

Central Hawke's Bay District Council – Report

TO: Council Meeting
FROM: Regulatory Services Manager
DATE: 7 August 2008
FILE REF: PLN1-1800
SUBJECT: HAWKE'S BAY REGIONAL COUNCIL - COASTAL PLAN DECISIONS

1.0 SUMMARY

Council lodged submissions on the Hawke's Bay Regional Council (HBRC) Coastal Environment Plan in December 2006 plus further submissions of support of other Central Hawke's Bay submitters in March 2007.

The main thrust of Council's submissions was to clear up some minor inconsistencies and to seek a revision of the proposed Coastal Hazard lines. These matters have been mainly addressed by HBRC and most importantly the coastal hazard lines have been extensively revised to the benefit of property owners.

There are no matters of sufficient importance outstanding that would warrant any appeals being taken against the HBRC decisions. This matter is being presented to Council because any appeal would need to be lodged by 8 August 2008.

2.0 RECOMMENDATION

THAT

That Council receive the report and make no appeals against any of the Hawke's Bay Regional Council decisions.

REASON

There are no matters of sufficient importance outstanding that would warrant any appeals being taken against the HBRC decisions.

The Objective of the decision will contribute to the following Community Outcomes:

- *An environment that is appreciated, protected and sustained for future generations.*

3.0 BACKGROUND

Council lodged submissions on the HBRC Coastal Environment Plan in December 2006 plus further submissions of support of other CHB submitters were made in March 2007. Copies of the submission made are attached.

The decisions on all of those submissions have now been made by HBRC and are summarised below.

1. Vegetation Clearance outside the Coastal margin. The submission was accepted.
2. CHZ1 – Rule 82. The submission was accepted in part and amendments have been made to allow the construction of minor structures in the coastal hazard zones.
3. CHZ3 – Rules 70, 80 & 82. The submission was not accepted.
4. Minor Building Work The submission was accepted in part and amendments have been made to allow the construction of minor structures in the coastal hazard zones.
5. Monitoring and review. The submission was accepted in part by including funding for monitoring and research in the HBRC 2006 – 2016 LTCCP.
6. Maintenance of riverbeds, wetlands and beaches. The submission was rejected as being beyond the scope of the Coastal Environment Plan but notes that HBRC already carries out a number of enhancement and protection programmes as requested by the submission.

Support of Other Submitters

7. Diana and David Petersen, Southern Beaches Coalition and 29 other submitters. The submissions were accepted in part to the extent that the coastal hazard zones are amended.
8. Kairakau Development Society. The submission was accepted in part and amendments have been made to allow the maintenance and repair existing coastal protection structures as a discretionary activity in the coastal hazard zones.

The main thrust of Council's submissions was to clear up some minor inconsistencies and to support a revision of the proposed coastal hazard lines. These matters have been mainly addressed by HBRC and most importantly the coastal hazard lines have been extensively revised to the benefit of property owners.

On the basis of the submissions made most of the concepts promoted by this Council were accepted at least in part. There are no matters of sufficient importance outstanding that would warrant any appeals being taken against the HBRC decisions.

4.0 OPTIONS

Option 1

That Council receive the report and make no appeals against any of the Hawke's Bay Regional Council decisions.

Option 2

That Council receive the report but make an appeal against any of the Hawke's Bay Regional Council decisions to be specified by Council.

5.0 STATUTORY IMPLICATIONS

This is a statutory process and Council has 15 working days to lodge an appeal. The Hawke's Bay Regional Council decisions were received on 21 July 2008 and any appeal must be lodged by 8 August 2008.

6.0 CONSULTATION

6.1 External

Hawke's Bay Regional Council

6.2 Internal

Chief Executive

7.0 FINANCIAL

Lodging and appeal against any of the decisions would require funding of legal fees plus staff time to lodge the appropriate documents.

8.0 STRATEGIC LINKS

- The HBRC Coastal Environment Plan will impact on Building Consents where Section 72 Notices will be required to exempt Council from future liability issues.

John Glengarry
Regulatory Services Manager

14th December 2006

Hawkes Bay Regional Council
Private Bag 6006
NAPIER

Submission to Regional Coastal Environment Plan

The Central Hawkes Bay District Council makes the following submissions to the Regional Coastal Environment Plan.

1. Vegetation Clearance outside the Coastal Margin;
To avoid potential confusion, that the area shown on Planning Maps 46-49 noted as being "*Vegetation Clearance Exemption Areas*" that are outside the Coastal Margin boundary be removed.
2. CHZ1 – Rule 82;
The construction of public toilet facilities, as minor buildings, be permitted activities within CHZ1.
3. CHZ3 – Rules 79, 80 & 82;
EITHER the Coastal Hazard rules be amended so that land use consent is required for earthworks, buildings and effluent disposal systems in the CHZ3 zone to address possible effects on how the structures will affect future storm surge activity on the CMA and neighbouring properties,

OR if it is found that there are no potential future adverse effects arising from earthworks (filling), building floor levels and effluent disposal design in the CHZ3 zone then the zone should be deleted.
4. Minor Building Work;
That the 'existing use right' provision in rule 79 be further clarified so that exterior building work is permitted where the building work does not require a building consent under the Building Act to provide for minor decking, landscaping and fencing work, etc.
5. That the RCEP should include a commitment from the Regional Council to provide funding for further monitoring and review of the erosion data every 5 years.
6. That the Hawke's Bay Regional Council needs to maintain and manage assets including but not limited to river beds, wetlands, beaches etc., which are owned or administered by the HBRC, in such a way that they do not damage or have adverse effects on assets owned or administered by other authorities. The examples of such assets and events are lack of maintenance of river beds which

can have adverse effects on the bridge structures, lack of maintenance of wetlands which can flood roads etc.

The Council wishes to be heard on these submissions.

John Freeman
Chief Executive

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29th March 2007

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Further Submission to Regional Coastal Environment Plan

The Central Hawkes Bay District Council makes the following further submissions to the Regional Coastal Environment Plan.

The Central Hawkes Bay District Council supports the submission of,

Submitter 103 - Napier City Council

CHB Council supports the submission that Rule 82 be amended so as to exempt external building work undertaken by local authorities in the CHZ2 and make them a permitted activity.

The reason for this support is that CHB Council believes that the construction of public toilets and other minor building work undertaken by local authorities in the CHZ1 and CHZ2 zones should be permitted activities because the financial responsibility for that building work lies with the local authority concerned.

CHB Council seeks that the Napier City Council's submission be allowed in part.

Submitter 124 – Diana and David Petersen

CHB Council supports the submission that the Regional Council undertakes a detailed coastal assessment of each beach in the Central Hawkes Bay District.

The reason for this support is that CHB Council believes that the current Tonkin and Taylor reports are not of sufficient investigative depth to provide credibility to the CHZ lines that are proposed. Additional funding should be provided for far more comprehensive examination and reporting than has been achieved by the "desktop exercise" of the current reports. The HBRC has not provided sufficient rigorous evidence that warrants the imposition of such important coastal hazard restrictions on coastal properties in Central Hawkes Bay.

CHB Council seeks that the Petersen submission be allowed in part and that the adoption of any CHZ lines be suspended until further more comprehensive reporting has been completed to the satisfaction of the Central Hawkes Bay Council and community.

Submitter 155– Southern Beaches Coalition Inc

CHB Council supports the submission that the CHZs be reviewed within 5 years or whenever more reliable data on coastal erosion/inundation risk along the southern Hawkes Bay beaches has been obtained whichever occurs first.

The reason for this support is that CHB Council believes that the HBRC should provide funding for further monitoring and review of erosion data every five years.

CHB Council seeks that the Southern Beaches Coalition submission be allowed in part.

Submitter 73– Kairakau Development Society

CHB Council supports the submission that the maintenance and repair of the seawall be a permitted activity.

CHB Council seeks that the Kairakau Development Society submission be allowed.

**Submitter 1 – Anitella Trust, Submitter 2 – Nathan Apatu and others,
 Submitter 13 – W & M Butler, Submitter 16 – B Cassidy, Submitter 17 – G Cassidy,
 Submitter 23 – N & J Clark, Submitter 26 – Guy Coats, Submitter 27 – J Coleman,
 Submitter 31 – M de Latour, Submitter 33 – J & M Duncan,
 Submitter 37 – Est Douglas Yule, Submitter 42 – B Finch, Submitter 45 – J Foley
 Submitter 46 – R & J Foley, Submitter 50 – Glenforsa Trust,
 Submitter 51 – A Gordon, Submitter 54 – L Gray, Submitter 55 – M Gray,
 Submitter 62 – M Hawell, Submitter 68 – R Hokianga,
 Submitter 71 – Hutana Whanau, Submitter 74 – H Kynoch,
 Submitter 75 – N Kynoch, Submitter 78 – C List,
 Submitter 82 – McClelland Family Trust,
 Submitter 86 – Mangakuri Beach Management Society,
 Submitter 88 – Dr R Marshall, Submitter 92 – S & K McDonald,
 Submitter 93 – J & M McKee, Submitter 97 – R 7 G Miller,
 Submitter 101 – R & M Munroe, Submitter 102 – D Murphy,
 Submitter 115 – Ojala Family Trust, Submitter 121 – R Patterson,
 Submitter 122 – P, D & A Geddis, Submitter 127 – V Piwari,
 Submitter 132 – C & H Pulford, Submitter 135 – D Quinlivan,
 Submitter 136 – A Rathbone, Submitter 137 – W Rathbone,
 Submitter 142 – N, A, C & A Salmond, Submitter 143 – W & E Salmond,**

