

17 Natural Hazard Policy Area Rules

17.1 Introduction Definitions and Permitted Activities

that Alternative Building Site.

The *subdivision*, land use, development and protection of natural and physical resources contained within a Natural Hazard Policy Area, either for a coastal erosion or inundation hazard or flooding, are subject to the provisions of this Chapter. In this Chapter:

(a) Able to be relocated

means, for the purposes of rules 17.2, 17.3 and 17.4, that the activity, *building* or *structure* is able to be "practicably moved" as follows:-

- (i) For *subdivision* -
 - to an Alternative Building Site; or
- (ii) For land use:-
 - where the land does not contain an Alternative Building Site of 325m² the activity, *building* or *structure* shall be able to be practicably moved as far landward as possible, within the land, while complying with the bulk and location Rules of the District Plan, or off-site clear of the CHEPA. Such land as is available for relocation shall remain vacant for the purposes of facilitating relocation as and when required.
 - where the land does contain an Alternative Building Site the activity, *building* or *structure* shall be able to be practicably moved to and located on

Note: For the purposes of this definition the phrase "shall remain vacant" means that the area shall not be developed, landscaped or otherwise contoured, or planted in trees in such a way that would prevent the relocation of the subject building. The provision of yards, carparking, access and manoeuvring areas in accordance with the rules for the Residential A zone in the District Plan are allowed. Construction of buildings or structures that require building consent prior to the relocation of the subject buildings will not be allowed. For guidance the erection and placement of fences, gardens, garden structures, landscaping, clotheslines, letterboxes and paving areas, as well as buildings designed and constructed to be able to be removed so that relocation of the subject building can be physically undertaken within 10 working days, may be appropriate on the Alternative Building Site.

(b) Alternative Building Site

means either:-

- (i) where the whole of the *building* to be relocated lies within the CHEPA - vacant land comprising a minimum area of 325m² which is located contiguous with, but clear of, the CHEPA and the *site* of the consented activity, *building* or *structures*. Such land shall remain vacant for the duration of the land use consent or in the case of *subdivision* until it is needed for relocation of the consented activity, *building* or *structure*. The land located in the CHEPA and the Alternative Building Site shall be held in the same certificate of title in perpetuity.
- (ii) where the *building* to be relocated lies partly within the CHEPA and partly outside of the CHEPA -
- (iii) an area of land comprising a minimum area of 325m² which is located contiguous with, but clear of, the CHEPA and the *site* of the consented activity, *building* or *structure*. Such land shall remain vacant, apart from any *building* that lies across the CHEPA *boundary* that may be required to be relocated onto

the alternative *building site*, for the duration of the land use consent or, in the case of *subdivision*, until it is needed for relocation of the consented activity, *building* or *structure*. The land located in the CHEPA and the Alternative Building Site shall be held in the same certificate of title in perpetuity.

Note: For the purposes of this definition the phrase "shall remain vacant" shall have the same meaning as in the NOTE to the definition of "able to be relocated".

(c) **Chartered Professional Engineer**

means a person who meets the requirements listed in the Chartered Professional Engineers of New Zealand Act, 2002, or any superseding legislation. The Chartered Professional Engineer (CPE) shall be experienced in the analysis and design of *structures* and shall have experience in designing modular type *structures*. The role of the CPE for this section of the plan is to confirm the suitability of the proposed *structures* design, consistent with the requirements of the District Plan relating to easily relocatable *structures* from within the CHEPA if erosion occurs.

(d) **Coastal Hazard Erosion Policy Area (CHEPA)**

means the land that comprises the Current Erosion Risk Zone (CERZ), the 50-year Erosion Risk Zone (50-year ERZ) and the 100-year Erosion Risk Zone (100-year ERZ), being that area of land located between mean high water springs (MWHS) and the landward extent of the 100-year Erosion Risk Zone *boundary* between Mauao and the western *boundary* of Te Tumu 14 Block identified on the Planning Maps, Section 4, of Part C of the Plan.

(e) **Coastal Processes Engineer**

means a person who is a Chartered Professional Engineer who also holds expertise and qualifications in coastal geomorphology and processes. The Coastal Processes Engineer (CE) is required to be knowledgeable of the relevant coastal processes and hazards affecting the coastline in

order to evaluate the impact of the coastal processes on any proposed development, including potential climate change effects.

(f) **Coastal Protection Area**

means the area that encompasses the undeveloped open coastline from Papamoa East (the western *boundary* of Te Tumu 14 Block) to the Kaituna River mouth. The hazard line adopted for this area is 74m from the toe of the foredune, or the actual area likely to be at risk from coastal erosion or inundation within 100-years of the lodging of any resource consent or Plan Change application in relation to the land

(g) **Flood Hazard Policy Area**

means the area of land that is identified as being less than 2.7-2.9 metres above Moturiki Datum as shown in the Planning Maps in Part C.

(h) **Minor Structures and Works on Private Property**

means fences, gardens, trees, garden *structures* (such as steps, pergolas etc), clotheslines, letterboxes and paving areas and such *structures* and works not requiring a *building* consent or any other consent from Council.

(i) **Practicably moved**

means that the activity, *building* (including foundations) or *structure* is able to be physically moved clear of the CHEPA within a 10 working day period (as defined in the Resource Management Act), from the start of such relocation activity, by way of a removal truck, a roller or rail system or crane, and that access can be gained to the *site* to move the *building*, to the satisfaction of Council.

Note: The abandonment of the activity, building or structure does not meet the definition of "practicably moved". Total demolition and removal of debris and foundations would meet this definition.

(j) Protection Works

means any manmade works that are designed to or have the function of protecting a *building*, *structure* or land from inundation or erosion by the sea.

For the purposes of this definition protection works do not include beach replenishment, nourishment and restoration works associated with approved Regional Coastcare programmes.

17.2 Permitted Activities

Within the CHEPA the following are permitted activities provided they do not contravene any permitted activity conditions as detailed in Rule 17.3 or any other rule in the plan:

(a) Beach replenishment, nourishment and restoration works associated with approved Regional Coastcare programmes that involve:

- the replacement of dunal vegetation,
- the erection, construction or extension of sand ladders, fences in conjunction with sand ladders, pedestrian accessways, pedestrian boardwalks, sand fences, exclusion fences, and associated signage and the excavation of, or movement of sand or soil associated with these works, or approved beach nourishment programmes, of any volume.

(b) The erection and/or placement of minor *structures* or works on private property as defined by Rule 17.1(h) not involving an activity prohibited under Rule 17.6.(c) The maintenance, replacement or minor alteration of existing *structures* and *buildings* encapsulated inside the envelope created by the external surfaces of the existing *structure* or *building* provided that the requirements of s10 of the Resource Management Act 1991 are met.(d) The construction of decks that meet the definition of "able to be relocated", that are less than 30 m² in

area and do not involve an activity prohibited under Rule 17.6.

(e) Works on land zoned Conservation or Recreation that involve:-

- the construction/reconstruction, maintenance, development or enhancement of pedestrian and cycle tracks including, but not limited to, boardwalks and walkways (timber and non timber materials e.g. shell paths etc) at or above ground level that does not involve the excavation, deposition or movement of more than 15m³ of sand or soil per 100m of length;
- the maintenance, development or enhancement of existing:
 - boat ramps
 - toilets
 - surf life-saving facilities and *structures*
 - car parks and access roads

within the envelope encapsulated by the external surfaces, or lease area of, or area occupied by, the facility or *structure*;

- the maintenance, development or enhancement of existing viewing platforms within the envelope encapsulated by the external surfaces, or lease area of, or area occupied by, the platform, or works to increase the extent of an existing platform by no more than 30m² in total, in a manner that meets the definition of "able to be relocated". The area is to be measured exclusive of any adjoining or connecting pedestrian or cycle track or other public recreation facility or *structure*;
- the management, removal or control of vegetation and fauna including, but not limited to, indigenous, exotic, noxious or nuisance plant species, replacement and revegetation, planting plots, planting to promote/protect the natural buffering ability of the dune system, tree

- husbandry, and/or wild animal control operations;
- the maintenance, development, enhancement, placement or construction of interpretative and directional signs, fencing, pedestrian stiles, gates, bollards (and associated barriers), seating, picnic tables, barbecues, play equipment, garden and grassed areas and rubbish/recycling bins (or similar) that do not require the excavation, deposition or removal of more than 5m³ of sand or soil or the removal of more than 30m² of vegetation per 1,000m² of *site* area in any six month period;
 - beach grooming and cleaning operations
- (f) Excavation or removal of sand or soil and associated vegetation clearance.
- (g) Maintenance and minor upgrading to existing network utility services involving excavation or movement of sand or soil of any volume provided beach or dune reinstatement is undertaken at the completion of the works.
- (h) Temporary activities or *structures* (Rule 11.3.3.1, Rule 17.3.5(a)) within the following sections of coastline: -
- Mount Main Beach from Mauao to Moturiki Island;
 - Within 200m of the Omanu Surf Life Saving Club *building*;
 - Within 100m of the Tay Street public toilet block; and
 - Within 200m of the Papamoa Surf Life Saving Club *building*;
- (i) Informal recreation and leisure activities, including the movement of people and vehicles.
- (j) Surf life saving activities and associated *structures*, excluding clubrooms and accommodation *buildings* established in accordance with the relevant rules for the underlying zone.
- (k) Temporary commercial uses.
- (l) The disposal of domestic stormwater.
- (m) *Subdivision* permitted in the underlying zone to the CHEPA subject to compliance with the Permitted Activity Conditions of the underlying zone as follows:
- Subdivisions* which are either the -
- Conversion of land tenure from one form of title to another where the development of the *site* is complete, including the *subdivision* of land around completed lawfully established dwellings for the purposes of establishing freehold title.
 - Amendments to cross-lease, unit title and company lease plans to show additions, alterations and accessory *buildings*.
- (n) The erection of *structures* in the Road Zone.

Note: The undertaking of some activities noted above may require resource consent from Environment Bay of Plenty.

17.3 Permitted Activities Conditions

All *structures*, activities and works detailed as follows shall be specifically designed by a Coastal Processes Engineer, except where the works comply with the current Tauranga City Council CHEPA Building Guidelines.

Note: For the purposes of Rules 17.3.3, 17.3.4 and 17.3.5, reinstatement shall maintain the natural shape of the foredune by reference to the existing natural shape of the dune in the vicinity of the reinstatement works. As a minimum, the volume of sand between the 100-year Erosion Risk Zone boundary and the toe of the foredune (per metre of frontage) is not reduced to less than that existing before the reinstatement works were required.

Note: Aside from temporary buildings and structures being able to remain for a period of up to 14 days, all other requirements for a temporary activity under Rule 11.3.3.1 and any relevant activity zone rules must be complied with.

provided that any temporary *buildings* or *structures* associated with the temporary activity remains in place no longer than 14 days.

17.3.1 Minor Structures or Works on private property and Decks

Minor *structures* and works on private property as provided for in Rule 17.2 (b) and decks provided for in Rule 17.2 (d) shall comply with Rule 17.3.4.

17.3.2 Replacement of Existing Structures

Where the existing *structure*, dwelling or *building* is to be replaced then the replacement *structure* or *building* shall be constructed within the same envelope formed by the existing *structure*, dwelling or *building*.

17.3.3 Activities undertaken on land zoned Conservation or Recreation within the CHEPA

- (a) Activities undertaken on land zoned Conservation or Recreation shall ensure that the *site* is reinstated so that the natural buffering effect of the foredune is not compromised. All excavated materials which comprise sand material shall be respread within the CERZ and be re-vegetated with native dune plants. Revegetation planting shall be established within six months of the respreading of the sand material. Other excavation material (i.e. ash, topsoil, organic matter) may be removed from *site*;
- (b) Written details of the proposed activity shall be provided to the Council not less than 14 days prior to the commencement of the activity, together with details of how the standards and terms specified in subparagraph (a) will be met.

17.3.4 Activities undertaken on land other than land zoned Conservation or Recreation within the CHEPA

- (a) Excavation or movement of sand or soil shall not exceed 5m³ per *site* in any six month period;
- (b) Removal of vegetation shall not exceed 30m² per *site* in any six month period;
- (c) Activities shall ensure that the *site* is reinstated so that the natural buffering effect of the foredune is not compromised. All excavated materials which comprise sand

material shall be respread within the CERZ and be re-vegetated with native dune plants. Revegetation planting shall be established within six months of the respreading of the sand material. Other excavation material (i.e. ash, topsoil, organic matter) may be removed from *site*.

17.3.5 Temporary Activities

Notwithstanding any other Rule in this Plan, temporary activities, and *structures* associated with a temporary activity, that will be located within the CHEPA shall comply with the following conditions:

- (a) A temporary *structure* shall sit on the land and not be fixed to the land by means that require excavation of the land or construction of foundations to support the *structure*. The temporary *structure* shall be capable of being transported to the event area by conventional truck transportation and be constructed of materials which will not damage the coastal environment. The temporary *structure* may, for the duration of the event, be fixed to the land by way of "guy" ropes or similar.
- (b) Temporary activities undertaken on land within the CHEPA shall ensure that the *site* is reinstated so that the natural buffering effect of the foredune is not compromised. All excavated materials which comprise sand material shall be respread within the CERZ and be re-vegetated with native dune plants. Revegetation planting shall be established within six months of the respreading of the sand material. Other excavation material (i.e. ash, topsoil, organic matter) may be removed from *site*.

17.3.6 Domestic Stormwater Disposal

Domestic stormwater soakage systems must be located landward of the CERZ.

17.4 Restricted Discretionary Activities

The following are restricted discretionary activities, subject to compliance with the standards and terms of Rules 17.4.1.1 and 17.4.1.2:

- (a) In Areas Potentially Subject to Flood Hazard
- Subdivision* of land or the erection of any *building* on land (either natural ground level or any artificially created ground level) situated lower than 2.7 - 2.9m above Moturiki Datum, as established by *site* survey levels referenced to Moturiki Datum, or within the Flood Hazard Policy Area.
- (b) In the CERZ:
- (i) *Subdivision* where:
- the land is partly located in the CERZ and complies with Rule 17.4(c)(i); and
 - the land located within the CERZ is to be held in the certificate of title of the proposed seaward lot; and
 - no *buildings* or *structures* are proposed on that part of the land located in the CERZ with the exception of those listed as a permitted activity or otherwise provided for in Rule 17.4(b).
- (ii) Alterations or additions to, or replacement of, any existing lawfully established *building* or *structure* that:
- is proposed to be located outside the envelope created by the external surfaces of the existing *structure* or *building*; and
 - proposes an additional floor area at ground level that does not exceed a total of 20m² as measured from the floor area existing at 25 June 2005; and
 - will project no further seaward than the existing *building* or *structure*.
- (iii) Boundary adjustments that comply with the *boundary* adjustment criteria provided for in Rule 17.4(c)(ii).
- (iv) Demolition of a *building* or *structure*.
- (v) Works on land zoned Conservation or Recreation that involve:-
- the construction of new public recreational facilities and *structures*, or extending public recreational facilities and *structures* beyond the existing envelope, including, but not limited to, boat ramps, toilets, surf life-saving facilities and *structures*, carparks and access roads;
 - works to increase the extent of an existing viewing platform by more than 30m² beyond the existing envelope, or construction of new viewing platforms in a manner that meets the definition of "able to be relocated". The area is to be measured exclusive of any adjoining or connecting pedestrian or cycle track or other public recreation facility or *structure*;
 - the maintenance, development, enhancement, placement or construction of interpretative and directional signs, fencing, pedestrian stiles, gates, bollards (and associated barriers), seating, picnic tables, barbeques, play equipment, garden and grassed areas and rubbish/recycling bins (or similar) that require the excavation or removal of more than 5m³ of sand or soil or the removal of more than 30m² of vegetation per 1,000m² of *site* area in any six month period.

- (c) In the 50-year and 100-year Erosion Risk Zones:
- (i) *Subdivision* of land provided that:
 - any lot created partly within the CHEPA shall provide for an Alternative Building Site; and
 - no averaging of lot sizes shall be permitted.
 - (ii) Minor *boundary* adjustments of 2 or more adjacent allotments provided that no additional allotments will be created and the net *site* area of any proposed allotment created by the *boundary* adjustment is the same as, or does not differ by more than 5% of, the net *site* area of that allotment as it existed prior to the *boundary* adjustment.
 - (iii) Alterations, extensions or additions to, or replacement of, any existing lawfully established *building* or *structure* that are proposed to be located outside the envelope created by the external surfaces of the existing *structure* or *building*.
 - (iv) Demolition of a *building* or *structure*.
 - (v) Construction of new *buildings* or *structures*.
 - (vi) *Site* vegetation clearance exceeding 30m² in any six month period.
 - (vii) Excavation of, or movement of sand in excess of 5m³ in any 6 month period.
 - (viii) Activities listed as limited discretionary activities in section 16.3 (Heritage).
 - (ix) Works on land zoned Conservation or Recreation that involve:-
 - the construction of new public recreational facilities and *structures*, or extending public recreational facilities and *structures* beyond the existing envelope, including, but not limited to, boat ramps, toilets, surf life-saving facilities and *structures*, carparks and access roads;
 - works to increase the extent of an existing viewing platform by more than 30m² beyond the existing envelope, or construction of new viewing platforms in a manner that meets the definition of "able to be relocated". The area is to be measured exclusive of any adjoining or connecting pedestrian or cycle track or other public recreation facility or *structure*;
 - the maintenance, development, enhancement, placement or construction of interpretative and directional signs, fencing, pedestrian stiles, gates, bollards (and associated barriers), seating, picnic tables, barbeques, play equipment, garden and grassed areas and rubbish/recycling bins (or similar) that require the excavation or removal of more than 5m³ of sand or soil or the removal of more than 30m² of vegetation per 1,000m² of *site* area in any six month period.
- (d) **Notification**
- In relation to coastal erosion and inundation hazard issues only, consideration of an application for a restricted discretionary activity consent will be undertaken on a non-notified basis without the need to obtain the written approval of, or the service of notice of the application on,

persons who may be adversely affected by the activity.

Chapter 26 Financial Contribution Rules

Note: Other District Plan provisions may require written approval from affected parties or require notification. The undertaking of some activities may require resource consent from Environment Bay of Plenty.

17.4.1 Restricted Discretionary Activities Standards and Terms

17.4.1.1 Within Areas Potentially Subject to Flood Hazard

(a) Information Requirements

In addition to any other information requirements in *the Plan*, any *subdivision* application or land-use application for a Limited Discretionary Activity under Rule 17.3(a) shall include an engineering assessment which clearly indicates that the land being subdivided is not, or unlikely to be, subject to material damage by flooding, or in the case of a proposed *structure* on the land, that such a *structure* is not likely to accelerate, worsen or result in material damage to that land, other land or any *structure* through inundation.

(b) Matters of Discretion and Conditions

The Council limits the exercise of its discretion to:

- (i) Whether the proposal would be consistent with the objectives and policies for Hazard Management - Flooding
- (ii) The degree to which inundation of *structures* or other land can be avoided, remedied or mitigated or that the ponding ability of the subject property remains protected
- (iii) The siting, location and orientation of *building allotments*, roads or other public infrastructure with respect to flood pathways
- (iv) District-wide rules (see Chapters 11-18) contained within *the Plan* (see Rules 11.2.10 and 11.3)
- (v) The imposition of *financial contributions* in accordance with

(vi) The matters to which an engineering assessment is to have regard as set out in Rule 17.4.1.1(a)

(vii) The imposition of conditions relating to:

- Location and orientation of *building sites* or *allotments* to take advantage of higher ground
- Location and orientation of *building sites*, or *allotments* to mitigate potential adverse effects caused by the *subdivision* and future *building* activity on other property or land
- Percentage of permeable areas or means of surface water disposal.

Note: The requirements of Chapter 22 for these activities in the Recreation and Leisure and Conservation zones, are also required to be met.

17.4.1.2 Within the CHEPA

(a) Information Requirements

(i) An application for consent for a *building*, *structure*, or extension to any *building* or *structure*, siteworks or *site* vegetation clearance within the CHEPA shall include:

- Written confirmation, within the application and plans, sections and elevations attached to the application, from a Chartered Professional Engineer that the current Tauranga City Council CHEPA Building Guidelines are being adopted for the proposed *building*, *structure*, or siteworks, as the acceptable solution.
- Where the application does not comply with the current Tauranga City Council CHEPA Building Guidelines then a report on the

- suitability of the proposed *building*, extension to any *building* or *structure* or siteworks, prepared by a Coastal Processes Engineer, shall be attached to the application. This report shall confirm that the proposed *structure*, or extension to, any *building* or *structure*, on the land, is not likely to accelerate, worsen or result in material damage to that land, other land or any *structure*, through inundation or erosion.
- (ii) Applications for new *structures*, extension to any *building* or *structure* or additions to *structures* shall include confirmation from a Chartered Professional Engineer and/or a house removal company that the *building* or the addition/extension, as the case may be, is able to be relocated to the satisfaction of Council.
- (iii) The activity shall comply with the permitted activity criteria of the Activity Zone in which it is located, save to the extent that there is a conflict with the rules contained in this Chapter, in which case the rules contained in this Chapter shall prevail.
- (iv) If the applicant considers the location of the 50-year and 100-year Erosion Risk Zone boundaries to be different to those boundaries defined on the Coastal erosion and inundation hazard Maps (Part C, Section 4), then the Council may require the Assessment of Environmental Effects, submitted with the application, to include such additional information as is considered necessary to determine the appropriate location of these boundaries in the context of the application.
- The information submitted in support of the application shall include the most recent data, which shall be made available
- from Council's Geographic Information System as to the location of the Erosion Risk Zone boundaries.
- (b) **Special Standards and Terms for Restricted Discretionary Activities in the 50-year and 100-year Erosion Risk Zones:**
- (i) Activities, *buildings* and *structures* must be able to be relocated or demolished and removed with minimal *disturbance* to the land or adjacent land.
- (ii) No activity, including *earthworks*, shall reduce the buffering ability of, the dunal landform
- (iii) On a *subdivision*, any new lot created, which contains an existing dwelling within the CHEPA shall be provided with an alternative *building site*.
- (iv) On a *subdivision*, any new lot created, within the CHEPA, which does not contain an existing dwelling shall be provided with an Alternative Building Site.
- (c) **Matters of Discretion**
- The Council limits the exercise of its discretion to:
- (i) Whether the proposal is consistent with the objectives and policies for Hazard Management - Coastal erosion and inundation hazards (Chapter 6 of the Plan).
- (ii) The extent to which proposed activities, *buildings* and *structures* will be able to be relocated or demolished and removed with minimal disturbance to the foredune, the *site* or adjacent *sites*.
- (iii) The degree to which the proposed activity is likely to:
- Accelerate, worsen or result in further damage to that land, other land, or *structures* or *buildings* caused either directly or

- indirectly by coastal erosion or inundation.
- Be subject to damage from erosion and inundation.
 - Compromise the natural buffering ability of the foredune system.
 - Reduce the nett risk of coastal erosion and inundation hazards.
- (iv) The general requirements for development or *subdivision* of land (see 11.3.7).
- (v) The on-going provision of access to the *site* for the purpose of enabling relocation of *buildings* or *structures*.
- (vi) The provision of alternative *building sites*.
- (vii) Any other matter to which Council has limited its discretion in the zone in which the activity occurs.
- (d) **Conditions:**
- Conditions may be imposed in respect of any of the matters over which discretion is reserved, and may include the following matters;
- (i) Land use consent may require a review of conditions under s128 of the Resource Management Act 1991. This review would be initiated where defined hazard risk circumstances occur on the *site* particularly:
- When the crest of the foredune or the top of any dune scarp recedes to a point within 10 metres or less from the nearest part of the *building*.
- The review will enable the actual risk to be considered at that time, and appropriate mitigation measures implemented through changed consent conditions, should this be deemed necessary, including, but not limited to, conditions requiring the relocation of any *building, structure* or other works to the Alternative Building Site and/or further monitoring.
- (ii) Land use consent may include a condition requiring the removal or relocation of the *building* from the *site* to the Alternative Building Site when the crest of the foredune or the top of any dune scarp recedes to a point within 5 metres or less from the nearest part of the *building*.
- (iii) Requiring that any Alternative Building Site remain as vacant land (in accordance with the definition of Alternative Building Site) for the duration of the land use consent or, in the case of *subdivision*, until it is needed for the relocation of *buildings* or *structures* on the land to which it is contiguous.
- (iv) Requiring access to a minimum width of 3m to the alternative *building site*. That manoeuvring, appropriate to the nominated method of relocation, on the alternative *building site* is provided to ensure that *buildings* shall be practicably relocated.
- (v) *Subdivision* consent shall include conditions that existing and new lots be provided with alternative *building sites*. Such requirements and other on-going conditions, such as those requiring periodic review, shall be registered on the certificate of title for the lot/lots created by way of a consent notice.
- (vi) The general requirements for development or *subdivision* of land (see Rule 11.3.7).
- (vii) Any other matter to which Council has limited its discretion in the Zone in which the activity occurs.
- (viii) Requiring that, on demolition, all materials used in constructing the *building*, including foundations, be removed from the CHEPA and that the *site* within the CHEPA be reinstated,

to maintain the natural shape of the foredune by reference to the existing natural shape of the dune in the vicinity of the reinstatement works. As a minimum, the volume of sand between the 100-year Erosion Risk Zone *boundary* and the toe of the foredune (per metre of frontage) is not reduced to less than that existing before the reinstatement works were required.

replacement dwellings by Rule [17.4\(b\)\(ii\)](#).

(c) **In the 50-year and 100-year Erosion Risk Zones:**

- (i) Any new dwellings on a lot where there is an existing dwelling located within the CHEPA, except where such dwellings may be erected in accordance with the rules for the underlying zone, clear of an Alternative Building Site required for an existing dwelling located within the CHEPA.

17.5 Non-Complying Activities

Any activity that:

- is not listed as a permitted, restricted discretionary or a prohibited activity within the CHEPA or the Coastal Protection Area, or
- does not meet one or more permitted activity condition, or
- does not comply with the Standards and Terms for Restricted Discretionary Activities,

is a non-complying activity.

17.6 Prohibited Activities

(a) **In the CHEPA:**

No protection works shall be constructed on land zoned Conservation or Recreation for the purpose of protecting private property, recreation, conservation or reserve land, excluding road reserve land.

(b) **In the CERZ:**

- (i) *Subdivision* of land that is not provided for as a permitted activity listed in Rule [17.2 \(m\)](#) or a restricted discretionary activity listed in Rule [17.4\(b\)\(i\)](#).
- (ii) Any land use or *building* activity which is not provided for as a permitted activity or restricted discretionary activity listed in either Rule [17.2](#) and/or Rule [17.4\(b\)\(ii\)](#).
- (iii) Any new dwellings not otherwise provided for as

