



Hawke's Bay Regional Coastal Environment Plan

Proposed Plan [Version 2.0] COASTAL HAZARDS

Information Sheet (3) for landowners
and property developers

Introduction

This information sheet outlines Version 2.0 of the Proposed Hawke's Bay Regional Coastal Environment Plan's (RCEP) content in relation to coastal hazards in the region.

It is one of a series of information sheets outlining various aspects of the Proposed RCEP (Ver2.0) that has been amended by the Regional Council's decisions on submissions previously lodged by people interested in future management of the Hawke's Bay coast.

Why plan for coastal hazards?

With people living and working along the coast, active coastal processes can create hazards, threatening people's safety and well-being, their property and the environment. The use and development of the coastal environment, climate change and possible sea level rise are also factors. Government departments currently recommend local councils adopt sea level rise predictions as a rate of 5mm per year. A panel of international experts regularly reassesses those predictions.

A coastal hazards report was completed in February 2004 for the Hawke's Bay Regional Council by consultants *Tonkin and Taylor Limited*. It identified that the entire region's shoreline is prone to storm damage and the influence of cyclical erosion and accretion trends. The region is also prone to inundation due to storm surges. High sea swells or storm surges lead to coastal erosion and inundation of land adjacent to the coast as seawater is driven over the beach crest.

While most natural coastal processes contributing towards coastal hazards originate in the coastal marine area (ie: coastal areas below average high tide mark), their adverse effects are usually experienced on land, where the regional council and city and district councils have joint responsibilities.

Since the 2004 report was published, a series of additional reports on coastal erosion risks in Hawke's Bay has been produced. Many of these additional reports are available on the coastal hazards webpage at www.hbrc.govt.nz.

Who does what?

The Resource Management Act 1991 (RMA) requires all local authorities to address coastal hazards in order to promote the sustainable management of natural and physical resources.

Under the RMA, the Regional Council:-

- is responsible for controlling the use of land for the purposes of the avoidance or mitigation of natural hazards; and
- may control any actual or potential effects of the use, development or protection of land within the coastal marine area, for the avoidance or mitigation of natural hazards.

City and district councils are empowered by the RMA:-

- to control effects of land use activities for the purpose of the avoidance or mitigation of natural hazards.

The functions of the Regional Council and territorial authorities under the RMA are similar in relation to land use controls for avoiding and mitigating natural hazards. It is therefore important that overlaps and duplication in the management of natural hazards are avoided and consistent environmental policy and rule structures are developed. Representatives from all councils in Hawke's Bay are in regular contact discussing effective management arrangements on a wide variety of issues, including coastal hazards.

What does the Building Act require?

As well as having responsibilities under the RMA, city and district councils are also responsible for processing and issuing building consents under the Building Act. The Building Act has its own requirements applicable to proposed structures and buildings in hazard-prone locations.

The 2004 Building Code specifically requires floor levels of habitable buildings to be constructed above flood levels resulting from a storm having a 2% probability of occurring annually. This is commonly referred to as a 1 in 50 year event¹.

RMA and Building Act requirements do not duplicate each other – instead, they complement one another to ensure threats of coastal hazards are taken into account in any coastal development proposals.

¹ Although commonly referred to as a 1 in 50 year event, the technically correct term is an event having a "2% Annual Exceedance Probability" or 2%AEP. In terms of coastal flooding, this level includes allowance for a combined storm surge and high tide event.

What does the Proposed RCEP cover?

In Chapter 15, the proposed RCEP outlines a policy framework in relation to avoidance and mitigation of coastal hazards in the region. Those policies suggest that responses to coastal hazards should be prioritised.

These priorities are:-

1. avoidance of the hazard in the first instance (or in cases where existing development is threatened, then evaluation of the feasibility of relocating such development should be the first priority);
2. maintaining and enhancing natural features and buffers (eg: sand dunes, gravel barriers and inter-tidal rock structures);
3. evaluating the use of beach nourishment solutions to mitigate the coastal hazard; and then...
4. the use of hard structures only after these other priorities have been evaluated and deemed unfeasible. The use of hard coastal protection works would typically be adopted where all other options are inappropriate.

Rules in the Proposed RCEP (ver2.0)

The proposed RCEP includes rules (78A to 92) to implement these coastal hazard response priorities. Those rules (on pages 135-143 of the proposed plan) are written to allow, restrict or prohibit activities located in coastal hazard areas. More detail on these rules is set out on the next page.

The proposed RCEP's rules are based on three hazard risk zones defined in the 2004 Hawke's Bay Regional Coastal Hazard Assessment and subsequent reports by Tonkin & Taylor Ltd. The most notable report was that produced by Tonkin and Taylor Limited in April 2008² which assisted the Regional Council in making its decisions on submissions relating to coastal hazard zones and associated rules in the proposed RCEP.

Stricter controls generally apply in high risk zones and lesser restrictions apply in medium and long term risk zones. The three hazard management zones are:-

- 'CHZ1' – an area predicted to be at risk of coastal erosion and extreme inundation over the next ten years. This includes allowances for risks from severe sea storms, short-term variations and dune instability.
- 'CHZ2' – an area predicted to be potentially at risk over the next 100 years due to moderate inundation, long-term rates of erosion and allowance for predicted sea-level rise.
- 'CHZ3' – an area predicted to be potentially at risk due to moderate inundation (where ground levels are below the 2%AEP level), including allowance for predicted sea-level rise over the next 100 years.

These three zones have not been defined on an individual site-by-site basis, but instead are intended to be used as a planning tool to assess regional and local risk. The zones are intended to be regularly reassessed. The most appropriate timing of that reassessment would be before the RCEP needs to be

reviewed – which is at least every ten years. Interim reassessments may also be timely following 6-yearly release of guidelines from IPCC's (Intergovernmental Panel on Climate Change) and New Zealand's own Ministry for the Environment, on predicted sea level rise implications.

How can I find out if my property is within a coastal hazard zone?

Volume 2 of the Proposed RCEP contains a series of maps covering the region's coastal environment. Coastal hazard zones are overlaid on those maps which are printed at a 1:5000 scale (where 1cm on the map represents 50m on the ground).

For more detailed information - A4-sized maps for specific properties (at 1: 2500 scale) can be produced by HBRC staff. A charge of \$5.00 per map will apply.

What coastal hazards the Proposed Plan covers

The proposed RCEP only addresses the Hawke's Bay Regional Council's resource management role. This complements the Regional Council's other roles in undertaking physical works and services, and emergency management co-ordination and response. District plans may also contain information on coastal hazards. District plans are available for viewing at public libraries and city/district council offices.

Policies are included in the proposed RCEP relating to coastal cliff erosion and sea inundation of coastal land. All councils in Hawke's Bay will need to take those policies into account when making decisions on coastal development proposals in the future.

The proposed RCEP does not include any policies or rules in relation to the threat of tsunami on the region.

A closer look at the Rules applicable within CHZs...

Figure 1 summarises rules in the Proposed RCEP Ver2.0 that allow, restrict or prohibit various land use activities. Some of those activities require a resource consent from the Regional Council before the activity can be lawfully carried out (NB: a resource consent is not the same as a building consent from city or district councils). Depending on the coastal hazard risk and any mitigating circumstances, the Regional Council may decline consent, or grant consent subject to conditions. Figure 2 summarises the different types of resource consent activity classifications.

The replacement (eg: in event of fire), maintenance, repair, removal or demolition of most existing buildings and structures is permitted. This does not include extensions, alterations or replacement work that increases the floor area of existing buildings.

Rules in the proposed RCEP also apply to areas where coastal flooding presents a risk, although those rules only address non-reticulated wastewater systems, landfills etc. Rules in the proposed RCEP do not apply to dwellings and other habitable buildings within CHZ3 as the 2004 Building Code already requires those buildings to be built above predicted flood levels.

² Report by Tonkin and Taylor Limited dated April 2008 consists of 2 volumes – text and maps. Reference: HBRC Plan Number 4043

Figure 1: Summary of Rules (definitions of key terms overleaf)

Activity	CHZ1	CHZ2	CHZ3
Decks and uncovered outdoor structures less than 30m ² floor area; Maintenance, repair construction, replacement, removal or demolition of minor structures or works; Maintenance, repair, replacement, removal or demolition of existing buildings and structures; Additions and alterations less than 20m ² floor area to existing buildings and structures; Maintenance, repair construction, upgrading, removal replacement, or demolition of network utility structure within a road reserve; Earthworks associated with above activities.	Permitted Rule 78A [Additions and alterations must not project further seaward than existing building or structure]	Permitted Rule 78A	Permitted Rule 78A
Permitted Activities not complying with conditions;	RDA Rule 78B	RDA Rule 78B	RDA Rule 78B
Additions and alterations less than 20m ² floor area to existing buildings and structures that project further seaward than existing building or structure	RDA Rule 82A	-	-
Additions and alterations greater than 20m ² floor area to existing buildings and structures; Construction of building or structure exceeding 20m ² floor area; Construction of decks greater than 30m ² floor area; A new-non-reticulated wastewater system or upgrading an existing system	NCA Rule 87	RDA Rule 82	n/a ⁺
Temporary activities	Permitted Rule 81	Permitted Rule 81	Permitted Rule 81
Construction of a new structure for purposes of a network utility operation not within a road reserve	RDA Rule 83	RDA Rule 83	-
Coastal enhancement projects	Permitted Rule 80A	Permitted Rule 80A	-
Maintenance and repair of lawfully existing coastal protection structure	RDA Rule 83A	RDA Rule 83A	-
Replacement, erection placement, construction demolition or removal of any coastal protection structure	NCA Rule 85 [In some cases, also RCA]	NCA Rule 85	-
Replacement of a structure damaged or destroyed by coastal erosion or storm surge inundation	NCA Rule 86	NCA Rule 86	-
Deposition of sediment in volumes greater than 5m ³ per property in any six consecutive month period	RDA Rule 89	-	-
Removal of sediment and other earthworks* in volumes greater than 5m ³ per property in any six consecutive month period	NCA Rule 91	-	-
Landfills or dumping of hazardous substances	Prohibited Rule 92	Prohibited Rule 92	Prohibited Rule 92

* By definition, earthworks in CHZ1 under this Rule do not include non-mechanical (ie: hand-held) domestic landscaping or gardening.

⁺ The 2004 Building Code specifically requires floor levels of habitable buildings to be constructed above flood levels resulting from a storm having a 2% probability of occurring annually. This is commonly referred to as a 1 in 50 year event.

Figure 2: Summary of Activity Status

Activity Status	Consent required?	Can consent be declined?	Can conditions be imposed?	Matters Council can consider
Permitted	No	N/A	N/A	Activity must comply with all performance standards
Controlled	Yes	No	Yes	Specific matters identified in rule
RDA (Restricted Discretionary Activity)	Yes	Yes	Yes	Specific matters identified in rule
Discretionary	Yes	Yes	Yes	Effects of activity and consistency with RMA and Plan's policies
NCA (Non-Complying Activity)	Yes	Yes	Yes	Consent only granted if effects of activity less than minor, or activity is consistent with Plan's objectives and policies
Prohibited	N/A	N/A	N/A	Activity is prohibited – no resource consent can be applied for
RCA (Restricted Coastal Activity)	Yes	Yes	Yes	Same as non-complying, but Minister of Conservation is decision-maker, not HBRC

Meanings of key terms

The following is a list of key words and their meanings used in the context of the Proposed RCEP ver2.0's coastal hazard policies and rules.

Building means any temporary or permanent moveable or immovable structure, including a structure used or intended to be used for occupation by people, animals, machinery or chattels; a non-reticulated wastewater system for storage, treatment and/or disposal of wastewater; and a bore.

Building work means work for, or in connection with, the alteration, construction, or placement of a building, and includes earthworks and other work on a site preparatory to or associated with the construction, alteration or placement of a building. For the avoidance of doubt and purposes of Rules in Chapter 27.6, it does not include internal or interior building work.

Coastal protection structure means any structure used to reduce risks posed by coastal erosion and/or inundation by the sea to human life, property or the environment and includes seawalls, groynes, rip-rap, bunds, breakwaters, revetments, gabions and reinforced fences.

Construction in relation to a building or structure, means fitting, assembly or erection of parts and includes relocation of a building or structure. Construct and constructing have corresponding meanings

Earthworks means the disturbance of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation or by cutting and filling operations. In relation to CHZ1, it does not include non-mechanical domestic landscaping or gardening; clearance of grasses and forest thinning; cultivation, grazing and harvesting of agricultural, horticultural or viticultural crops.

Maintenance in relation to a structure, means to keep in existing order, to prevent loss or deterioration, or to restore to working order. It does not include extending, replacing, removing or demolishing a structure or any substantive change to the form, orientation or outline of the structure.

Minor structures or works on private land means fences, gardens, trees, garden structures, barbeques, outdoor entertaining areas (such as seating, steps, pergolas etc) clotheslines, letter boxes and paving areas, and other such small-scale structures and works. No such structures shall be designed, used or constructed as a coastal protection structure. It does not include uncovered decks exceeding 30m² in floor area; building work exceeding 20m² in floor area. For the avoidance of doubt, minor structures or works on private land include uncovered decks no greater than 30m² in floor area temporary storage stack of goods or materials; any mast, pole, pylon, sign or similar structure.

Further Information

For further information on the Proposed HB Regional Coastal Environment Plan, contact:-
Hawke's Bay Regional Council
159 Dalton Street
Private Bag 6006, NAPIER
ph: (06) 835-9200
fax: (06) 835-3601
email: coastalplan@hbrc.govt.nz
web: www.hbrc.govt.nz

Relocation in relation to a building or structure, means moving the building or structure to or from another property. For the purposes of this Plan, it does not include moving a building or structure within the same property where its new position is further inland from CHZ1 or CHZ2 than the existing position. Relocate and relocating have corresponding meanings.

Removal in relation to a building or structure, means taking away the building or structure as a whole, or in parts after demolition or dismantling. Remove and removing have corresponding meanings.

Repair means to restore or mend to good condition after damage or wear and includes the reconstruction or alteration of any part of a structure, providing that the repair does not result in any increase in the area of land occupied by the structure; and the repair does not change the character, scale and intensity of any effects of the structure on the environment. It does not include extending, replacing, removing or demolishing the entire structure.

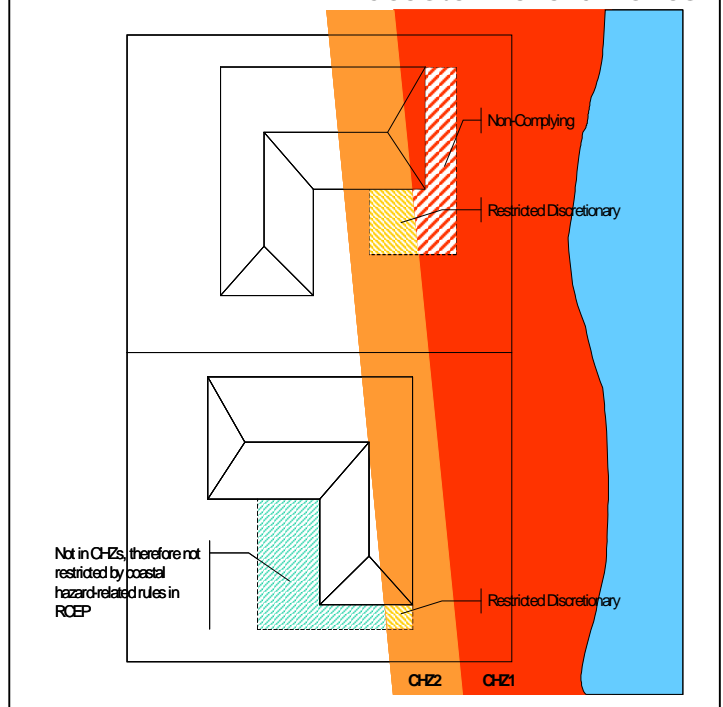
Replacement in relation to a building or structure, means putting back in place of, or taking the place of, or substitution.

Structure means any building, equipment, device or other facility made by people and which is fixed to land.

Temporary activity in relation to the use of land, means the use of land that lasts for a duration of no longer than 7 days and does not recur for at least another 28 days.

Upgrading in relation to a structure, means changing or altering a structure so that the effects resulting from the structure are of a different scale or nature from those existing before the changes or alterations were made. It does not include maintenance or repair.

Figure 3:
Examples of Proposed Building Work in Coastal Hazard Zones





Proposed Plan [Version 2.0]

Frequently Asked Questions (FAQs)

COASTAL HAZARDS

Introduction

This FAQ sheet outlines several of the commonly asked questions regarding the Proposed Hawke's Bay Regional Coastal Environment Plan's (RCEP) content in relation to coastal hazards in the region. The RCEP has been amended by the Regional Council's decisions which were issued on 19 July 2008. The amended RCEP is now commonly referred to as Version 2.0.

Other Information Sheets on coastal hazards and the RCEP ver2.0 are available online at www.hbrc.govt.nz or from the Regional Council's offices in Napier (159 Dalton St).

Why has my property been identified as being in a coastal hazard zone?

Councils throughout New Zealand are being urged by central government and national hazard planning guidelines to identify areas where coastal processes may pose a risk to human safety and property.

How has my property been identified as being in a coastal hazard zone?

A Regional Coastal Hazard Assessment Study was completed in 2004. This study identified that the entire region's shoreline is prone to storm damage and the influence of cyclical erosion and accretion trends. The region is also prone to inundation due to storm surges. High sea swells or storm surges lead to coastal erosion and inundation of land adjacent to the coast as seawater is driven over the beach crest.

Since the 2004 report was published, a series of additional reports on coastal erosion risks in Hawke's Bay has been produced. Many of these additional reports are available on the coastal hazards webpage at www.hbrc.govt.nz.

The hazard zones identify those parts of the coast that are potentially at risk from coastal erosion and/or inundation (sea water flooding – but not tsunami). They are based on up to a 100-year time frame and include consideration of long-term erosion trends, short-term annual trends and weather related aspects, as well as the effects of waves and anticipated sea level rise.

What sea level rise is predicted?

The Intergovernmental Panel on Climate Change (IPCC) regularly reviews estimates for sea level rise. The IPCC's latest report presented six projected ranges for sea level rise, each based on different carbon emission scenarios. The most likely scenario identifies a sea level rise of 500mm by 2100. This 0.5m figure has been adopted in guidance notes by the Ministry for the Environment and was also adopted in defining the coastal hazard zones.

But my property has never flooded or been eroded...

The coastal hazard zones (CHZs) do not show where the 'regular' tide will reach, but it does show the extent to which the sea may impact during a storm event in the future.

Many areas identified have not been flooded or experienced erosion recently. However, the regional council's research shows that many properties could be affected by flooding in a significant storm event, or are at risk of erosion within the next 90-100 years.

How will this affect the value of my property?

There is anecdotal evidence that property values have been affected by the CHZs and associated rules. In some cases elsewhere in NZ, anecdotal evidence also suggests that property values have been boosted by similar CHZs and rules because development of neighbouring and surrounding land is restricted. The Regional Council commissioned a professional valuation company to investigate the property value implications of the CHZs and associated rules. That research concluded that "there is insufficient evidence that anything other than normal market forces are at play in affecting property values" at case study localities. The valuation report also concluded that "there does not appear to be any adverse effects to value that can be identified as caused by the proposed RCEP and the introduction of Coastal Hazard Zones." The valuation report can be viewed on the Proposed RCEP webpage at www.hbrc.govt.nz

What about insurance on my house?

Climate change and the resulting increased frequency and severity of storm events is a concern to the insurance industry. Each insurance company has its own approach to this trend, so you are best to talk to your insurer directly.

How come my neighbour's property isn't in a CHZ but mine is?

The CHZs typically stretch along the coastline, but do not always encroach an equal distance inland. This variance may result in CHZs extending over properties for differing distances and not at all for other properties. CHZ3 represents areas at risk of coastal flooding. Neighbouring properties may be at slightly different elevations and as such may not be affected by the same flooding.

Am I allowed to build on my vacant section?

Maybe. Rules in the RCEP do not impose a complete ban on building a house in a CHZ. However, in CHZ1 or CHZ2, building a new house will require a resource consent from the Regional Council before the activity can be lawfully carried out (NB: a resource consent is not the same as a building consent from a city or district council). Depending on the coastal hazard risk and any mitigating circumstances, the Regional Council may decline consent, or grant consent subject to conditions.

Rules in the proposed RCEP also apply to areas where coastal flooding presents a risk, although those rules only address non-reticulated wastewater systems and landfills etc. Rules in the RCEP do not apply to houses and other buildings within CHZ3 as the 2004 Building Code already requires some such buildings to be built above predicted flood levels.

What if I want to do maintenance and repair work to my house?

The replacement (eg: in event of fire), maintenance, repair, removal or demolition of most existing buildings and structures is permitted – the proviso being that the works must be of a similar scale/character as the existing building. These permitted maintenance and repair works do not include alterations, extensions or replacement work that increase the floor area of existing buildings. Internal alterations, maintenance and repair works are not restricted by regional rules. However, the normal building consent requirements still apply here. Repair of buildings damaged by action of the sea is restricted. A resource consent is required from the Regional Council (in addition to any relevant building consents).

What if I want to add on to my house?

As above, some external alterations to an existing building in CHZ1 or CHZ2 will require a resource consent from the Regional Council before the activity can be lawfully carried out. Depending on the coastal hazard risk and any mitigating circumstances, the Regional Council may decline consent, or grant consent subject to conditions.

Can I build a wall to protect my property from the sea?

In short, no. However, if you can prove that there is no other practical method and your proposed protection structure will not adversely affect other properties or natural coastal processes etc, then the Regional Council may grant resource consent.

What if my existing protection wall needs repairing?

Similar to the above answer, maintenance and repair of existing coastal protection structures requires a resource consent from the Regional Council before the activity can be lawfully carried out. The Regional Council may decline consent or it may grant consent, subject to conditions. The consent process will assess the type and scale of adverse effects of the activity and any measures proposed to mitigate those effects. If a resource consent is granted, it may cover maintenance and repair work over several years – not necessarily just one repair job.

Can I get my own coastal hazards report?

Yes you can. You may engage a suitably qualified expert to research erosion and inundation risks. The report can be submitted to support a resource consent application. The report will need to be based on commonly accepted coastal hazard assessment methodologies. Councils will not cover the costs of obtaining a separate coastal hazards report for specific individual properties.

I already have a consent, so what?

Even though you may already have a consent, unless that consent is from the regional council to build in a CHZ, then that consent does not automatically give approval to breach regional rules. The types of other consents that typically exist are subdivision consent, resource consent and building consent (all issued by a city or district council).

How much does a resource consent cost?

A deposit of \$900.00 is required with a resource consent application. This covers the Regional Council's ordinary costs associated with evaluating and processing an application.

Straightforward applications will not normally incur any additional charges. Applications for more complicated proposals may incur additional charges due to their complexity and time required to fully assess the proposal. Similarly, poorly presented applications omitting critical details may also incur additional processing charges.

What is the Council doing about coastal hazards?

Under the Resource Management Act 1991 (RMA), the Regional Council:-

- is responsible for controlling the use of land for the purposes of the avoidance or mitigation of natural hazards; and
- may control any actual or potential effects of the use, development or protection of land within the coastal marine area, for the avoidance or mitigation of natural hazards.

The Regional Council has responsibilities to undertake river control and drainage works. Those responsibilities are often misconstrued as also placing requirements on councils to 'hold back the sea.' Councils are not legally required to construct physical defences against the sea, although from time to time they may become involved in community initiatives to enhance natural coastal protection (eg: dune restoration programmes).

Are the zones likely to be changed?

The CHZs are identified in the Proposed HB Regional Coastal Environment Plan ver2.0. Many submissions were made objecting to the CHZs and associated rules. Decisions issued by the Regional Council amended the extent of many CHZs and also amended a number of rules. Submitters have the right to appeal those decisions to the Environment Court. It is too early to tell if the CHZs and/or rules will be changed by the Environment Court's rulings.

Once finalised, the CHZs and rules will be reviewed on a regular basis (at least every 10 years). The Regional Coastal Environment Plan itself must be reviewed every 10 years. If current monitoring programmes and further studies reveal erosion and inundation risk is different to that predicted, then the CHZs will be adjusted.

What can I do now?

The Regional Council has issued its decisions submissions to the proposed RCEP. No new submissions are allowed.

If you are considering buying a property along the coast, you should contact a planner at the Regional Council who can advise you about coastal hazard zones in that vicinity.

If you are considering building on your coastal property, you should contact a consents officer at the Regional Council. The Consents team can provide information on coastal hazard zones, consent application forms, etc.

Further Information

For further information on the Proposed HB Regional Coastal Environment Plan or resource consents, contact:-

Hawke's Bay Regional Council
159 Dalton Street

Private Bag 6006, NAPIER

ph: (06) 835-9200

fax: (06) 835-3601

email: info@hbrc.govt.nz

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