

Section 42A Coastal issues overview:

CHAPTER 8 Open Space

1.0 Introduction

- 1.1 This statement considers the coastal issues related to the provisions of Chapter 8 Open Space. The section 42A report for Chapter 8 was prepared by Kirsty Austin and lodged on the KCDC website in advance of the chapter hearing which was scheduled to take place in late April. However, the scheduled Open Space hearing was overtaken by the Panel's Minute No. 5 which directed that Chapter 8 be addressed as part of the 'coastal resource bundle'. As a consequence, the hearing for Chapter 8 has now been re-scheduled to 11 August.
- 1.2 In the meantime, Kirsty Austin has taken up a position with another employer. As a consequence of that, I am now responsible for the Section 42A report and the upcoming hearing. For that reason, I chose not to make any integration focussed amendments to Ms Austin's original report, as re-lodging a different version on the website could have risked potential confusion for some submitters.
- 1.3 I will address any amendments as necessary during the course of the 11 August hearing, and in my written reply provided to the Panel after that hearing. In this current statement I refer to matters of coastal integration that are already addressed by the PDP, or which I will cover in the Chapter 8 hearing.
- 1.4 Open Space zoning applies to much of the land along the District's coastline. On the PDP maps, locations not zoned Open Space include the Ōtaki and Waikanae river mouths. On the PDP maps, Open Space zoning also appears 'patchy' along the Paekākāriki foreshore – presumably as an area between the seawall and the assumed line of mean high water springs.
- 1.5 Because the Open Space zone covers the majority of the coastline, and because all of the coastal land is in public ownership, the zone is central to the management of risks from coastal hazards. It is the location where any publicly owned physical works to mitigate coastal risks would be carried out, including 'hard' options such as seawalls and 'soft' options such as beach nourishment or dune restoration.
- 1.6 In all areas along the coastline the Open Space zone is overlain by character areas subject to the provisions of chapters 3 and 4. This includes ecological sites, special amenity landscapes, outstanding natural landscapes, and areas of high natural character. The Open Space zone will also be overlain by coastal hazard building line restrictions retained from the ODP, if the Council confirms that they remain in force. The provisions of those other chapters, the retained provisions from the ODP, and relevant regional plan provisions will be the ones that control the management of coastal hazards.

2.0 Major themes

- 2.1 Submissions on Chapter 8 cover a range of issues which the Section 42A report summarises as including private property rights; connectivity of the open space network; buildings and structures; default activity status; plantation forestry; and golf courses. In my opinion, most of these are not strongly connected to issues of integration between chapters 3, 4, 8 and 9. Provisions related to buildings and structures, and to plantation forestry, do have a potential relationship to chapters 3 and 4. As far as I am aware, there were no submissions that focused on coastal Open Space land as being the site for hazard mitigation works.
- 2.2 As a point of clarification, I draw the Panel's attention to how the Open space zone is mapped in the PDP and on the Council's GIS. Open Space land on the PDP maps appears to extend out to the assumed line of mean high water springs, which is the jurisdictional boundary between KCDC and GRWC responsibilities. This differs from the ODP Open Space zoning shown on the Council's public GIS system, which shows the zoning tied to cadastral boundaries. In some cases, this means that an area between titled land and MHWS has no zoning on the GIS system (under the ODP). I assume that the PDP hard copy maps and the GIS system will eventually show the same PDP information.
- 2.3 I endorse the PDP's approach of extending the Open Space zoning out to MHWS. This matter is not covered in the Section 42A report but it is relevant to achieving integration with regional and national level planning, and reflects natural features as they exist on the ground.

3.0 Cross-over issues

- 3.1 As notified, Rule 8.1.11 permits flood protection, erosion control, stormwater management and natural hazard mitigation works. Although the rule is consistent with the general management of natural hazards by Chapter 9 it is an unnecessary duplication which could create confusion.
- 3.2 The Section 42A report was written before I had prepared my review of ODP coastal hazard provisions that should potentially remain in force. Given that the ODP building restriction lines are close to the coastal margin, in many cases the lines will pass through Open Space land.
- 3.3 With regard to built structures in the Open Space zone, the protection of environmental amenity was an issue raised by some submitters, especially in regard to giving effect to the NZCPS. Matters of potential concern include appearance, recreational and open space amenity, cultural, ecological, and landscape values. The Section 42A report notes that these matters are capable of being taken into account in resource consents via reference to policy 8.10. The Section 42A report also notes that the issues are subject to

control via the rules in Chapter 3, as the Open Space zone along the coastline is overlain by various character areas.

- 3.4 The Chapter 3 provisions allow specific considerations to feed into the general considerations covered by Policy 8.10. As such, I consider that the existing integration between Chapter 8 and Chapter 3 is both appropriate and workable. No changes seem necessary to enhance that integration.
- 3.5 Vegetation as biodiversity is referred to by Chapter 8, but as this is simply to be permissive of revegetation and restoration, and no specific integration is required with Chapters 3 or 4.
- 3.6 Some parts of the Open Space zone are leased for plantation forestry, although I am uncertain whether this occurs along the coastline. The Section 42A report identifies the need for integration of rules controlling forestry. This is probably a very minor issue.

4.0 Resolution of issues

- 4.1 With regard to hazard mitigation works, the Section 42A report recommends deleting Rule 8.1.11 and specifically excluding Chapter 8 rules from applying to natural hazard mitigation works. The intention is that those activities will be managed by Chapter 9.
- 4.2 As a consequence, the report recommends amending the introduction to the Chapter 8 rules. The proposed wording is intended to clearly exclude natural hazard mitigation from Chapter 8, to delete Rule 8.1.11 which duplicates a rule in Chapter 9, and to clarify that seawalls are excluded from Rule 8.1.1A (fences). Because these recommendations were made some time ago, they did not have the benefit of the recent integration discussions between the various report writers. The recommendations were also made in the absence of any certainty about which ODP coastal hazard provisions might remain in force, or how they would be integrated into the PDP.
- 4.3 For those reasons, the Section 42A report's recommendation will need to be changed to be consistent with the current position reached by the chapter report writers. That is, a specific exemption for public hazard mitigation works carried out under rules 9B.1.4, 9B.1.6, and 9B.1.8. Amendment will also be necessary to recognise the role of the retained ODP provisions, and to clearly state how and where they are integrated with the remainder of the PDP.

5.0 Implications for other chapters

- 5.1 At this stage I do not think there are implications for the rules other PDP chapters, other than chapters 3, 4 and 9 as already noted.
- 5.2 With regard to policies, the Section 42A report already recommends transferring some to a new Chapter 2A, to apply on a district wide basis. These are policies relevant to open space and recreation, but which would apply outside the confines of the zoned Open

Space land. Of those policies, Policy 8.6 (Amenity Values) is relevant to the coastal environment, but also applies throughout the rest of the District. I consider that it can work in tandem with similar considerations in Chapters 3 and 4.

- 5.3 I have also considered Objective 2.18 in Chapter 2, which sets out the role of open space land. A possible addition to this objective is to recognise the potential value that Open Space zoned land plays in hosting coastal hazard mitigation works, and as the site of natural buffers against coastal erosion. Making such an amendment could be seen as consistent with NZCPS Policy 25(b) which is to “avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards”.

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