



Memorandum

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Attention: Jason Holland

Company: Kāpiti Coast District Council

Date: 30 November 2021

From: [REDACTED]

Project No: BM210206

Considering Coastal Erosion Hazard as a Qualifying Matter through the Intensification Plan Change

Purpose

1. The Kāpiti Coast District Council is currently preparing a district plan change to enable intensification within existing urban environments throughout the district. This includes incorporating the mandatory Medium Density Residential Standards¹ for Tier 1 councils² and giving effect to the intensification policies of the NPS-UD through an Intensification Plan Change to be notified in mid-2022. At the same time, the Council is also progressing with the Takutai Kāpiti Coastal Adaptation Project. This project is intended to develop recommendations on solutions for adapting to change in the coastal environment. Part of supporting this project includes the Council commissioning the preparation of an assessment on potential areas of the coastal environment susceptible to coastal hazards, to inform the Takutai Kāpiti Community Assessment Panel in their work. This assessment and accompanying coastal vulnerability studies will also help inform a future coastal issues district plan change in 2023.
2. There is an inevitable tension between the objectives of the Intensification Plan Change, which seeks to enable intensification of the existing urban environment, and the Takutai Kāpiti project, which will make recommendations to the Council on potential solutions to adapt to coastal hazards, including within the existing urban environment. This tension can be managed using the “[REDACTED] matter” approach, as a part of the Intensification Plan Change.
3. The purpose of this paper is to:
 - a) Describe the background to the issue and some of the risks of the Takutai Kāpiti Coastal Adaptation Project to the Intensification plan change (at paras. 4 to 10);
 - b) Outline the policy context for considering areas potentially affected by coastal erosion hazard as a qualifying matter (at paras. 11 to 13);
 - c) Establish a set of principles to guide how areas identified as being potentially susceptible to coastal erosion hazard are addressed as part of the Intensification Plan Change (at paras. 14 to 15);

¹ Refer to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

² Kāpiti Coast District Council is a Tier 1 Council

- d) Outline options for how coastal erosion hazard could be addressed as a qualifying matter (at paras. 16 to 19).
- e) Make recommendations on the most appropriate approach (at para. 20).

Background

4. In 2019 the Kāpiti Coast District Council initiated the Takutai Kāpiti Coastal Adaptation Project. The project is a collaborative community-led process working in partnership with iwi, that “aims to encourage the Kāpiti Community to become more aware of the impacts of coastal hazard risks resulting from sea-level rise and climate change, and empower them to take part in developing solutions and pathways for adapting to coming change”³.
5. The recommendations of the Takutai Kāpiti project will also assist the Council in the development of District Plan provisions to manage a range of coastal environment issues, including coastal hazards. It is anticipated the coastal plan change will be notified in 2023, after considering the recommendations from the Takutai Kāpiti project, and consulting widely on draft District Plan provisions.
6. There are a range of inputs that feed into the Takutai Kāpiti process, including community collaboration, indigenous knowledge and evidence-based science. A key input into the Takutai Kāpiti work will be the “Kāpiti Coast Coastal Hazard Susceptibility and Vulnerability Assessment”, which is being prepared by Jacobs New Zealand (the Jacobs’ Assessment). The assessment is being prepared in two parts. Part one, which outlines the assessment methodology, was released in July 2021. Part two, which will contain the substantive assessment to inform the Takutai Kāpiti work is anticipated to be released in early 2022.
7. The Jacobs’ Assessment will identify areas potentially susceptible to coastal erosion hazard by identifying projected future shoreline positions over a 100-year time-frame⁴, for a range of different sea level rise scenarios. The assessment will include maps that identify the spatial location of the range of projected future shoreline positions.
8. In the meantime, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill will, if enacted, require the Council to change its District Plan to enable housing intensification across the district, including within areas that may be identified as being located on the coastal side of the projected future shoreline positions identified in the Jacobs’ Assessment. A plan change to enable intensification (the Intensification Plan Change) must be notified by the 20th of August 2022.
9. The Bill provides that Council need not provide for intensification in areas of the district where a “qualifying matter” exists. Natural hazards are identified in the Bill as a qualifying matter, meaning in areas subject to natural hazards it may be appropriate for the Council to provide for heights and densities that are less than those required by the Bill. As outlined later in this memo, there is a clear case for considering coastal erosion hazard as a qualifying matter, however the ability to do so successfully relies on the availability of the Jacobs’ Assessment (and associated mapping) to provide the up-to-date technical evidence base for considering coastal erosion hazard as a qualifying matter.
10. This creates a situation where the Council, having embarked on a community-led process to make recommendations on a coastal hazard plan change to occur in 2023, will be required to address coastal hazards in some form as part of the 2022 Intensification Plan Change. This creates a number of issues for the Council:

³ <https://takuta.kapiti.nz/articles/takutai-kapiti/>

⁴ Jacobs (July 2021). *Kāpiti Coast Coastal Hazard Susceptibility and Vulnerability Assessment Volume 1: Methodology*, pp41-67.

- a) Unless the Council provides for coastal erosion hazard as a qualifying matter, the District Plan will be required to enable intensification within areas that may be identified in the Jacobs' Assessment as being on the coastal side of the projected future shoreline position. Enabling intensification in these areas may adversely impact on the ability for the Council to implement future recommendations on changes to the District Plan to manage coastal erosion hazard in these areas.
- b) In order to successfully provide for coastal erosion hazard as a qualifying matter, the Council will be required to introduce evidence into the Intensification Plan Change, to justify the existence and spatial extent of the qualifying matter. Should the Jacobs' assessment become available, this will be the most up-to-date form of evidence related to areas potentially affected by coastal erosion hazard. The timing of the availability of the Jacob's assessment is crucial for the timeframe needed to prepare the Intensification Plan Change.
- c) Should the Jacob's Assessment not be available in time to inform the development of the Intensification Plan Change, the resulting plan change provisions may be seen to be encouraging development in areas that are shown to be susceptible to coastal erosion upon the release of the Jacob's Assessment. If the Jacob's Assessment is released too late to inform the development of the Intensification plan change it may cause parts of the plan change to be contrary to relevant higher level statutory planning documents⁵.

Policy context

11. The New Zealand Coastal Policy Statement and the National Policy Statement on Urban Development outline the policy context for the consideration of coastal erosion hazard as a qualifying matter. This is summarised in the following table:

Reference	Policy description
New Zealand Coastal Policy Statement 2010	
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.
Policy 3(2)(a)	In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that avoidable social and economic loss and harm to communities does not occur.
Policy 24	
Policy 25(a)	In areas potentially affected by coastal hazards over at least the next 100 years, avoid ⁶ increasing the risk of social, environmental and economic harm from coastal hazards.
Policy 25(b)	In areas potentially affected by coastal hazards over at least the next 100 years, avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards.
National Policy Statement on Urban Development 2020	
Objective 8(b)	New Zealand's urban environments are resilient to the current and future effects of climate change.
Policy 1(f)	Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum are resilient to the likely current and future effects of climate change.
Policy 4 ⁷	District plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.

⁵ See the 'Policy context' section below. For this to be an issue the Jacob's Assessment would need to identify areas susceptible to coastal erosion that is more extensive than the existing coastal hazard lines in the operative District Plan.

⁶ The Supreme Court has determined that under the RMA, the term 'avoid' means to "not allow" or to "prevent the occurrence of". See *Environmental Defence Society Inc. v The New Zealand King Salmon Company Ltd.* SC 82/2013. [2014] NZSC 38 at para. 96.

⁷ See also ss77G and s77L of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

Policy 6(e)	When making planning decisions that affect urban environments, decision-makers have particular regard to the likely current and future effects of climate change.
Clause 3.31(1)(b) ⁸	Qualifying matter means... a matter required in order to give effect to any other National Policy Statement.

12. Areas potentially affected by coastal erosion hazard are areas where policies 25(a) and (b) of the NZCPS apply. RMA s75(3) requires that district plans must give effect to the NZCPS, including policies 3, 25(a) and (b). Changing the District Plan to provide for increased levels of residential and commercial development in areas potentially effected by coastal erosion hazard would be contrary to policies 3, 25(a) and (b) of the NZCPS. On this basis, areas potential affected by coastal erosion hazard could be considered as a qualifying matter under Clause 3.31(1)(b) of the NPS-UD⁹.
13. On this basis, it can be seen that should the coastal hazard evidence base not be available to use as a qualifying matter, the Intensification Plan Change may result in development outcomes in specific locations that are inconsistent with both the NZCPS and the NPS-UD.

Principles to guide how coastal erosion hazard is addressed as part of the Intensification Plan Change

14. While there is a clear policy context for considering coastal erosion hazard as a qualifying matter, it is important to recognise that the purpose of the Intensification Plan Change is to incorporate the Medium Density Residential Standards into the District Plan, and give effect to the intensification policies of the National Policy Statement on Urban Development. It is not the purpose of the Intensification Plan Change to provide new solutions for managing coastal hazards. Because the Council has established, through the Takutai Kāpiti project, a process that will help inform the development of district plan provisions to manage coastal hazards, it would be inappropriate for the Intensification Plan Change to adversely influence the outcome of the Takutai Kāpiti project and the future coastal plan change by reducing the options available to them, or by making these options more difficult to implement.
15. Because the Intensification Plan Change will affect most of the urban environment, and parts of the urban environment are located along the coastline, addressing susceptibility to coastal erosion hazard through the Intensification Plan Change is unavoidable. This suggests that, in order to avoid adversely influencing the outcome of the Takutai Kāpiti project and the future coastal plan change, a set of principles are needed to guide decision-making on how coastal erosion hazard is addressed through the Intensification Plan Change. It is recommended that these principles are:
 - a) That the Intensification Plan Change does not reduce the degree to which the District Plan gives effect to policies 3(2)(a), 25(a) and (b) of the NZCPS;
 - b) That the Intensification Plan Change avoids changing the District Plan to enable additional development in a manner that may need to be subsequently reversed by the future coastal plan change;
 - c) That the Intensification Plan Change maintains the existing level of permitted development within areas identified as potentially susceptible to coastal hazards as currently provided for in the Operative District Plan;
 - d) That the Intensification Plan Change uses appropriate evidence to justify the existence and spatial extent of areas potentially susceptible to coastal erosion hazard as a qualifying matter. Where the Intensification Plan Change uses evidence prepared for the Takutai Kāpiti project, it is made explicit that the purpose of using that evidence is to justify the existence and spatial

⁸ See also ss77G(b) and s77L(b) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

⁹ Or ss77G(b) and s77L(b) of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, as the case may be.

extent of a qualifying matter only, and not to predetermine the way in which that evidence is used for the purposes of the Takutai Kāpiti project, or the future coastal plan change.

Options

16. There are a range of options for how the Intensification Plan Change could address coastal erosion hazard. These options are outlined in the following table:

Option	Comments	Alignment with principles (noted in para 12)
Option 1 – do nothing (do not provide for coastal erosion hazard as a qualifying matter)	- Additional residential and commercial development will be enabled in areas of the district that are potentially affected by coastal erosion hazard. - This is almost certain to reduce the degree to which the District Plan gives effect to policies 3 and 25 of the NZCPS. This may also result in the Intensification plan change being contrary to policies 1(f) and 6(e) of the NPS-UD - if the Jacob's Assessment is released at a later date. - This is likely to adversely influence the outcome of the Takutai Kāpiti project, as it would suggest that the Council considers it appropriate to intensify within areas that are potentially affected by coastal erosion hazard.	Poor – principles (a) and (b) are not met, and (d) is not engaged with. Principle (c) would be met.
Option 2 – retain existing 1999 district plan coastal yards as a qualifying matter	- Existing 1999 District Plan objectives, policies and rules would be retained. This includes a 20m building line restriction and a 50m relocatable building line (refer Appendix A). - These lines apply only at Paekākāriki, Raumati Beach and Paraparaumu Beach (they do not apply elsewhere in the district). - Intensification would be enabled on the landward side of these lines. - As the provisions are already contained within the District Plan, it is likely that no further evidence would be required to enable this approach, although relying on the existing provisions (and the somewhat outdated evidence base) could be subject to scrutiny through the submissions and hearing processes. - This approach would not reduce the level of permitted development currently provided for in the Operative District Plan. - This approach would reduce the degree to which the District Plan gives effect to policies 3 and 25 of the NZCPS, and could adversely influence the outcome of the Takutai Kāpiti project, if the Jacobs' Assessment identifies that areas beyond these lines are potentially affected by coastal erosion hazard.	Moderate to poor – it is uncertain whether principles (a) and (b) would be met. Principle (c) would be met. Principle (d) is not engaged with.
Option 3 – use pre-existing technical reporting to justify the existence and spatial extent of the qualifying matter, and maintain existing District Plan provisions within the qualifying matter area	- Pre-existing technical reporting is used to justify the existence of coastal erosion hazard as a qualifying matter. - Within the spatial extent of the qualifying matter, existing relevant District Plan provisions would be retained. This approach would not reduce the level of permitted development currently provided for in the Operative District Plan. - Outside of the spatial extent of the qualifying matter, intensification would be enabled. - The range of pre-existing sources of evidence are unlikely to be appropriate to support justification of coastal erosion hazard as a	Poor – it is uncertain whether principles (a) and (b) would be met. Principle (c) would be met. Principle (d) is unlikely to be met.

Option	Comments	Alignment with principles (noted in para 12)
	qualifying matter (see Appendix B). This risks the qualifying matter not being supported through the plan change process. - This approach could reduce the degree to which the District Plan gives effect to policy 25 of the NZCPS, and could prejudice the outcome of the Takutai Kāpiti project and the future coastal plan change if the Jacobs' Assessment identifies that larger areas are potentially affected by coastal erosion hazard. - If the Jacobs' Assessment is released prior to notification of the Intensification Plan Change, the hearings panel and submitters may question why the Council did not use the most up-to-date evidence to identify the qualifying matter.	
Option 4 - use Takutai Kāpiti technical reporting to justify the existence and spatial extent of the qualifying matter, and maintain existing District Plan provisions within the qualifying matter area	- The Jacobs' Assessment is used to justify the existence and spatial extent of coastal erosion hazard as a qualifying matter (assuming this is released with sufficient time to enable it to be used to prepare the draft Intensification plan change, and prior to notification of the Intensification Plan Change). Where the Jacobs' Assessment includes multiple projected future shoreline positions, this will involve selecting an appropriate position based on the principles outlined at para. 15. - Within the spatial extent of the qualifying matter area, existing relevant District Plan provisions would be retained. This approach would not reduce the level of permitted development currently provided for in the Operative District Plan. - Outside of the spatial extent of the qualifying matter, intensification would be enabled. - The Jacobs' Assessment is likely to be the most appropriate evidence to support the existence and extent of a coastal erosion hazard qualifying matter, as it will provide the most up-to-date source of information on the topic. - This approach is unlikely to reduce the degree to which the District Plan gives effect to policy 5 of the NZCPS, as existing District Plan settings would not change in the qualifying matter area. - Care would need to be taken to communicate that the purpose for using the Jacobs' Assessment is to establish the existence and extent of the qualifying matter only, and that its use for this purpose does not predetermine how it would be used for any future coastal hazard district plan change.	Good – all principles could be met.

17. Where the Jacobs' Assessment is available, option 4 would be the most appropriate option for addressing coastal hazard through the Intensification Plan Change. By acknowledging coastal erosion hazard as a qualifying matter, this approach avoids changing the District Plan in a way that may need to be subsequently reversed by a future coastal hazard plan change. At the same time, by maintaining existing District Plan provisions in the qualifying matter area, this approach avoids predetermining the outcome of the Takutai Kāpiti project. However, this approach would rely on the Jacobs' Assessment being available within sufficient time to enable it to inform the development of

the Intensification Plan Change. In order to be included within the draft plan change in April 2022, the Assessment would need to be available by the end of February 2022.

18. If the Jacobs' Assessment is not available, option 2 would be the next most appropriate option. However, this could lead to a situation where the Intensification Plan Change proposes intensification in areas that the Jacobs' Assessment (once it becomes available in the future) identifies as potentially affected by coastal erosion hazard. This may make it more difficult for the Takutai Kāpiti project to recommend a range of options for these areas.
19. Should the Jacobs Assessment be released after the Intensification Plan Change is notified, or after the Assessment can be used to inform the development of the plan change, this would likely result in parts of the Intensification Plan Change being contrary to the NZCPS and NPS-UD policies identified in the 'Policy Context' section above. To avoid this situation, the Council would need to make a submission on the Intensification Plan Change introducing the Jacobs' Assessment, and seek that areas identified as potentially susceptible to coastal erosion hazard are provided for as a qualifying matter. While this may achieve a similar outcome to option 4, it is an inefficient process that would involve Council submitting on its own plan change to seek what could be a relatively substantial change.
20. Note that options 2, 3 and 4 rely in justifying coastal erosion hazard as a qualifying matter to varying degrees. The process for justifying a qualifying matter is outlined in Appendix C.

Recommendations

21. Based on the discussion and options outlined above, this paper makes the following recommendations:
 - a) The SLT note that coastal erosion hazard would meet the definition of a qualifying matter (as outlined in para. 10);
 - b) The SLT note the principles for addressing coastal erosion hazard through the Intensification Plan Change (as outlined in para. 12);
 - c) Where the Jacobs' Assessment is available, option 4 (refer para. 16) is recommended as the most appropriate option. This option uses the Jacobs' Assessment to justify the existence and extent of areas potentially susceptible to coastal erosion hazard as a qualifying matter. Rather than enabling intensification within this area, existing District Plan provisions are maintained until they are reviewed under the future coastal plan change. In order to incorporate this option into the draft Intensification Plan Change, the Jacobs' Assessment would need to be available by the end of February 2022.
 - d) Where the Jacobs' Assessment is not available, option 2 (refer para. 16) is recommended as the next most appropriate option. This option maintains the existing 1999 District Plan coastal yards at Paekākāriki, Raumati and Paraparaumu, and is unlikely to require any further evidence. However, the risk with this option is that it ends up enabling intensification in areas that may subsequently be identified as being potentially susceptible to coastal erosion hazard.
 - e) Should the Jacobs' Assessment be released after the Intensification Plan Change is notified, or after the Assessment can be used to inform the development of the plan change, the Council may need to consider submitting on the plan change to introduce the Jacobs' Assessment and seek that areas identified as potentially susceptible to coastal erosion hazard are provided for as a qualifying matter. While this may achieve a similar outcome to option 4, it is an inefficient process that would involve Council submitting on its own plan change to seek what could be a relatively substantial change.

Appendix A – Existing 1999 District Plan Building Line Restrictions

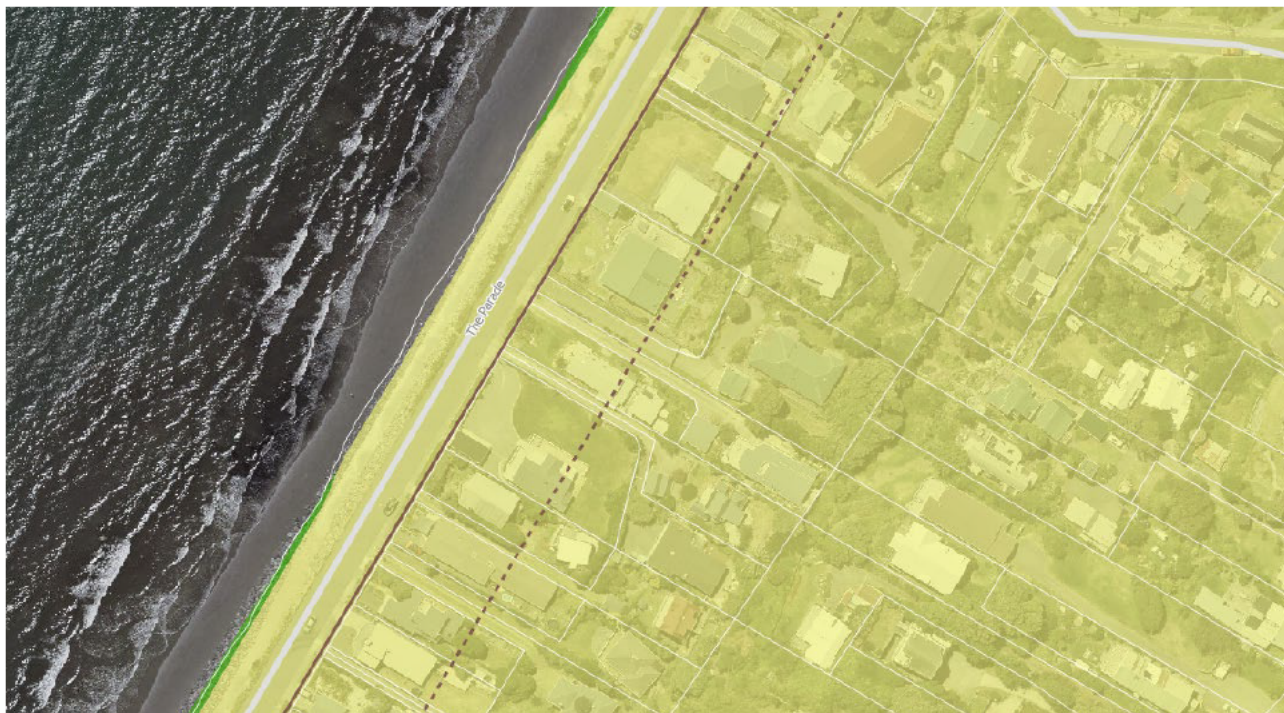


Figure 1: aerial image showing existing 1999 district plan building line restrictions at Paekākāriki. The solid brown line is the building line restriction (buildings on the seaward side of this line are a discretionary activity). The dashed brown line is the relocatable building line. Buildings on the seaward side of this line must be relocatable.



Figure 2: the same 1999 district plan building line restrictions shown at Raumati Beach.

Appendix B – Alternative Sources of Evidence to potentially justify a Qualifying Matter

Potential source of evidence	Comments
Coastal Erosion Assessments (Coastal Systems Limited 2008 & 2012)	- The assessment was initially intended to inform the inclusion of coastal hazard lines within the Kāpiti Coast Proposed District Plan. - The assessments are 9 years old and would not be based on the latest Ministry for the Environment "Coastal Hazards and Climate Change, Guidance for Local Government" (Ministry for the Environment, 2017). - In 2014, an external review by a panel of coastal experts found that the hazard lines outlined in the assessment were not sufficiently robust to be included in the District Plan¹⁰.
Greater Wellington Regional Council Tsunami Evacuation Zones (Greater Wellington Regional Council ¹¹)	- The mapping is to identify three tsunami zones corresponding to varying threat levels. - The purpose of the mapping is to inform "the development of tsunami evacuation plans, public awareness, self-evacuation and official civil defence emergency management or emergency services evacuations in the event of a tsunami", rather than urban development planning. - Because they relate to different subject matter, it would be inappropriate to use tsunami evacuation maps to inform a coastal erosion hazard qualifying matter. - While it may be possible to consider tsunami threat as a qualifying matter in its own right, this would potentially be inconsistent with the approach adopted by the Operative District Plan, which is to address tsunami hazard through evacuation rather than district plan rules (see policy NH-EQ-P18).
Preparing Coastal Communities for Climate Change – Assessing coastal vulnerability to climate change, sea level rise and natural hazards (Mitchell Daish, 2019)	- This report provides a regional assessment of the vulnerability of particular coastal communities to the effects of climate change in terms of sea level rise and increased coastal inundation and erosion. - The assessment is a high level multi-criteria assessment intended to inform further work with coastal communities to develop strategies to adapt to changing climate conditions and the effects of sea level rise. - The assessment is conducted by mapping "coastal units" and then identifying relative vulnerability within each coastal unit on a scale from "less vulnerable" to "more vulnerable". - The spatial extent of each coastal unit is defined based on the landward boundary of the area impacted by a 100-year storm event, with a 1 metre rise in sea level. It is noted that this approximates the orange tsunami zone identified by the Greater Wellington Regional Council (p.26). - Because the method of mapping coastal units is not based on coastal erosion hazard, it would be inappropriate to use the spatial extent of the coastal units to identify a coastal erosion hazard qualifying matter.

¹⁰ Jacobs (July 2021). *Kāpiti Coast Coastal Hazard Susceptibility and Vulnerability Assessment Volume 1: Methodology*, p36.

¹¹ <https://data-qwrc.opendata.arcgis.com/datasets/4bbdd750fe6d400cb5616ccd290fce82/explore>

Appendix C – Process for justifying a Qualifying Matter (using Coastal Erosion Hazard as an example)

The following table outlines a template process for justifying a qualifying matter, using coastal erosion hazard as a worked example. This is shown for the purposes of demonstrating how a qualifying matter would be provided for through the Intensification Plan Change and is not intended to represent a final analysis of how coastal erosion hazard would be provided for as a qualifying matter. Items shown in red are to be confirmed once an approach for providing for coastal erosion hazard as a qualifying matter has been adopted.

Step	RMA reference ¹²	Analysis
Step 1: is the matter a qualifying matter?	RMA s77G; or RMA s77L; or NPS-UD cl3.31(1)(b)	- A matter required in order to give effect to a national policy statement is a qualifying matter under ss77G(b) or 77L(b). - Policy 25 of the New Zealand Coastal Policy Statement requires that, "in areas potentially affected by coastal hazards over at least the next 100 years: (a) avoid¹³ 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. - Changing the District Plan to provide for increased levels of residential and commercial development in areas potentially effected by coastal erosion hazard would be contrary to policies 25(a) and (b) of the NZCPS. - Areas potentially effected by coastal erosion hazard are a qualifying matter on the basis that providing for intensification in these areas would reduce the degree to which the District Plan gives effect to policy 25 of the NZCPS.
Step 2: what is the spatial extent of the qualifying matter?	RMA s77H(2)(a)(i); or RMA s77M(2)(a)(i); or NPS-UD cl3.33(2)(a)(i)	[TBC. To be determined based on selected option]
Step 3: why is the qualifying matter incompatible with the level of development permitted by the MDRS or directed by policy 3 of the NPS-UD?	RMA s77H(2)(a)(ii); or RMA s77M(2)(a)(ii); or NPS-UD cl3.33(2)(a)(ii)	- The level of development permitted by the MDRS and directed by policy 3 of the NPS-UD is greater than that provided for in the Operative District Plan. - Without the consideration of a qualifying matter, this would have the effect of permitting or enabling increased levels of development within areas potentially affected by coastal erosion hazard. - This is considered incompatible with the requirement to give effect to policy 25 of the NZCPS.
Step 4: what level of development is proposed for the qualifying matter area?		- The proposed level of development for the qualifying matter area is the same as the level of development permitted by the Operative District Plan. - To achieve this, it is proposed that the existing Operative District Plan rules apply within the qualifying matter area.
Step 5: assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity.	RMA s77H(2)(b); or RMA s77M(2)(b); or NPS-UD cl3.33(2)(b)	[TBC. This would be a high-level assessment and involve: - Identifying the area/number of properties subject to the qualifying matter; - Assessing whether, based on the area affected in relation to the total area, this is likely to have a high or low impact on development capacity; - If it is likely to have a high impact, further quantification may be required, such as a high-level estimate of the number of plan-enabled dwellings not provided for as a result of the qualifying matter.]

¹² As modified by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

¹³ The Supreme Court has determined that under the RMA, the term 'avoid' means to "not allow" or to "prevent the occurrence of". See *Environmental Defence Society Inc. v The New Zealand King Salmon Company Ltd.* SC 82/2013. [2014] NZSC 38 at para. 96.

Step 6: assess the costs and broader impacts of imposing those limits.	RMA s77H(2)(c); or RMA s77M(2)(c); or NPS-UD cl3.33(2)(c)	[TBC. This would be a high-level assessment of the benefits and costs of providing for the qualifying matter.]
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