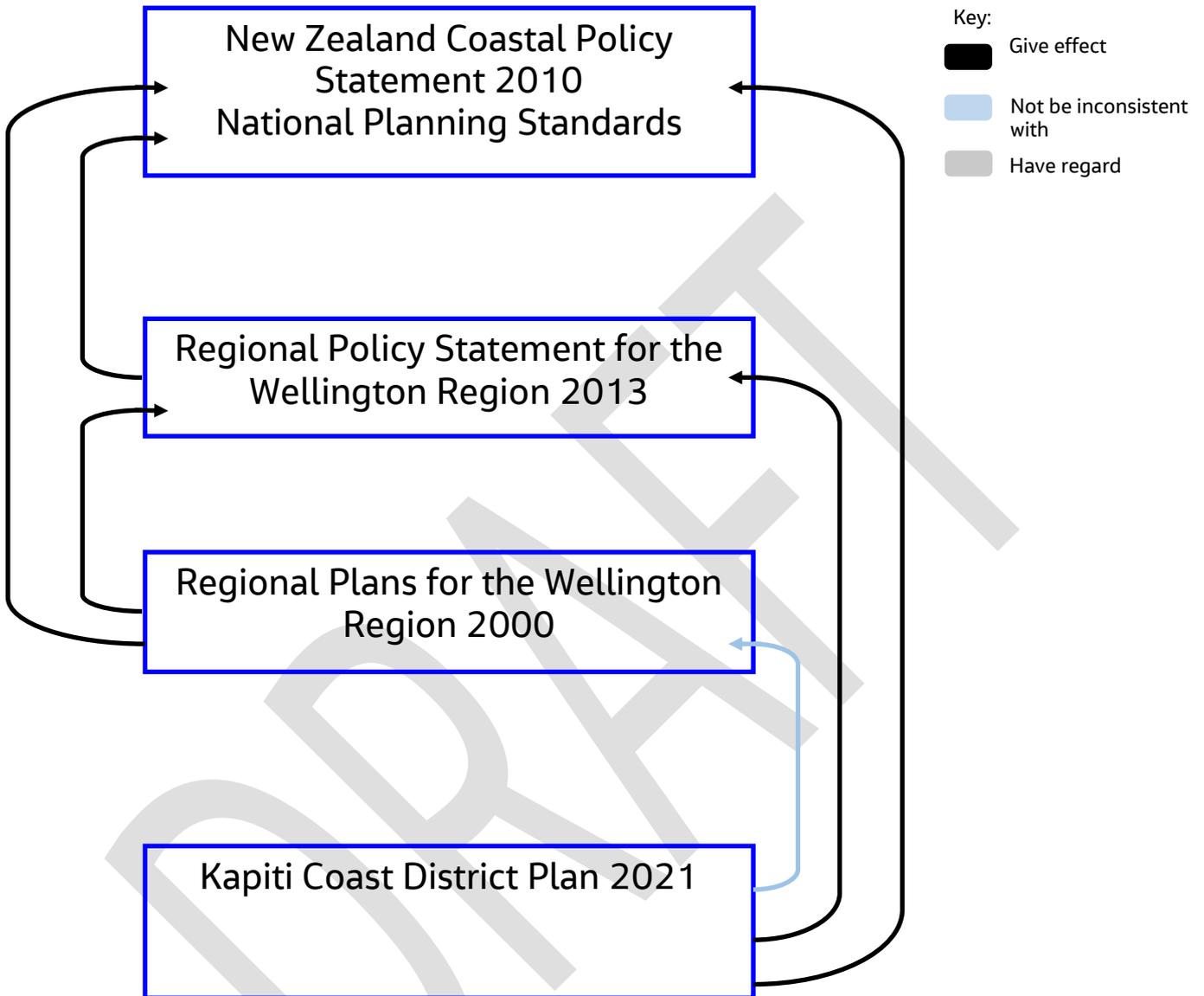
The RMA establishes a hierarchy of documents which aim to give substance to the sustainable management purpose of the RMA. The relevant planning documents include:

- National Policy Statements (including the New Zealand Coastal Policy Statement);
- National Environmental Standards;
- National Planning Standards;
- The Regional Policy Statement and any Proposed Regional Policy Statement;
- Regional Plans and any Proposed Regional Plans;
- Heritage and Water Conservation Orders; and
- District Plans.

Figure 1 displays the hierarchy of these documents, in the context of a Coastal Plan Change to the KCDP. Section 74 of the RMA sets out other documents that district councils must have regard to when preparing a district plan change including management plans and strategies prepared under other Acts; relevant entries on the New Zealand Heritage List/Rārangī Kōrero; regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources; relevant project area and project objectives in an established or specified urban development project under the Urban Development Act 2020 and the extent to which the district plan needs to be consistent with plans from adjacent districts. District councils must also take into account any document recognised by an iwi authority, including iwi management plans¹³.

¹³ Section 74 of the RMA

Figure 1 Summarised Hierarchy of planning instruments relevant to the Coastal Plan Change to the District Plan



5. National Policy Statements

As noted in Section 2, the RMA provides the overarching direction on resource management in New Zealand. Underneath the RMA, National Policy Statements (NPSs) provide direction on achieving sustainable management of the matters of national significance. All RMA plans and decisions are required to give effect to these NPSs whenever relevant. Case law suggests that the requirement to "give effect to" the NZCPS simply means "implement"¹⁴, creating a firm obligation on decision makers. These NPSs are prepared to ensure consistency in RMA plans and decisions across the country regardless of the decision maker, thereby reducing the incidence of inconsistent decision making across council boundaries (e.g. decision making related to a wharf below MHWS and its landward components).

There are five NPSs currently in force, as follows:

- New Zealand Coastal Policy Statement 2010;
- National Policy Statement for Urban Development 2020;
- National Policy Statement for Freshwater Management 2020;
- National Policy Statement for Renewable Electricity Generation 2011; and
- National Policy Statement for Renewable Electricity Transmission 2008.

Of these, only the NZCPS is directly applicable to coastal hazard planning and provides national direction for the management of and adaption to coastal hazards. The NZCPS includes policies dealing with the identification of coastal hazards, natural defences against coastal hazards, subdivision, use and development in areas of coastal hazard risk and strategies for protecting significant existing development from coastal hazard risk.

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. The Supreme Court has found that Part 2 of the RMA has been embodied by the NZCPS and therefore it is not appropriate to resort to Part 2 when giving effect to the NZCPS¹⁵. The coastal environment has characteristics, qualities and uses that mean there are particular challenges in promoting sustainable management. Regional policy statements, regional plans, and district plans must give effect to this NZCPS under sections 62(3), 67(3)(b), 75(3)(b) of the RMA.

Local authorities are required to amend regional policy statements, proposed regional policy statements, plans, proposed plans, and variations to give effect to NZCPS provisions that affect these documents as soon as practicable under section 55 of the RMA. The NZCPS will be a useful resource for focusing group discussions on coastal hazards, including consideration of the coastal environment, hazard types, impacts, responses and the timeframes that should be considered.

Direction on managing coastal hazards is provided through the following NZCPS provisions:

Objective 5:

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.*

¹⁴ *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38 At [77]

¹⁵ The Supreme Court held that there are three exceptions where resorting to Part 2 would be appropriate, namely: (a) where there is a claim of invalidity; (b) if the planning document does not cover the field; or (c) the provisions are uncertain. *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited & Ors* [2014] NZSC 38.

Objective 5 sets the required outcomes when developing proposed planning provisions to address coastal hazards.

Policy 3: Precautionary approach:

(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 precautionary approach requires a risk management approach and is appropriate when the risk of potential significant adverse or irreversible environmental effects cannot be adequately assessed. Policy 3(2) requires a forward-thinking approach to developing appropriate strategies for coastal resources¹⁶. This precautionary approach sets a high threshold for all coastal related decision making and highlights the need for thorough information gathering (both technical and consultation based) at all levels of RMA decision making.

Policy 24: *The identification of coastal hazards*

(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.

Policy 24 outlines the process and the matters that require consideration when identifying coastal hazards. The policy then gives priority to the identification of areas at high risk of being affected over at least 100 years. This timeframe is also consistent with international climate change modelling and predictions.

¹⁶ NZCPS 2010 Guidance note Policy 3: Precautionary approach. Department of Conservation

The NZCPS glossary states:

Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence (AS/NZS ISO 31000:2009 Risk management – Principles and guidelines, November 2009)

As noted in Section 4, in relation to section 6(h) of the RMA, consideration of what is significant risk for the Kāpiti Coast will form an important part of the *Takutai Kāpiti: Our community-led coastal adaptation project*, as well as the upcoming Coastal Plan Change. To understand the consequences of an event, it is appropriate to consider all aspects of the environment¹⁷ including economic, social, cultural and environmental conditions. The Jacobs Coastal Hazard Susceptibility and Vulnerability Assessment (2022) provides an assessment all of the matters listed in Policy 24 and identifies areas in the coastal environment that are potentially affected by coastal erosion and inundation hazards, The assessment also notes that further analysis on risks from hazards are required (Page 19) and that the full consideration of consequences and possible remediation/ adaption actions is best considered in the Phase Two (community engagement) part of the Takutai Kāpiti project (Page 12). The consideration of consequences is a key area for community involvement, particularly throughout the process of determining what such risks entail, what is impacted by these risks and where risks will occur. This information, supported by technical advice from a number of experts will be a key input into the coastal hazard risk assessments and will inform the CAP when the Council undertakes their upcoming Coastal Adaptation Decision Making process.

Policy 25: *Subdivision, use and development in areas of coastal hazard risk*

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.*

Policy 25 provides strong direction and requirements on avoiding¹⁸ inappropriate development in areas of hazard risk. This includes avoiding increased risks of harm associated from coastal hazards, encouraging risk reductions by locating activities outside areas of risk, and discouraging hard protection structures. All these aspects must be viewed with a 100 year horizon.

Policy 26: *Natural defences against coastal hazards* requires TAs to provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards. The policy also requires recognition that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.

Policy 27: *Strategies for protecting significant existing development from coastal hazard risk.*

¹⁷ Interpretation of the environment is discussed in Section 4, Page 9.

¹⁸ The Supreme Court's decision in *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38 ("King Salmon") found that "Avoid" means "not allow" or "prevent the occurrence of" Pages 92-97.

(1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:

- (a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;*
- (b) identifying the consequences of potential strategic options relative to the option of 'do-nothing';*
- (c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;*
- (d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and*
- (e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.*

(2) In evaluating options under (1):

- (a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;*
- (b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and*
- (c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.*

(3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.

(4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.

This policy sets out the matters that should be assessed when considering options to reduce coastal hazard risk, including when it is appropriate to use hard engineering structures.

6. National Planning Standards (2019)

National Planning Standards set out a series of requirements for the structure, format and language of the District Plan. National Planning Standard amendments do not change the way the District Plan manages subdivision, land use and development.

Under section 58I of the Resource Management Act 1991 (RMA), amendments to give effect to National Planning Standards must be made 'without formality', or without a Schedule 1 consultation process.

TAs must prepare and change their district plans in accordance with National Planning Standards. The National Planning Standards require that if the district has a coastline, a Coastal Environment chapter must be provided under general district-wide matters that:

- a. sets out the approach to managing the coastal environment and giving effect to the NZCPS*
- b. sets out provisions for implementing the local authorities functions and duties in relation to the coastal environment, including coastal hazards*
- c. provides cross-references to any other specific coastal provisions that may be located within other chapters.*

It is important to note that plan changes to the District Plan that occurred since 2019 have amended the District Plan to give effect to the National Planning Standards. However, the specific coastal hazard provisions in the District Plan 1999 have not been amended or replaced to give effect to the National Planning Standards. These provisions will remain operative until they are replaced throughout the District Plan by the Coastal Plan Change. These provisions are now located in the Coastal Environment Chapter of the Operative Kāpiti Coast District Plan 2021, under the heading 'District Plan 1999 Provisions' (included in Appendix A). Council has until 2026 to align this part of the plan with the national planning standards¹⁹. Further information on the District Plan 1999 provisions and the Coastal Plan change is provided in Section 8.

¹⁹ Implementation Standard available at: [National planning standards | Ministry for the Environment](#)

7. Regional Policy Statement for the Wellington Region (2013)

The Regional Policy Statement (RPS) sets out the framework and priorities for resource management in the Wellington region. The RPS provides a framework that identifies the regionally significant issues to manage the regions natural and physical resources in an integrated way and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). District plans in the Wellington Region are required to give effect to the policies 1-34 of the RPS, and to have particular regard to policies 35-60 when developing plan changes.

RPSs are intended to achieve the purpose of the RMA at a regional scale and must be developed in accordance with the higher order documents (national policy statements and standards).

The Greater Wellington Regional Policy Statement for the Wellington Region (the RPS) become operative on 24th April 2013 which is of relevance to the Kāpiti Coast District.

The RPS identifies the following regional significant issues for natural hazards to the Wellington region's (including iwi authorities);

1. *Effects of natural hazards*
 - *Natural hazard events in the Wellington region have an adverse impact on people and communities, businesses, property and infrastructure.*
2. *Human actions can increase risk and consequences from natural hazards*
 - *People's actions including mitigation measures and ongoing development in areas at risk from natural hazards can cause, or increase, the risk and consequences from natural hazards.*
3. *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 wild fire risk.*

The following provisions of the RPS in relation to coastal hazards are relevant to the Kāpiti Coast;

Objective 19 states: *The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change are reduced.* Objective 19 seeks to reduce the risk and consequences from natural hazards. This requires TAs to consider measures that will prevent or reduce future coastal hazard risk when developing coastal plan changes.

Objective 20: *Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.* Objective 20 requires that activities including hazard mitigation measures do not increase the risk and consequences from natural hazards. This requires TAs to ensure that the district planning framework enables discretion over hazard mitigation works that may potentially change natural hazard risk. This includes avoidance of increasing risk, including risk to neighbouring properties.

Objective 21 states: *Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.* Proposed plan changes are required to improve community resilience in relation to natural hazard events, and must account for the impacts of climate change, preparing the community for natural hazard events.

Policy 29 *Avoiding inappropriate subdivision and development in areas at high risk from natural hazards-district and regional plans* states:

Regional and district plans shall:

- a) *identify areas at high risk from natural hazards; and*

- b) *include policies and rules to avoid inappropriate subdivision and development in those areas.*

This requires district councils to avoid inappropriate subdivision and development in areas at high risk from natural hazards; and requires district plans to identify areas at high risk from natural hazards and include policies and rules to avoid inappropriate subdivision and development in those areas. The information contained in the Jacobs Coastal Hazard Susceptibility and Vulnerability Assessment and the future coastal hazard risk assessments that will be undertaken as part of Takutai Kāpiti will identify high risk areas and inform the district planning considerations (discussed in Section 5 in relation to NZCPS, Policy 24).

The RPS explains that the *"process of identifying 'areas at high risk' from natural hazards must consider the potential natural hazard events that may affect an area and the vulnerability of existing and/or foreseeable subdivision or development. An area should be considered high risk if there is the potential for moderate to high levels of damage to the subdivision or development, including the buildings, infrastructure, or land on which it is situated. The assessment of areas at high risk should factor in the potential for climate change and sea level rise and any consequential effect that this may have on the frequency or magnitude of related hazard events "*

Policy 29 requires a precautionary, risk-based approach, taking into consideration the characteristics of the natural hazard, its magnitude and frequency, potential impacts and the vulnerability of development. Delivery of this policy is dependent on accurate assessment of natural hazard events that may affect an area, including the potential for climate change generated sea level rise and any consequential effects.

Policy 51 *Minimising the risks and consequences of natural hazards- consideration. When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to the following matters:*

- (a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;*
- (b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;*
- (c) whether the location of the development will foreseeably require hazard mitigation works in the future;*
- (d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;*
- (e) any risks and consequences beyond the development site;*
- (f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;*
- (g) avoiding inappropriate subdivision and development in areas at high risk from natural hazards;*
- (h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and*
- (i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.*

The GWRPS explains that *"Policy 51 aims to minimise the risk and consequences of natural hazard events through sound preparation, investigation and planning prior to development. This policy reflects a need to employ a precautionary, risk-based approach, taking into consideration the likelihood of the hazard and vulnerability of the development."* This policy is also intended to recognise the need to involve the community in preparing for natural hazards. District councils are required to have particular regard to Policy 51.

Policy 52 *Minimising adverse effects of hazard mitigation measures – consideration* sets out matters TAs shall have particular regard to when making decisions on structural (hard engineering) and non-structural (soft engineering) measures for natural hazard mitigation. This policy encourages district councils to prioritise the use of non-structural and soft engineering methods for hazard mitigation, when protection works are required. District councils are required to have particular regard to Policy 52.

Policy 62: *Allocation of responsibilities for land use controls for natural hazards* states:

District plans shall recognise and provide for the control of land use (except for land in the coastal marine area and beds of lakes and rivers) for the avoidance or mitigation of natural hazards when developing objectives, policies, methods and methods, including rules, for the control of land use for the avoidance or mitigation of natural hazards.

As noted in Section 4, requiring district plans to “recognise and provide” for the control of land use to avoid or mitigate natural hazards provides the district councils with strong direction that these matters must be addressed in the District Plan. District councils are required to have particular regard to Policy 62.

7.1 RPS Review Process

The Greater Wellington Regional Council is undertaking a review of the RPS and intends to notify proposed changes to the RPS in Q2/Q3 2022. The intention of the review is to account for the new national direction to enable urban development and infrastructure in appropriate locations. Matters of relevance to coastal hazards include responding to the climate emergency²⁰ and reducing the impacts of climate change. The proposed RPS will strengthen existing policy direction and include new provisions that will provide direction to councils on strategic climate change adaptation programmes with their communities. Full details of the changes will be publicly notified in August 2022.

Once the proposed RPS is notified KCDC is required to have regard to the proposed provisions when developing the Coastal Plan Change.

7.2 Proposed Natural Resources Plan 2019

When preparing or changing a district plan a TA must have regard to any relevant proposed regional plan’s matters of regional significance (including the management of significant risks from natural hazards)²¹. KCDC must therefore have regard to the Proposed Natural Resources Plan (PNRP) when preparing the Coastal Plan Change.

Decisions on the PNRP were publicly notified on 31 July 2019. The appeals version identifies which parts of the PNRP are subject to appeals and may change as a result of the appeals process. The appeals version of the PNRP is currently the most up to date version. The PNRP will not be fully operative until all appeals are resolved.

The PNRP contains provisions relating to the use and development of natural resources within the Greater Wellington Region and once operational, will supersede the regional plans set out in Section 7.2. Only two outstanding consent orders on the PNRP remain to be resolved before the plan will become operative. If the PNRP becomes operative before or during the Coastal Plan Change process, Section 74(4) of the RMA requires that the Coastal Plan Change is not inconsistent with the PNRP. The following objectives are relevant to the consideration of natural hazards:

Objective 20 The hazard risk, and residual hazard risk, from natural hazards and adverse effects of climate change, on people, the community, the environment and infrastructure are acceptable.

Objective 21 states that Inappropriate use and development in high hazard areas is avoided. The objective provides strong direction in relation to development in high hazard areas. Direction on appropriate use and development in a high hazard area is provided through Policy 27, High Hazard areas, as follows:

Use and development, including hazard mitigation methods, in on or over high hazard areas shall be managed to ensure that:

²⁰ The Oxford Dictionary defines a climate emergency as “a situation in which urgent action is required to reduce or halt climate change and avoid potentially irreversible environmental damage resulting from it”.

²¹ Section 74 (2)(a)(ii) of the RMA

- (a) they have a functional need or operational requirement or there is no practicable alternative to be so located, and*
- (b) an overall increase in risk of social, environmental and economic harm is avoided, and*
- (c) the hazard risk and/or residual hazard risk to the development, assessed using a risk-based approach, is acceptable or as low as reasonably practicable, recognising that in some instances an increase in risk to the development may be appropriate, and*
- (d) the development does not cause or exacerbate hazard risk in other areas, and unless effects are avoided, remedied or mitigated in accordance with a hazard risk management strategy, and*
- (e) adverse effects on natural processes (coastal, riverine and lake processes) are avoided, remedied, or mitigated, and*
- (f) natural cycles of erosion and accretion and the potential for natural features to fluctuate in position over time, including movements due to climate change and sea level rise over at least the next 100 years, are taken into account.*

Policy 3 *Precautionary Approach* states: *Use and development shall be managed with a precautionary approach where there is limited information regarding the effects and any adverse effects are potentially significant.* This is consistent with Policy 3 of the NZCPS.

Policy 28 *Hazard Mitigation Measures*, describes the risk based approach that must be applied in hard hazard engineering mitigation and protection works. The policy discourages hard hazard landscaping, except in circumstances specified in the policy.

Policy 29 *Effects of Climate Change* requires particular regard to be given to the potential for climate change to cause or exacerbate natural hazard events over at least the next 100 years that could adversely affect use and development including as a result of coastal erosion and inundation (storm surge) and relative sea level rise. This policy emphasises the importance of robust risk based assessment and the long term consideration of climate change.

Policy 30 *Natural buffers* seeks to provide for the restoration or enhancement of natural features that buffer development from natural hazards, and seeks to ensure adverse effects of use and development on them are avoided, remedied, or mitigated

8. Kapiti Coast District Plan 2021

The District Plan contains the controls for land use and subdivision in the Kāpiti Coast District and specifies the desired environmental outcomes. The District Plan became operative on 30th June 2021 and includes the local framework which currently manages coastal hazards. Sections of the District Plan relevant to the discussion on coastal hazard planning include:

- Part 1 – Introduction and General Provisions – Interpretation – Definitions;
- Part 2- District -Wide Matters – Strategic Direction- District Objectives;
- Part 2- Hazards and Risks- Natural Hazard Policies²²; and
- Part 2- General District-Wide Matters- Coastal Environment which includes:
 - o Coastal Environment District Plan Provisions (that became operative in 2020); and
 - o District Plan 1999 Coastal Hazard Provisions (which remain operative).

Section 6 of this memorandum notes that the District Plan 1999 Provisions remain in their unmodified 1999 format, and therefore do not give effect to the National Planning Standards with respect to plan structure, plan format, mapping, and definition. Council is required to replace the District Plan 1999 Provisions through the future Coastal Plan Change to give effect to the relevant provisions of the RMA, NZCPS, RPS and other higher level planning documents. This Coastal Plan Change will be prepared in accordance with the National Planning Standards Format²³. This plan change is identified in the KCDC Long-term Plan 2021-41 forward programme of district plan changes to be developed and monitored within the Kāpiti District (page 254).

8.1 Part 2- District -Wide Matters

The coastal provisions in the Kapiti Coast District Plan are intended to address the significant resource management issues in the coastal environment through the protection of natural coastal values, the facilitation of public access along the coast, and recognising and providing for the relationship of tangata whenua with the coastal environment.

8.1.1 Strategic Direction- District Objectives

Part 2 – District- Wide Matters- Strategic Direction includes the following objectives relevant to coastal hazards:

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:

1. *urban areas which maximise the efficient end use of energy and integration with infrastructure;*
2. *a variety of living and working areas in a manner which reinforces the function and vitality of centres;*
3. *resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;*
4. *higher residential densities in locations that are close to centres and public open spaces, with good access to public transport;*
5. *management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;*

²² It should be noted that Part 2: District-wide matters for Natural Hazards does not include provisions specifically related to coastal hazard risks. However, is relevant to discussion in this memorandum given its current role for managing natural hazards in the district.

²³ The Council has until 2026 to fully give effect to the National Planning Standards.

6. *sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity, identified landscapes and features, and other places of significant natural amenity;*
7. *an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and*
8. *management of the location and effects of potentially incompatible land uses including any interface between such uses.*

This objective requires the Council to consider the natural hazard risk and development to ensure community resilience.

DO-04 Coastal Environment

To have a coastal environment where:

1. *areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected;*
2. *areas of outstanding natural character and high natural character are restored where degraded;*
3. *the effects of inappropriate subdivision, use and development are avoided, remedied, or mitigated;*
4. *public access to and along the coast to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access; and*
5. *Inappropriate development does not result in further loss of coastal dunes in the area mapped as the coastal environment.*

This objective recognises values within the coastal environment and seeks to avoid remedy or mitigate the effects of inappropriate development. While areas affected by natural hazards are not specifically referenced, this may be a consideration when Council is determining the appropriateness of an activity.

DO-05 Natural Hazards

To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of risk from natural hazards, while recognising the importance of natural processes and systems.

This objective requires the Council to avoid areas at risk of natural hazards or where development exists already, adopting mitigation measures to lessen the impacts of natural hazards and consideration of natural features and processes (e.g. sand dunes, beaches, wetlands, areas of native vegetation) when considering hazard mitigation works. Further to this, Council is required to recognise that hard engineering works to protect property and land from natural hazards have the potential to adversely affect the natural environment and weaken the existing natural defences to natural hazards.

8.1.2 Part 2- Hazards and Risks- Natural Hazard Policies

The District Plan states that the policies within the Hazards and Risks section apply to all natural hazards (excluding coastal hazards). Therefore, given the exception, the Council are not able to consider NH-P4 in the assessment of coastal hazard risks for resource consent applications. However, when preparing provisions to implement the NZCPS 2010 as part of the Coastal Plan Change it may be helpful to consider the suitability of Policy NH-P4 in a coastal hazard context.

NH-P4 Precautionary Approach states:

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

The precautionary approach is identified in policy 3 of the NZCPS 2010.

One of the challenges for KCDC is obtaining accurate information about natural hazards. However, KCDC is required to adopt the precautionary approach (under the NZCPS) when assessing the areas at risk of coastal hazard risk events and management of these risks and uncertainties. This is to ensure that KCDC makes appropriate decisions when there is insufficient information or knowledge to predict the effects of the coastal hazard and avoidance or mitigation of the risks where the likely effects are potentially significantly adverse. Such decision making and assessments require detailed information regarding potential coastal hazards, with relevant information being potentially unavailable at a district level.

8.1.3 General District-Wide Matters- Coastal Environment

The Coastal Environment section of the District Plan includes two sets of provisions:

- Coastal Environment District Plan Provisions (that became operative in 2020); and
- The District Plan 1999 Provisions that remain in effect until replaced via a future plan change.

As noted above, the District Plan 1999 provisions will be replaced through the Coastal Plan Change to give effect to the National Planning Standards, the RMA, NZCPS, RPS and other relevant statutory planning documents.

8.1.3.1 Coastal Environment District Plan Provisions

The Coastal Environment Chapter repeats the relevant strategic objectives set out in Part 2 – District- Wide Matters- Strategic Direction and introduces the following coastal environment policies:

CE-P1 Coastal Environment Characteristics

Recognise the extent and characteristics of the coastal environment including:

- 1. areas or landforms dominated by coastal vegetation or habitat of indigenous coastal species;*
- 2. landform affected by active coastal processes, excluding tsunami;*
- 3. elements or features, including coastal escarpments, that contribute to the natural character, landscape, visual quality or amenity value of the coast; and*
- 4. sites, structures, places or areas of historic heritage value adjacent to, or connected with, the coast, which derive their heritage value from a coastal location.*

This objective requires Council to recognise the extent and characteristics of the coastal environment, including areas dominated by coastal vegetation, and landforms affected by active coastal processes.

CE-P6 Natural Coastal Processes

Natural shoreline movement will be accommodated where practicable and the resilience of coastal communities will be increased by using best practice coastal management options, including:

- 1. dune management;*
- 2. inlet management; and*
- 3. engineering measures.*

This policy requires KCDC to consider best practice coastal management options, such as dune management, inlet management and engineering measures. KCDC is required to consider protecting, reinstating or rehabilitating natural features to mitigate coastal natural hazards. Hard engineering works should only be established if they do not increase the risk and consequences of the coastal natural hazards.

8.1.3.2 District Plan 1999 provisions

The District Plan states:

As a result of the withdrawal of coastal hazard provisions from the Proposed District Plan in 2014 and 2017, there are specific coastal hazard-related provisions in the District Plan 1999 that remain operative and in force until they are replaced through a Schedule 1 of the Resource Management Act 1991 process.

A summary of these provisions is included below:

C.9.1 Coastal Environment

Policy 2:

Discourage the development of buildings and other significant assets in areas which may be prone to Coastal erosion or the effects of sea level rise, unless the structures:

- *have a significant community benefit and need to be located in the coastal environment; and*
- *do not adversely effect the natural character of the coastal environment; and*
- *are relocatable*

This policy requires the Council to discourage development in areas that prone to coastal erosion unless the adverse environmental effects are adequately mitigated.

Policy 3:

In respect of residential buildings, control the location of buildings within areas subject to coastal erosion.

This policy requires the Council to control development within areas subject to coastal erosion.

Policy 4:

Discourage coastal protection works on the Coastal Marine Area interface where they are not already present and encourage management options such as managed retreat and coastal renourishment rather than hard engineering works when protection works are sought.

This policy requires the Council to discourage coastal protection works on the CMA and encourage the implementation of natural management options rather than hard engineering works/structures.

C.15 Natural Hazards

Objective 1: To manage activities and development within natural hazard prone areas so as to avoid or mitigate the adverse effects of natural hazards.

This objective requires the Council to manage activities and development within natural hazard prone areas and avoid or mitigate any adverse effects of natural hazards on the environment.

Policy 4: Ensure there are flood and erosion free building sites within newly created allotments.

This policy requires the Council to ensure any new allotments created provide areas that can be built on that are not at risk from flooding and/or erosion adverse effects.

Policy 7: Avoid and/or mitigate the potential adverse effects of flooding and erosion from major rivers and the sea on:

- *human life, health and safety*
- *private or community property,*
- *flood mitigation works, and*
- *other natural and physical resources*

when planning for and making decisions on new subdivision, use and development within river corridors and adjacent to the sea.

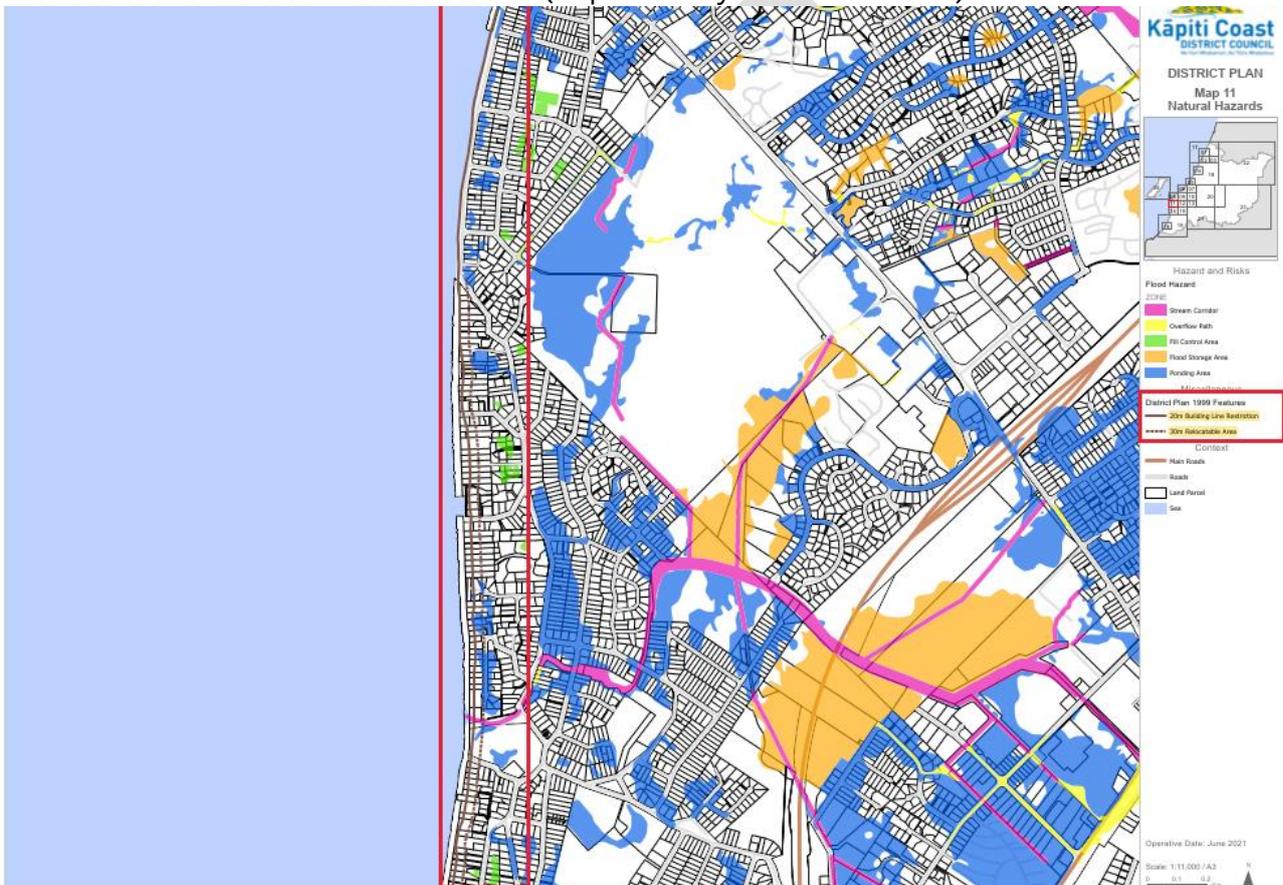
This policy requires the Council to avoid and/or mitigate any potential adverse effects of flooding and erosion on the environment including people and community wellbeing, health and safety and properties.

Policy 8: Recognise the ability of natural features (such as sand dunes and river berms) to buffer development from natural hazards through performance standards including minimum setbacks for new and relocatable buildings.

This policy recognises the benefit of a natural buffer in protecting development from natural hazards.

The District Plan 1999 Provisions include a simplistic rule framework which enables yards and relocatable buildings within mapped setback lines along parts of the coast. A coastal building line restriction of 20m exists (i.e. a development setback) on sites in Paraparaumu, Raumati, Paekākāriki (shown on District wide and Urban Plan Features Maps 8, 11, 14 and 16). Buildings within the relocatable area, as defined in Part Q of the 1999 District Plan provisions and shown on Districtwide and Urban Plan Features Maps 11, 14, 16 and 19 between 20 metres and 50 metres are required to be relocatable.

Map 11 below provides an example of sites from the District Plan Maps which are subject to the 20m Building Line Restriction and the 30m relocatable area (Maps - Overlays - Natural Hazards).



It is important to note that currently under the district plan, the Council are not able to consider proposed development on all sites within the extent of the coastal environment (shown in Map 11) as Standard D.1.2.1 Yard (iii) only applies to buildings on sites within 20m Building Line Restriction shown in maps 8, 11, 14 and 16. There are no development controls or standards applicable to development within the full extent of the coastal environment, which limits consideration of coastal hazards at other locations.

8.1.3.3 Summary

In summary, the existing District Plan framework only provides KCDC with a small number of methods to ensure the management of coastal natural hazards. These methods chiefly rely on the 1999 District Plan provisions, which are to be reviewed via the future Coastal Plan Change. The Natural Hazards chapter excludes the management of coastal hazards, while the Coastal Environment chapter primarily focuses on the management

of matters such as outstanding natural character, areas of high natural character, geological features, ecological sites and outstanding natural features and landscapes or special amenity landscapes.

It is important that the Council gives effect to the RMA, NZCPS and the RPS to avoid, remedy or mitigate the adverse effects of coastal hazards to reduce the exposure of people and property to significant risk from coastal hazards and potential climate change impacts. The RMA, NZCPS and RPS contain strong requirements and direction on managing the coastal environment in a way that recognises the effects of climate change.

8.2 Intensification Plan Change

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (2021) introduced the Government's Medium Density Residential Standards (MDRS). Section 77G of the RMA requires that the Council incorporate the MDRS into the District Plan. This means that the District Plan must provide for the construction and use of up to 3, three-storey residential units as a permitted activity within "relevant residential zones", which for the Kāpiti Coast District Plan means the General Residential Zone.

Sections 77G and 77N of the RMA requires the District Plan to give effect to Policy 3 of the NPS- UD. This policy requires that the District Plan enables intensification within and around existing centres and existing or planned rapid transit stops. For Kāpiti, this means intensification around railway stations south of the Ōtaki River, the Paraparaumu Metropolitan Centre, and town and local centres throughout the District identified as such in the District Plan.²⁴

The RMA provides scope for the requirements of the MDRS or policy 3 of the NPS-UD to be modified to be less enabling of development to the degree necessary to accommodate a qualifying matter for the purposes specified within section 77I or section 77O of the RMA.

KCDC are required to notify an Intensification Plan Change to the District Plan on or before 20 August 2022 which will incorporate the MDRS in the District Plan. A draft of this plan change, known as Plan Change 2 (Intensification), was released for public consultation on 4 April 2022. Feedback closed on 2 May 2022.

Draft Plan Change 2 includes a proposal to provide for a "Coastal Qualifying Matter Precinct" in the part of the district that has been identified as potentially susceptible to coastal erosion hazard. The draft spatial extent of the Coastal Qualifying Matter Precinct is based on the 2120 P10 projected future shoreline position using the RCP 8.5+ (with -3mm/year vertical land movement) relative sea level rise scenario described in the Jacobs. (2022) Kāpiti Coast Coastal Hazard Susceptibility and Vulnerability Assessment Volume 2: Results.

Council has publicly stated that applying this qualifying matter is "*not...intended to pre-judge what the most suitable planning or other approaches might ultimately be for those affected areas – the intent would be to continue with the Takutai Kāpiti process to guide future decision-making on that.*"²⁵ Consistent with this, the stated purpose of the precinct is to "*maintain the level of development currently provided for by the Operative District Plan in these areas, until the management of coastal hazards is addressed through a future coastal environment plan change.*"²⁶

While PC2 does not apply the level of development required by the MDRS or the NPS-UD to these areas, PC2 does not propose any new restriction on development in these areas either. In essence, the development provisions of the Operative District Plan remain unchanged in this area. This is to avoid the situation where development and 'as of right' subdivision that would otherwise be permitted or authorised under the MDRS or policy 3 of the NPS-UD may place additional people, allotments, buildings and infrastructure at risk of coastal hazards before a Coastal Plan Change progresses to give effect to the RMA, NZCPS and RPS requirements to manage coastal hazard risk.

²⁴ See the Centres Hierarchy Policy LCZ-P2, available at: <https://eplan.kapiticoast.govt.nz/eplan/#Rules/0/178/1/0/0>

²⁵ See Council's submission on the Resource Management (Enabling Housing Supply) Amendment Bill, available at: <https://www.kapiticoast.govt.nz/media/fnohaaz2/submission-resource-management-enabling-housing-supply-amendment-bill.pdf>

²⁶ Draft Plan Change 2, p.12. Available at: https://www.kapiticoast.govt.nz/media/wj3ffpk/pc2_intensification_draft.pdf

It is intended that the need for the Coastal Qualifying Matter Precinct would be reviewed as part of the future Coastal Plan Change, in light of the methods for managing coastal hazards developed through that plan change.

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9. Other Relevant Statutory Documents

Further to the RMA, there are a number of other Acts, plans, standards, and documents that will influence and be influenced by Takutai Kāpiti and the associated coastal hazard work. The following section details these Acts and documents, and how they may impact upcoming discussions. This includes how these other Acts and documents may provide alternative approaches to addressing coastal hazards.

9.1 Local Government Act 2002

The Local Act 2002 (LGA) set out the purpose, role and principles relating to local authorities such as KCDC.

Section 10(1) states *the purpose of local government is*

- a) *to enable democratic local decision-making and action by, and on behalf of, communities; and*
- b) *to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.*

Local authorities are required to act in accordance with the principles set out in Section 14 including principle 1(b)(c) and (d) as follows:

- (b) *a local authority should make itself aware of, and should have regard to, the views of all of its communities; and*
- (c) *when making a decision, a local authority should take account of-*
 - (i) *the diversity of the community, and the community's interests, within its district or region; and*
 - (ii) *and the interests of future as well as current communities; and*
 - (iii) *the likely impact of any decision on each aspect of well-being referred to in section 10:*
- (d) *a local authority should provide opportunities for Māori to contribute to its decision-making processes:*

This emphasises the importance of involving the community in coastal hazard decision making, and providing for Māori involvement within these processes.

Section 14 (h) states: *in taking a sustainable development approach, a local authority should take into account—*

- (i) *the social, economic, and cultural well-being of people and communities; and*
- (ii) *the need to maintain and enhance the quality of the environment; and*
- (iii) *the reasonably foreseeable needs of future generations.*

9.2 Marine and Coastal Area (Takutai Moana) Act 2011

This Act provides for the preservation and protection of the public foreshore and seabed through the vesting of customary marine titles with whanau, hapū and iwi.

The Act provides for rights of access and of navigation within the foreshore and seabed, as well as fishing rights. In addition, the Act requires holders of coastal resource consents issued by the regional council (i.e. those issued for activities below MHWS) to gain the permission of customary title holders prior to commencing the consented activity. While this process will not apply to resource consents granted by KCDC, it will affect projects/activities where there is a crossover. Some exclusions do apply, including for "accommodated infrastructure", where title holder permission will not be required.

No customary marine titles have been issued for nearby coastal areas, but title applicants include:

- Muaupoko Tribal Authority;
- Te Rūnanga o Toa Rangatira;
- Owners of Waiorua Bay Kāpiti 6 and some of the owners of Motungarara;
- Raukawa ki Te Tonga; and
- Te Atiawa ki Whakarongotai.

9.3 Building Act 2004

While the RMA is focused on ensuring that the use of land sufficiently avoids or mitigates the potential effects of natural hazards, the Building Act concerns itself with ensuring that any building constructed is safe and fit for purpose, including consideration of the risks from natural hazards, through compliance with the Building Code regulations.

Section 71 of the Building Act requires that district councils refuse consent for the construction of a building or major alterations on land that is subject to natural hazards where the proposed works will accelerate, worsen or create a hazard on that land or any other property. Exceptions are provided if the district council considers adequate mitigation measures are taken to protect the land, building or other property from the natural hazards.

If there are adequate measures to mitigate the effects of the hazard on the building, but the hazard remains on the land, a council is required under section 73 of the Building Act to have a notification placed on the relevant certificate of title. This notification will remain on the title until the hazard either no longer exists or has been mitigated for the building and land.

The Building Code regulations established under the Building Act set certain performance requirements for new buildings, for example that surface water must not enter houses in a 1 in 50 year (2% AEP) flood event (Clause E1.3.2).

It should be noted that while a hazard may exist, the council must have due regard to the impact of the hazard and likelihood of the hazard occurring within the life of the building. In some situations, a hazard may exist but the likelihood of the hazard occurring or causing damage may be of a low enough risk that it does not warrant being considered a natural hazard under the Building Act. The Ministry of Business, Innovation and Employment has provided guidance through the determination process enabling a council to assess if a hazard will meet the criteria set out in the Building Act.

In addition, section 31 provides for the preparation of Project Information Memoranda (PIM) by the Council when requested by a customer. While not compulsory, a PIM will identify any special feature of the land, which includes susceptibility to natural hazards, including:

- (a) erosion (including coastal erosion, bank erosion, and sheet erosion)
- (b) falling debris (including soil, rock, snow, and ice)
- (c) subsidence
- (d) inundation (including flooding, overland flow, storm surge, tidal effects, and ponding)
- (e) slippage.

Considering these requirements, the district plan cannot be inconsistent with the Building Act requirements. This highlights the importance that clear information on sites subject to natural hazard risk is made available, including within district planning documents.

9.4 National Environmental Standards

National Environmental Standards include nationally consistent regulations including technical standards on a variety of specific activities that affect the environment. District plans must comply with these standards

and there are seven National Environmental Standards (NESs) currently in force. The NESs do not address coastal hazards, with the exception of:

- NES Telecommunications Facilities 2016 (NESTF), which states that a territorial authority cannot make a natural hazard rule that applies to an identified regulated activity. The regulated activities are identified within Part 4 of the NESTF; and
- NES Freshwater Management 2020, which permits natural hazard mitigation work around wetlands. However, this regulation only applies to regional council functions (as identified under Regulation 5) and does not apply to territorial local authorities.

9.5 Iwi Management Plans

In accordance with Section 74(2A) of the RMA, when preparing the Coastal Plan Change, KCDC must take into account any relevant planning document recognised by an iwi authority and lodged with the council, to the extent that its content has a bearing on resource management issues of the district.

Three iwi are present within KCDC's boundaries that are considered as manu whenua, these being Te Ātiawa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa Rangatira.

The relevant documents prepared by the iwi authorities include (in no particular order):

- Nga Korero Kaupapa mo Te Taiao Policy Statements Manual for Kapakapanui Te Rununga o Ati Awa ki Whakarongotai;
- Whakarongotai o te moana whakarongotai o te wā Kaitiakitanga Plan for Te Ātiawa Ki Whakarongotai
- Proposed Ngāti Raukawa Otaki River and Catchment Iwi Management Plan 2000; and
- Te Haerenga Whakamua - A Review of the District Plan Provisions for Māori: A vision to the Future for the Kapiti Coast District Council District Plan Review 2009-12. 2012.

In relation to Natural Hazards and Managed Retreat, Te Haerenga Whakamua notes that the use of oral recordings and place names to inform (and perhaps warn) about the nature of the local environments, and that Māori - among many Polynesian peoples - commonly employed the concept of tapu to discourage actions that might bring harm to people and the environment. Te Haerenga Whakamua states:

"This practice represents some of the earliest forms of hazard mitigation used in New Zealand. It might again usefully contribute to natural hazard education."

Te Haerenga Whakamua also notes that tangata whenua have intimate knowledge of environmental change and notes that this locally specific knowledge of the environment offers planners with a unique opportunity to better understand the local environment and plan for the future. Feedback recorded in the document suggests that *"the Māori world-view on natural hazards is something that could be better understood by both Māori and Pākehā. It could be advantageous for all of Kāpiti to understand a Māori world-view."*

Suggested Kaupapa includes:

"Continued use of multiple hazard zones in the new provisions of the District Plan, including a no build and relocatable zone in urban areas to manage increasing risks associated with coastal erosion and sea level rise."

There is no specific reference to natural hazards within the remaining documents referenced above. However, it is recognised that the broader cultural values detailed in these documents could be affected by the future Coastal Plan Change, highlighting the continued importance of working with mana whenua.

9.6 Long-term Plan 2021-41

The Long-term Plan (LTP) is the overarching 20 year plan for what Council will deliver for the Kapiti Council and sets out how the council will invest in future infrastructure, services and facilities. The LTP is a document required under the LGA that sets out a local authority's priorities in the medium to long term.

The Coastal Plan Change is identified in the forward programme of district plan changes to be developed and monitored, within the Kāpiti Coast District Council Long-term Plan 2021-41 (page 254). Several Council strategies feed into decision making on the long term plans and often include aspects relevant to coastal hazard management. These strategies include (but are not limited to):

- Climate Change Emergency Action Framework (2021);
- Kapiti Coast: Choosing Futures Coastal Strategy (2006);
- Kapiti Coast: Choosing Futures Stormwater Management Strategy (2008);
- Te tupu pai Growing well: our strategy for enabling sustainable growth in Kapiti; and
- Open Space Strategy (2020).

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10. Other Relevant Non-Statutory Documents

In addition to the statutory documents, there is a series of non-statutory documents that provide guidance on coastal hazard work. The following section details these relevant documents, and how they may influence upcoming discussions.

10.1 MfE guidance for Local Government “Preparing for Climate Change” 2017

This a non-statutory document provides the most practicable guidance on the methodology for assessing current and future coastal hazard susceptibility, exposure and vulnerability. This document will inform the risk based hazard assessment that will support the Coastal Plan Change.

10.2 Wellington Regional Natural Hazards Management Strategy

The Wellington Regional Natural Hazards Management Strategy sets a regional approach to the management of natural hazards. The key objectives of this strategy are as follows:

- Our natural hazards and risks are well understood;
- Our planning takes a long term risk-based approach;
- Consistent approaches are applied to natural hazard risk reduction; and
- We have an agreed set of priorities to reduce risks from natural hazards.

This strategy reflects important discussions, assessment and priorities relating to the Wellington region and therefore will have direct relevance to assessment and decision making in the Coastal Plan Change process.

10.3 Kāpiti Coast: Choosing Futures Coastal Strategy 2006

The Coastal Strategy (CS) was developed by KCDC and provides high level guidance for the management of the coastal environment.

While the CS remains relevant to decision-making on infrastructure investment, it is important to note the age of this strategy, and that it was prepared and adopted by the Council some four years before the release of the updated NZCPS in 2010. On this basis, there may be aspects of the strategy that are out of step with the requirements of the relevant higher-level planning documents prepared under the NZCPS 2010, such as the RPS and PNRP. Council intends to review the CS following the completion of the Takutai Kāpiti Coastal Adaptation Project.

10.4 Open Space Strategy 2022

The Open Space Strategy (OPS) sets the direction for providing and managing Kāpiti’s public open spaces network. The OPS looks ahead to the next 30 years, addressing the anticipated challenges and opportunities including a changing climate, population growth and change, and advances in technology.

This document will be relevant when considering hazard risks on existing open space, as well as how existing and future open space could be used to protect the community.

10.5 Te Tupu Pai – Growing Well

Te Tupu Pai outlines how Council will enable sustainable growth in KCDC over the next 30 years. It articulates a vision for growth that delivers a thriving environment, vibrant economy, and strong communities.

This strategy discusses the importance of assessing hazards and constraints, as well as options for different development densities and growth patterns, when allowing for long term urban growth. The Strategy also makes explicit reference to Takutai Kāpiti, and it appreciates that 500 future growth plans should be integrated with adapting to climate change impacts on our coast (seep.52 for example).

10.6 Preparing Coastal Communities for Climate Change (2019)

The Greater Wellington Regional Council (Greater Wellington) and the territorial authorities across the Wellington region recognised the significance of climate change for the region and the importance of understanding the vulnerability of the region's coastal communities to climate change. The Greater Wellington Region Climate Change Working Group was established to address this issue and produced:

"a specific plan for a community-led coastal adaptation planning process for the region with governance, resourcing, timeline, regional buy-in and recommended priority areas to be submitted for agreement by councils and the Mayoral Forum prior to commencement of the programme"

The Preparing Coastal Communities for Climate Change (2019) report developed by Mitchell Daysh sets out a community process that will help guide the Takutai Kāpiti project.

10.7 Regional Climate Risk and Impacts Assessment

Wellington City Council and Greater Wellington Regional Council are leading a process to develop a Regional Climate Risk and Impacts Assessment. The intention of the project is to:

- better understand how/ when climate change will impact the region, including the key vulnerabilities and opportunities to embed climate resilient development; and
- create a regionally consistent approach or methodology to assess climate risks around the region can then be developed.

The Jacobs Coastal Hazard Susceptibility and Vulnerability Assessment and future risk assessments will also provide an information base for this Project. The Regional Climate Risk and Impacts Assessment is expected to be completed in December 2022.

Appendix A Provisions referenced in this memorandum

This appendix provides further detail on the provisions referenced to throughout this memorandum.

Resource Management Act 1991

Table 1: Provisions under the Resource Management Act 1991

Section	Provision
1. Section 5	<p>(1) <i>The purpose of this Act is to promote the sustainable management of natural and physical resource;</i></p> <p>(2) <i>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 –</i></p> <p><i>(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</i></p> <p><i>(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</i></p> <p><i>(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.</i></p>
2. Section 6(h)	<p><i>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:</i></p> <p>...</p> <p><i>(h) the management of significant risks from natural hazards.</i></p>
3. Section 7(i)	<p><i>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—</i></p> <p>...</p> <p><i>(i) the effects of climate change.</i></p>
4. Section 8	<p><i>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).</i></p>
5. Section 31	<p>(1) <i>Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:</i></p> <p><i>(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use,</i></p>

Section	Provision
	<p><i>development, or protection of land and associated natural and physical resources of the district:</i></p> <p><i>(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:</i></p> <p><i>(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—</i></p> <ul style="list-style-type: none"> <i>(i) the avoidance or mitigation of natural hazards; and</i> <i>(ii) [Repealed]</i> <i>(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:</i> <i>(iii) the maintenance of indigenous biological diversity:</i> <p><i>(c) [Repealed]</i></p> <p><i>(d) the control of the emission of noise and the mitigation of the effects of noise:</i></p> <p><i>(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:</i></p> <p><i>(f) any other functions specified in this Act.</i></p> <p><i>(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.</i></p>
<p>6. Section 32(1)</p>	<p><i>(1) An evaluation report required under this Act must—</i></p> <ul style="list-style-type: none"> <i>(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and</i> <i>(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—</i> <ul style="list-style-type: none"> <i>(i) identifying other reasonably practicable options for achieving the objectives; and</i> <i>(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and</i> <i>(iii) summarising the reasons for deciding on the provisions; and</i> <i>(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.</i>
<p>7. Section 32(2)</p>	<p><i>(2) An assessment under subsection (1)(b)(ii) must—</i></p>

Section	Provision
	<p><i>(a) 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</i></p> <ul style="list-style-type: none"> <i>(i) economic growth that are anticipated to be provided or reduced; and</i> <i>(ii) employment that are anticipated to be provided or reduced; and</i> <p><i>(b) if practicable, quantify the benefits and costs referred to in paragraph (a); a(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.</i></p>
<p>8. Section 32 (3)</p>	<p><i>(3) If the proposal (an amending proposal) will amend ... plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—</i></p> <ul style="list-style-type: none"> <i>(a) the provisions and objectives of the amending proposal; and</i> <i>(b) the objectives of the existing proposal to the extent that those objectives—</i> <ul style="list-style-type: none"> <i>(i) are relevant to the objectives of the amending proposal; and</i> <i>(ii) would remain if the amending proposal were to take effect.</i>
<p>9. Section 55</p>	<p><i>(1) In subsections (2) and (2A), document means</i></p> <ul style="list-style-type: none"> <i>(a) a regional policy statement; or</i> <i>(b) a proposed regional policy statement; or</i> <i>(c) a proposed plan; or</i> <i>(d) a plan; or</i> <i>(e) a variation.</i> <p><i>(2) A local authority must amend a document, if a national policy statement directs so –</i></p> <ul style="list-style-type: none"> <i>(a) to include specific objectives and policies set out in the statement; or</i> <i>(b) so that objectives and policies specified in the document give effect to objectives and policies specified in the statement; or</i> <i>(c) if it is necessary to make the document consistent with any constraint or limit set out in the statement.</i> <p><i>(2A) The local authority must</i></p> <ul style="list-style-type: none"> <i>(a) make the amendments referred to in subsection (2) without using the process in Schedule 1; and</i> <i>(b) give public notice of the amendments within 5 working days after making them</i>

Section	Provision
	<p>(2B) <i>The local authority must also make all other amendments to a document that are required to give effect to any provision in a national policy statement that affects the document</i></p> <p>(2C) <i>The local authority must make the amendments referred to in subsection (2B) using the process in Schedule 1.</i></p> <p>(2D) <i>In all cases the local authority must make the amendments</i></p> <ul style="list-style-type: none"> (a) <i>as soon as practicable; or</i> (b) <i>within the time specified in the national policy statement (if any); or</i> (c) <i>before the occurrence of an event specified in the national policy statement (if any).</i> <p>(3) <i>A local authority must also take any other action that is directed by the national policy statement</i></p> <p>(4) <i>[Repealed]</i></p>
<p>10. Section 58I</p>	<p>(1) <i>In this section and sections 58J and 58K, document means any of the following:</i></p> <ul style="list-style-type: none"> (a) <i>a regional policy statement</i> (b) <i>a proposed regional policy statement</i> (c) <i>a proposed plan</i> (d) <i>a plan</i> (e) <i>a variation</i> (f) <i>a change</i> <p>(2) <i>If a national planning standard so directs, a local authority must amend each of its documents –</i></p> <ul style="list-style-type: none"> (a) <i>to include specific provisions in the documents; and</i> (b) <i>to ensure that the document is consistent with any constraint or limit placed on the content of the document under section 58C(2)(a) to (c).</i> <p>(3) <i>An amendment required by subsection (2) must –</i></p> <ul style="list-style-type: none"> (a) <i>be made without using any of the processes set out in Schedule 1; and</i> (b) <i>be made within the time specified in the national planning standard or (in the absence of a specified time) within 1 year after the date on which the national planning standard is published under the Legislation Act 2019; and</i> (c) <i>amend the document to include the provisions as directed; and</i> (d) <i>include any consequential amendments to any document as necessary to avoid duplication or conflict with the amendments; and</i> (e) <i>be publicly notified not later than 5 working days after the amendments are made under paragraph (d).</i>

Section	Provision
	<p>(4) If a national planning standard directs a local authority to choose from a number of specific provisions in a national planning standard, the local authority must –</p> <p>(a) choose an appropriate provision; and</p> <p>(b) use one of the processes set out in <u>Schedule 1</u> in order to apply the provision to the local circumstances, but not to decide the content of the provision set by the national planning standard; and</p> <p>(c) notify any amendment required under this section within the time specified in the national planning standard, using any of the processes provided for by <u>Schedule 1</u>; and</p> <p>(d) make any consequential amendments to its documents needed to avoid duplication or inconsistency, but without using a process set out in <u>Schedule 1</u>; and</p> <p>(e) publicly notify any amendments made under paragraph (d) not later than 5 working days after the amendments are made.</p> <p>(5) A document is amended as from the date of the relevant public notice under subsection (3)(e) or (4)(c)</p> <p>(6) For the purpose of subsection (4)(a), a national planning standard may specify how local authorities are to choose relevant provisions from the national planning standard</p> <p>(7) A local authority must –</p> <p>(a) make all other amendments to any document that are required to give effect to any provision in a national planning standard that affects the document, using one of the processes set out in <u>Schedule 1</u>; and</p> <p>(b) notify all amendments required under paragraph (a) not later than 1 year after the date on which the national planning standard is published under the <u>Legislation Act 2019</u>.</p> <p>(8) A local authority must also take any other action that is directed by a national planning standard</p> <p>(9) This section and <u>section 58J</u> are subject to the obligations of local authorities, or of any particular local authority, under any other Act that relates to the preparation or change of a policy statement or plan under this Act</p>
11. Section 62(3)	<p>(3) A regional policy statement must not be inconsistent with any water conservation order and must give effect to a national policy statement, a New Zealand coastal policy statement, or a national planning standard</p>
12. Section 67(3)(b)	<p>(3) A regional plan must give effect to –</p> <p>(b) any New Zealand coastal policy statement</p>
13. Section 74	<p>(1) A territorial authority must prepare and change its district plan in accordance with</p> <p>(a) its functions under section 31; and</p>

Section	Provision
	<p>(b) the provisions of Part 2; and</p> <p>(c) a direction given under section 25A(2); and</p> <p>(d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and</p> <p>(e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and</p> <p>(ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and</p> <p>(f) any regulations</p> <p>(2) In addition to the requirements of <u>section 75(3) and (4)</u>, when preparing or changing a district plan, a territorial authority shall have regard to</p> <p>(a) any</p> <p style="padding-left: 20px;">(i) proposed regional policy statement; or</p> <p style="padding-left: 20px;">(ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under <u>Part 4</u>; and</p> <p>(b) any</p> <p style="padding-left: 20px;">(i) management plans and strategies prepared under other Acts; and</p> <p style="padding-left: 20px;">(ii) [Repealed]</p> <p style="padding-left: 20px;">(iia) relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the <u>Heritage New Zealand Pouhere Taonga Act 2014</u>; and</p> <p style="padding-left: 20px;">(iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and</p> <p style="padding-left: 20px;">(iv) relevant project area and project objectives (as those terms are defined in <u>section 9</u> of the Urban Development Act 2020), if <u>section 98</u> of that Act applies, -</p> <p style="padding-left: 40px;">to the extent that their content has bearing on resource management issues of the district; and</p> <p>(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities</p> <p>(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district</p> <p>(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition</p>
14. Section 75(3)(b)	(3) A district plan must give effect to –

Section	Provision
	<p>(b) any New Zealand coastal policy statement</p>
<p>15. Section 75(4)</p>	<p>(4) A district plan must not be inconsistent with –</p> <p>(a) a water conservation order; or</p> <p>(b) a regional plan for any matter specified in section 30(1)</p>
<p>16. Section 77G</p>	<p>(1) Every relevant residential zone of a specified territorial authority must have the MDRS incorporated into that zone</p> <p>(2) Every residential zone in an urban environment of a specified territorial authority must give effect to policy 3 or policy 5, as the case requires, in that zone</p> <p>(3) When changing its district plan for the first time to incorporate the MDRS and to give effect to policy 3 or policy 5, as the case requires, and to meet its obligations in <u>section 80F</u>, a specified territorial authority must use an IPI and the ISPP</p> <p>(4) In carrying out its functions under this section, a specified territorial authority may create new residential zones or amend existing residential zones</p> <p>(5) A specified territorial authority –</p> <p>(a) must include the objectives and policies set out in <u>clause 6</u> of Schedule 3A</p> <p>(b) may include objectives and policies in addition to those set out in <u>clause 6</u> of Schedule 3A, to –</p> <p>(i) provide for matters of discretion to support the MDRS; and</p> <p>(ii) link to the incorporated density standards to reflect how the territorial authority has chosen to modify the MDRS in accordance with <u>section 77H</u>.</p> <p>(6) A specified territorial authority may make the requirements set out in Schedule 3A or policy 3 less enabling of development than provided for in that schedule or by policy 3, if authorised to do so under <u>section 77I</u>.</p> <p>(7) To avoid doubt, existing provisions in a district plan that allow the same or a greater level of development than the MDRS do not need to be amended or removed from the district plan</p> <p>(8) The requirement in subsection (1) to incorporate the MDRS into a relevant residential zone applies irrespective of any inconsistent objective or policy in a regional policy statement</p>
<p>17. Section 77I</p>	<p>A specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:</p> <p>(a) a matter of national importance that decision makers are required to recognise and provide for under <u>section 6</u>;</p> <p>(b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:</p>

Section	Provision
	<ul style="list-style-type: none"> (c) a matter required to give effect to <i>Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River</i> (d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008: (e) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure: (f) open space provided for public use, but only in relation to land that is open space: (g) the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order: (h) a matter necessary to implement, or to ensure consistency with, iwi participation legislation: (i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand: (j) any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if section 77L is satisfied.
<p>18. Section 77N</p>	<ul style="list-style-type: none"> (1) When changing its district plan for the first time to give effect to policy 3 or policy 5, and to meet its obligations under section 80F, a specified territorial authority must use an IPI and the ISPP. (2) In carrying out its functions under subsection (1), the territorial authority must ensure that the provisions in its district plan for each urban non-residential zone within the authority's urban environment give effect to the changes required by policy 3 or policy 5, as the case requires. (3) In carrying out its functions under subsection (1), a specified territorial authority – <ul style="list-style-type: none"> (a) may create new urban non-residential zones or amend existing urban non-residential zones (b) may modify the requirements set out in policy 3 to be less enabling of development than provided for by policy 3, if authorised to do so under section 77O.
<p>19. Section 77O</p>	<p>A specified territorial authority may modify the requirements of policy 3 in an urban non-residential zone to be less enabling of development than provided in those policies only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present</p> <ul style="list-style-type: none"> (a) a matter of national importance that decision makers are required to recognise and provide for under section 6: (b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010: (c) a matter required to give effect to <i>Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River</i>: (d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:

Section	Provision
	<ul style="list-style-type: none"> (e) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure: (f) open space provided for public use, but only in relation to land that is open space: (g) the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order: (h) a matter necessary to implement, or to ensure consistency with, iwi participation legislation: (i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand: (j) any other matter that makes higher density development as provided for by policy 3, as the case requires, inappropriate in an area, but only if section 77R is satisfied.
20. Section 106(1)	<p>(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that</p> <ul style="list-style-type: none"> (a) there is a significant risk from natural hazards; or (b) [Repealed] (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision
21. Section 106(1A)	<p>(1) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of</p> <ul style="list-style-type: none"> (a) the likelihood of natural hazards occurring (whether individually or in combination); and (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b)

National Policy Statement on Urban Development 2020

Table 2: Provisions under the National Policy Statement on Urban Development 2020

Section	Provision
22. Policy 3	<p>In relation to tier 1 urban environments, regional policy statements and district plans enable:</p> <ul style="list-style-type: none"> (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

Section	Provision
	<p>(c) <i>building heights of least 6 storeys within at least a walkable catchment of the following</i></p> <ul style="list-style-type: none"> (i) <i>existing and planned rapid transit stops</i> (ii) <i>the edge of city centre zones</i> (iii) <i>the edge of metropolitan centre zones; and</i> <p>(d) <i>in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:</i></p> <ul style="list-style-type: none"> (i) <i>the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or</i> (ii) <i>relative demand for housing and business use in that location.</i>

New Zealand Coastal Policy Statement 2010

Table 3: Provisions under the New Zealand Coastal Policy Statement 2010

Section	Provision
23. Objective 5	<p><i>To ensure that coastal hazard risks taking account of climate change, are managed by:</i></p> <ul style="list-style-type: none"> ▪ <i>Locating new development away from areas prone to such risks</i> ▪ <i>Considering responses, including managed retreat, for existing development in this situation;</i> ▪ <i>and protecting or restoring natural defences to coastal hazards.</i>
24. Policy 3	<p><i>Precautionary Approach</i></p> <p>(1) <i>Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</i></p> <p>(2) <i>In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:</i></p> <ul style="list-style-type: none"> (a) <i>avoidable social and economic loss and harm to communities does not occur;</i> (b) <i>natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and</i> (c) <i>the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations</i>

Section	Provision
<p>25. Policy 24</p>	<p><i>Identification of Coastal Hazards</i></p> <p><i>(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:</i></p> <ul style="list-style-type: none"> <i>(a) physical drivers and processes that cause coastal change including sea level rise;</i> <i>(b) short-term and long-term natural dynamic fluctuations of erosion and accretion;</i> <i>(c) geomorphological character;</i> <i>(d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;</i> <i>(e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;</i> <i>(f) influences that humans have had or are having on the coast;</i> <i>(g) the extent and permanence of built development; and</i> <i>(h) the effects of climate change on:</i> <ul style="list-style-type: none"> <i>(i) matters (a) to (g) above;</i> <i>(ii) storm frequency, intensity and surges; and</i> <i>(iii) coastal sediment dynamics;</i> <p><i>taking into account national guidance and the best available information on the likely effects of climate change on the region or district.</i></p>
<p>26. Policy 25</p>	<p><i>Subdivision, Use, and Development in Areas of Coastal Hazard Risk</i></p> <p><i>In areas potentially affected by coastal hazards over at least the next 100 years:</i></p> <ul style="list-style-type: none"> <i>(a) avoid increasing the risk¹⁰ of social, environmental and economic harm from coastal hazards;</i> <i>(b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;</i> <i>(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;</i> <i>(d) encourage the location of infrastructure away from areas of hazard risk where practicable;</i>

Section	Provision
	<p>(e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and</p> <p>(f) consider the potential effects of tsunamis and how to avoid or mitigate them.</p>
<p>27. Policy 26</p>	<p><i>Natural Defences Against Coastal Hazards</i></p> <p>(1) Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.</p> <p>(2) Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands.</p>
<p>28. Policy 27</p>	<p><i>Strategies for Protecting Significant Existing Development from Coastal Hazard Risk</i></p> <p>(1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:</p> <ul style="list-style-type: none"> (a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk; (b) identifying the consequences of potential strategic options relative to the option of 'do-nothing'; (c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations; (d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and (e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches. <p>(2) In evaluating options under (1):</p> <ul style="list-style-type: none"> (a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions; (b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and (c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.

Section	Provision
	<p>(3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.</p> <p>(4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.</p>

Wellington Regional Policy Statement

Table 4: Provisions under the Wellington Regional Policy Statement

Section	Provision
29. Objective 19	<i>The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change are reduced.</i>
30. Objective 20	<i>Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.</i>
31. Objective 21	<i>Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.</i>
32. Policy 4	<p><i>Identifying the landward extent of the coastal environment – district plans.</i></p> <p><i>District plans shall include policies and/or rules to identify the landward extent of the coastal environment using the following criteria:</i></p> <ul style="list-style-type: none"> <i>(a) any area or landform dominated by coastal vegetation or habitat;</i> <i>(b) any landform affected by active coastal processes, excluding tsunami</i> <i>(c) any landscapes or features, including coastal escarpments, that contribute to the natural character, visual quality or amenity value of the coast; and</i> <i>(d) any site, structure, place or area of historic heritage value adjacent to, or connected with, the coastal marine area, which derives its heritage value from a coastal location</i>
33. Policy 29	<p><i>Avoiding inappropriate subdivision and development in areas at high risk from natural hazards – district and regional plans.</i></p> <p><i>Regional and district plans shall:</i></p>

Section	Provision
	<p>(a) <i>identify areas at high risk from natural hazards; and</i></p> <p>(b) <i>include polices and rules to avoid inappropriate subdivision and development in those areas</i></p>
<p>34. Policy 51</p>	<p><i>Minimising the risks and consequences of natural hazards – consideration.</i></p> <p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:</i></p> <p>(a) <i>the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk</i></p> <p>(b) <i>the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event</i></p> <p>(c) <i>whether the location of the development will foreseeably require hazard mitigation works in the future</i></p> <p>(d) <i>the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;</i></p> <p>(e) <i>any risks and consequences beyond the development site;</i></p> <p>(f) <i>the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards</i></p> <p>(g) <i>avoiding inappropriate subdivision and development in areas at high risk from natural hazards</i></p> <p>(h) <i>the potential need for hazard adaptation and mitigation measures in moderate risk areas; and</i></p> <p>(i) <i>the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas</i></p>
<p>35. Policy 52</p>	<p><i>Minimising adverse effects of hazard mitigation measures – consideration.</i></p> <p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, for hazard mitigation measures, particular regard shall be given to:</i></p> <p>(a) <i>the need for structural protection works or hard engineering methods</i></p> <p>(b) <i>whether non-structural or soft engineering methods are a more appropriate option</i></p>

Section	Provision															
	<p>(c) <i>avoiding structural protection works or hard engineering methods unless it is necessary to protect existing development or property from unacceptable risk and the works form part of a long-term hazard management strategy that represents the best practicable option for the future;</i></p> <p>(d) <i>the cumulative effects of isolated structural protection works; and</i></p> <p>(e) <i>residual risk remaining after mitigation works are in place, so that they reduce and do not increase the risks of natural hazards.</i></p>															
36. Policy 62	<p><i>Allocation of responsibilities for land use controls for natural hazards</i></p> <p><i>Regional and district plans shall recognise and provide for the responsibilities listed in Table 12 when developing objectives, policies and methods, including rules, for the control of land use for the avoidance or mitigation of natural hazards</i></p> <p><i>Table 12: Allocation of responsibilities for land use controls for natural hazards</i></p> <table border="1"> <thead> <tr> <th></th> <th style="background-color: #0056b3; color: white;"><i>Responsibilities for developing objectives</i></th> <th style="background-color: #0056b3; color: white;"><i>Responsibilities for developing policies</i></th> <th style="background-color: #0056b3; color: white;"><i>Responsibilities for developing rules</i></th> <th style="background-color: #0056b3; color: white;"><i>Responsibilities for developing other methods</i></th> </tr> </thead> <tbody> <tr> <td><i>Land in the coastal marine area and beds of lakes and rivers</i></td> <td><i>Wellington Regional Council</i></td> <td><i>Wellington Regional Council</i></td> <td><i>Wellington Regional Council</i></td> <td><i>Wellington Regional Council</i></td> </tr> <tr> <td><i>Other land</i></td> <td><i>District and city councils and Wellington Regional Council</i></td> <td><i>District and city councils and Wellington Regional Council</i></td> <td><i>District and city councils</i></td> <td><i>District and city councils and Wellington Regional Council</i></td> </tr> </tbody> </table>		<i>Responsibilities for developing objectives</i>	<i>Responsibilities for developing policies</i>	<i>Responsibilities for developing rules</i>	<i>Responsibilities for developing other methods</i>	<i>Land in the coastal marine area and beds of lakes and rivers</i>	<i>Wellington Regional Council</i>	<i>Wellington Regional Council</i>	<i>Wellington Regional Council</i>	<i>Wellington Regional Council</i>	<i>Other land</i>	<i>District and city councils and Wellington Regional Council</i>	<i>District and city councils and Wellington Regional Council</i>	<i>District and city councils</i>	<i>District and city councils and Wellington Regional Council</i>
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Wellington Regional Proposed Natural Resources Plan

Table 5: Provisions under the Wellington Regional Proposed Natural Resources Plan

Section	Provision
37. Objective 20	<p><i>The hazard risk, and residual hazard risk, from natural hazards and adverse effects of climate change, on people, the community and infrastructure are acceptable.</i></p>

Section	Provision
38. Objective 21	<p><i>Inappropriate use and development in high risk areas is avoided.</i></p>
39. Policy 3	<p><i>Use and development shall be managed with a precautionary approach where there is limited information regarding the effects and any adverse effects are potentially significant</i></p>
40. Policy 27	<p><i>High Hazard Areas</i></p> <p><i>Use and development, including hazard mitigation methods, in on or over high hazard areas shall be managed to ensure that:</i></p> <p><i>(a) they have a functional need or operational requirement or there is no practicable alternative to be so located, and</i></p> <p><i>(b) an overall increase in risk of social, environmental and economic harm is avoided, and</i></p> <p><i>(c) the hazard risk and/or residual hazard risk to the development, assessed using a risk-based approach, is acceptable or as low as reasonably practicable, recognising that in some instances an increase in risk to the development may be appropriate, and</i></p> <p><i>(d) the development does not cause or exacerbate hazard risk in other areas, and unless effects are avoided, remedied or mitigated in accordance with a hazard risk management strategy, and</i></p> <p><i>(e) adverse effects on natural processes (coastal, riverine and lake processes) are avoided, remedied, or mitigated, and</i></p> <p><i>(f) natural cycles of erosion and accretion and the potential for natural features to fluctuate in position over time, including movements due to climate change and sea level rise over at least the next 100 years, are taken into account.</i></p>
41. Policy 28	<p><i>Hazard Mitigation Measures</i></p> <p><i>Hard hazard engineering mitigation and protection methods shall be discouraged except where it is necessary to protect:</i></p> <p><i>(a) existing, or upgrades to, infrastructure including regionally significant infrastructure, or</i></p> <p><i>(b) new regionally significant infrastructure, or</i></p> <p><i>(c) significant existing development, and</i></p> <p><i>in respect of (a), (b) and (c):</i></p> <p><i>(d) there is no reasonable or practicable alternatives to mitigate hazard risk and residual hazard risk, and</i></p> <p><i>(e) the mitigation and protection methods are suitably located and designed, and where appropriate certified by a qualified, professional engineer, and</i></p>

Section	Provision
	<p>(f) the use of soft engineering options are incorporated and used, where appropriate, and either:</p> <p>(g) any adverse effects are no more than minor, or</p> <p>(h) where the environmental effects are more than minor the works form part of a hazard risk management strategy.</p>
42. Policy 29	<p><i>Effects of Climate Change</i></p> <p>Particular regard shall be given to the potential for climate change</p> <p>(a) to threaten biodiversity, aquatic ecosystem health and mahinga kai, or</p> <p>(b) to cause or exacerbate natural hazard events over at least the next 100 years that could adversely affect use and development including as a result of:</p> <p>(c) coastal erosion and inundation (storm surge), and</p> <p>(d) river and lake flooding and erosion, aggradation, decreased minimum flows, and</p> <p>(e) stormwater ponding and impeded drainage, and</p> <p>(f) relative sea level rise, reliable scientific data for the Wellington region.</p>
43. Policy 30	<p><i>Natural Buffers</i></p> <p>Provide for the restoration or enhancement of natural features such as beaches, dunes or wetlands that buffer development from natural hazards and ensure the adverse effects of use and development on them are avoided, remedied, or mitigated.</p>

Kāpiti Coast District Plan

Table 6: Provisions under the Kāpiti Coast District Plan

Section	Provision
44. DO-03	<p><i>DO-03 Development Management-</i></p> <p>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:</p> <ol style="list-style-type: none"> 1. urban areas which maximise the efficient end use of energy and integration with infrastructure 2. a variety of living and working areas in a manner which reinforces the function and vitality of centres

	<ol style="list-style-type: none"> 3. <i>resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;</i> 4. <i>higher residential densities in locations that are close to centres and public open spaces, with good access to public transport</i> 5. <i>management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values</i> 6. <i>sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity identified landscapes and features, and other places of significant natural amenity</i> 7. <i>an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and</i> 8. <i>management of the location and effects of potentially incompatible land uses including any interface between such uses</i>
<p>45. DO-04</p>	<p><i>DO-04 Coastal Environment</i></p> <p><i>To have a coastal environment where:</i></p> <ol style="list-style-type: none"> 1. <i>areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected;</i> 2. <i>areas of outstanding natural character and high natural character are restored where degraded</i> 3. <i>the effects of inappropriate subdivision, use and development are avoided, remedied, or mitigated;</i> 4. <i>public access to and along the coast to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access; and</i> 5. <i>Inappropriate development does not result in further loss of coastal dunes in the area mapped as the coastal environment.</i>
<p>46. DO-05</p>	<p><i>DO-05 Natural Hazards</i></p> <p><i>To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of risk from natural hazards, while recognising the importance of natural processes and systems</i></p>
<p>47. CE-P1</p>	<p><i>CE-P1 Coastal Environment Characteristics</i></p> <p><i>Recognise the extent and characteristics of the coastal environment including:</i></p> <ol style="list-style-type: none"> 1. <i>areas or landforms dominated by coastal vegetation or habitat of indigenous coastal species</i>

	<ol style="list-style-type: none"> 2. <i>landform affected by active coastal processes, excluding tsunami</i> 3. <i>elements or features, including coastal escarpments, that contribute to the natural character, landscape, visual quality or amenity value of the coast; and</i> 4. <i>sites, structures, places or areas of historic heritage value adjacent to, or connected with, the coast, which derive their heritage value from a coastal location</i>
48. CE-P6	<p><i>CE-P6 Natural Coastal Processes</i></p> <p><i>Natural shoreline movement will be accommodated where practicable and the resilience of coastal communities will be increased by using best practice coastal management options, including:</i></p> <ol style="list-style-type: none"> 1. <i>dune management;</i> 2. <i>inlet management; and</i> 3. <i>engineering measures.</i>
49. NH-P4	<p><i>NH-P4 Precautionary Approach</i></p> <p><i>A precautionary approach will be taken to the management of risks from hazards that may impact on subdivision, use and development, where there is uncertainty about the potential effects and where the effects are potentially significantly adverse</i></p>
50. C.9.1 Policy 2	<p><i>Discourage the development of buildings and other significant assets in areas which may be prone to Coastal erosion or the effects of sea level rise, unless the structures:</i></p> <ul style="list-style-type: none"> • <i>have a significant community benefit and need to be located in the coastal environment; and</i> • <i>do not adversely effect the natural character of the coastal environment; and</i> • <i>are relocatable</i>
51. C.9.1 Policy 3	<p><i>In respect of residential buildings, control the location of buildings within the areas subject to coastal erosion</i></p>
52. C.9.1 Policy 4	<p><i>Discourage coastal protection works on the Coastal Marine Area interface where they are not already present and encourage management options such as managed retreat and coastal renourishment rather than hard engineering works when protection works are sought</i></p>
53. C.15.1 Objective 1.0	<p><i>To manage activities and development within natural hazard prone areas so as to avoid or mitigate the adverse effects of natural hazards</i></p>
54. C.15.1 Policy 4	<p><i>Ensure there are flood and erosion free building sites within newly created allotments</i></p>
55. C.15.1 Policy 7	<p><i>Avoid and/or mitigate the potential adverse effects of flooding and erosion from major rivers and the sea on:</i></p>

	<ul style="list-style-type: none"> • <i>human life, health and safety</i> • <i>private or community property</i> • <i>flood mitigation works, and</i> • <i>other natural and physical resources</i> <p><i>when planning for and making decisions on new subdivision, use and development within river corridors and adjacent to the sea</i></p>
56. C.15.1 Policy 8	<p><i>Recognise the ability of natural features (such as sand dunes and river berms) to buffer development from natural hazards through performance standards including minimum setbacks for new and relocatable buildings</i></p>

Building Act 2004

Table 7: Provisions under the Building Act 2004

Section	Provision
57. Section 30	<p>(1) A building consent authority must,—</p> <p style="padding-left: 40px;">(a) on receiving an application for a building consent, apply for a project information memorandum to the territorial authority for the district in which the proposed building work is to be situated; and</p> <p style="padding-left: 40px;">(b) on receiving the project information memorandum from the territorial authority, provide a copy of the memorandum to the owner.</p> <p>(2) Subsection (1) does not apply if—</p> <p style="padding-left: 40px;">(a) the building consent authority is the territorial authority for the district in which the proposed building work is to be situated; or</p> <p style="padding-left: 40px;">(b) a project information memorandum has been issued before the application for a building consent is made.</p>
58. Section 71	<p>(1) A building consent authority must refuse to grant a building consent for construction of a building, or major alterations to a building, if—</p> <p style="padding-left: 40px;">(a) the land on which the building work is to be carried out is subject or is likely to be subject to 1 or more natural hazards; or</p> <p style="padding-left: 40px;">(b) the building work is likely to accelerate, worsen, or result in a natural hazard on that land or any other property.</p> <p>(2) Subsection (1) does not apply if the building consent authority is satisfied that adequate provision has been or will be made to—</p> <p style="padding-left: 40px;">(a) protect the land, building work, or other property referred to in that subsection from the natural hazard or hazards; or</p> <p style="padding-left: 40px;">(b) restore any damage to that land or other property as a result of the building work.</p>

Section	Provision
59. Section 72	<p><i>Despite section 71, a building consent authority that is a territorial authority must grant a building consent if the building consent authority considers that—</i></p> <p><i>(a) the building work to which an application for a building consent relates will not accelerate, worsen, or result in a natural hazard on the land on which the building work is to be carried out or any other property; and</i></p> <p><i>(b) the land is subject or is likely to be subject to 1 or more natural hazards; and</i></p> <p><i>(c) it is reasonable to grant a waiver or modification of the building code in respect of the natural hazard concerned.</i></p>
60. Section 73	<p><i>(1) A building consent authority that is a territorial authority that grants a building consent under section 72 must include, as a condition of the consent, that the building consent authority will, on issuing the consent, notify the consent to,—</i></p> <p><i>(a) in the case of an application made by, or on behalf of, the Crown, the appropriate Minister and the Surveyor-General; and</i></p> <p><i>(b) in the case of an application made by, or on behalf of, the owners of Māori land, the Registrar of the Maori Land Court; and</i></p> <p><i>(c) in any other case, the Registrar-General of Land.</i></p> <p><i>(2) The notification under subsection (1)(a) or (b) must be accompanied by a copy of any project information memorandum that has been issued and that relates to the building consent in question.</i></p> <p><i>(3) The notification under subsection (1)(c) must identify the natural hazard concerned.</i></p>

Local Government Act 2002

Table 8: Provisions under the Local Government Act 2002

Section	Provision
61. Section 10(1)	<p><i>(1) The purpose of local government is -</i></p> <p><i>(a) to enable democratic local decision-making and action by, and on behalf of, communities; and</i></p> <p><i>(b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future</i></p> <p><i>(2) [Repealed]</i></p>
62. Section 14(1)	<p><i>(1) In performing its role, a local authority must act in accordance with the following principles:</i></p>

Section	Provision
	<p>(b) <i>a local authority should make itself aware of, and should have regard to, the views of all of its communities; and</i></p> <p>(c) <i>when making a decision, a local authority should take account of</i></p> <ul style="list-style-type: none"> (i) <i>the diversity of the community, and the community's interests, within its district or region; and</i> (ii) <i>the interests of future as well as current communities; and</i> (iii) <i>the likely impact of any decision on each aspect of well-being referred to in <u>section 10</u>;</i> <p>(d) <i>a local authority should provide opportunities for Māori to contribute to its decision-making processes</i></p> <p>(h) <i>in taking a sustainable development approach, a local authority should take into account</i></p> <ul style="list-style-type: none"> (i) <i>the social, economic, and cultural well-being of people and communities; and</i> (ii) <i>the need to maintain and enhance the quality of the environment; and</i> (iii) <i>the reasonably foreseeable needs of future generations.</i>

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