MITCHELL DAYSH

HAWKE'S BAY REGIONAL COUNCIL

CONSENTABILITY OF SHORT-TERM ADAPTATION RESPONSES

Stage 4 Clifton to Tangoio Coastal Hazard Strategy 2120

July 2020

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Report Status	Final
Our Reference	MDL001088
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1. INTRODUCTION

Clifton to Tangoio Coastal Hazard Strategy 2120 (**"the Strategy"**) is entering into Stage 4 of a four-stage development process. Stage 4 will culminate in the identification of a clear implementation plan which will identify the actions required to implement the preferred adaptation pathways identified as part of Stage 3 of the Strategy development process.

This report discusses the consentability of the short-term adaptation responses identified as part of Stage 3 of the Strategy development process. The report forms part of the background investigations being undertaken by the Technical Advisory Group (**"TAG"**) as part of wider programme of works associated with Stage 4 of the Strategy.

The report focuses on the short-term adaptation responses (i.e. those within a 0 to 20 year horizon) as these are the most likely to be implemented within the planning horizon of the relevant regional and district planning (which typically have a 10 year planning horizon). The regulatory environment will change beyond this timeframe, therefore evaluating medium to long term adaptation responses (from 20 to 50 year and 50 to 100 year horizons) as part of this report has limited utility.

1.1 PURPOSE OF THE REPORT

The purpose of this report is to:

- Provide an overview of the Strategy and the adaptation pathways identified for each priority unit;
- Summarise the engineering concept designs developed in response to the identified short-term pathway for each priority unit;
- Identify the local planning context and the key environmental values ascribed to each priority unit;
- Provide a high-level overview of the planning framework and the key provisions that are likely to be determinative to the resource consent process; and,
- Identify the high-level resource consent requirements, the key consenting challenges based on the environmental values and the planning framework and identify methodologies for mitigating those challenges.

A separate but associated Policy and Regulatory Review report[1] identifies the key policy and regulatory issues that may hinder the implementation of the Hawke's Bay Coastal Hazard Strategy and identifies potential solutions for addressing those issues. This report is primarily focused on consentability under the Resource Management Act 1991 (**"RMA"**)

[1] Mitchell Daysh Limited, 2020. Hawke's Bay Regional Council Stage 4 Regulatory Review: Clifton to Tangoio Coastal Hazard Strategy 2120.

and identifies other statutes or matters to be considered that are often raised as part of the RMA consenting process.

1.2 STRUCTURE OF THE REPORT

The report is structured as follows:

Section 1: Sets out the purpose of the report.

Section 2: Summarises the context of the Clifton to Tangoio Coastal Hazard Strategy 2120.

Section 3: Provides an overview of the priority units including a description of the adaptation response, the engineering concept design, the District and Regional Coastal Plan context and the environmental values ascribed to the unit.

Section 4: Provides a high-level overview of the regulatory framework under which resource consents will be evaluated. For the purposes of this assessment, emphasis has been placed on those key provisions considered to be determinative to the resource consent outcome.

Section 5: Identifies the key consenting issues for each unit, or units with similar consenting or environmental settings, and potential methodologies for managing those risks.

Section 6: Investigates three case studies relating to the implementation of coastal protection structures, two within the region and one from outside the region.

Section 7: Concluding statements

2. THE CLIFTON TO TANGOIO COASTAL HAZARD STRATEGY 2120

2.1 OVERVIEW

The Strategy represents a co-ordinated approach to identifying and responding to coastal hazards and the influence of sea level rise over the next 100 years. It provides a platform for long-term planning and decision making.

The Strategy has been developed through a Joint Committee formed by representatives from the Hawke's Bay Regional Council (**"HBRC"**), the Napier City Council (**"NCC"**), and the Hastings District Council (**"HDC"**) alongside representatives of the Maungaharuru-Tangitū Trust, Mana Ahuriri Trust and Heretaunga Tamatea Settlement Trust.

The Strategy:

- Covers the coastal area between Clifton to Tangoio;
- Seeks to develop a planned response to coastal hazards out to the year 2120:
- Assesses and responds to the following coastal hazards:
    - Coastal erosion (storm cut, trends, effects of sea level rise)
    - Coastal inundation (storm surge, set-up, run-up, overtopping and sea level rise)
- Incorporates climate change as an overriding influence.[2]

The vision of the Strategy is:

> *That coastal communities, businesses and critical infrastructure from Tangoio to Clifton are resilient to the effects of coastal hazards.*

2.2 STRATEGY DEVELOPMENT PROCESS

The Strategy was initiated in 2014 with the establishment of a Technical Advisory Group (**"TAG"**) formed by senior Council staff and advisors, and the Clifton to Tangoio Coastal Hazards Strategy Joint Committee (**"Joint Committee"**). The Strategy is being developed in four key stages, followed by an ongoing monitoring and review process (**Figure 1**).

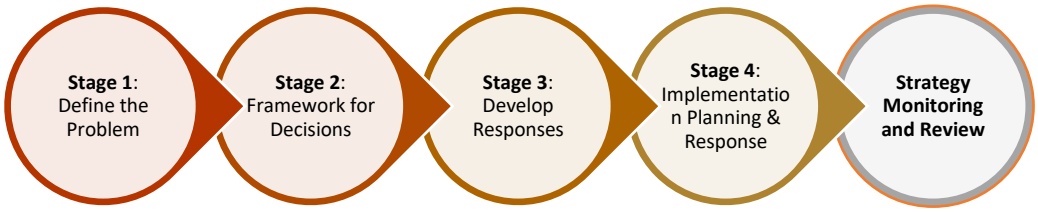

Figure 1: Clifton to Tangoio Coastal Hazard Strategy – Process of Development

Stage 1 commenced in late 2014. Fundamental to Stage 1 was the identification of the extent of coastal erosion and coastal inundation hazards out to 2120, and the risks these present. This technical study was undertaken by Tonkin & Taylor with oversight from TAG and the Joint Committee. This work resulted in two reports being produced: Coastal Hazards Assessment[3] and Coastal Risk Assessment[4]. The coastal hazard assessment work was independently peer reviewed by Professor Paul Kench of Auckland University.

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[2] Note the Strategy did not include consideration of tsunami risks or ground water table rises.

[3] Tonkin & Taylor, 2016. Clifton to Tangoio Coastal Hazards Strategy 2120 - Coastal Hazard Assessment.

[4] Tonkin & Taylor, 2016. Hawke's Bay Coastal Strategy - Coastal Risk Assessment.

A mapping tool was also developed to show the newly mapped hazard extents. This information is provided through the Hawke's Bay Hazard Information Portal at: http://www.hbemergency.govt.nz/hazards/portal.

Stage 2 comprised development of a bespoke decision-making framework for the 100-year Strategy by Mitchell Daysh Limited[5], based on a community decision-making model and utilising a range of decision making tools including Multi-Criteria Decision Analysis process (**"MCDA"**), Dynamic Adaptive Planning Pathways (**"DAPP"**) and Real Options Analysis (**"ROA"**). During this stage, a funding model think-piece report was prepared by Maven Consulting[6]. The preliminary funding model identified options for how planned responses to coastal hazards risks identified in the Strategy might be paid for. The report covers public / private benefits, the sharing of costs between Councils, and mechanisms for securing funds, including the proposed establishment of a Coastal Contributory Fund. Marven Consulting also prepared social impact assessments for each of the Priority Units.[7] Stage 2 was completed at the end of 2016.

Stage 3 saw the implementation of the decision-making framework that was developed in Stage 2 to arrive at recommended responses to coastal hazards risks over the 100-year strategy period. The process was undertaken by two Community Assessment Panels, and their recommendations were presented to the Joint Committee in February 2018. The recommendations of the Community Assessment Panels were adopted by the Joint Committee on 20 February 2018 and were subsequently endorsed and adopted by the three member Councils in principle in order to progress to Stage 4.[8]

Stage 4 involves the development of an Implementation Plan for the coastal hazard responses recommended in Stage 3. Stage 4 will include the sequencing of works to be implemented in the short-term, and the identification of any supporting funding and policy actions, including potential regional and district plan changes. Stage 4 will also see the development of triggers (decision points) to determine when to transfer to the next (or different) coastal hazard response option for each priority unit of the Strategy area. The completion of Stage 4 should culminate in the partner Councils deciding whether to endorse and adopt the Strategy itself

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5 Mitchell Daysh, 2017. Clifton to Tangoio Coastal Hazards Strategy 2120 – Stage Two Report: Decision Making Framework.

6 Maven & Environmental Management Services Limited, 2016. Stage Two – Clifton to Tangoio Coastal Hazards Strategy 2120: Hazards Response Funding Model.

7 Marven Consulting, 2017. Coastal Hazards and Social Impact Assessment and Valuation for Ahuriri/Pandora, Westshore, Bay View and Whirinaki and a later 2017 assessment titled Cape Coast Area Coastal Hazards Social Impact Assessment and Valuation, prepared by Marven Consulting.

8 Hawke's Bay Regional Council 28 March 2018, Napier City Council 9 April 2018 and Hastings District Council 22 March and 28 June 2018.

2.3 OVERVIEW STAGE 3 ASSESSMENT PANEL RECOMMENDATIONS

Stage 3 of the Strategy culminated in the two Community Assessment Panels making recommendations to the Joint Committee regarding their preferred adaption pathways for each of the Strategy's priority units. The adaptation pathways identified for each of the nine priority units within the Strategy area are shown in **Table 1** below.

Table 1: Overview of the Assessment Panel adaptation pathway recommendations as part of the Strategy.

Unit	Short-term (0-20 years)		Medium Term (20-50 years)		Long Term (50-100 years)
Northern Panel					
Ahuriri	Status quo	→	Sea wall	→	Sea wall
Pandora	Inundation Protection	→	Inundation Protection	→	Inundation Protection
Westshore	Renourishment	→	Renourishment + Control Structures	→	Renourishment + Control Structures
Bay View	Status Quo / Renourishment	→	Renourishment + Control Structures	→	Renourishment + Control Structures
Whirinaki	Status Quo / Renourishment	→	Renourishment + Control Structures	→	Sea wall
Southern Panel					
Clifton	Sea wall	→	Sea wall	→	Managed Retreat
Te Awanga	Renourishment + Groynes	→	Renourishment + Groynes	→	Renourishment + Groynes
Haumoana	Renourishment + Groynes	→	Renourishment + Groynes	→	Managed Retreat
Clive / East Clive	Status Quo	→	Renourishment + Groynes	→	Retreat the Line / Managed Retreat

3. OVERVIEW OF PRIORITY UNITS

On behalf of the TAG, staff of HBRC's Engineering Section have undertaken the modelling, concept design and costing of the preferred short-term pathways as part of Stage 4 of the Strategy.[9]

In the following sections, a high-level overview of the preliminary engineering and concept designs developed for each priority unit is provided, followed by a high-level evaluation of the relevant regional and district plan zoning and the key values ascribed to each site. These values have been identified based on mapping with the relevant regional and district plans, information sourced from nearby resource consent applications, social and cultural impact assessments undertaken as part of the Strategy development process and general knowledge of the area.

For a detailed account of the engineering and concept designs, including costs, refer to the following to source reports:

- Beya, J. and Asmat, C. (2019) Design of Groynes and Nourishment – Clifton to Tangoio 2120 Strategy – Stage 4, Wave, Shoreline Evolution and Gravel Barrier Response Modelling. Groynes Design and Cost Estimates. HBRC Draft report.
- Beya, J. and Asmat, C. (2020) Short-term concept design and costing for Pandora Unit, Clifton to Tangoio 2120 Coastal Strategy – Design Work Stream. HBRC Draft report.

As retention of status quo is the short-term pathway for both Ahuriri and Clive, no further analysis of these sites has been undertaken as part of this consentability report.

3.1 WHIRINAKI

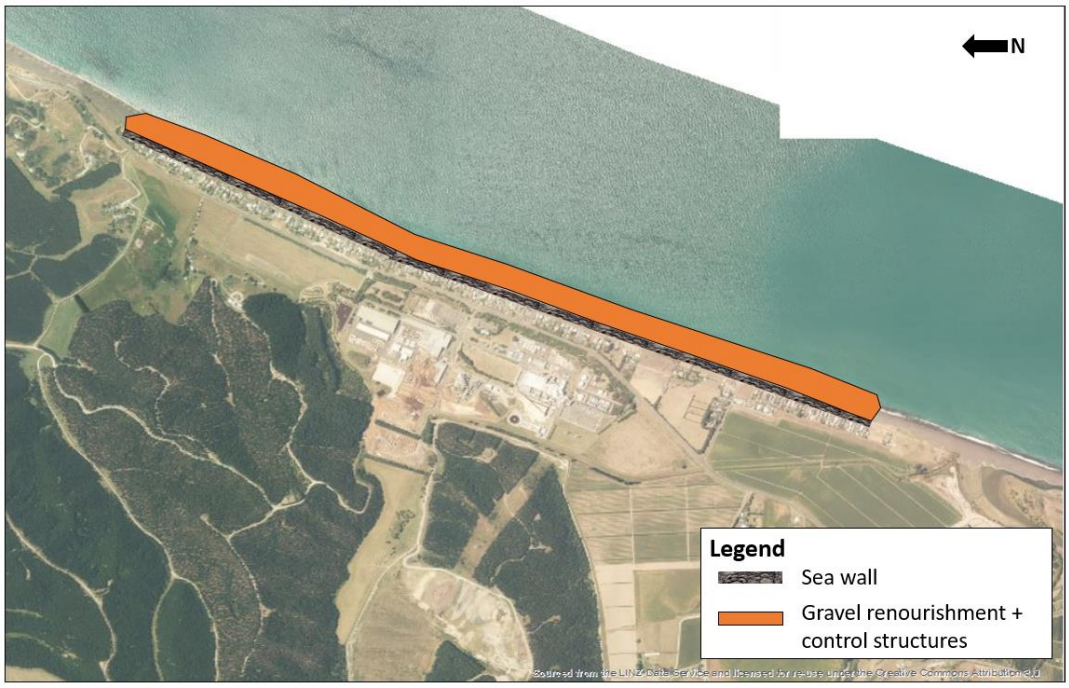
3.1.1 Whirinaki Short-term Adaptation Response

The Northern Assessment Panel identified the following preferred short, medium- and long-term adaptation responses for the Whirinaki priority unit as part of the Stage 3 Evaluation Process of the Strategy:[10]

[9] Note that these concepts and costings have not been considered or endorsed by the Community Panels, the Joint Committee or any of the associated member agencies.

[10] Section 8.6, Report of the Northern and Southern Cell Assessment Panels (2018).

UNIT B: WHIRINAKI – PATHWAY 4				
Short-term (0 – 20 years)	→	Medium term (20 – 50 years)	→	Long term (50 – 100 years)
Status Quo / Renourishment	→	**Renourishment + Control Structures**	→	**Sea wall**



Further modelling and engineering concept design for this priority unit has identified that in the short-term, renourishment may not be required. If renourishment is required (as per one of the design options being considered) it would likely be in the order of 3,000 m^3/y.

3.1.2 Regional and District Planning Provisions

The Whirinaki Unit is located within the jurisdiction of the HBRC and HDC.

Whirinaki Zoning

The coastal interface of the Whirinaki priority unit is located within the Open Space Zone of the Hastings District Plan. To the west of the Open Space Zone is the residential area of Whirinaki which is primarily zoned for Coastal Settlement Purposes.

An overview of the key zones that apply to this area under the Hastings District Plan is provided in **Figure 2**.

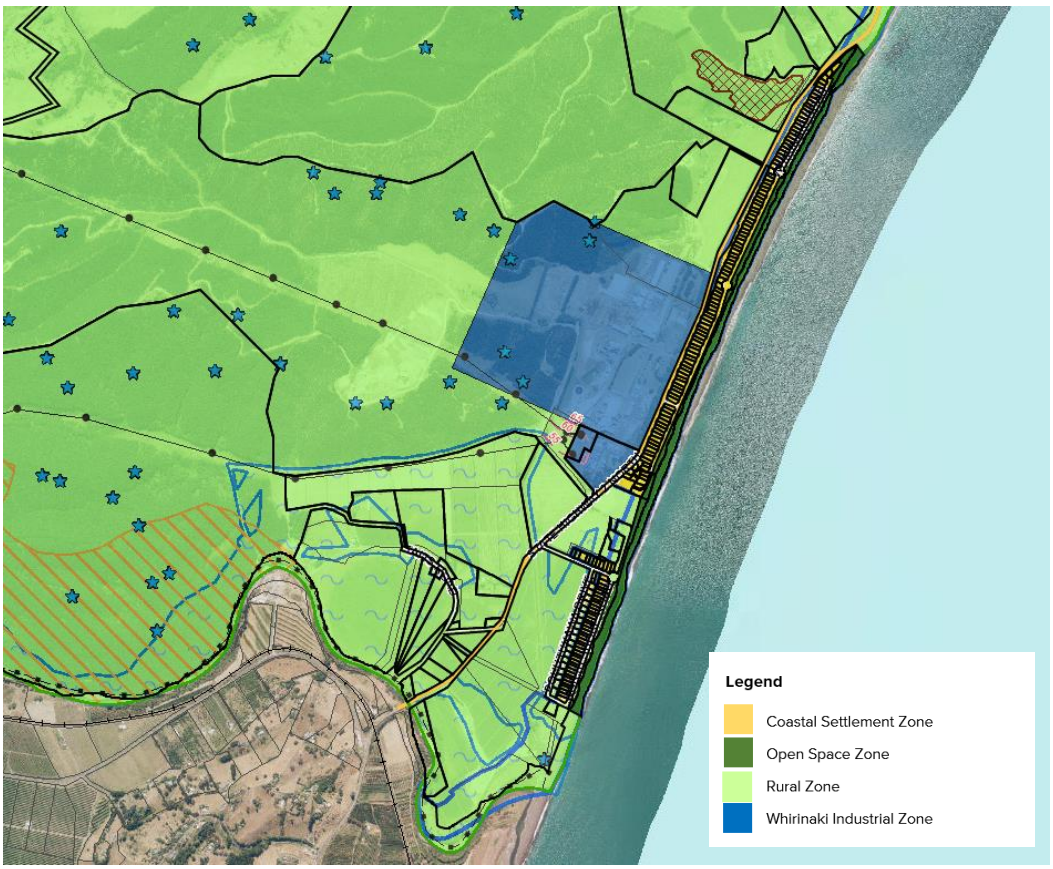


Figure 2: Zoning of the Whirinaki Priority Unit and surrounds under the Hastings District Plan.

Under the Regional Coastal Environment Plan, Whirinaki is located within the Coastal Environment. The landward area is also located within the Coastal Hazard 1 and 2 Zones. The foreshore area is subject to a Class CR (HB) Water overlay.

An overview of the key zones that apply to this area under the Regional Coastal Environment Plan in **Figure 3**. The HBRC Hazards Portal also contains update to date mapping on coastal hazards within this area.[11]

Figure 3: Zoning of the Whirinaki Priority Unit and surrounds under the Hawke's Bay Regional Coastal Environment Plan.

[11] https://hbmaps.hbrc.govt.nz/hazards/

Key Environmental Values

The key environmental values at and in the vicinity of the Whirinaki priority unit are set out below.

- The relevant District and Regional Plans do not identify any areas of significant ecological, landscape or character value at, or surrounding, the Whirinaki priority unit.
- As identified on the HBRC Pātaka mapping resource, the area lies within the Ngati Kahungunu iwi boundary and Te Taiwhenua O Te Whanganui-a-Orotū. The Treaty Partner Land Area associated with Mana Ahuriri and Maungaharuru-Tangitū Trust, respectively, also overlays the landward area and the Kahungunu ki Te Matau a Māui Rohe Moana over the coastal areas.
- Offshore reefs, including those areas north of Whirinaki, are of cultural significance in this area. Old urupā (still in use) is located at the end of North Shore Road.[12]
- The area is a semi-rural environment and is known for its mountain bike park, kayaking and pleasant beach environment. [13]
- The area does not have a long settlement history; however, it is located close to the outstanding archaeological sites associated with a former whaling station.
- The area is part of the Whirinaki Recreation Reserve.

Likely Resource Consents Required

The likely resource consents required to implement the short-term adaptation response at Whirinaki is set out in **Table 2**.

The offshore (below mean high water spring) renourishment activities will likely require resource consent as a restricted discretionary activity under the Regional Coastal Environment Plan. Based on the information available, no resource consents are required under the Hastings District Plan as the renourishment activities will be located offshore (beyond HDC's jurisdiction).

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[12] As identified as part of the Stage 3 of the multi-criteria decision-making analysis process for the Northern Assessment Panel. Criteria specifically related to the relationships of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu and other taonga.

[13] Marven Consulting, 2017. Coastal Hazards and Social Impact Assessment and Valuation for Ahuriri/Pandora, Westshore, Bay View and Whirinaki.

Table 2: Summary of likely consent requirements at Whirinaki. Blue shading identifies consents required from the HBRC.

Consent Requirement	Activity Status
Renourishment resulting in deposition of material on the foreshore or seabed in quantities less than 50,000m^3	Restricted Discretionary[14]

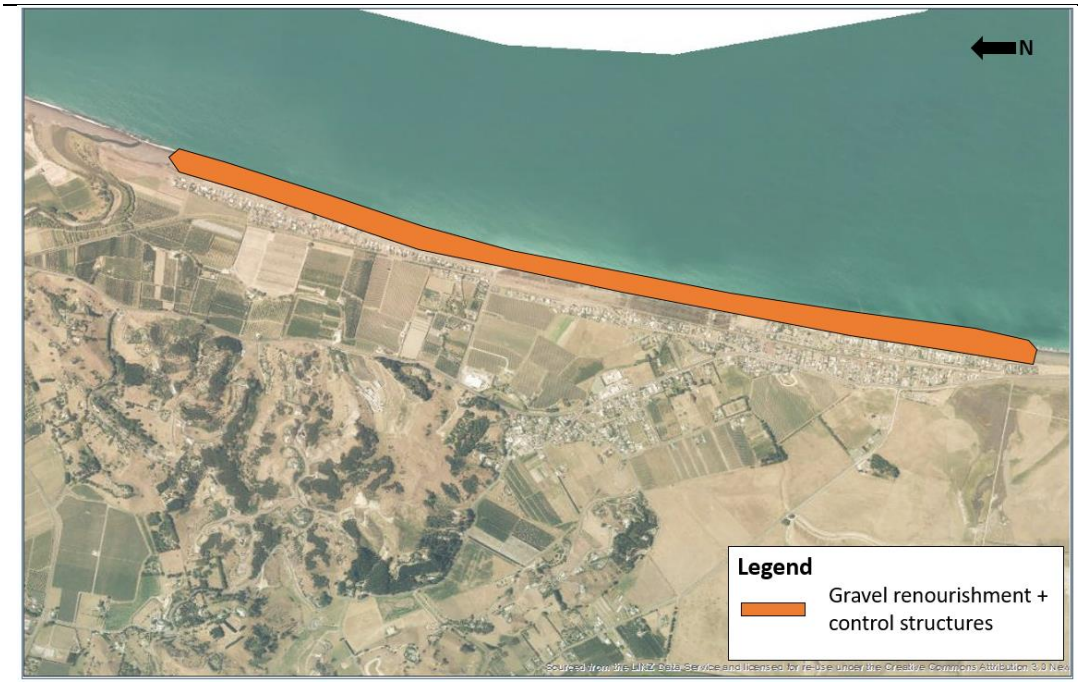
[14] Rule 151, Hawke's Bay Regional Coastal Environment Plan.

3.2 BAY VIEW

3.2.1 Bayview Short-term Adaptation Response

The Northern Assessment Panel identified the following preferred short, medium and long-term adaptation responses for the Bayview priority unit as part of the Stage 3 Evaluation Process as part of the Strategy:[15]

UNIT C: BAY VIEW – PATHWAY 3				
Short-term (0 – 20 years)	→	Medium term (20 – 50 years)	→	Long term (50 – 100 years)
Status Quo / Renourishment	→	**Renourishment + Control Structures**	→	**Renourishment + Control Structures**



Further modelling and engineering concept design for this priority unit has identified that in the short-term, gravel renourishment will be required along the coastline of the priority unit. Modelling and subsequent engineering concept designs have identified that renourishment of this area will require between 7,500 to 20,500 m^3/y.

3.2.2 Regional and District Planning Provisions

The Bayview Unit is located within the jurisdiction of the HBRC and NCC.

[15] Section 8.5, Report of the Northern and Southern Cell Assessment Panels (2018).

Zoning

The residential community of Bay View is located within the Rural Settlement Zone of the City of Napier District Plan. The coastal interface is zoned Foreshore Reserve, with much of the area also being overlaid by the Coastal Hazard Zone.

The District Plan also identifies two features of significance in this area, an area of significance to Maori[16] associated with Keteketerau (the opening of the estuary) and an archaeological site[17] associated with an arrowhead design pill box.

An overview of the key zones that apply to this area under the Napier District Plan is provided in **Figure 4.**

[16] Area of Significance to Maori, Keteketerau – Opening of estuary, Reference M10.

[17] Archaeological Site, Pill Box, Reference V21/261.

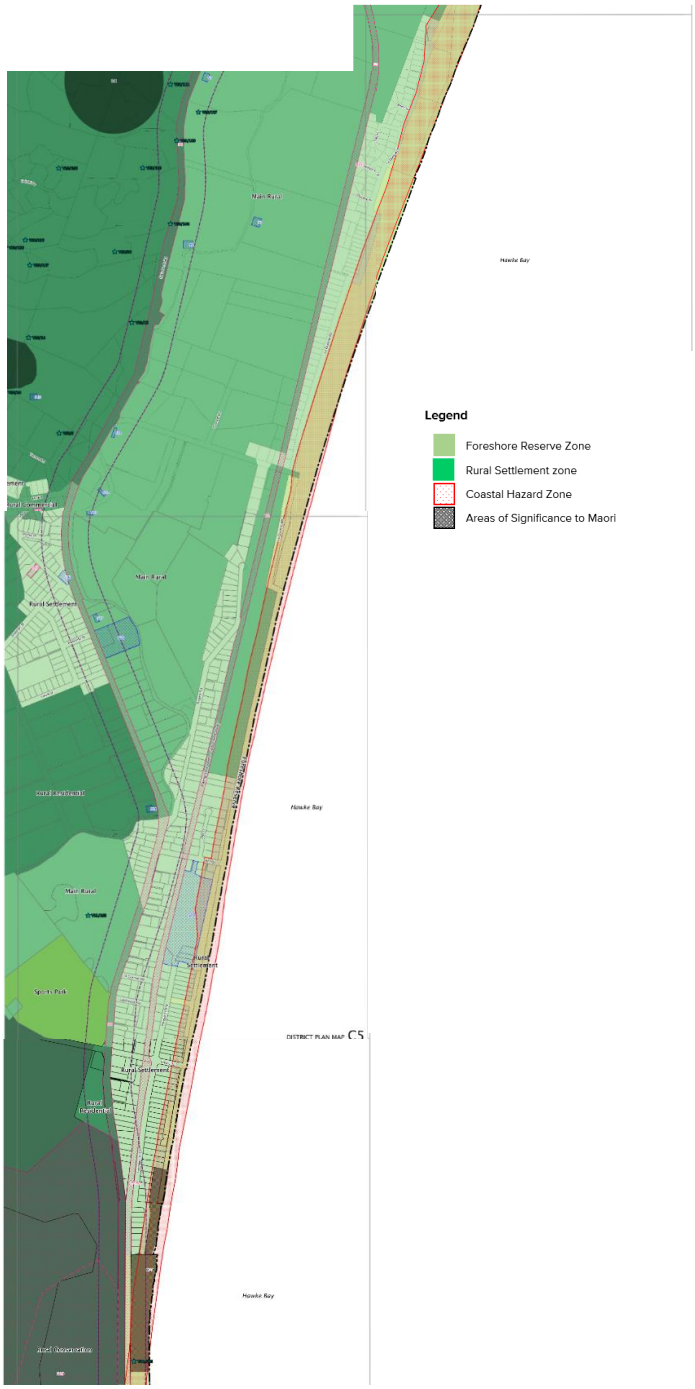


Figure 4: Zoning of the Bay View Priority Unit and surrounds under the Napier District Plan.

Bayview is also located within the Coastal Environment, as mapped in the Regional Coastal Environment Plan. There are currently no coastal hazard zones identified in the Regional Coastal Environment Plan for Westshore to Bay View coastline. The foreshore

area is also subject to a Class CR (HB) Water overlay (**Figure 5**). The HBRC Hazards Portal also contains update to date mapping on coastal hazards within this area.[18]

Figure 5: Zoning of the Bay View Priority Unit and surrounds under the Hawke's Bay Regional Coastal Environment Plan.

Key Environmental Values

The key environmental values at and in the vicinity of the Bay View priority unit are set out below.

[18] https://hbmaps.hbrc.govt.nz/hazards/

- The relevant District and Regional Plans do not identify any areas of significant ecological, landscape or character value at, or surrounding, the Bay View priority unit.[19]
- As identified on the HBRC Pātaka mapping resource, the area lies within the Ngati Kahungunu iwi boundary and Te Taiwhenua O Te Whanganui-a-Orotū. The Treaty Partner Land Area associated with Mana Ahuriri and Maungaharuru-Tangitū Trust also overlays the landward area and the Kahungunu ki Te Matau a Māui Rohe Moana over the coastal areas.
- Offshore reefs, including those areas north of Whirinaki, are of cultural significance in this area.[20]
- Bay View is valued for its vibrant rural lifestyle and strong connections through second and third generation residents. The area is also value for its coastal cultural heritage. [21]
- The District Plan identifies two features of significance in this area, an area of significance to Maori[22] associated with Keteketerau (the opening of the estuary) and an archaeological site[23] associated with an arrowhead design pill box.

Likely Resource Consents Required

The likely resource consents required to implement the short-term adaptation response at Bay View is set out in **Table 3**.

The offshore (below mean high water spring) renourishment activities will likely require resource consent as a restricted discretionary activity under the Regional Coastal Environment Plan.

Based on the information available, no resource consents are required under the City of Napier District Plan as the removal and/or deposition of sediment and/or beach single above mean high water springs is a permitted activity provided the maximum deposition

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19 Note the City of Napier District Plan is currently being reviewed, with the proposed plan due for notification mid-2021. Due to timing, this report does not take the proposed plan into account as it does not currently have any legal status. The consentability of the three Priority Units within the Napier City District may therefore need to be reviewed into the future.

20 As identified as part of the Stage 3 of the multi-criteria decision-making analysis process for the Northern Assessment Panel. Criteria specifically related to the relationships of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu and other taonga.

21 Marven Consulting, 2017. Coastal Hazards and Social Impact Assessment and Valuation for Ahuriri/Pandora, Westshore, Bay View and Whirinaki.

22 Area of Significance to Maori, Keteketerau – Opening of estuary, Reference M10.

23 Archaeological Site, Pill Box, Reference V21/261.

rate does not 50,000m^3/year and the activity must relate to renourishment within the Foreshore Reserve Zone.[24]

Table 3: Summary of likely consent requirements at Bay View. Blue shading identifies consents required from the HBRC.

Consent Requirement	Activity Status
Renourishment resulting in deposition of material on the foreshore or seabed in quantities less than 50,000m^3	Restricted Discretionary[25]

[24] Rule 44.6, City of Napier District Plan.

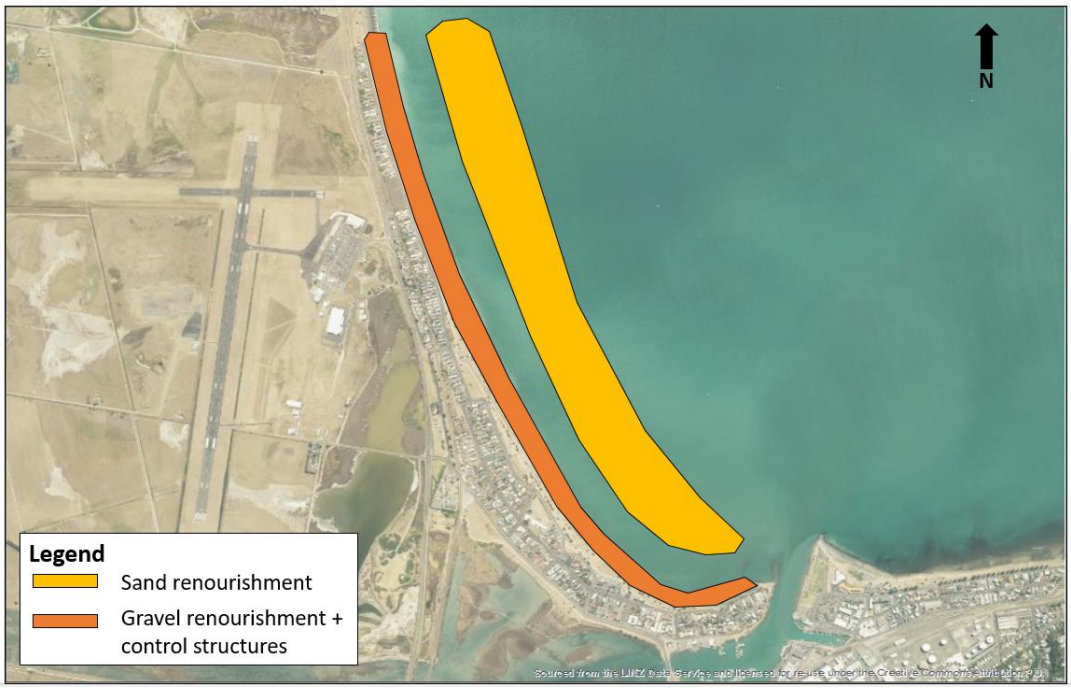
[25] Rule 151, Hawke's Bay Regional Coastal Environment Plan.

3.3 WESTSHORE

3.3.1 Westshore Short-term Adaptation Response

The Northern Assessment Panel identified the following preferred short, medium- and long-term adaptation responses for the Westshore Priority Unit after completing the Stage 3 Evaluation Process as part of the Strategy:[26]

UNIT D: WESTSHORE – PATHWAY 3				
Short-term (0 – 20 years)	→	Medium term (20 – 50 years)	→	Long term (50 – 100 years)
Renourishment	→	**Renourishment + Control Structures**	→	**Renourishment + Control Structures**



Further modelling and engineering concept design for this priority unit has identified that in the short-term, renourishment is likely to comprise of a combination of both sand and gravel renourishment as well was the extension of the existing gravel barrier at Westshore (Beya and Asmat, 2019).

For modelling and engineering concept design purposes, a 45m design distance was assumed for the gravel barrier, ensuring approximately 5m of clearance is available between the property boundary and the proposed barrier (**Figure 6**).

[26] Section 8.4, Mitchell Daysh Limited, 2018. Report of the Northern and Southern Cell Assessment Panels.

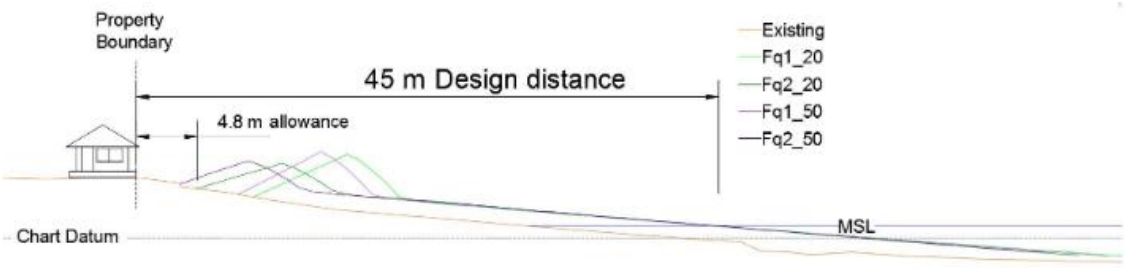


Figure 6: Design gravel barrier used to inform modelling and engineering design (Beya and Asmat, 2019).

Gravel barriers are only required in front of existing and future infrastructure that require protection or in location where the existing barrier height is lower than the proposed new gravel barrier crest height. Modelling identified that the portion of this Priority Unit where a gravel barrier is required in the short-term is at the northern end of Westshore. This is where houses and the road are close to the shore and where the existing barrier height is less than the proposed new barrier (**Figure 7**).

Figure 7: Approximate areas of the Westshore priority unit were an extension to the existing gravel barriers is required (Beya and Asmat, 2019).

Gravel and sand nourishment already take place at Westshore under two existing coastal permits. HBRC currently holds a permit[27] to undertake approximately 30,000m^3/y of renourishment in the Westshore area per year. The Port of Napier holds a permit[28] to dispose of dredged material off the coast of Westshore. Collectively these two consents enable the ability for significant volumes of gravel and sand renourishment to occur in the area, but those consents do not oblige the consent holders to compulsorily deposit material for renourishment purposes.

HBRC is currently considering two potential engineering concept designs for Westshore. Based on the larger of the two options the following renourishment activities will be required to implement the short-term adaptation response for Westshore:[29] Note that these figures assume that HBRC and the Port of Napier will utilise the maximum renourishment potential of their consents.

Initial Works[30]

- Construction of a 1.95km long gravel barrier along northern Westshore (**Figure 7**). The gravel barrier will have a cross sectional area of approximately 5.4m^2 and will require approximately 10,500m^3 of gravel to construct.
- Approximately 850,000m^3 of sand renourishment. This is to be undertaken as part of an initial capital works programme (over one to two years) and is in addition to the 1,000,000m^3 of sand renourishment that could be undertaken by the Port of Napier.

Ongoing maintenance works (to maintain the sandy beach)[31]

- Approximately 100,000m^3/y of sand renourishment. This is in addition to the existing 33,500m^3/y currently being deposited per year;
- Approximately 3,500m^3/y of gravel renourishment. This is in addition to the existing gravel nourishment of 15,300m^3/y being undertaken by HBRC.
- Approximately 528m^3/y of gravel associated with ongoing maintenance of the Westshore Gravel Barrier.

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27 Hawke's Bay Regional Council Consent Number LU160261D and LU160262E. Both consents lapse on 34 May 2027.

28 Hawke's Bay Regional Council Consent Number CD180012W.

29 Note that a number of modelling scenarios were developed for Westshore. Modelling Alternative B has been evaluated as it requires most significant sand and gravel volumes and accordingly, carries the greatest consenting risk. Note that based on discussions with Hawke's Bay Regional Council (pers comm J Beya), Alterative B or C are the most likely design scenario being considered at this time.

30 As part of Alternative B discussed in the Beya and Asmat, 2019. Design of Groynes and Nourishment – Clifton to Tangoio 2120 Strategy – Stage 4 Wave, Shoreline Evolution and Gravel Barrier Response Modelling. Groynes Design and Cost estimates. Note all volumes referred to in this section are derived from this report.

31 As part of Alternative B discussed in the Beya and Asmat, 2019. Design of Groynes and Nourishment – Clifton to Tangoio 2120 Strategy – Stage 4 Wave, Shoreline Evolution and Gravel Barrier Response Modelling. Groynes Design and Cost estimates. Note all volumes referred to in this section are derived from this report.

- Approximately 686 m^3/y of gravel per year to mitigate projected sea level rise.

The second engineering concept design[32] being considered by HBRC is a reduced version of the above and excludes the 850,000m^3 of initial sand nourishment and the associated annual maintenance renourishment of 100,000m^3/y.

3.3.2 Regional and District Planning Provisions

The Westshore priority unit is located within the jurisdiction of the HBRC and NCC.

Westshore Zoning

The areas of Westshore required to accommodate the proposed gravel barriers and associated beach renourishment are located within the Foreshore Reserve Zone of the City of Napier District Plan. This zone occupies much of the waterfront and is also overlaid by the Coastal Hazard Zone. The width of the Foreshore Reserve Zone narrows along northern Westshore and is immediately adjoined by the Northern Residential Zone.

The City of Napier District Plan also identifies two features of significance in this area - an archaeological site[33] associated with a military pill box and an archaeological site[34] associated with the remains of the former North British and Hawke's Bay Freezing Company (established in 1888).

[32] As part of Alternative C discussed in the Beya and Asmat, 2019. Design of Groynes and Nourishment – Clifton to Tangoio 2120 Strategy – Stage 4 Wave, Shoreline Evolution and Gravel Barrier Response Modelling. Groynes Design and Cost estimates. Note all volumes referred to in this section are derived from this report.

[33] Archaeological Site, Pill Box, Reference V21/259.

[34] Archaeological Site, Freezing Works, Reference V21/260.

An overview of the key zones that apply to this area under the City of Napier District Plan is provided in **Figure 8**.

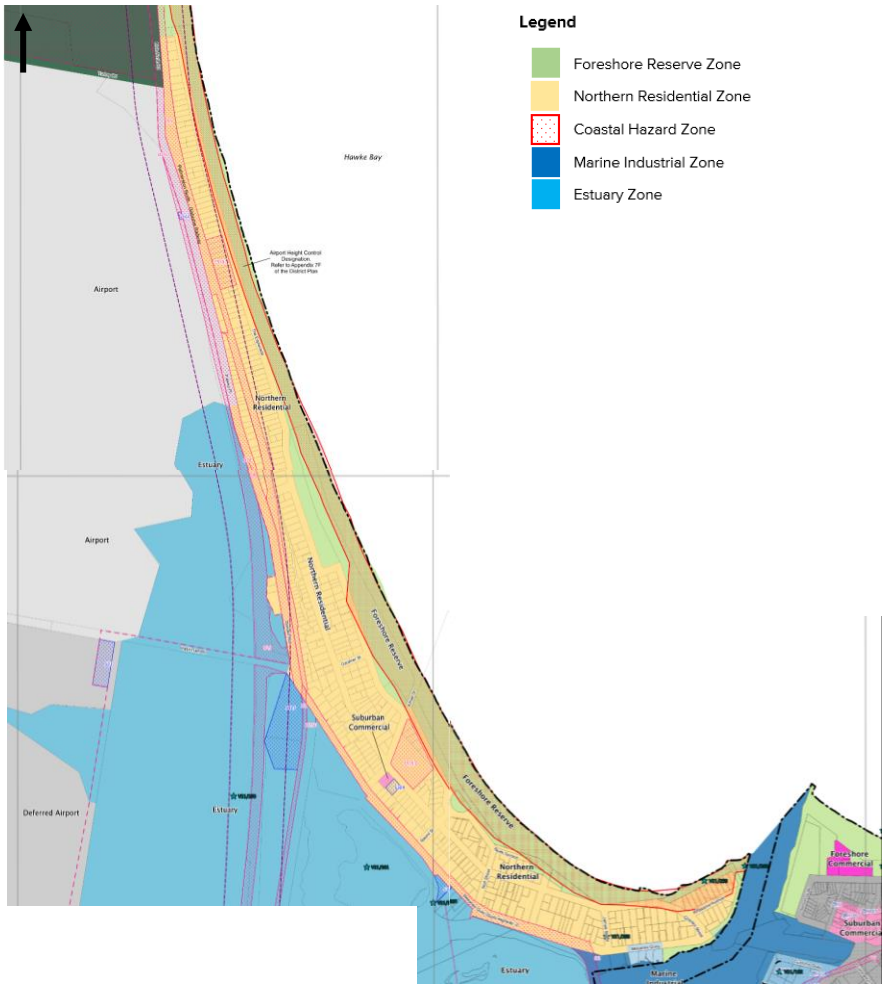

Figure 8: Zoning of the Westshore Priority Unit and surrounds under the Napier District Plan.

Under the Hawke's Bay Regional Coastal Environment Plan (**"Regional Coastal Environment Plan"**), the proposed gravel barriers and renourishment areas are all located within the Coastal Environment. The foreshore area is also subject to the "Westshore Renourishment Area" overlay, with the large "Dredge Disposal Area" overlay located immediately offshore. The seaward area of Westshore is subject to a CR(HB) Water classification. There are currently no coastal hazard zones identified in the Regional Coastal Environment Plan for the Westshore to Bay View coastline.

An overview of the key zones that apply to this site Regional Coastal Environment Plan is provided in **Figure 9**. The HBRC Hazards Portal also contains update to date mapping on coastal hazards within this area.[35]

Figure 9: Zoning of the Westshore Priority Unit and surrounds under the Hawke's Bay Regional Coastal Environment Plan.

35 https://hbmaps.hbrc.govt.nz/hazards/

Key Environmental Values at Westshore

The key environmental values at and in the vicinity of the Westshore priority unit are set out below.

- The relevant District and Regional Plans do not currently identify any areas of significant ecological, landscape or character value at, or surrounding, the Westshore priority unit.[36]
- As identified on the HBRC Pātaka mapping resource, the area lies within the Ngati Kahungunu iwi boundary and Te Taiwhenua O Te Whanganui-a-Orotū. The Treaty Partner Land Area associated with Mana Ahuriri also overlays the landward area and the Kahungunu ki Te Matau a Māui Rohe Moana over the coastal area.
- Offshore reefs, including Te Pania are of cultural significance in this area.[37]
- The southern end of Westshore includes two features of historical significance - an archaeological site[38] associated with a military pill box and an archaeological site[39] associated with the remains of the former North British and Hawke's Bay Freezing Company (established in 1888).
- The area is valued for its recreational amenities, including green verges, cycleway and walkway and local surf club. The Surf Club has approximately 350 members.[40]
- Historically post the 1931 Hawke's Bay earthquake, the area comprised of a sandy beach. Many residents would like to see the sandy beach restored and the amenity value maintained by rebuilding the beach and nearshore area with sand which has eroded over the past 20-30 years.[41]
- The Rangatira Reef (or City Reef) is located at the southern end of Westshore, adjacent to Whakarire Avenue. The reef creates a good quality surf break in the area in certain wave conditions.
- Recreational diving and fishing are important in the Napier Coastal Environment, particularly around the offshore Pania Reef.

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[36] Note the City of Napier District Plan is currently being reviewed, with the proposed plan due for notification mid-2021. Due to timing, this report does not take the proposed plan into account as it does not currently have any legal status. The consentability of the three Priority Units within the Napier City District may therefore need to be reviewed into the future.

[37] As identified as part of the Stage 3 of the multi-criteria decision-making analysis process for the Northern Assessment Panel. Criteria specifically related to the relationships of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu and other taonga.

[38] Archaeological Site, Pill Box, Reference V21/259.

[39] Archaeological Site, Freezing Works, Reference V21/260.

[40] Marven Consulting, 2017. Coastal Hazards and Social Impact Assessment and Valuation for Ahuriri/Pandora, Westshore, Bay View and Whirinaki.

[41] Marven Consulting, 2017. Coastal Hazards and Social Impact Assessment and Valuation for Ahuriri/Pandora, Westshore, Bay View and Whirinaki.

- The site is located within the Westshore Beach Reserve. This is a reserve under the Reserves Act 1977 for Recreation Reserve purposes.
- A resource consent has recently been approved for the construction of a rock revetment and wave spending beach at the southern end of Westshore immediately seaward of the residential dwellings fronting the ocean along Whakarire Avenue (refer to case study in section 6.1). NCC is currently consulting on its construction as part of the Annual Plan.

Likely Resource Consents Required

The likely resource consents required to implement the short-term adaptation responses at Westshore are set out in **Table 4**. The resource consent currently held by HBRC for up to 30,000m3 of renourishment will not cover the full gambit of short-term adaptation responses via renourishment works at Westshore, and certainly not beyond 2027 when the consents expire.

The proposed extension to the gravel barrier at Westshore will likely require resource consent as a controlled activity under the Regional Coastal Environment Plan. Controlled activities must be granted. The offshore (below mean high water spring) renourishment activities will likely require resource consent as a full discretionary activity.

Based on the information available, no resource consents are required under the City of Napier District Plan as the removal and/or deposition of sediment and/or beach single above mean high water springs is a permitted activity provided the maximum deposition rate does not 50,000m^3/year and the activity must relate to renourishment within the Foreshore Reserve Zone.[42]

Table 4: Summary of likely consent requirements at Westshore. Blue shading identifies consents required from the HBRC.

Consent Requirement	Activity Status
Renourishment resulting in deposition of material on the foreshore or seabed in quantities greater than 50,000m^3.	Discretionary[43]
Beach renourishment[44] within Westshore Renourishment Area.	Controlled[45]

[42] Rule 44.6, City of Napier District Plan.

[43] Rule 151, Hawke's Bay Regional Coastal Environment Plan.

[44] Beach nourishment means the placement of sediment by artificial means on the foreshore, seabed, or active beach area for the purposes of mitigating a coastal hazard or for maintaining shoreline location. Usually the imported material is of similar physical characteristics to the material already present. Beach nourishment is most commonly carried out as a coastal protection work. It is not a reclamation because its primary purpose is not to create new land; and does not include the dumping of waste or other material.

[45] Rule 103, Hawke's Bay Regional Coastal Environment Plan.

3.4 PANDORA

3.4.1 Pandora Short-term Adaptation Response

The Northern Assessment Panel identified the following preferred short, medium- and long-term adaptation responses for the Pandora priority unit as part of the Stage 3 Evaluation Process of the Strategy:[46]

UNIT E2: PANDORA – PATHWAY 3				
Short-term (0 – 20 years)	→	Medium term (20 – 50 years)	→	Long term (50 – 100 years)
Inundation Protection	→	**Inundation Protection**	→	**Inundation Protection**

Further modelling and engineering concept design for this priority unit has identified that in the short-term, a range of inundation protection measures will be required reflective of the broad ranging environmental settings along the proposed feature. This includes stopbanks, revetments and sheet pile walls. The composition of the inundation protection features is shown in **Figure 10**.

[46] Section 8.3, Mitchell Daysh Limited, 2018. Report of the Northern and Southern Cell Assessment Panels.

Figure 10: Layout design for the proposed flood defences in the Pandora Priority Unit (Beya and Asmat, 2020).

Stop banks are proposed to be used in three locations, including:

- A 1070m stop bank (Stop bank 1) located between the western railway and Tyne Street Drain.
- A 190m stop bank (Stop bank 2) located across the Humber Street Reserve; and,
- A 180m long stop bank (Stop bank 3) located directly south of the Napier Sailing Club.

A typical stop bank cross section is shown in **Figure 11**. Provided the foundations are developed with enough bearing capacity, the future crest height of the stop banks can be incrementally increased in response to rising sea levels.

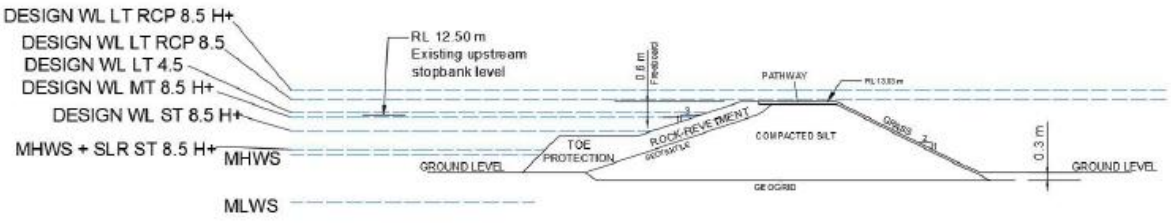

Figure 11: Typical stop bank cross section (Beya and Asmat 2020).

A 204m sheet pile wall with an approximate design crest height of 12.9m is proposed adjacent to the Tyne Street Drain (**Figure 12**). The sheet pile was identified for this area due to the scarcity of space along this frontage.

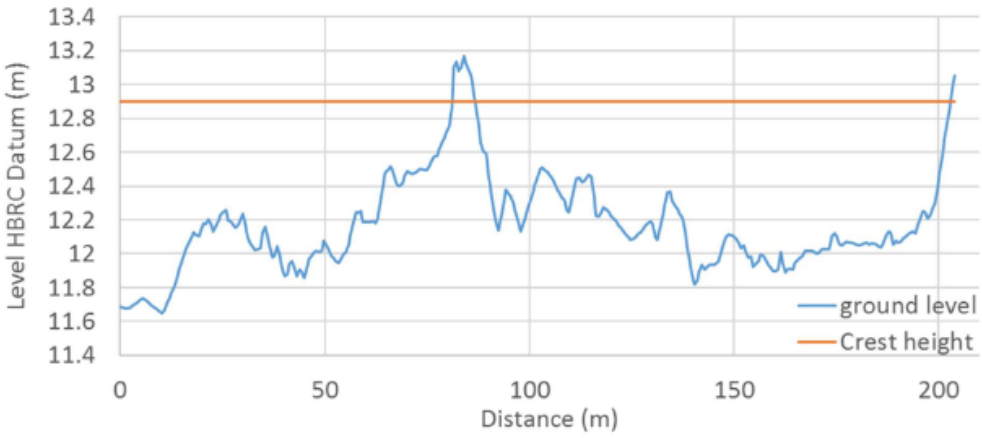

Figure 12: Sheet pile ground levels crest height (Beya and Asmat, 2020).

The remainder of the inundation protection will comprise of revetments backed with a cantilevered reinforced concrete wall (**Figure 13**). The revetments include:

- A 110m long revetment along Pandora Pond (in the vicinity of the existing car-tyre revetment); and,
- A 130m long revetment in place of the existing rock revetment along West Quay.

The proposed revetments would increase the crest height of existing revetments by 1.45m and 0.9m respectively.

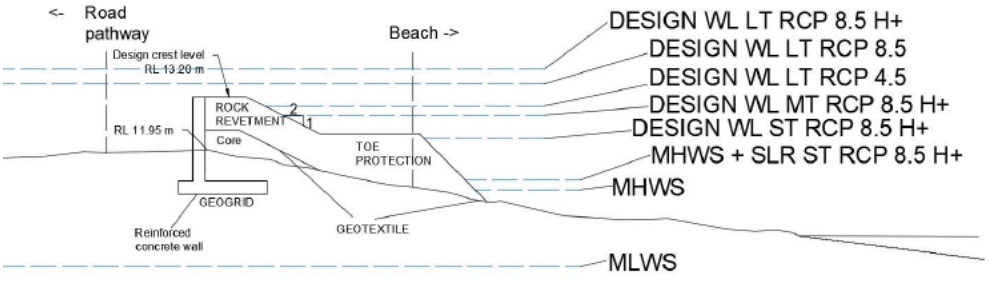

Figure 13: Typical design cross section of cantilevered reinforced concrete wall and revetment (Beya and Asmat, 2020).

Works will be required to raise the height of Pandora Road to ensure it does not create a low point in the inundation protection network.

As an alternative option to the inundation protection measures, consideration has been given to the installation of a storm surge barrier. The inflatable tube barrier would be installed at the entrance to the Ahuriri Harbour, extending approximately 100m in width. The approximate location of the proposed storm surge barrier is shown in **Figure 14**. This was not an option considered as part of the Stage 3 Assessment Panel process but has been identified in the concept engineering and design report.

Figure 14: Approximate location and length of storm surge barrier (Beya and Asmat, 2020).

3.4.2 Regional and District Planning Provisions

The Pandora Unit is located within the jurisdiction of the HBRC and NCC.

Pandora Zoning

The Pandora priority unit traverses a number of land use zones within the City of Napier District Plan (**Figure 15**). A large area of Mixed-Use zoning is located between West Quay and the Tyne Street Drain (perpendicular to Humber Street). The drain itself is zoned Reserve, with the area north and west of the drain (i.e. the Ahuriri Estuary) zoned Estuary. The land behind the Reserve zoned drains is zoned Main Industrial.

The southern abutments of the designated railway bridge, near where the proposed seawall would attach to land, is zoned for Rural Conservation purposes.

The area in front of West Quay and up to and including the Pandora Bridge is zoned Boat Harbour. This includes the Sailing Club.

An overview of the key zones that apply to this area under the City of Napier District Plan is provided in **Figure 15**.

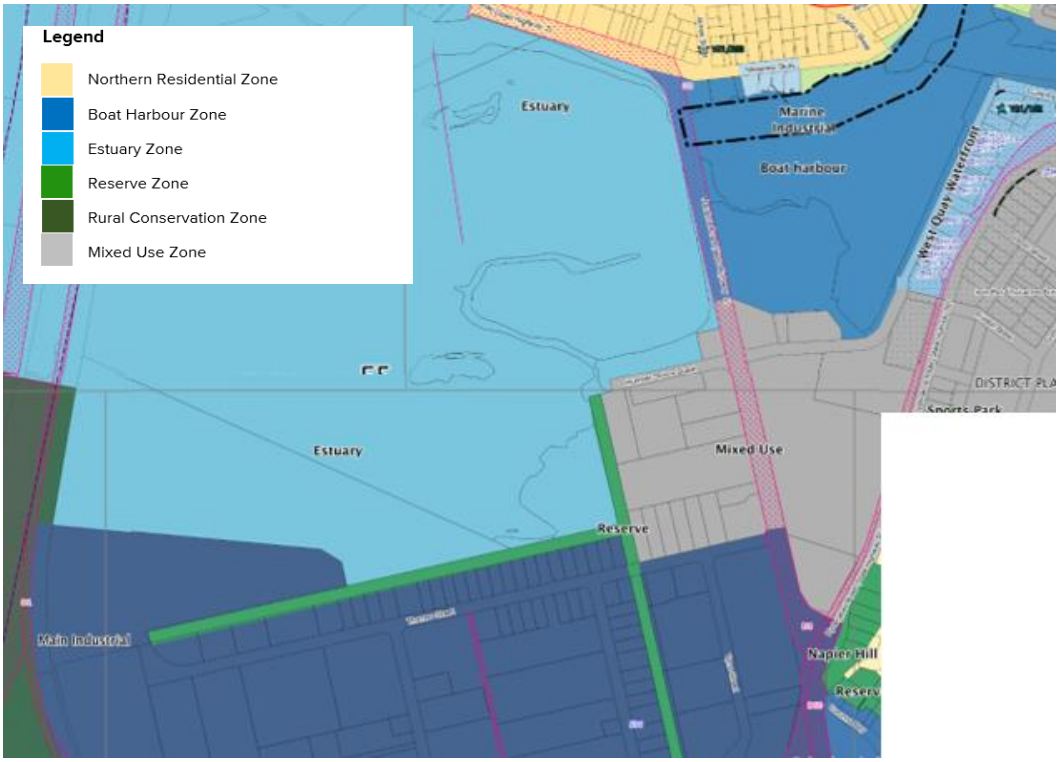

Figure 15: Zoning of the Pandora Unit and surrounds under the City of Napier District Plan.

Under the Regional Coastal Environment Plan, the proposed inundation protection measures are all located within the Coastal Environment – some more specifically in parts of the coastal marine area.

The area around the Pandora Marina is located within the Port Management Zone (between West Quay and Pandora Road). To the west of Pandora Road, parts of the proposed inundation protection measures are located within Significant Conservation Area 12 and Class CR (HB) Water.

An overview of the key zones that apply to this area under the Regional Coastal Environment Plan is provided in **Figure 16**. The HBRC Hazards Portal also contains update to date mapping on coastal hazards within this area.[47]

[47] https://hbmaps.hbrc.govt.nz/hazards/

Figure 16: Zoning of the Pandora Unit and surrounds under the Hawke's Bay Regional Coastal Environment Plan.

Key Environmental Values

The key environmental values at and in the vicinity of the Pandora priority unit are set out below.

- As identified on the HBRC Pātaka mapping resource, the area lies within the Ngati Kahungunu iwi boundary and Te Taiwhenua O Te Whanganui-a-Orotū. The Treaty Partner Land Area associated with Mana Ahuriri also overlays the landward area and the Kahungunu ki Te Matau a Māui Rohe Moana over the coastal areas.
- Waka access to lagoon and the sea and fish passage is of particular cultural importance in this area.[48]
- The Ahuriri Estuary supports over 70 bird species, some critically endangered native species and some migratory birds from the northern hemisphere. Of note are the critically endangered Bittern and the flounder and cockle species. The lower estuary a known yellow belly flounder species nursery.[49]
- Pandora Pond is used as an entry point for waka and is also used by recreational swimmers. Several walkways and trails can also be found around the estuary and former lagoon. [50]

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48 As identified as part of the Stage 3 of the multi-criteria decision-making analysis process for the Northern Assessment Panel. Criteria specifically related to the relationships of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu and other taonga.

49 Ahuriri Estuary and Coastal Edge Master Plan, prepared by Napier City Council, Isthmus and Mitchell Daysh, July 2018.

50 Coastal Hazards and Social Impact Assessment and Valuation for Ahuriri/Pandora, Westshore, Bay View and Whirinaki, prepared by Marven Consulting, July 2017.

- The Ahuriri Estuary and Coastal Edge Master Plan seeks to increase the recreational values further through the development of additional tracks and interpretation signage. The Master Plan also proposes to establish Humber Reserve (located north of Humber Street) as a "Premier recreation reserve". [51]
- The Humber Reserve is located north of Humber Road. This is a reserve under the Reserves Act 1977 for Local Purpose and Recreation reserve.
- The estuary forms an important part of the stormwater network and receives approximately 70% of the city's untreated stormwater. [52]

Likely Resource Consents Required

The likely resource consents required to implement the short-term adaptation response at Pandora is set out in **Table 5**.

A number of resource consents are required from the HBRC as coastal hazard mitigation works are not captured by a single rule, rather they must be considered in their individual parts. Overall, resource consents for both HBRC and NCC will likely be 'bundled', with an overall activity status of non-complying. Separate applications could be made however to ensure the NCC consent retains its discretionary status.

As discussed later in section 5, part of the proposal may also be prohibited within the Significant Conservation Area. No consent can be sought for such activities.

Table 5: Summary of likely consent requirements at Pandora. Blue shading identifies consents required from the HBRC, while green shading identifies consents required from NCC.

Consent Requirement	Activity Status
Soil disturbances (i.e. earthworks) and potentially vegetation removal within the coastal margin and less than 20m of the coastal marine area	Restricted Discretionary.[53]
The discharge of solid contaminants, including clean fill in the coastal margin that may enter water	Discretionary[54]
Discharge of contaminants in the coastal margin	Discretionary[55]

[51] Napier City Council, Isthmus and Mitchell Daysh, 2018. Ahuriri Estuary and Coastal Edge Master Plan.
[52] Napier City Council, Isthmus and Mitchell Daysh, 2018. Ahuriri Estuary and Coastal Edge Master Plan.
[53] Rule 8, Hawke's Bay Regional Coastal Environment Plan.
[54] Rule 18, Hawke's Bay Regional Coastal Environment Plan.
[55] Rule 9, Hawke's Bay Regional Coastal Environment Plan.

Consent Requirement	Activity Status
Disturbance of the foreshore and seabed associated with the construction of the coastal protection structure within the coastal marine area.	Discretionary[56]
The construction and placement of a coastal protection structure[57] in the coastal marine area which presents a significant barrier to water, is established parallel to mean high water sprints and extends for 300m or more (cumulative).	Non-complying[58]
The occupation of the coastal marine by coastal protection structures (including storm surge barriers).	Discretionary[59]
The damming and diversion of coastal water.	Discretionary[60]
The establishment of a wave structure in the coastal marine area.	Discretionary[61]
The erection or placement of any structure in the coastal marine area that would impound or effectively contain the coastal marine area in the Significant Conservation Areas of the Ahuriri Estuary (SCA12).	Prohibited[62]
Coastal Protection Structures within the Boat Harbour, Estuary, Reserve and Mixed-Use Zones.	Discretionary[63]
The erection of structures crossing mean high water spring.	Discretionary[64]
Development or land use that does not comply with the relevant conditions (i.e. height, height in relation to boundary, yards, noise and vibration and earthworks) in the Boat Harbour, Estuary, Reserve and Mixed-Use Zones.	Restricted Discretionary[65]
The removal of greater than 100m^3 of earth within a 12-month period from any zone.	Discretionary[66]

[56] Rule 130, Hawke's Bay Regional Coastal Environment Plan.

[57] Coastal Protection Works means any works used to reduce risks posed by coastal erosion and/or inundation by the sea to human life, property, or the environment and includes coastal protection structures and beach nourishment.

[58] Rule 125, Hawke's Bay Regional Coastal Environment Plan.

[59] Rule 178, Hawke's Bay Regional Coastal Environment Plan.

[60] Rule 155, Hawke's Bay Regional Coastal Environment Plan.

[61] Rule 117, Hawke's Bay Regional Coastal Environment Plan.

[62] Rule 128, Hawke's Bay Regional Coastal Environment Plan.

[63] Rule 42.8(e), Rule 43.7(a) and (e) and Rule 46.7.1(a) and (f), City of Napier District Plan.

[64] Rule 42.8(a), 42.8.1(a) and 43.7.1(a), City of Napier District Plan.

[65] Rules 42.7, 43.6, 50A.26 and 46.6, City of Napier District Plan.

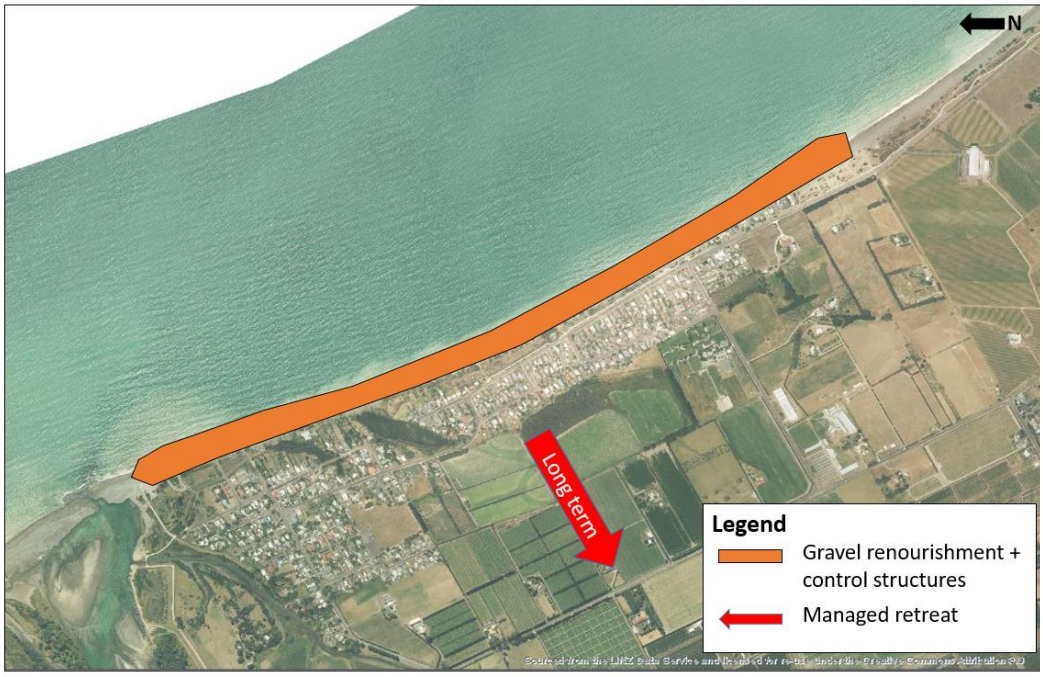
[66] Rule 5A.10, City of Napier District Plan.

3.5 HAUMOANA

3.5.1 Haumoana Short-term Adaptation Response

The Southern Assessment Panel identified the following preferred short, medium- and long-term adaptation responses for the Haumoana Priority Unit as part of Stage 3 of the Evaluation Process:[67]

UNIT K1: HAUMOANA– PATHWAY 2				
Short-term (0 – 20 years)	→	Medium term (20 – 50 years)	→	Long term (50 – 100 years)
Renourishment + Groynes	→	**Renourishment + Groynes**	→	**Managed Retreat**



Groynes and renourishment were identified as the preferred short-term adaptation response for Haumoana and Te Awanga (discussed in section 3.6). Following modelling of various scenarios, two preferred engineering concepts were identified. The larger of the two options is set out in the following section as it creates the greater consenting challenge.

As currently proposed, the short-term adaptation for both Haumoana and Te Awanga (**Figure 17)** includes:

[67] Sections 9.4, Mitchell Daysh Limited (2018). Report of the Northern and Southern Cell Assessment Panels.

Initial works:

- The construction of ten new groyne structures, five near Haumoana, five near Te Awanga;
- Initial nourishment of 347,000m^3;
- Construction of a gravel barrier: 29,385m^3 (across three sites)

Ongoing Maintenance Works:

- Potential for decreased supply: 10,000m^3/y.
- Shoreline Evolution Modelling: 13,000m^3/y.
- Consideration for sea level rise loss: 93m/y.
- Gravel Barrier Maintenance (approximately 5% per year): 1,469m^3/y.

Note that East Clive is included in these models as the adaptation responses necessitate nourishment to mitigate the downdrift negative effects at East Clive.

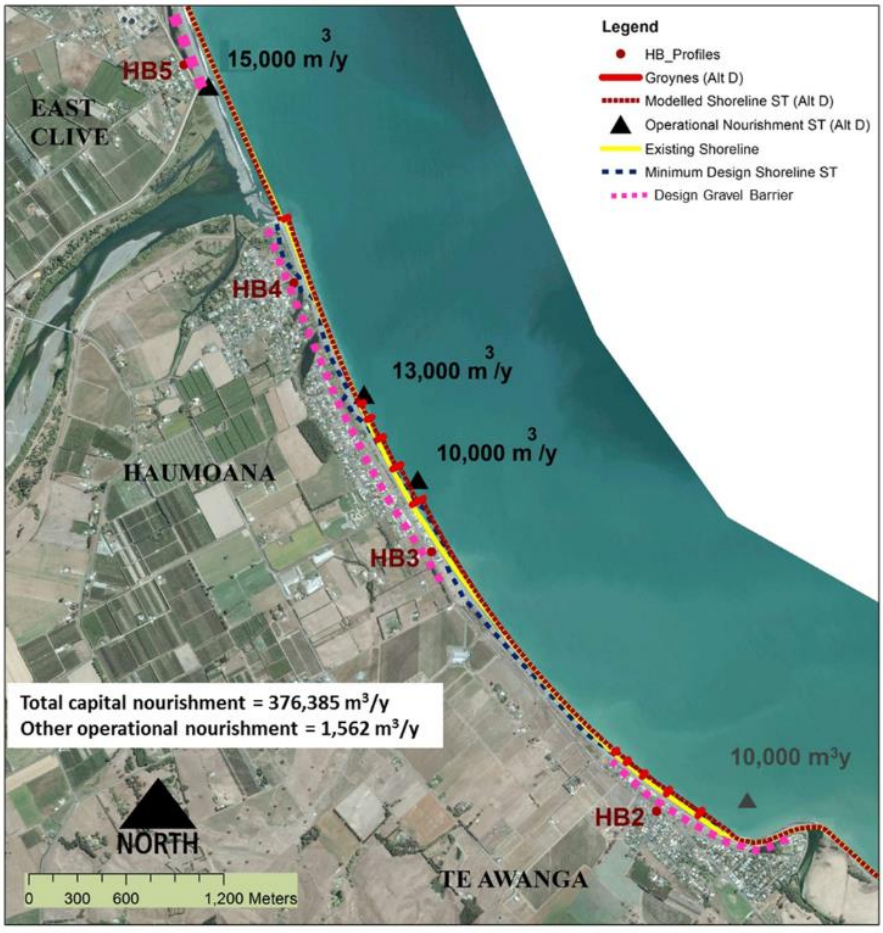


Figure 17: Overview of the proposed short-term adaptation response for Haumoana and Te Awanga (Beya and Asmat, 2019).

3.5.2 Regional and District Planning Provisions

The Haumoana priority unit is located within the jurisdiction of the HBRC and HDC.

Zoning

Most of the foreshore in Haumoana is zoned Open Space in the Hastings District Plan. To the west of this area, the land is primarily used for residential or production purposes. A small area of residential housing, referred to as the "Haumoana 18" is located directly adjacent to the shore and is surrounded by Open Space zoning.

To the north of Haumoana is a Recommended Area for Protection. This area is associated with the Tukituki Estuary and is particularly valued for its high wildlife rate, bittern and spotless crake present in back waters. White heron also winter in this area.

An overview of the key zones that apply to this area under the Hastings District Plan is provided in **Figure 18**.

Figure 18: Zoning of the Haumoana, Te Awanga and surrounds under the Hastings District Plan.

Haumoana is also located within the Coastal Environment, as mapped in the Regional Coastal Environment Plan. The area is subject to a number of coastal hazard notations, with both the Coastal Hazard 1 and 2 overlays intersecting residential properties within the priority unit.

Inland of the of the proposed gravel renourishment and control structures, broad areas of Haumoana are overlaid by the Coastal Hazard 3 notation. The foreshore area is also subject to a Class CR (HB) Water overlay. Immediately north of Haumoana is the Tukituki River. This area is identified as a Significant Conservation Area (**SCA10**).

An overview of the key zones that apply to this area under the Regional Coastal Environment Plan is provided in **Figure 19**. The HBRC Hazards Portal also contains update to date mapping on coastal hazards within this area.[68]

[68] https://hbmaps.hbrc.govt.nz/hazards/

Figure 19: Zoning of Haumoana and surrounds under the Hawke's Bay Regional Coastal Environment Plan.

Key Environmental Values at Haumoana

The key environmental values at and in the vicinity of the Haumoana priority unit are set out below.

- Haumoana Domain is an important coastal reserve within the Hastings District and Hawke's Bay region and extends from the Tukituki River to Te Awanga. This is a reserve under the Reserves Act 1977 for Recreation Reserve purposes.
- The 35ha reserve covers 4km of the coastline and hold ecological values. The Domain experiences high volumes of public use and is a tourism and local recreation destination.[69]
- As identified on the HBRC Pātata mapping resource, the area lies within the Ngati Kahungunu iwi boundary and Te Taiwhenua O Heretaunga. The Treaty Partner Land Area associated with Heretaunga Tamatea Settlement Trust also overlays the landward area and the Kahungunu ki Te Matau a Māui Rohe Moana over the coastal areas.
- Historic fishing village / papakainga located at the end of Grange Road and a pa site located further inland are of particular cultural importance in this area.[70]
- There is an existing groyne and associated riverbank armouring at the southern side of the Tukituki River mouth owned and maintained by the HBRC.
- Offshore, between the Tukituki River and Cape Kidnappers is "Clive Hard", an area where the seabed is comprised of a cobble and pebble habitat in an otherwise featureless sand environment. This area is reputedly an important habitat for juvenile fish, particularly snapper, and is popular for recreational fishing.

Likely Resource Consents Required

The likely resource consents required to implement the short-term adaptation response at Haumoana is set out in **Table 6**.

A number of resource consents are required from the HBRC as coastal hazard mitigation works are not captured by a single rule, rather they have to be considered in their individual parts. Overall, resource consents from both HBRC and HDC will likely be 'bundled', with an overall activity status of non-complying.

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[69] Cape Coast Area Coastal Hazards Social Impact Assessment and Valuation, prepared by Marven Consulting, February 2017.

[70] As identified as part of the Stage 3 of the multi-criteria decision-making analysis process for the Southern Assessment Panel. Criteria specifically related to the relationships of Maori and their culture and traditions with their ancestral lands, water, sites waahi tapu and other taonga.

Table 6: **Summary of likely consent requirements at Haumoana. Blue shading identifies consents required from the HBRC, while green shading identifies consents required from HDC.**

Consent Requirement	Activity Status
Soil disturbances (i.e. earthworks) and potentially vegetation removal within the coastal margin and less than 20m of the coastal marine area	Restricted Discretionary.[71]
The discharge of solid contaminants, including clean fill in the coastal margin that may enter water	Discretionary[72]
Discharge of contaminants in the coastal margin.	Discretionary[73]
Disturbance of the foreshore and seabed associated with the construction of the proposed groynes within the coastal marine area.	Discretionary[74]
An activity involving the erection of a coastal protection structure in the **coastal marine area** which presents a significant barrier to water and is established obliquely or perpendicular to the line of mean high water spring	Non-complying[75]
The erection, placement and construction (including extension) of the proposed groynes within the coastal margin and wholly or partly located within the Coastal Hazard Zone 1 or 2.	Non-complying[76]
The occupation of the coastal marine by coastal protection structures (i.e. groynes).	Discretionary[77]
The deposition of material on the foreshore or seabed in quantities greater than 50,000m^3 in any 12-month period in the **coastal marine area.**	Discretionary[78]
The deposition of sediment (i.e. gravel barriers) in the coastal margin in volumes greater than 5m3/six months per property within the Coastal Hazard 1 Zone	Restricted discretionary[79]

[71] Rule 8, Hawke's Bay Regional Coastal Environment Plan.
[72] Rule 18, Hawke's Bay Regional Coastal Environment Plan.
[73] Rule 9, Hawke's Bay Regional Coastal Environment Plan.
[74] Rule 130, Hawke's Bay Regional Coastal Environment Plan.
[75] Rule 125, Hawke's Bay Regional Coastal Environment Plan.
[76] Rule 100, Hawke's Bay Regional Coastal Environment Plan.
[77] Rule 178, Hawke's Bay Regional Coastal Environment Plan.
[78] Rule 151, Hawke's Bay Regional Coastal Environment Plan.
[79] Rule 104, Hawke's Bay Regional Coastal Environment Plan.

Consent Requirement	Activity Status
The removal of gravel and other earthworks within the coastal in volumes greater than 5m3/six months per property within the Coastal Hazard 1 Zone.	Non-complying[80]
Earthworks exceeding the permitted volumes.	Discretionary[81]
Natural hazard defence structures such as groynes within the Open Space Zone, Coastal Settlement Zones and Plains Production Zone	Non-complying[82]

[80] Rule 109, Hawke's Bay Regional Coastal Environment Plan.

[81] Rule EM10 and EM11 of the Hastings District Plan.

[82] Rule OSZ15, CSZ23 and PP39, Hastings District Plan.

3.6 TE AWANGA

3.6.1 Te Awanga Short-term Adaptation Response

The Southern Assessment Panel identified the following preferred short, medium- and long-term adaptation responses for the Te Awanga priority unit as part of the Stage 3 Evaluation Process:[83]

UNIT K1: HAUMOANA– PATHWAY 2				
Short-term (0 – 20 years)	→	Medium term (20 – 50 years)	→	Long term (50 – 100 years)
Renourishment + Groynes	→	**Renourishment + Groynes**	→	**Managed Retreat**

The further engineering concept designs for this area have been identified in section 3.5.1 and are shown in **Figure 17**.

3.6.2 Regional and District Planning Provisions

The Te Awanga priority unit is located within the jurisdiction of the HBRC and HDC.

Zoning

The land use zoning of the waterfront at Te Awanga is comprised of a combination of Open Space and Plains Production Zone. To the north west of Te Awanga is a

[83] Sections 9.3, Mitchell Daysh Limited, 2018. Report of the Northern and Southern Cell Assessment Panels.

Recommended Area for Protection. This area is associated with the only known threatened plant Muchlenbeckia ephedroides in the Ecological District.

An overview of the key zones that apply to this area under the Hastings District Plan is provided in **Figure 20**.

Figure 20: Zoning of Te Awanga and surrounds under the Hastings District Plan.

Te Awanga is also located within the Coastal Environment, as mapped in the Regional Coastal Environment Plan. The area is subject to a number of coastal hazard notations, with both the Coastal Hazard 1 and 2 overlays intersecting residential properties within the priority unit.

Inland of the of the proposed gravel renourishment and control structures, broad areas of Te Awanga are overlaid by the Coastal Hazard 3 notation. The foreshore area is also subject to a Class CR (HB) Water overlay.

An overview of the key zones that apply to this area under the Regional Coastal Environment Plan is provided in **Figure 21**.

The HBRC Hazards Portal also contains more recent (~2016/17) mapping on coastal hazards within this area.[84]

[84] https://hbmaps.hbrc.govt.nz/hazards/

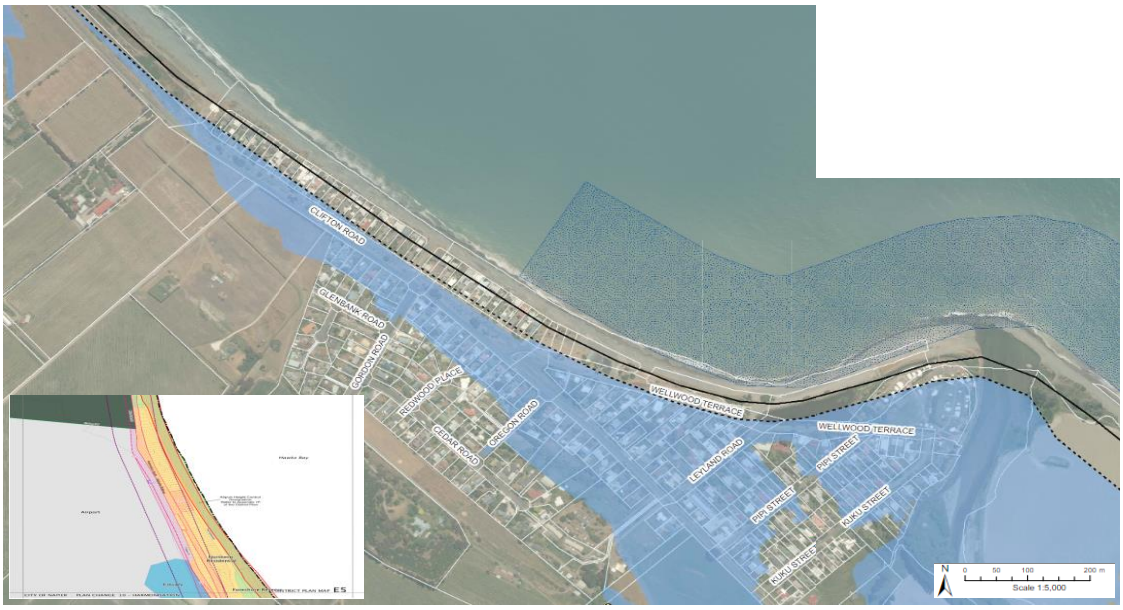


Figure 21: Zoning of Te Awanga and surrounds under the Hawke's Bay Regional Coastal Environment Plan.

Key Environmental Values at Te Awanga

The key environmental values at and in the vicinity of the Haumoana Priority Unit are set out below.

- The Te Awanga Domain is well utilised by the community and includes the lagoon and waterway and is a key scenic feature of the reserve of the Cape Coast. [85] It is also a popular surf beach. Te Awanga Domain is a reserve under the Reserves Act 1977 for Recreation Reserve purposes.
- The Maraetotara River and coastal wetlands hold conservation values and are also home to a number of archaeological sites.
- As identified on the HBRC Pātaka mapping resource, the area lies within the Ngati Kahungunu iwi boundary and Te Taiwhenua O Heretaunga. The Treaty Partner Land Area associated with Heretaunga Tamatea Settlement Trust also overlays the landward area and the Kahungunu ki Te Matau a Māui Rohe Moana over the coastal areas.
- Offshore, between the Tukituki River and Cape Kidnappers is "Clive Hard", an area where the seabed is comprised of a cobble and pebble habitat in an otherwise

[85] Marven Consulting, 2017. Cape Coast Area Coastal Hazards Social Impact Assessment and Valuation.

featureless sand environment. This area is considered to be an important habitat for juvenile fish, particularly snapper, and is popular for recreational fishing.

Likely Resource Consents Required

The likely resource consents required to implement the short-term adaptation response at Te Awanga is set out in **Table 7**.

A number of resource consents are required from the HBRC as coastal hazard mitigation works are not captured by a single rule, rather they have to be considered in their individual parts. Overall, resource consents will from both HBRC and HDC will likely be 'bundled', with an overall activity status of non-complying.

Table 7: Summary of likely consent requirements at Te Awanga. Blue shading identifies consents required from the HBRC, while green shading identifies consents required from HDC.

Consent Requirement	Activity Status
Soil disturbances (i.e. earthworks) and potentially vegetation removal within the coastal margin and less than 20m of the coastal marine area.	Restricted Discretionary.[86]
The discharge of solid contaminants, including clean fill in the coastal margin that may enter water.	Discretionary[87]
Discharge of contaminants in the coastal margin.	Discretionary[88]
Disturbance of the foreshore and seabed associated with the construction of the proposed groynes within the coastal marine area.	Discretionary[89]
An activity involving the erection of a coastal protection structure in the coastal marine area which presents a significant barrier to water and is established obliquely or perpendicular to the line of mean high water spring.	Non-complying[90]
The erection, placement and construction (including extension) of the proposed groynes within the coastal margin and wholly or partly located within the Coastal Hazard Zone 1 or 2.	Non-complying[91]

[86] Rule 8, Hawke's Bay Regional Coastal Environment Plan.
[87] Rule 18, Hawke's Bay Regional Coastal Environment Plan.
[88] Rule 9, Hawke's Bay Regional Coastal Environment Plan.
[89] Rule 130, Hawke's Bay Regional Coastal Environment Plan.
[90] Rule 125, Hawke's Bay Regional Coastal Environment Plan.
[91] Rule 100, Hawke's Bay Regional Coastal Environment Plan.

Consent Requirement	Activity Status
The occupation of the coastal marine by coastal protection structures (i.e. groynes).	Discretionary[92]
The deposition of material on the foreshore or seabed in quantities greater than 50,000m^3 in any 12-month period in the coastal marine area.	Discretionary[93]
The deposition of sediment (i.e. gravel barriers) in the coastal margin in volumes greater than 5m3/six months per property within the Coastal Hazard 1 Zone.	Restricted discretionary[94]
The removal of gravel and other earthworks within the coastal in volumes greater than 5m3/six months per property within the Coastal Hazard 1 Zone.	Non-complying[95]
Earthworks exceeding the permitted volumes.	Discretionary[96]
Natural hazard defence structures such as groynes within the Open Space Zone, Coastal Settlement Zones and Plains Production Zone.	Non-complying[97]

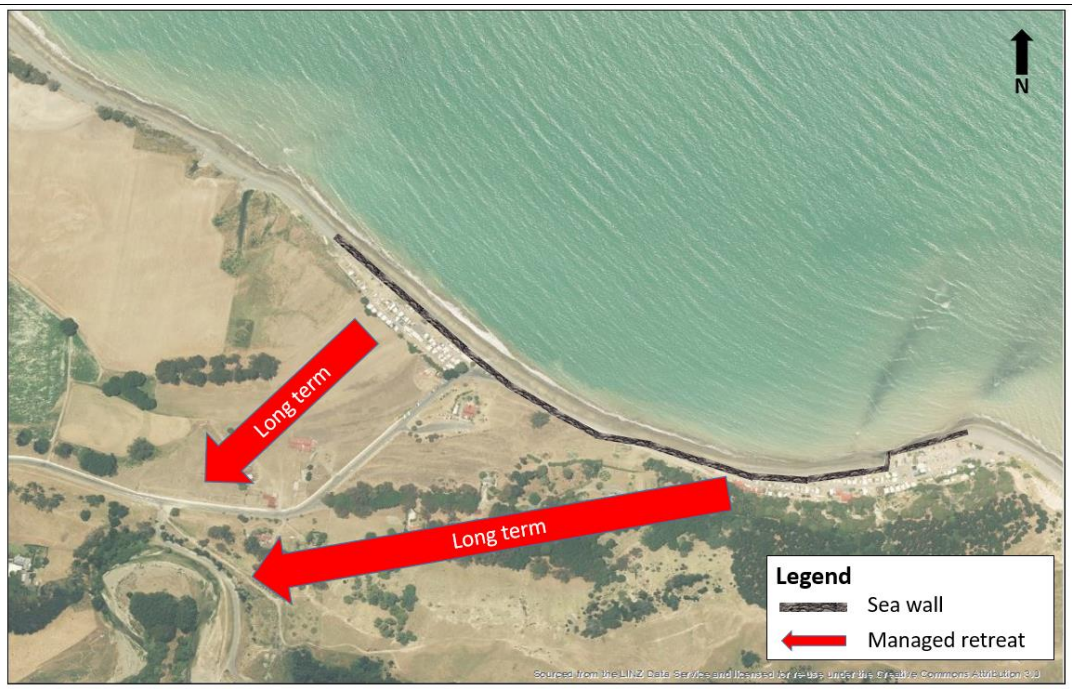
92 Rule 178, Hawke's Bay Regional Coastal Environment Plan.
93 Rule 151, Hawke's Bay Regional Coastal Environment Plan.
94 Rule 104, Hawke's Bay Regional Coastal Environment Plan.
95 Rule 109, Hawke's Bay Regional Coastal Environment Plan.
96 Rule EM10 and EM11 of the Hastings District Plan.
97 Rule OSZ15, CSZ23 and PP39, Hastings District Plan.

3.7 CLIFTON

3.7.1 Clifton Short-term Adaptation Response

The Southern Assessment Panel identified the following preferred short, medium- and long-term adaptation responses for the Clifton priority unit as part of the Stage 3 Evaluation Process:[98]

UNIT L: CLIFTON – PATHWAY 5				
Short-term (0 – 20 years)	→	Medium term (20 – 50 years)	→	Long term (50 – 100 years)
Sea wall	→	**Sea wall**	→	**Managed Retreat**



A 480m long reventment was recently repaired and constructed as part immediate steps to address coastal erosion in this area. To complete the short-term pathway, a further 630m is required to be constructed either side of the existing structure (**Figure 22**).

Renourishment was also undertaken as part of the recent retvetment work. In addition to the existing (approximate) 1305m^3/y of renourishment required, it is estimated that approxiamtely 2,055m^3/y of additional renourishment will be required in association with the proposed extension to the revetment.

[98] Section 9.2, Mitchell Daysh Limited, 2018. Report of the Northern and Southern Cell Assessment Panels.

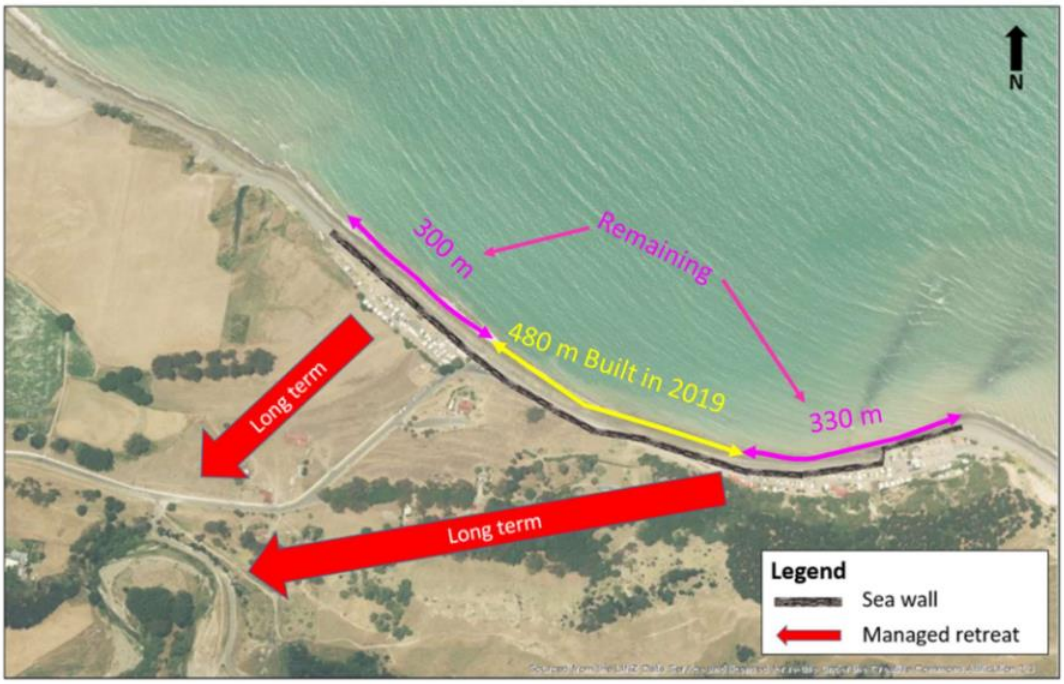


Figure 22: Proposed extension to the existing revetment at Clifton (Beya and Asmat, 2019).

3.7.2 Regional and District Planning Provisions

The Clifton Unit is located within the jurisdiction of the HBRC and HDC.

Zoning

The Clifton area is primarily zoned for Open Space Purposes. Immediately west of this area, the land is zoned Rural. The area is also identified as Coastal Landscape Character Area.

The outstanding natural landscape area associated with Cape Kidnappers is located directly east of Clifton.

A number of culturally significant archaeological sites are located within this area.

An overview of the key zones that apply to this area under the Hastings District is provided in **Figure 23**.

Figure 23: Zoning of the Clifton Unit and surrounds under the Hastings District Plan

Clifton is also located within the Coastal Environment, as mapped in the Regional Coastal Environment Plan. The Coastal Hazard 1 overlay intersects a number of the existing properties in this area, with the Coastal Hazard 2 overlay generally located well beyond these properties. The low-lying area around Clifton Road is also subject to the Coastal Hazard 3 notation.

The foreshore area is subject to a Class CR (HB) Water overlay. The Significant Conservation Area (SCA9) associated with Cape Kidnappers is located at the eastern end of Clifton.

An overview of the key zones that apply to this area under the Regional Coastal Environment Plan is provided in **Figure 24**. The HBRC Hazards Portal also contains more recent (~2016/17) mapping on coastal hazards within this area.[99]

[99] https://hbmaps.hbrc.govt.nz/hazards/

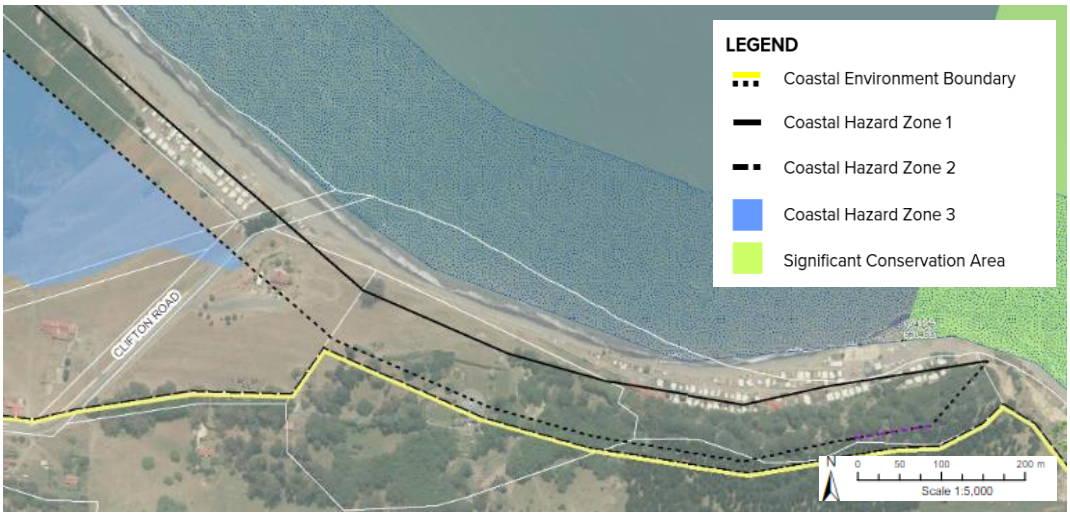


Figure 24: Zoning of the Clifton Unit and surrounds under the Hawke's Bay Regional Coastal Environment Plan.

Key Environmental Values

The key environmental values at and in the vicinity of the Clifton Priority Unit are set out below:

- Clifton is located directly adjacent to Cape Kidnappers, an outstanding natural landscape and ecological area, including the significant gannet bird colony.
- As identified on the HBRC Pātaka mapping resource, the area lies within the Ngati Kahungunu iwi boundary and Te Taiwhenua O Heretaunga. The Treaty Partner Land Area associated with Heretaunga Tamatea Settlement Trust also overlays the landward area and the Kahungunu ki Te Matau a Māui Rohe Moana over the coastal areas.
- The area holds high cultural values with numerous archaeological associated within pre 1769 Maori occupation located in this area.
- The area holds high recreation values and contains the only slipway providing access to the coast in this area. It is also home to the Clifton Marine Club Incorporated. [100]
- The Clifton Domain is a reserve under the Reserves Act 1977 for Recreation Reserve purposes.
- Offshore, between the Tukituki River and Cape Kidnappers is "Clive Hard", an area where the seabed is comprised of a cobble and pebble habitat in an otherwise

[100] Cape Coast Area Coastal Hazards Social Impact Assessment and Valuation, prepared by Marven Consulting, February 2017.

featureless sand environment. This area is reputedly an important habitat for juvenile fish, particularly snapper, and is popular for recreational fishing.

Like Resource Consents Required

The likely resource consents required to implement the short-term adaptation response at Te Awanga is set out in **Table 8**.

A number of resource consents are required from the HBRC as coastal hazard mitigation works are not captured by a single rule, rather they must be considered in their individual parts. Overall, resource consents will from both HBRC and HDC will likely be 'bundled', with an overall activity status of non-complying.

Table 8: Summary of likely consent requirements at Clifton. Blue shading identifies consents required from the HBRC, while green shading identifies consents required from HDC.

Consent Requirement	Activity Status
Soil disturbances (i.e. earthworks) and potentially vegetation removal within the coastal margin and less than 20m of the coastal marine area.	Restricted Discretionary.[101]
The discharge of solid contaminants, including clean fill in the coastal margin that may enter water.	Discretionary[102]
Discharge of contaminants in the coastal margin.	Discretionary[103]
Disturbance of the foreshore and seabed associated with the construction of the proposed revetment within the coastal marine area.	Discretionary[104]
The maintenance and repair of coastal protection structures (i.e. the existing wall where necessary) wholly or partially located within the Coastal Hazard Zone 1 or 2.	Restricted discretionary[105]
The erection, placement and construction (including extension) of the proposed coastal protection structure within the coastal margin and wholly or partly located within the Coastal Hazard Zone 1 or 2.	Non-complying[106]

[101] Rule 8, Hawke's Bay Regional Coastal Environment Plan.
[102] Rule 18, Hawke's Bay Regional Coastal Environment Plan.
[103] Rule 9, Hawke's Bay Regional Coastal Environment Plan.
[104] Rule 130, Hawke's Bay Regional Coastal Environment Plan.
[105] Rule 98, Hawke's Bay Regional Coastal Environment Plan.
[106] Rule 100, Hawke's Bay Regional Coastal Environment Plan.

Consent Requirement	Activity Status
An activity involving the erection of a coastal protection structure in the **coastal marine area** which presents a significant barrier to water and when established, will extend more than 300m in length.	Non-complying[107]
The occupation of the coastal marine by coastal protection structures (i.e. revetment).	Discretionary[108]
The deposition of material on the foreshore or seabed in quantities less than 50,000m^3 in any 12-month period in the **coastal marine area.**	Restricted discretionary[109]
The deposition of sediment (i.e. gravel barriers) in the coastal margin in volumes greater than 5m3/six months per property within the Coastal Hazard 1 Zone.	Restricted discretionary[110]
Earthworks exceeding the permitted volumes.	Discretionary[111]
Natural hazard defence structures such as groynes within the Open Space Zone, Coastal Settlement Zones and Plains Production Zone.	Non-complying[112]

4. OVERVIEW OF REGULATORY FRAMEWORK

4.1 NEW ZEALAND COASTAL POLICY STATEMENT

The purpose of the New Zealand Coastal Policy Statement (**"NZCPS"**) is to state objectives and policies in order to achieve the overarching purpose of the Resource Management Act 1991 (**"RMA"** or **"the Act"**) in relation to the coastal environment.[113] The NZCPS is a national policy statement under the RMA and took effect in December 2010.[114] Section 104(1)(b)(iv) of the RMA requires that when considering an application for resource consent, regard must be had to any relevant provisions of a NZCPS.

[107] Rule 125, Hawke's Bay Regional Coastal Environment Plan.
[108] Rule 178, Hawke's Bay Regional Coastal Environment Plan.
[109] Rule 147, Hawke's Bay Regional Coastal Environment Plan.
[110] Rule 104, Hawke's Bay Regional Coastal Environment Plan.
[111] Rule EM10 and EM11 of the Hastings District Plan.
[112] Rule OSZ15, CSZ23 and PP39, Hastings District Plan.
[113] Section 56 of the RMA.
[114] The NZCPS took effect after decisions on submissions on the Regional Coastal Environment Plan were notified in July 2008, therefore the Regional Coastal Environment Plan cannot be taken as having given full effect to the NZCPS.

All regional policy statements, regional coastal plans and district plans must give effect to the provisions of the NZCPS.[115] The NZCPS, therefore, guides the policy framework for all planning documents pertaining to the coastal environment throughout New Zealand.

The key themes in the NZCPS that are specifically relevant to the consentability of the short-term adaptation options relate tangata whenua values, indigenous biodiversity and landscapes and coastal hazards. These are discussed in detail in section 3.2.1 of the companion policy and regulatory review report. [116]

4.2 HAWKE'S BAY REGIONAL RESOURCE MANAGEMENT PLAN

The Hawke's Bay Regional Resource Management Plan sets out the policy and rule framework for the management of resource use activities in Hawke's Bay and includes an operative Regional Policy Statement (**"RPS"**).

The RPS seeks to set out the strategic direction that the HBRC and local authorities will take to achieve the purpose of the RMA. As the RPS is required to give effect to Part 2 of the RMA and the NZCPS, its objectives contain similar themes to this higher order document. The RPS is not as directive as the NZCPS however as it predates the current NZCPS being made operative in 2010.

The key and directive provisions contained within the RPS that are likely to have greatest bearing on the consenting of the short-term adaptation responses is evaluated in section 3.3.1 of the companion policy and regulatory report. That evaluation is not repeated here. [117]

For avoidance of doubt, the regional plan content (including rules) in the Regional Resource Management Plan do not apply within the coastal environment within the Hawke's Bay. The Regional Coastal Environment Plan is the applicable and relevant regional plan.

4.3 HAWKE'S BAY REGIONAL COASTAL ENVIRONMENT PLAN

The Regional Coastal Environment Plan is the planning instrument that sets out the framework for managing resource use activities within the coastal marine area of Hawke's Bay as well as the wider coastal environment. It is noted that the NZCPS came into effect after decisions on submissions on the Regional Coastal Environment Plan were notified in July 2008. This means that the Regional Coastal Environment Plan cannot be taken as having given full effect to the NZCPS, therefore necessitating the assessment of plan changes and applications for discretionary or non-complying activities against the NZCPS.

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[115] Sections 61(1)(da), section 66(1)(ea) and section 74(1)(ea) of the RMA respectively.

[116] Mitchell Daysh Limited, 2020. Hawke's Bay Regional Council Stage 4 Regulatory Review: Clifton to Tangoio Coastal Hazard Strategy 2120.

[117] Mitchell Daysh Limited, 2020. Hawke's Bay Regional Council Stage 4 Regulatory Review: Clifton to Tangoio Coastal Hazard Strategy 2120.

It is also noted that, for this reason, the NZCPS is likely to carry greater weight in any planning assessment on matters that the RCEP does not currently fully give effect to.

The key and directive provisions contained within the Regional Coastal Environment Plan that are likely to have greatest bearing on the consenting of the short-term adaptation responses is evaluated in section 3.3.2 of the companion policy and regulatory report. That evaluation is not repeated here. [118]

4.4 CITY OF NAPIER DISTRICT PLAN

NCC are currently reviewing the City of Napier District Plan and intend to publicly notify a draft district plan for comments by the end of 2020. The existing operative district plan will however continue to have legal effect for some time into the future until the submission and hearing process progresses for the proposed plan.

Of the seven priority units considered in this report, the following are located within the jurisdiction of NCC and thus require consideration under the City of Napier District Plan:

- Bay View
- Westshore
- Pandora

The key and directive objectives and policies contained within the City of Napier District Plan that are likely to have greatest bearing on the consentability of the short-term adaptation responses is evaluated in section 3.3.4 of the companion policy and regulatory report. That evaluation is not repeated here. [119]

4.5 HASTINGS DISTRICT PLAN

Of the seven priority units considered in this report, the following are located within the jurisdiction of HDC and thus require consideration under the Hastings District Plan:

- Whirinaki
- Haumoana
- Te Awanga
- Clifton

The key and directive provisions contained within the Hastings District Plan that are likely to have greatest bearing on the consentability of the short-term adaptation responses is

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[118] Mitchell Daysh Limited, 2020. Hawke's Bay Regional Council Stage 4 Regulatory Review: Clifton to Tangoio Coastal Hazard Strategy 2120.

[119] Mitchell Daysh Limited, 2020. Hawke's Bay Regional Council Stage 4 Regulatory Review: Clifton to Tangoio Coastal Hazard Strategy 2120.

evaluated in section 3.3.3 of the companion policy and regulatory report. That evaluation is not repeated here. [120]

5. KEY CONSENTING ISSUES AND CONSENTING RISKS

5.1 OVERVIEW OF CONSENTING REQUIREMENTS

A number of resource consents will be required under the Regional Coastal Environment Plan, Napier City District Plan and Hastings District Plan to implement the short-term adaptation responses across the seven priority units.

The general nature of the consent required for each site is shown in **Table 9**.

Table 9: Summary of the types of resource consents required for each Priority Unit.

Types of activities requiring consent (coastal permits, discharge permits and/or land use consents) under the Hawke's Bay Regional Coastal Environment Plan and City of Napier or Hastings District Plan	Whirinaki	Bay View	Westshore	Pandora	Haumoana	Te Awanga	Clifton
Land use consent - Renourishment (deposition) on the foreshore or seabed	✓	✓	✓		✓	✓	✓
Land use consent - Renourishment (above mean high water spring) within the coastal margin			✓		✓	✓	✓
Land use consent - Soil disturbance / earthworks within the coastal margin				✓	✓	✓	✓
Discharge permit - Discharge of solid contaminants in the coastal margin				✓	✓	✓	✓
Discharge permit - Discharge of contaminant in the coastal margin				✓	✓	✓	✓
Coastal permit - Disturbance of the foreshore and seabed associated with the				✓	✓	✓	✓

[120] Mitchell Daysh Limited, 2020. Hawke's Bay Regional Council Stage 4 Regulatory Review: Clifton to Tangoio Coastal Hazard Strategy 2120.

Types of activities requiring consent (coastal permits, discharge permits and/or land use consents) under the Hawke's Bay Regional Coastal Environment Plan and City of Napier or Hastings District Plan	Whirinaki	Bay View	Westshore	Pandora	Haumoana	Te Awanga	Clifton
construction of coastal protection structures within the coastal marine area							
Coastal permit - Construction of a coastal protection structure in the coastal marine area				✓	✓	✓	✓
Land use consent - Construction of a coastal protection structure in the coastal margins (including within land use zones)				✓	✓	✓	✓
Coastal permit - Occupation of the coastal marine area by coastal protection structures				✓	✓	✓	✓
Water permit/coastal permit - Damming and diversion of coastal water				✓			
Coastal permit - Structures impounding Significant Conservation Areas (Ahuriri Estuary)				✓			

In accordance with the "bundling" concept under the RMA, the consenting of the short-term adaptation responses at Pandora, Haumoana, Te Awanga and Clifton will all likely attract a non-complying activity status.

Resource consent applications for a non-complying activity must pass one of the two 'gateway' tests in section 104D of the RMA. If either gateway test is satisfied, the application may be granted or declined, having regard to the provisions of section 104 of the RMA. If the application fails both tests, consent cannot be granted. The tests are whether adverse effects will be "more than minor" (section 104(1)(a)) and/or whether the proposal will "not be contrary to" the objectives and policies of the relevant Regional or District Plan/s (section 104(1)(b)).

Section 104D of the RMA states:

104D Particular restrictions for non-complying activities

1. *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either-*

   (a) The adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or

   (b) The application is for an activity that will not be contrary to the objectives and policies of-

      (i) The relevant plan, if there is a plan but no proposed plan in respect of the activity; or

      (ii) The relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or

      (iii) Both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.

2. *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

With respect to the first gateway test (and as noted above), an assessment commensurate with the effects of the engineering concept designs will be required, as discussed in the following sections. This assessment will need to demonstrate that the effects of the proposal, including the cumulative effects, will be no more than minor. If this cannot be demonstrated, the proposal will fail to pass the first gateway test.

With respect to the second gateway, case law has established that "not contrary to" does not mean that an activity must comply with every individual objective and policy in the relevant plan. As noted in the following sections and the companion regulatory review report, there are some provisions, particularly in the NZCPS that could create some considerable consenting challenges, particularly in terms of passing the second gateway test. If the second gateway cannot be met, it does elevate the significance of the first gateway and the necessity for the effects to be less than minor.

In addition to the consent requirements set out in Table 9, approvals are also likely to be required for the short-term adaptation pathways under a number of statutes, as discussed in the following sections and shown in **Table 10**.

Table 10: Summary of associated approvals required under other statutes for each Priority Unit.

Statues	Whirinaki	Bay View	Westshore	Pandora	Haumoana	Te Awanga	Clifton
Building Act 2002				✓	✓	✓	✓
Reserves Act 1977	✓	✓	✓	✓	✓	✓	✓
Marine and Coastal Area (Takutai Moana Act)	✓	✓	✓	✓	✓	✓	✓
Heritage New Zealand Pouhere Taonga Act 2014							✓

5.2 NEW ZEALAND COASTAL POLICY STATEMENT

The NZCPS is the preeminent planning document in the coastal environment and will be a key consideration for future resource consent applications to implement the short-term adaptation responses. The NZCPS is considered in detail in the companion policy and regulatory review report prepared by Mitchell Daysh Limited.[121]

In summary however, the directive language used within Policies 11, 13 and 15 effectively establishes 'bottom lines' as the policies all seek to avoid (i.e. not allow or prevent the occurrence of) certain effects in the interests of protecting indigenous biodiversity (Policy 11), preserving natural (Policy 13) and protection natural features and landscapes (Policy 15). In places of outstanding or high natural character or landscape value, or where ecological values are significant, the 'avoid' language in Policies 11, 13 and 15 (and the policies in corresponding lower-order plans) can effectively act as a bar to consents being able to be obtained.

For each of the Priority Units , it would be prudent to consider undertaking a robust evaluation of the indigenous biodiversity value, natural character or natural features present in order to determine whether the proposed adaptation response must be entirely avoided in these areas or whether an appropriate management response is available. This will be particularly important for parts of the Pandora priority unit which are located on the

[121] Mitchell Daysh Limited, 2020. Clifton to Tangoio Coastal Hazard Strategy 2120, Stage 4 Regulatory and Policy Review.

edge of a significant conservation area. It will also be important for the Haumoana and Te Awanga Priority Units as the groyne fields will introduce new built structures into a largely "natural" foreshore (acknowledging that an existing groyne is present near the Tukituki River mouth at Haumoana). This is discussed in more detail with respect to each unit is section 2.8 and 2.9 below.

Turning to the natural hazard protections, there is a clear preference for natural or "soft" defences (such as renourishment and planting) to be established over hard protection structures (such as sea walls and groynes). The weight afforded to these provisions could therefore be determinative for future applications at Clifton, Pandora, Haumoana and Te Awanga, particularly where resource consent is required for a non-complying activity. Recent consent applications for non-complying hard protection structures within the region (Clifton and Whakarire Avenue – refer to section 6 for case studies) have not found these provisions to present insurmountable consenting challenges. In both instances however, space constraints were a factor due to the proximity of the structures to existing built up environments and also likely due to the design life of the structures. Given these factors, it is unlikely that an extension to the existing structure at Clifton or the introduction of new features in the built-up areas of Pandora where the existing environment is already highly modified will be presented with the same consenting challenges as the Haumoana and Te Awanga Priority units where less built up infrastructure exists. Drawing on the work undertaken as part of Stage 3 of the Strategy, a detailed assessment of alternatives will need to accompany the resource consent applications which demonstrates why, in the circumstances, natural or soft barriers were not a via short-term solution.

The NZCPS also requires that historic heritage is protected from inappropriate subdivision, use and development. Within areas of known heritage value or areas where it is likely that historic artefacts may be found, care will need to be taken to ensure that it can be demonstrated the relevant resource consent applications that development of coastal protection structures are not "inappropriate" in the circumstances. While this is likely to involve a weighting exercise of the benefits of the proposal, it is noted that other statutes such as the Heritage New Zealand Pouhere Taonga Act 2014 is likely to present greater statutory barriers than this NZCPS policy in isolation.

5.3 MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

The Marine and Coastal Area (Takutai Moana) Act 2011 (**"MACA"**) acknowledges the importance of the marine and coastal area to all New Zealanders and provides for the recognition of the customary rights of iwi, hapū and whānau in the common marine and coastal area.[122]

[122] https://tearawhiti.govt.nz/te-kahui-takutai-moana-marine-and-coastal-area/

There are two avenues available under MACA: direct Crown engagement and applications to the High Court. There are currently a number of MACA applications for various stretches of the Hawke's Bay region's coastline for customary marine title and / or protected customary rights. The application area of the following groups includes the coastal marine area covered by the seven Priority Units:[123]

- Heretaunga Tamatea Settlement Trust.[124]
- Maungaharuru-Tangitū Hapū.[125]
- He Toa Takitini (Heretaunga Tamatea). [126]
- Mana Ahuriri Incorporated.[127]
- Te Aitanga a Puta, Ngati Kurupakia e Ngai Tauira Hapu.[128]
- Ngai Tamahaua hapu (Herewini).
- Ngāti Pāhauwera.[129]
- Ngāti Parau Hapū.[130]

As noted in detail in the companion policy and regulatory review report prepared by Mitchell Daysh Limited,[131] if an activity requiring a resource consent is within the area of a customary marine title application, the resource consent applicant is required to notify and consult with that customary marine title applicant group/s. If a customary marine title determination is made, then a consent applicant must have written permission from that customary marine title group.

If an activity requiring resource consent is in an area where a group exercises protected customary rights, the consent will not be granted if the activity will have more than minor adverse effects on the rights unless permission of the protected customary rights group is obtained.

While no determinations have been made under the MACA at this stage for either customary marine title or protected customary rights, although there are a number of processes, including some High Court proceedings are in train in the Hawke's Bay. Until

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123 Based on the maps appended to each application published on Te Arawhiti website (https://tearawhiti.govt.nz/).

124 Relevant to the Te Awanga, Haumoana and Clifton Priority Units.

125 Relevant to the Whirinaki and Bay View Priority Units.

126 Relevant to the Te Awanga, Haumoana and Clifton Priority Units.

127 Relevant to the Whirinaki, Bay View, Westshore and Pandora Priority Units.

128 Relevant to all Priority Units.

129 Relevant to the Whirinaki Priority Unit.

130 Relevant to the Pandora and Westshore Priority Units.

131 Mitchell Daysh Limited, 2020. Clifton to Tangoio Coastal Hazard Strategy 2120, Stage 4 Regulatory and Policy Review.

determination has been made, resource consent applicants are still required to notify and consult with any group that has applied for a customary marine title.

Once a determination is made the approval of the customary marine title and/or protected customary rights group must be obtained.

It is important to note as background that the three main iwi groups within the Strategy area, Heretaunga Tamatea Settlement Trust (previously He Toa Takitini), Mana Ahuriri Trust (previously Mana Ahuriri Incorporated) and the Maungaharuru-Tangitū Trust, appointed representatives who were part of the Assessment Panels who developed the adaptation pathways as part of Stage 3 of the Strategy. Wider iwi members were also involved in a focused multi criteria decision-making analysis process relating to Maori values which was brought to the Northern and Southern Assessment Panels as part of recommending the preferred pathways. These iwi groups also ratified the adaptation pathways as part of their governance role within the Joint Committee. The proposed adaptation pathways identified for each of the Priority Units are therefore informed through this process.

As work further evolves as part of Stage 4 of the Strategy, including any potential policy changes and the advancement of consenting processes, advice should be sought directly from relevant iwi groups (with support from Council iwi liaison advisors) around the additional engagement required as these processes move forward.

5.4 RESERVES ACT 1977

A number of the priority units contain reserves that will be subject to future coastal adaptation works. This includes:

Napier City Council Reserves:	Westshore Beach Reserve (Recreation Reserve)
	Humber Street Reserve (Local Purpose Recreation Reserve)
Hastings District Council Reserves:	Whirinaki Recreation Reserve (Local Purpose and Recreation Reserve)
	Haumoana (Clive Grange) Domain (Recreation Reserve)
	Te Awanga Domain (Recreation Reserve)
	Clifton Domain (Recreation Reserve)

There may also be other reserves present that are held by the Department of Conservation and Land Information New Zealand. For example, part of the Ahuriri Estuary (relevant to the Pandora Priority Unit) is contained within the Ahuriri Estuary Conservation

Area under the Conservation Act 1987 and the Ahuriri Wildlife Refuge under the Wildlife Act 1953.

The Reserves Act 977 has been considered in detail in the companion policy and regulatory review report prepared by Mitchell Daysh Limited.[132] In summary however, all of the reserves within the Priority Units have either been Gazetted for Recreation or Local Purpose Reserve purposes. Further investigation will be required to determine whether the proposed adaptation pathways are in keeping with the purpose of these reserves or the ambit of activities that are anticipated within them, and/or whether specific authorisations will be required.

5.5 HERITAGE NEW ZEALAND POUHERE TAONGA ACT 2014

A number of heritage and cultural sites are located within or nearby the priority units. Many of the units also carry significant cultural value. As noted in detail in the companion policy and regulatory review report prepared by Mitchell Daysh Limited,[133] if any of the proposed works are located within known heritage areas or it would be reasonable to assume that some historic artefacts may be found during the works, it would be prudent to obtain an archaeological authority prior to works commencing. Such an application would need to be prepared and submitted to Heritage New Zealand by an appropriately qualified heritage expert. Iwi consultation may also be required depending on the nature of the likely discovery. This archaeological process can create consenting risk and the tests are different to the RMA. Archaeological authorities can be appealed to the Environment Court.

5.6 WESTSHORE, BAY VIEW AND WHIRINAKI CONSENTING CHALLENGES

Renourishment activities are generally anticipated at Westshore. This is evidenced by the mapping of the “Westshore Renourishment Area” and “Dredged Disposal Areas” mapped in the Regional Coastal Environment Plan. The associated planning provisions further support such activities, with up 50,000m^3/year of renourishment activities provided for as a controlled activity. The Council cannot decline consent for a controlled activity but may impose conditions on the consent in respect of the matters over which control is reserved.

By comparison, over 850,000m^3 of initial renourishment followed by over 100,000m^3/year maintenance renourishment is proposed as part of the short-term adaptation response for Westshore. This considerably exceeds the earlier described renourishment levels anticipated in the Plan and necessitates resource consent as a discretionary activity. For

[132] Mitchell Daysh Limited, 2020. Clifton to Tangoio Coastal Hazard Strategy 2120, Stage 4 Regulatory and Policy Review.

[133] Mitchell Daysh Limited, 2020. Clifton to Tangoio Coastal Hazard Strategy 2120, Stage 4 Regulatory and Policy Review.

this consent, the most significant consenting challenges will be demonstrating the effects of such large volume of sediment (including the composition of the sediment) on:

- Marine life, including benthic communities, fisheries, marine mammals and shellfish;
- The effects on Te Pania and other reefs from sediment / turbidity caused by renourishment;
- Effects on coastal water quality;
- Effects on coastal processes;
- Effects on water based recreational activities, including diving and surfing (Town Reef break); and,
- Cultural effects.

Without the above assessments it is difficult to understand the likely nature and scale of effects that could arise from the additional renourishment proposed. It would therefore be prudent for a high-level evaluation of the effects to be undertaken that can help inform what management responses may be necessary. This should also be informed by monitoring of the existing environment (including consents being exercised by the Port of Napier) to ensure that baseline data is available to monitor future renourishment activities against and if necessary, enable the development of a long term adaptative management approach to renourishment activities.

Early engagement with mana whenua would help to identify the key cultural matters that might arise. Such engagement should start in short order to ensure that local iwi can be an active participant in the shaping of the proposal and the ultimate cultural and environmental outcomes achieved.

With such significant volumes of sediment required for the renourishment activities at Westshore, a potential challenge for this consent will be identifying where such material will originate from and the effects of transporting that material to adjacent properties on the proposed trucking routes. Similarly, the sustainability of trucking such volumes may draw interest. Early consideration will therefore need to be given to potential source material and the likely trucking routes proposed which have the least effect on adjacent landowners and the roading network more widely. While a separate consenting issue, there also be challenges identifying quarry or gravel extraction sites with sufficient capacity to source such volumes of material.

The type of sediment is also likely to draw interest, with recent social impact assessments undertaken as part of the Strategy indicating that the community would like to see Westshore beach return to the former sandy beach.

Due to the smaller volumes of material involved, renourishment at Bay View and Whirinaki will likely require resource consent as a restricted discretionary activity. The matters of

discretion are reasonably confined and will require that the resource consent application address the following matters:

- The material characteristics, toxicity, contaminant levels, quantity, area, location and timing of deposition;
- Coastal water quality;
- Effects on other uses, and navigation;
- Effects on marine life (including benthic communities);
- Effects on wave action and sediment supply.

With appropriate iwi support and management of effects, we do not foresee the consenting of renourishment offshore of these two sites to be an insurmountable challenge. Furthermore, the NZCPS generally encourages natural protection measures.

5.7 PANDORA CONSENTING CHALLENGES

Pandora is located in a complex environment. It is surrounded by a range of land use activities, from heavy industrial and business through to active and passive recreation. It is also an area that holds significance ecological value and is of cultural significance to Maori. When implementing the short-term adaptation responses for this area, these different values and priorities must be factored into decision-making.

The Ahuriri Estuary holds many significant values. It is a mapped “Significant Conservation Area” and is home to both critically endangered and native species. As noted with respect to the NZCPS (section 5.2), there are clear environmental bottom lines that must be adhered to with respect to indigenous biodiversity. If these cannot be met, the avoidance directives of the NZCPS prevail and the activity cannot proceed.

The proposed inundation protection structures within the Pandora Priority Unit are located on the outer edge of the Ahuriri Estuary. Minimising the extent to which any of the structures extend into the estuary will serve to minimise potential adverse effects on these sensitive environments and potential consideration of the avoidance provisions within the NZCPS. Furthermore, baseline investigations into the actual indigenous flora and fauna present in the location of the proposed structures (and any associated construction footprint) will help to inform whether alternative routes are required for the structures in order to avoid sensitive environments, if present. Baseline investigations will also be necessary to understand whether species sensitive to potential construction effects (i.e. noise and vibration) are present and whether these are likely to be significantly affected.

Another potentially significant consenting challenge for the inundation structures is the extent to which the structures are considered to “impound” the estuary. Under Rule 128 of the Hawke’s Bay Regional Coastal Environment Plan, the following activity is prohibited:

The erection or placement, alteration or extension of a structure (excluding a structure for the purposes of enhancing biodiversity) in the coastal marine area that would impound or effectively contain the coastal marine area in any of the following Significant Conservation Areas:

1 ....

4. the Ahuriri Estuary (SCA12).[134]

The Regional Coastal Environment Plan defines mean high-water spring as the landward boundary of a significant conservation area. In a few discrete locations, the proposed structures extend partially into the mapped Significant Conservation Area. Whether these individual encroachments are considered to "impound or effectively contain" the coastal marine area is a matter of interpretation that should be confirmed through legal advice. This would likely require further technical information about the design in order to be definitive. If however, it is found that the structures are captured by this rule, then other options include identifying an alternative route/design or a plan change will need to be undertaken to amend the rule insofar as it relates to the provision of the proposed inundation structures. Limiting the plan change to the provision of the specific inundation structures identified in the Strategy would reduce the scope of effects, provide for a narrow range of built form outcomes and would avoid perverse outcomes for the wider estuary should broader amendments be made to the rule that could impact on the wider estuary.

From a policy standpoint, the objectives and policies within the Regional Coastal Environment Plan and the City of Napier District Plan lack the directive "avoidance" language of the NZCPS. A proposal is therefore less likely to be declined on the basis of a single strongly worded objective or policy compared with the situation under the NZCPS. A more balanced evaluation of those Plans' objectives and policies, along with the assessment of effects can be undertaken. From a review of the relevant objectives and policies and the information we have obtained around the key values of the area, the following are likely to be key features during the consent process:

- Cultural values – this area is of significant cultural value to mana whenua. Representatives of the three main iwi groups within the Strategy area, He Toa Takitini, Mana Ahuriri Incorporated and the Maungaharuru-Tangitū Trust had a governance role as part of the Joint Committee and other individuals were appointed to the Assessment Panels as part of Stage 3. As work further evolves as part of Stage 4 of the Strategy, including any potential policy changes and the advancement of consenting processes, further advice should be sought directly from relevant iwi

[134] Note the language used in this rule is a legacy of the 1994 NZCPS's description of Restricted Coastal Activities. The 2010 NZCPS does no identify such activities.

groups (with support from Council iwi liaison advisors) around the additional engagement required as these processes move forward.

- Public Access – there is a general focus within the plans around the continued provision of public access to the coast. When designing the inundation structures, consideration should be given to how ongoing access will be provided to the coast for the recreational uses that frequent this area. For example, how will water based recreation users (i.e. kayaker, boaties, paddleboarders and swimmers) continue to access the area? Will recreational fishing opportunities be lost and how can those effects be offset or mitigated? Will recreational walkers/runners/cyclists be able to continue to access the track and trails in this area? These are matters should be considered and where practicable, integrated into the detailed design.
- Amenity – given the range of recreational users and the encouragement of ongoing public access, consideration needs to be given to the amenity and visual appearance of the inundation structures. While the functional requirements of the structures will limit the extent to which such matters can be addressed, it is important to consider opportunities to improve the outlook at amenity of these features where practicable to do. A long-term view should be taken when considering this matter, as gradual increases to the height of the structures over time could result in large “walls” being developed with adverse amenity outcomes.
- Ecological effects – as a significant conservation area, the effects of the adaptation response on the ecological values of the Ahuriri Estuary are likely to draw particular attention. An assessment will be required to identify what the nature and scale of these effects are and whether the effects are likely to be transitory or permanent in nature. The extent to which this may or may not be determinative depends on what the baseline investigations identify within these areas.
- NCC has recently developed the “Ahuriri Estuary and Coastal Edge Master Plan”. This plan seeks to enhance the overall quality and character of the estuary and in some places, allow the estuary to recolonise and reclaim areas of land. While the provision of hard protection structures runs counter to some elements of the master plan, integrating ecological restoration and recreational access to the coast will support other areas of the Master Plan vision.
- The Pandora unit covers a wide area. Consideration should be given to staging construction to ensure that large areas of the coast are not blocked from public access for long periods of time. Similarly, staging will allow for transportation effects to be localised rather than impacting on the wider network.
- Positive effects – the proposed hard protection structures will likely have a positive contribute towards social and economic wellbeing of the community, including health and safety. If possible, it would be beneficial to quantify these benefits and the costs of not implementing these measures.

Should the storm surge barrier be pursued, some of the same issues will arise, however more notably, consideration will need to be given to boat access to the harbour. In this regard, it is anticipated that boat users will be particularly interested around the operational processes of the barrier, under what circumstances is it used, how long will it be in place for etc.

5.8 HAUMOANA AND TE AWANGA CONSENTING CHALLENGES

The Haumoana and Te Awanga Priority Units are located between the Tukituki and Maraetotara Rivers. Apart from an existing groyne near the Tukituki River mouth and approximately 18 properties on the eastern side of Clifton Road (referred to in the Strategy as **"Haumoana 18"**), the foreshore is reasonably natural and free from physical impediment.

As discussed in the companion report[135] with respect to the NZCPS, there are clear environmental bottom lines that must be adhered to with respect to natural character, natural features and natural landscapes. While Haumoana and Te Awanga area has not been identified in in the Hastings District Plan as exhibiting any outstanding natural values, it may hold lesser values where significant adverse effects must be avoided. A refined assessment of the values of this area will therefore be required to determine whether the proposed groyne fields and gravel barriers are likely to have significant effects on these values and whether amendments may be required to the engineering concept designs to ensure a pathway is available through the NZCPS framework.

From a policy standpoint, the overall objectives and policies within the Hawke's Bay Regional Coastal Environment Plan and the Hastings District Plan generally lack the directive language of the NZCPS. A proposal is therefore less likely to be declined on the basis of a single strongly worded "avoidance" objective or policy, compared to the situation under the NZCPS. A more balanced evaluation of those Plans' objectives and policies, along with the assessment of effects can be undertaken. From a review of the relevant objectives and policies and the information we have obtained around the key values of the area, the following are likely to be key features during the consent process:

- Amenity – the form and scale of the structures are such that they will alter the visual amenity of the coastline. Due to the functional requirements of groyne fields, it is anticipated that there will be limited ability to effectively mitigate this effect. Unlike Clifton or Pandora, there are no existing built form structures that will soften or buffer this outlook. Notwithstanding, there may be some opportunities for minor design changes (particularly around the footings) to mitigate adverse visual amenity effects.

[135] Mitchell Daysh Limited, 2020. Hawke's Bay Regional Council Stage 4 Regulatory Review: Clifton to Tangoio Coastal Hazard Strategy 2120.

- Cultural values – the entire shoreline is of significant value to mana whenua. While representatives of the three main iwi groups within the Strategy area, He Toa Takitini, Mana Ahuriri Incorporated and the Maungaharuru-Tangitū Trust were appointed to the Assessment Panels who developed the adaptation pathways as part of Stage 3, as work further evolves as part of Stage 4 of the Strategy, including any potential policy changes and the advancement of consenting processes, advice should be sought directly from relevant iwi groups (with support from Council iwi liaison advisors) around the additional engagement required as these processes move forward.
- Ecological effects – there is potential for the proposed renourishment activities to have adverse effects of the offshore marine ecology, particularly benthic communities. An assessment will be required to identify what the nature and scale of these effects are and whether the effects are likely to be transitory or permanent in nature. The extent to which this may or may not be determinative depends on what the baseline investigations identify within the disposal areas. Similarly, the proposed new gravel barriers will effectively impound the small estuarine areas located at the Haumoana end of the site. The effects on this on any flora and fauna require further investigation.
- Positive effects – the proposed hard protection structures will likely have a positive contribute towards social and economic wellbeing of the community, including health and safety. If possible, it would be beneficial to quantify these benefits and the costs of not implementing these measures.

5.9 CLIFTON CONSENTING CHALLENGES

Given the presence of an existing seawall at Clifton, it is not anticipated that the proposed extension of this wall will face the same consenting challenges as establishing entirely new coastal protection structures at Haumoana and Te Awanga. It should be noted that while the key relevant policy frameworks do not provide any lenience towards seawall extensions as opposed to new sea walls, the existing environment already contains a seawall so the starting point for future environmental effects assessment is different.

The proximity of the sea wall to the adjacent outstanding natural and ecological area of Cape Kidnappers will need to be taken into consideration during consenting and any effects appropriately managed. Given that resource consent has recently been obtained to construct the coastal wall, it is anticipated that any adverse effects will be able to be appropriately managed.

The cultural and archaeological significance of the site was also a matter that was prevalent during the consenting and construction of the original sea wall. It is anticipated that similar archaeological artefacts may be found as part of this work. It would therefore be prudent to liaise with the mana whenua of the area and Heritage New Zealand to obtain an archaeological authority prior to works commencing. Not only will this clearly address the historic and cultural heritage effects associated with the proposed seawall

extension, it also will also avoid unnecessary delays should any artefacts be “accidentally discovered”.

5.10 COMMUNITY ENGAGEMENT

The Local Government Act 2002 describes the principles of consultation. Most notably for this proposal is the principle that information regarding proposal(s) will need to be reasonably accessible and in a manner and format appropriate to meet the preferences and needs of the people being consulted. This information should preferably be provided before consultation sessions commence, but it could be provided at the same time if there is a subsequent period of time provided for consideration of that material and the provision of feedback and comments. How this information is “bundled” and provided to the community (i.e. via internet, hard copies, newsletters, posters etc) will therefore need further careful consideration and thought.

While it is acknowledged that a community led decision making process was undertaken to identify the adaptation responses for each priority unit, this process was undertaken by representatives of community and not the community at large. Once the concept designs have been further developed and the likely effects of each adaptation response better understood, consultation with the wider community should be undertaken. This could include, for example, community drop days at each priority unit, information leaflets, updates to the HBCoast website, etc. We understand a Communications Plan has been developed for Stage 4 of the Strategy project. This type of approach should be ongoing through into the implementation stages of the Strategy.

Despite there being no statutory obligation under the RMA to consult with key stakeholders and/or the community, it is not advisable to adopt that approach, and there are a number of benefits to be gained by doing so:

- Consultation gives people a voice in the process and can reduce the amount of subsequent litigation;
- consultation can reveal issues or information that the proponent may not be aware of or may not have considered;
- consultation can provide inputs that will improve the proposal and potentially reduce its impact on the environment;
- consultation can strengthen relationships with tāngata whenua and provide an understanding of their values and interests in the environment. Tāngata whenua participation also fosters kaitiakitanga (the exercise of guardianship expressed in part through an ethic of stewardship);
- consultation can reduce concern, doubt or confusion people may have about the proposal;

- consultation offers an opportunity to resolve concerns and reach agreement with key stakeholders and interested parties thus potentially lessening future opposition;
- consultation can initiate new relationships with the community and provide a platform for future collaboration; and,
- Well executed consultation is generally viewed favourably by decision makers.

6. CASE STUDIES

To help identify the key consenting issues associated with the implementation of the short-term adaptation responses, a number of case studies have been considered from within and beyond the region. For context, these are described in further detail in the following sections.

6.1 HAWKE'S BAY REGION – WHAKARIRE AVENUE BREAKWATER

NCC applied for a suite of consents[136] to authorise construction of a breakwater off Whakarire Avenue, Napier and to subsequently reclaim an area of land landward of the proposed structure to form a reserve area and recreational beach. The purpose of the structure was to replace and extend an existing seawall which was in a degraded condition to ensure that residential development off Whakarire Avenue was protected from coastal erosion.

The application was publicly notified in August 2013 and received a total of 47 submissions. Three submissions were neutral, the remaining were in opposition. The key issues identified in the submissions related to the effects of the structure on the surf break locally known as "the Reef", the effects on amenity of residents and effects on marine ecological values.

A pre-hearing meeting was held on 17 July 2014. As a result of this meeting, the applicant reconsidered the design of the structure. All the submitters subsequently withdrew their submission or no longer wished to be heard.

The key issues and effects that were considered in the application and subsequent traversed in detail during the RMA consent decision making process included:

- Construction effects: specifically, traffic generation, duration, silt management, noise, dust management effects. Overall, it was found that these could be managed by way of conditions of consent.

[136] Hawke's Bay Regional Council Consent Numbers CL130253R, CL130254M, CL130255M, CL130255M, CL130258O and cL1302589D.

- Coastal ecology and habitat loss: Due to the amended design however, it was found that there would be no loss of habitat of Rangatira Reef.
- Coastal hazards: it was found that the positive effects the breakwater will provide for the protection of Whakarire Avenue properties from coastal erosion.
- Landscape and visual effects: it was found the area was already largely modified in character and had visual capacity to accommodate further change. It was also found that while Westshore Beaches has significant value, it was not of the qualities of an outstanding natural landscape or feature.
- Natural character effects: With respect to natural character, the decision noted that *"The coastal environment of the subject sit subsequently bears little, if any resemblance to its original natural character."*
- Recreational effects: design amendments meant the existing surf break would not be affected by the proposal.
- Amenity effects: overall the proposal was found to strike a balance between maintaining existing amenity while providing a structural solution for natural hazard management.
- Cultural / iwi effects: the area was found to have a rich cultural history and was of significant cultural value. Pre-consultation with iwi was reported to be productive and no submissions were subsequently made by iwi.
- Public Access: the amended design was part of a longer-term project to redevelop the foreshore and provide greater public access.
- Heritage: while minor works were proposed over two heritage sites, the addition of interpretation signage and the repositioning of such structures was considered to be positive outcome.

From a policy perspective, the proposal was considered to be consistent with the relevant objectives and policies of the Regional Coastal Environment Plan. Further, the evaluation considered the guidelines under Policy 15.1 and found that in the circumstances, a do-nothing approach or managed retreat were not an option for this site due to the financial value of the houses located in the area. It was also considered that such options were not practicable or necessary, with the proposal resulting in the prevention of further erosion and allowing for more effective renourishment at Westshore.

With respect to the NZCPS, it was noted that the proposed structure has a design life of 50 years despite the NZCPS requiring consideration of at least a 100-year timeframe. Notwithstanding this, the design of the structure will allow for additional height if or when sea level rise exceeds 0.3m.

The decision also acknowledged that hard protection structures are not the preferred mechanism of mitigating hazards (Policy 25(e)), but that in some cases they may be necessary, particularly where they are to protect existing development and where there are no practicable alternatives.

In relation to Policy 27(1)(b) and (c), it was concluded that hard protection structures were necessary in this area due to the threat of coastal erosion and significant adverse effects this would have on existing properties in the area.

Resource consent for the proposed breakwater was granted on 27th October 2016. No party lodged an appeal in the Environment Court on that decision. NCC is yet to commence construction works. NCC is consulting with the community about how to fund the works and budget provisions in the 2020-21 Annual Plan.

It should be noted that case law with respect to the NZCPS has developed further since this consent decision. Specifically, in the *Davidson* decision,[137] the Court of Appeal held that when considering whether to grant RMA authorisations, it is not appropriate to override directive NZCPS and regional (including "avoid") policies through the (previously orthodox) balancing of positive and adverse effects of the project overall. It is possible that the same proposal might be more difficult to consent if lodged today, as this application included "reclamation" activities which the NZCPS seeks to "avoid".

6.2 HAWKE'S BAY REGION – CLIFTON REVETMENT

HDC applied for a resource consent[138] from both HDC and HBRC for the construction, maintenance and repair of a 400m long limestone revetment and upgrade an existing 80m long limestone revetment. Consent was also sought to construct a new access road and undertaken periodic beach renourishment.

The application was publicly notified, and ten submissions received. One submission was in opposition, one neutral and the remainder in support. The main issues raised by the opposing submitter related to:

- the visual amenity effects of the area;
- Protecting the Clifton Reserve, Motor Camp and Marine Club which were considered by the submitter to be important recreational facilities;
- The provision of access to the Clifton Camp and visitors walking the Cape Kidnappers walk.

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137 *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316.

138 Hawke's Bay Regional Council resource consent number CL170304C, CL170305D, LU170307C, CL1703080O, CL170309M, CD170310L and CL170311R.

- Cultural heritage including the protection of Maori and archaeological sites within the area; and,
- The retention of the boat ramp as an essential access to the beach and sea.

The key issues and effects that were considered in the application and subsequent traversed in detail during the RMA consent decision making process included:

- Effects on coastal processes: While it acknowledged that the revetment may "lock in" sediment that would normally be available for transportation, the effect could be managed through periodic renourishment and monitoring.
- Landscape and Amenity effect and natural character: the decision identified that the receiving environment had already been modified by man-made structures and that the proposal would further affect the natural character of the area. The landscape and visual assessment for the works identified that the works will 'return the landscape to one of opportunity, regeneration and increased amenity value'. Overall, as the area had already undergone modification, the effect on natural character was found to be acceptable.
- Ecological effects: based on the ecological assessments undertaken as part of the application, it considered that species present at the site were tolerant to disturbance associated with construction. Given the quality of the pebble/gravel environment, it was considered that the revetment was unlikely to constitute a significant loss of coastal diversity or deterioration of the local coastal ecology.
- Historic significance and Maori cultural values: the existing access road to Clifton traverses through a recorded archaeological site (W21/176). A further six recorded sites were also identified within 800m of the proposed works (pā site W21/15 (ca. 130 m); pit site W21/14 (ca. 215m); open settlement W21/17 (ca. 320 m); pā W21/4 (ca. 540 m) pā W21/165 (ca. 770m); historic settlement W21/21 (ca. 820 m)). It was considered that the effects on these areas could be managed by appropriate archaeological conditions of consent.
- Open Space and Rural Zone Effects: it was found that the proposed revetment and road would not impact on the ability of the surrounding land use zone (Rural) to be used for productive purposes. Furthermore, the works would enable the continued access sand use of the coastline by the local community for recreation purposes.
- The proposal was found to meet the relevant Regional Coastal Environment Plan and NZCPS provisions such that they were not considered an impediment to the consent was subsequently granted on 4th July 2018. No party lodged an appeal in the Environment Court on that decision.

The following commentary from the decision with respect to the Clifton to Tangoio Strategy should be noted:

> *"...It was noted by Mr O'Shaughnessy that the [Clifton to Tangoio Coastal Hazards Management] strategy had yet to be fully consulted on through local government processes but that construction of the proposed revetment in the short-term, with a longer term managed retreat approach, was appropriate from the applicant's perspective. This approach was supported by a number of submissions and most submitters who appeared at the hearing. Given that the strategy had not been through a public consultation process I can give little weight to it, but it does provide useful background regarding coastal hazard management approaches being considered in the District and wider area."*

The implications of this finding are considered further in the companion policy and regulatory review report prepared by Mitchell Daysh Limited.[139]

6.3 GISBORNE REGION – EROSION PROTECTION WORKS

The Gisborne District Council sought resource consent[140] for coastal erosion protection works at Wainui Beach. This included a proposed rock revetment wall to replace part of an existing wall at Tuahine Crescent and to retain the gabion basket works at 21 Wairere Road, which were constructed under the emergency works provisions of the RMA.

The application was publicly notified and a total of 41 submissions received. The key issues identified by opposing submitters included:

- Natural character and landscape values being adversely affected;
- Potential impacts (end effects) of any new revetment on properties to the north of the structure;
- Potential adverse effects on public access to and along the beach;
- Loss of amenity and recreational use of the beach;
- That the proposal is not supported by the statutory planning documents which seek to discourage hard engineering solutions to coastal hazards management;
- That long terms solutions such as 'managed or progressive retreat' need to be more seriously considered;
- Precedent effect and expectations of hard engineering as a solution if consent were granted;

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[139] Mitchell Daysh Limited, 2020. Clifton to Tangoio Coastal Hazard Strategy 2120, Stage 4 Regulatory and Policy Review.

[140] Gisborne District Council Application Number LU-2017-107788-00, LL-2017-107789-00, CC-2017-07790-00, CO-2017-107791-00.

- Costs of any revetment walls should be borne by private users/benefactors.

Those submissions supporting the proposal included reasons such as:

- The need to protect the properties at 2 to 8 Tuahine Crescent;
- The existing rail irons are dangerous and need to be removed; and,
- The rock revetment wall will achieve appropriate mitigation and will also address existing issues with sand depletion at this end of the beach.

The NZCPS and the extent to which the proposal was consistent with Policies 25 and 27 was key focus of the hearing and the subsequent decision.

With respect to the NZCPS, the commissioner found that the Tairāwhiti Plan provisions were, in some instances, inconsistent with or incomplete when considered against the NZCPS. The Tairāwhiti Plan provisions were also found to be less directive which was likely a consequence of the plan predating the 2010 NZCPS. Accordingly, the commissioner placed greater weight on the NZCPS provisions insofar as it related to natural hazards and the natural environment.

Of particular note are the following findings of the commissioner (emphasis added):

> *79. The NZCPS clearly discourages hard protection structures but accepts at policy 27(1)(c) that "hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance". Policy 27(2) - states that evaluating options under (1): to ensure that where hard protection structures are considered necessary, that the form and location of any structures are designed to minimise adverse effects on the coastal environment. Policy 25(a) sets a high 'bar' by stating "avoid increasing the risk of social, environmental and economic harm from coastal hazards".*
>
> *80. In this case the proposed revetment is essential to protect private property at 2 to 8 Tuahine Crescent. While I can understand land owners wanting to have their properties protected, this form of protection is not 'supported' by the NZCPS. The NZCPS accepts that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance. This proposal is not about protecting existing infrastructure of national or regional importance.*
>
> *81. The applicant has advanced the revetment as a short to medium term 'fix' while the council and community devise a longer term sustainable strategy in relation to the existing development (and future development) at Wainui Beach. Mr Daykin acknowledged this at the hearing - saying it was to "buy some time" to develop a longer term approach recognising that the Tuahine Crescent dwellings were in the Extreme Coastal Hazards Risk Area. However I note from Mr Daykin's opening statement that 28 properties are identified within the 'Extreme Risk Area' coastal hazard zone - i.e. they are potentially at risk from erosion resulting from storms23.*
>
> *82. A 25 year consent term for the CMA component of the revetment was sought. Given that the maximum consent period that can be granted under the RMA is 35 years; 25 years cannot be seen as 'temporary' or 'short to medium term'.*

.....

86. While I accept it is prudent to plan into the future, and this is supported by the NZCPS (Policy 25 envisages a 100 year time period), in this context it appears to 'cement in' a long term hard protection approach to coastal erosion.

92. Policy 27(4) states that "Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so". It is acknowledged that majority of the proposed revetment will be on privately owned land. However a part of revetment will be on public land, and given the purpose of the revetment, I find that there is no significant public or environmental benefit to that land or the public.

93. It is my findings for the reasons set out above the proposal would be inconsistent with the natural hazards provisions of the NZCPS, and the natural character provisions to the extent they relate to coastal processes (noting that policy 13 (2) - Preservation of natural character - sets out that natural character includes matters such as "natural elements, processes and patterns" and the natural movement of water and sediment).

...

120. I have addressed the provisions sections 104 and Part 2 of the RMA. It is my finding that the rock revetment is, overall, inconsistent with the natural hazards and related natural character provisions of the NZCPS, which discourages hard protection structures unless it is only practical means to protect existing infrastructure of national or regional importance. The proposal is in part inconsistent with the Tairāwhiti Plan provisions. The reasons for this have been set out above, noting that I have placed greater weight on the provisions of the NZCPS.

121. Moreover it has not been demonstrated that the adverse coastal process effects, particularly "end effects" have been avoided (or remedied or mitigated) given the NZCPS policy 25 direction to avoid increasing the risk of social, environmental and economic harm from coastal hazards.

Resource consent for the rock revetment was subsequently refused on the 25th February 2018. No party lodged an appeal in the Environment Court on that decision.

7. CONCLUSIONS

The key consenting challenges likely to arise for each priority unit is identified in detail in section 5.

Further work is required for each priority unit to understand the nature and scale of effects likely to arise as a result of the implementation of each short-term priority unit adaptation response. It is not until this work is completed that it can be established whether the NZCPS is likely to cause insurmountable consenting challenges. However, given the strict interpretation of avoid policies in recent case law, in particular, the NZCPS as currently formulated creates a highly challenging policy context for many applications relation to the coastal marine area, and can preclude the ability to obtain consents.

With respect to lower order regional and district plans, the provisions contained within these documents are generally broadly drafted. Provided the granular assessments of effects associated with each site do not identify significant adverse effects, from a policy standpoint, it is likely that the adaptation responses will be able to find a pathway through the regional and district planning documents. Ahuriri Estuary is the exception to this however, with the impoundment of the Significant Ecological Area potentially being a prohibited activity under the Regional Coastal Environment Plan. It is recommended a legal opinion is sought to confirm the interpretation of this rule and whether the proposed inundation protection structures would comprise "impoundment" and thus attract a prohibited activity status.

In addition to the future provision of technical environmental assessments which will ultimately identify the nature and scale of any adverse effects and whether those effects can be appropriately avoided, remedied or mitigated, the following actions are recommended to be undertaken to help inform and shape the detailed designs of the adaption responses for each unit:

- Undertake an evaluation of the indigenous biodiversity value, natural character or natural features present in order to confirm that a pathway is available through the "avoidance" policy framework of the NZCPS. Based on mapping contained in the Hastings District Plan and the discussion documents released as part of City of Napier District Plan review, it does not appear that any of the units exhibit "outstanding" characteristics.
- Undertake baseline investigations, particularly in areas where offshore renourishment is proposed to provide a basis against which future environment effects can be assessed. Should include investigations around water quality and ecology.
- Commence further project specific engagement with mana whenua. Ongoing collaboration and engagement with mana whenua will be critical to the success of the adaptation responses. While Strategy evaluation panels included mana whenua representatives and the post Treaty settlement groups approved the Priority Area pathways as part of the Joint Committee approval, it is important to re-engage with mana whenua with interests in this area. This is particularly important given the evolving nature of the MACA applications in the Strategy area.
- For the most part, the proposed works do not appear to completely hinder the use of existing reserves for their original purpose. It would be prudent to develop a specific reserves strategy and work through this with the relevant Councils the Department of Conservation and, and if necessary, seek approval for the works under the relevant Reserves Act, reserve management plans or bylaws. Where proposed works are incompatible with the purpose of a particular reserve, it may be necessary to consider seeking to amend or revoke the Reserve Act status to enable such works to proceed, but that can be covered in the reserves strategy.

- Consideration should be given to future sediment sources for the proposed renourishment activities and the associated transportation routes to identify whether there are any issues or effects.
- A legal opinion should be obtained regarding the extent to which the proposed inundation structures at Pandora are considered to “impound” the ecologically significant Ahuriri Estuary to ensure such structures are not prohibited.
- A community engagement plan should be developed to guide community consultation around the detailed options being considered and the associated effects. Feedback from this process will help shape and form the management of effects arising from each adaptation response.

Once the above workstreams are underway, it will quickly become apparent which Priority Units can advance through the consent phase, which ones are likely to require further work before consenting can advance. It may also be that hazard events means that priority is given to some units over others, due to a more pressing or immediate need to respond to a coastal hazard event.

In the short term, it would be prudent to understand the likely timeframes for any future regional or district plan review processes to determine whether there is an opportunity to integrate the Strategy into these reviews and potentially simplify the consenting framework for each Priority Unit (refer to the companion report for further details on this matter). This may create a more favourable consenting framework for the various adaptation which, for the most part, are currently non-complying activities. With respect to Pandora, it may be a plan change is required in order to be able to even contemplate the installation of a seawall in this location.

In terms of the packaging the resource consent applications under the RMA, there are a number of options to consider. For example, should the consents be bundled together in one “package” of consents for all Priority Units, bundled together based on like adaptation responses across various locations (for example, renourishment at Westshore, Bayview and Whirinaki or the renourishment and groyne features at Haumoana and Te Awanga), or should consent be sought separately for each adaptation response within each Priority Unit. It is anticipated that the consenting strategy applied will ultimately depend on whether some Priority Units require implementation of adaptation responses sooner than others, how quickly workstreams can advance, and the risks of consenting the works collectively.

For a project of this nature where the adaptation responses have been informed by a holistic coastal management strategy from Clifton to Tangoio, there would be merit trying to maintain the “holistic view” through the consenting phase of the works. In an “ideal” situation (and if the risks of doing were manageable), consideration could be given to filing separate resource consents for all adaptation responses concurrently. By taking this

approach, a holistic view can be maintained by the decision maker and the community as the wider package of consent documents is available for their consideration and review, however each Priority Unit can be assessed individually and on its merits. Applying this approach would also allow, if necessary, for some Priority Units to be advanced or slowed mid-way through the process in response to changing circumstances, for example, growing community concern or support, changing environmental conditions (i.e. a coastal hazard event) or changes in legislation.

It would be prudent to develop a detailed consenting strategy and risk evaluation at the completion of the workstreams identified in this report to determine the most effective and efficient pathway forward for each Priority Unit.