

## SUPPLEMENTARY STAFF ASSESSMENT REPORT

**TO:** Environment & Planning Committee – TRMP  
**FROM:** Rose Biss  
**FILE NO.:** R430-6-2  
**SUBJECT:** **SUPPLEMENTARY SAR TRMP11/11/02 TO SAR 564.11 OF HEARING 62:**  
Report prepared for meeting of 8 February 2012

“In Committee”

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### 1. BACKGROUND

The Environment and Planning Committee at its meeting on 20 December deferred a decision on Recommendation 564.11 pending further advice on the conditions and matters that should apply for restricted discretionary activities in the Coastal Hazard Area (to be renamed Coastal Risk Area) under rule 18.9.2.2.

The Committee also sought further advice on alterations and rebuilding of existing buildings.

#### 1.1 Rule 18.9.2.2 condition (a)

Several submitters wish to delete condition 18.9.2.2(a):

(a) *It is relocatable and not a dwelling (unless there is no other dwelling on the site)*

The effect of the condition is that completely new dwellings cascade to non-complying activities. Existing dwellings have existing use rights. Thus if an existing dwelling was destroyed by fire it would be able to be replaced provided it was to the same extent and scale.

#### 1.2 Matters to which the Council has restricted its discretion

The matters to which the Council would restrict its discretion when assessing a restricted discretionary activity for construction of a building in the Coastal Hazard Area rule 18.9.2.2 as notified in Plan Change 22 are:

- (1) *The nature of the building and its construction*
- (1A) *The effects of the proposed activity on the risk of coastal erosion and flooding on the subject property and on other properties.*
- (1B) *The effects of the proposed activity on natural character.*
- (2) *The duration of the consent .....*
- (3) *Financial contributions, bonds and covenants .....*

Submitter 3034.35 would like the Council to retain the original matter (1). This matter was “The risk of coastal erosion and flooding”. It is recommended that this matter is reinstated as part of matter (1A).

Submitter 342.16 would like the Council to amend matter 1B to focus more on coastal hazard issues.

## **2. EXISTING BUILDINGS**

Existing buildings have existing use rights under Section 10 of the RMA - provided they were lawfully established. These rights also apply to any reconstruction, alteration of or extension to the building provided it does not increase the degree to which the building fails to comply with the Plan rules. The Committee has already made an interim decision on the Coastal Hazard Area permitted activity rule 18.9.2.1.

It may wish to add some wording to clarify the extent to which alterations, reconstruction and additions to existing buildings are permitted.

## **3. RECOMMENDATIONS**

### **3.1 Recommendation 564.11 (amended)**

#### **Submission Recommendations**

C22.3722.6 Ngaruroro Farm

Disallow – Move to SAR 564.10

The other submission recommendations remain unchanged.

#### **Plan Amendments**

*Topic: 18.9.2.2*

Rewrite matters (1A) and (1B) as follows:

*(1A) The risk of coastal erosion and flooding and adverse effects on the building and property from present and potential future coastal erosion and flooding hazards.*

*(1B) Adverse effects on natural character resulting from present and future coastal erosion and flooding effects on the building and property.”*

#### **Reasons**

The reasons as given in the original report apply.

### **3.1 Recommendation 564.10 (amended)**

#### **Submission Recommendations**

C22.3719.1

March, Judith

Allow

Other submission recommendations remain unchanged.

#### **Plan Amendments**

*Topic: 18.9.2.1*

Rewrite conditions as:

Either

(d) *The building to be constructed is relocatable and not habitable.*

Or

(e) *The building is not a coastal protection structure*

Or

(f) *The habitable building alteration is the reconstruction, maintenance, repair or the removal of an existing lawfully established building provided it does not increase the degree to which the building fails to comply with the Plan rules.*

### **Reasons**

1. The previous Coastal Hazard Area did not cover all properties at risk as it did not extend the full length of development at Ruby Bay to Mapua Channel.
2. Sea level rise projections and climate change make it likely that there will be an increased risk of erosion and flood hazard in coastal areas like Ruby Bay which have a documented hazard risk.
3. The Council has adopted a precautionary approach to habitable buildings in the Coastal Hazard Area consistent with Policies 3, 7 and 25 of the NZ Coastal Policy Statement and promoting sustainable development.
4. There is a resource consent for a dwelling that can be extended on submitter 3736's land.