

Te Tai o Poutini Plan
Section 42A Officer's Report
Natural Hazards – Ngā Mōreareatanga
Aotūroa



Te Tai o Poutini
PLAN
A combined district plan for the West Coast

Table of Contents

1.	PURPOSE OF REPORT	10
2.	QUALIFICATIONS AND EXPERIENCE	10
2.1	Code of Conduct.....	11
2.2	Conflict of Interest.....	11
2.3	Expert Advice.....	11
3.	SCOPE OF REPORT AND TOPIC OVERVIEW	12
3.1	Scope of Report.....	12
3.2	Topic Overview.....	12
3.3	Strategic Direction.....	15
4.	STATUTORY REQUIREMENTS	15
4.1	Resource Management Act.....	15
4.2	Section 32AA.....	16
4.3	Any other relevant National Planning Instruments.....	17
4.4	National Planning Standards.....	17
4.5	Non-Statutory Guidance.....	18
4.6	Procedural Matters.....	19
5.	CONSIDERATION OF SUBMISSIONS RECEIVED	19
5.1	Overview of Submissions Received.....	19
5.2	Structure of this Report.....	19
6.	SUBMISSIONS ON THE RELEVANT DEFINITIONS	20
7.	SUBMISSIONS ON THE OVERLAYS AND SITE-SPECIFIC SUBMISSIONS	27
7.1	General Submissions.....	27
7.2	Flood Hazard Overlays.....	29
7.3	Earthquake Hazard Overlays.....	41
7.4	Land Instability Overlay.....	47
7.5	Lake Tsunami Hazard Overlay.....	52
7.6	Coastal Tsunami Hazard Overlay.....	53
7.7	Hokitika Hazard Overlay.....	55
7.8	Westport Hazard Overlay.....	56
8.	SUBMISSIONS ON THE OVERVIEW AND PROVISIONS IN GENERAL	60
9.	SUBMISSIONS ON THE OBJECTIVES	72
9.1	Submissions on the Objectives Generally.....	72
9.2	Objective NH-O1.....	74
9.3	Objective NH-O2.....	77
9.4	Objective NH-O3.....	79

9.5	Objective NH-O4.....	82
9.6	Objective NH-O5.....	83
9.7	Objective NH-O6.....	84
9.8	New Objectives.....	85
10.	SUBMISSIONS ON THE POLICIES	90
10.1	Submissions on the Policies Generally	90
10.2	Policy NH-P1.....	92
10.3	Policy NH-P2.....	94
10.4	Policy NH-P3.....	97
10.5	Policy NH-P4.....	101
10.6	Policy NH-P5.....	104
10.7	Policy NH-P6.....	105
10.8	Policy NH-P7.....	108
10.9	Policy NH-P8.....	109
10.10	Policy NH-P9.....	111
10.11	Policy NH-P10	112
10.12	Policy NH-P11	118
10.13	Policy NH-P12	122
10.14	Policy NH-P13	126
10.15	Policy NH-P14	130
11.	SUBMISSIONS ON NATURAL HAZARD RULES	131
11.1	Submissions on the Rules Generally	131
11.2	Rule NH-R1	136
11.3	Rules for Natural Hazard Mitigation Structures	145
11.4	Rules for the Flood Severe and Flood Susceptibility Overlays	157
11.5	Rules for the Earthquake Hazard Overlays.....	178
11.6	Rules for the Land Instability Overlay.....	197
11.7	Rules for the Lake Tsunami Hazard Overlay.....	203
11.8	Rules for the Coastal Tsunami Overlay	204
11.9	Rules for the Hokitika Coastal Hazard Overlay.....	206
11.10	Rules for the Westport Hazard Overlay.....	214
12.	SUBMISSIONS ON SUBDIVISION PROVISIONS FOR NATURAL HAZARDS.....	232
12.1	Overview, Objectives and Policies for Subdivision in the Natural Hazard Overlays	232
12.2	Rules for Subdivision in the Natural Hazard Overlays.....	236
13.	CONCLUSION.....	251

List of Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
S18	Graeme Kellaway	
S33	Frances Yeoman	
S50	Barnabas Young	
S51	Bruce Dowrick	
S73	Freehold Properties (Investments) LLP (FP)	Freehold Properties
S95	Jacobus Wiskerke	
S97	Richard Wallis	
S137	Tim Penlington, Katie Deans, Karl and Brenda Feyen, Catherine Woods, Richard Wallis	Tim Penlington et al.
S142	Northern Buller Communities Society Incorporated	
S150	Ruth Henschel	
S151	Misato Nomura	
S157	Will Harvey	
S164	Elley Group Limited	
S171	Te Tai o Poutini Plan Committee	TTPP Committee
S173	Benjamin and Shari Ferguson	
S174	Kaye Leighton	
S175	John Boyles	
S176	David McInroe	
S181	Westland District Council	
S190	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	Te Mana Ora
S192	Ken and Robyn Ferguson	
S197	Whittaker Ventures Ltd	
S213	Joanne and Ken Dixon	
S226	Paul Miles	
S228	Jackie and Bart Mathers and Gillman	
S253	Griffen & Smith Ltd	
S259	Hayden Kendrick	
S285	Richard Henschel	
S304	Gina Hogarth	
S307	Hamish Macbeth	
S311	Grant Marshall	

S314	Erin Stagg	
S325	Debbie Bland	
S340	Katrina McLachlan	
S347	David Marshall	
S351	Richard Lowe	
S354	Lynette Heine	
S360	John Brazil	
S368	David Hahn	
S378	Robert Burdekin	
S398	Garry Gaasbeek	
S402	Shaun and Carissa du Plessis	
S405	Betty Harris	
S407	Gail Dickson	
S408	Paul Finlay	
S417	Peter Haddock	
S421	Lara Kelly	
S425	Anne Chapman	
S427	Mills Family Trust	
S429	Bruce Jones	
S433	Stuart Marshall and Susan Gooch	
S438	Manawa Energy Limited (Manawa Energy)	Manawa Energy
S439	Karen Lippiatt	
S440	Te Tumu Paeroa - The Office of the Māori Trustee	The Māori Trustee
S441	Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	Silver Fern Farms
S442	KiwiRail Holdings Limited	KiwiRail
S443	Suzanne Hills	
S446	Margaret Montgomery	
S447	Vance & Carol Boyd	
S449	Totally Tourism Limited	
S450	Waka Kotahi NZ Transport Agency	Waka Kotahi
S456	Ministry of Education Te Tāhuhu o Te Mātauranga	Ministry of Education
S460	T Croft Ltd	
S462	Inger Perkins	

S464	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited	Foodstuffs
S465	Davis Ogilvie & Partners Ltd	
S466	The O'Connor Institute Trust Board	
S467	Jane Whyte & Jeff Page	
S468	Troy Scanlon	
S471	Rick Hayman	
S473	Katherine Gilbert	
S477	Russell and Joanne Smith	
S478	Frank and Jo Dooley	
S480	The Coda Trust	
S482	Tim Macfarlane	
S483	Scenic Hotel Group	
S485	Gavin Molloy	
S487	Felicity Watson	
S488	West Coast Regional Council	
S492	Michael Snowden	
S494	Waren French	
S503	Kevin Scanlon	
S504	Bert Hofmans	
S505	Lindy Millar	
S506	Claire & John West	
S507	Leonie Avery	
S508	Jared Avery	
S509	Kyle Avery	
S510	Avery Bros (c/o Paul Avery)	
S511	Bradshaw Farms (c/o Paul Avery)	
S512	Paul Avery	
S513	Brett Avery	
S514	Hapuka Landing Limited	
S516	Steve Croasdale	
S524	Federated Farmers of New Zealand	Federated Farmers
S533	Lauren Nyhan & Anthony Phillips	
S535	Neil Mouat	
S538	Buller District Council	

S539	Rosalie Sampson	
S543	Martin & Co Westport Ltd and Lumberland Building Market Westport	Martin & Co
S544	Peter Jefferies	
S545	Martin & Lisa Kennedy	
S546	Nick Pupich & Sandy Jefferies	
S547	Westpower Limited	Westpower
S552	Buller Conservation Group	
S554	Lee Cummings	
S558	Chris & Jan Coll	
S559	Stewart & Catherine Nimmo	
S560	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird)	Forest & Bird
S563	Geoff Volckman	
S564	Catherine Smart-Simpson	
S565	Joel and Jennifer Watkins	
S566	Chris J Coll Surveying Limited	
S567	William McLaughlin	
S573	Fire and Emergency New Zealand	FENZ
S574	Laura Coll McLaughlin	
S576	Brian Anderson	
S577	Koiterangi Lime Co Ltd	Koiterangi Lime
S578	Anthony Eden	
S579	Tim and Phaedra Robins	
S581	David Ellerm	
S595	Frank O'Toole	
S602	Department of Conservation	
S605	Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd	Paparoa Track Services et al.
S608	Grey District Council	
S609	Avery Brothers (c/o Brett Avery)	
S612	Toka Tū Ake EQC	Toka Tū Ake
S614	Karamea Lime Company	
S615	Peter Langford	
S617	Scoped Planning and Design Limited	

S620	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	Ngāi Tahu
S663	Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	Chorus et al.

List of Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
FS1	Grey District Council	
FS34	Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird)	Forest and Bird
FS52	Stephen Hogg	
FS53	Herenga ā Nuku Aotearoa, Outdoor Access Commission	Outdoor Access Commission
FS54	Neil Mouat	
FS55	Horticulture New Zealand	
FS57	Richard Lowe	
FS58	Kāinga Ora – Homes and Communities	Kāinga Ora
FS79	Westland District Council	
FS88	PE Property Trust	
FS90	Arnold Valley & Ahaura Watershed Property Owners Joint Submission	Arnold Valley et al.
FS100	Laurence McGuire	
FS103	West Coast Federated Farmers of New Zealand	West Coast Federated Farmers
FS109	Snodgrass Road Submitters	
FS110	Transpower NZ Ltd	Transpower
FS115	Murray Stewart	
FS117	Vance & Carol Boyd	
FS118	Bert Hofmans	
FS119	Ruth Henschel	
FS127	New Zealand Energy Limited	
FS137	The O’Conor Institute Trust Board	
FS140	Martin & Co Westport Ltd and Lumberland Building Market Westport	Martin & Co.
FS142	Cashmere Bay Dairy Ltd	
FS143	Te Kinga Investments Ltd	

FS149	Buller District Council	
FS151	Chris J Coll Surveying Ltd	
FS154	Davis Ogilvie & Partners Ltd	
FS222	Westpower Limited	Westpower
FS233	Hapuka Landing Limited	
FS235	Frank O'Toole	

Abbreviations

Abbreviation	Meaning
AEP	Annual Exceedance Probability
ARI	Average Recurrence Interval
NPS	National Policy Statement
NZCPS	New Zealand Coastal Policy Statement
Planning standards	National Planning Standards
RMA	Resource Management Act
RPS	Regional Policy Statement
TTPP	Te Tai o Poutini Plan
WCRC	West Coast Regional Council
WCRPS	West Coast Regional Policy Statement

1. Purpose of Report

1. This report has been prepared in accordance with section 42A of the RMA to:
 - Assist the Hearings Panel in making their decisions on the submissions and further submissions on the Te Tai o Poutini Plan (TTPP); and
 - Provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report responds to submissions on the Natural Hazards topic. The report provides the Hearing Panel with a summary and analysis of the submissions received on the Natural Hazards Chapters in Part 2, and relevant definitions in Part 1 and to make recommendations on either retaining the TTPP provisions without amendment or making amendments to the TTPP in response to those submissions.
3. The recommendations are informed by evaluation undertaken by us as the planning authors. In preparing this report we have had regard to the following reports:
 - Introduction and General Provisions section 42A report that addresses the higher order statutory planning and legal context prepared by Lois Easton.
 - Strategic Directions report that addresses the wider strategic direction of the Plan section 42A report prepared by Lois Easton.
 - Subdivision section 42A report prepared by Briar Belgrave and Ruth Evans.
 - Energy, Infrastructure and Transport section 42A prepared by Grace Forno and Melissa McGrath.
 - Natural Character and Margins of Waterbodies and Activities on the Surface of Water section 42A report prepared by Lois Easton.
4. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and Experience.

5. This report has been co-authored by James Beban and Sarah Gunnell.

James Beban

6. My full name is James Gary Beban, and I am a Director of Urban Edge Planning engaged by the West Coast Regional Council to support the development of the TTPP.
7. I hold a Bachelor of Science (Hons) from Victoria University, Wellington which I completed in 2002.
8. I have over 21 years experience as a Resource Management Planner. I have extensive experience with the preparation of plan changes, including a number within the Wellington Region. The majority of the plan changes that I have been involved in relate to natural hazards, though I have also prepared several private plan changes as well as prepared the subdivision and three waters District Plan chapters for a number of territorial authorities.
9. My experience includes:
 - I have been involved in numerous natural hazards plan changes including, Plan Change 42 for Upper Hutt City Council; the Natural and Coastal Hazards Chapter for Wellington

City Council and preparing the Natural and Coastal Hazards Chapters for Porirua City Council;

- I assisted Greater Wellington Regional Council with the hearings for the natural hazard provisions for Proposed Change 1 to the Regional Policy Statement;
- I have been involved in the initial development of the draft National Policy Statement on Natural Hazards; and
- I have been involved in the preparation of a number of non-statutory documents providing guidance on natural hazards including tsunami, flooding, coastal hazards and how to undertake a risk-based approach to planning for natural hazards.

Sarah Gunnell

10. My full name is Sarah Nerine Gunnell and I am a Senior Planner at Urban Edge Planning, an independent planning consultancy engaged by the West Coast Regional Council to prepare the section 42A report for the Natural Hazards topic.
11. I hold a Master of Resource and Environmental Planning with first class honours from Massey University and a Master of Science (Geography) from the University of Auckland. I am an Intermediate Member of the New Zealand Planning Institute.
12. I have over 15 years of experience in as a planner in New Zealand, including as a Natural Hazards Planner at GNS Science. I have experience in both the preparation and processing of resource consent applications as well as District Plan development including the preparation of section 32 and section 42A reports.

2.1 Code of Conduct

13. We confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that we have complied with it when preparing this report. Other than when we state that we are relying on the advice of another person, this evidence is within our area of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions that we express.
14. We are authorised to give this evidence on behalf of the Tai o Poutini Plan Committee to the TTPP hearings commissioners (Hearings Panel).

2.2 Conflict of Interest

15. We would like to make the Commissioners aware that Urban Edge Planning, including Sarah and James have undertaken work with EQC (now the Natural Hazards Commission), including with the team that has prepared the submission on TTPP.
16. We can confirm that we were not involved in preparing this submission and have not been involved in any discussions around the content of this submission, or the recommendations in this section 42A report. At the time of preparing this section 42A report, we were not involved in any current projects with the Natural Hazards Commission.
17. To the best of our knowledge, we have no other no real or perceived conflict of interest.

2.3 Expert Advice

18. In preparing this report we have relied on expert advice from Sharon Hornblow, Natural Hazards Analyst at West Coast Regional Council. The scope of this advice is limited to a summary of the natural hazard overlays proposed to be included in TTPP, a brief description of the scientific basis and source data used to inform them, and comments on her understanding of the robustness of methods used to inform the mapping of areas at risk

from natural hazards in the West Coast region. This evidence is contained in Appendix 1 to this report.

19. For further information on Ms. Hornblow's qualifications and experience please refer to Appendix 1.
20. We have also met with Buller District Council to discuss some of the provisions as well with a collective of the Councils to understand their submission points further and to seek feedback on some of the proposed changes to the chapters.

3. Scope of Report and Topic Overview

3.1 Scope of Report

21. This report considers the submissions and further submissions that were received in relation to the Natural Hazards Chapter in Part 2 and relevant definitions in Part 1.
22. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underline in Appendix 1 of this report, with a track changes version also provided. References to a submitter number, submission point and sometimes the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report.
23. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the TTPP using cl.16(2) and these are documented on the TTPP website. Where a submitter has requested the same or similar changes to the TTPP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments in this section 42A report. The assessment of submissions generally follows the following format:
 - Submission Information;
 - Analysis; and
 - Recommendation and Amendments

3.2 Topic Overview

24. The West Coast is subject to a large range of natural hazards that have the potential to adversely affect people and property. The Natural Hazards Chapter contains the provisions related to the management of activities within areas identified as subject to natural hazards, and in particular where they pose a significant risk, which is identified as a matter of national importance by the Resource Management Act (RMA). On this basis, the proposed Natural Hazards Chapter is addressing the following hazards:
 - Flooding;
 - Fault rupture;
 - The interplay between river flooding and coastal inundation in Hokitika and Westport;
 - Slope stability; and
 - Coastal erosion and inundation (this will be address within the Coastal Hazards Variation and is not subject to this hearing).

25. For completeness, we note that the West Coast is subject to other natural hazards that have not been addressed by the TTPP, including liquefaction, wildfire, drought, and ground shaking from earthquakes. While coastal tsunami and lake tsunami (also known as seiche) were addressed by the TTPP as notified, given the data available on these hazards it is currently considered that these and the other hazards not addressed are sufficiently managed under other legislation, such as the Building Act 2004 and the Civil Defence Emergency Management Act 2002.
26. There were a large number of submissions on the Natural Hazards Chapter, which were quite wide ranging in nature. The submissions sought a range of outcomes including:
 - Reworking of the approach that was notified;
 - Removing a number of hazard overlays;
 - Making the provisions more lenient to allow for more development and recognition of private property rights;
 - A tightening of the approach to allow for less development in the natural hazard overlays; and
 - Technical changes on a number of objectives, policies and rules.
27. As a result of these submissions, there is a large scope to assess the provisions that were notified, to ensure they take an appropriate balance between allowing for the growth and economic opportunities for the West Coast, while still also protecting people, buildings and regionally significant infrastructure from damage from natural hazards.
28. Urban Edge Planning became involved in this plan change following the completion of the notification period. As an organisation we specialise in natural hazard plan changes and have been involved in a number of these throughout the country. Our focus is taking a risk-based approach to the management of natural hazard risk within District Plans.
29. Upon reviewing the proposed Natural Hazards Chapter, it was apparent that there was a desire to undertake a risk-based approach on the West Coast in relation to future development. While the notified provisions of the TTPP did partially take a risk-based approach, the recommended changes are made to streamline and strengthen the approach and address identified gaps in the framework.
30. A risk-based planning approach considers both the likelihood and consequences of a natural hazard event. The approach set out here considers the sensitivity of different activities to the impact of natural hazards to determine the consequences, and seeks to:
 - Avoid development for Hazard Sensitive Activities in High Hazard Areas;
 - Discourage development for Hazard Sensitive Activities in Medium Hazard Areas and Potentially Hazard Sensitive Activities in High Hazard Areas unless appropriate mitigation measures are incorporated into the proposal;
 - Generally allow, subject to mitigation measures, Hazard Sensitive Activities in Low Hazard Areas and Potentially Hazard Sensitive Activities in Medium Hazard Areas; and
 - Allow for Less Hazard Sensitive Activities in all Hazard Areas (Low, Medium and High) and Potentially Hazard Sensitive Activities in Low Hazard Areas.

31. This is the approach recommended that the TTPP take in the Natural Hazards Chapter, and within the scope of the submissions that was received.
32. There have been a number of changes proposed to the Natural Hazards Chapter as a result of the submissions received. The proposed changes can be broadly summarised as follows:
 - Removing some of the notified natural hazard overlays, where the evidence base was not sufficient to support a District Plan intervention;
 - Introducing a risk-based approach to the management of natural hazard risks, with more directive objectives and policies in this regard;
 - Aligning the activity status of rules, with the outcomes sought in the objectives and policies; and
 - Ensuring that there is consistent wording used in the objectives and policies to assist plan users.
33. As a result of a legal opinion that was received, it has been advised that the objectives, policies and rules in relation to the Coastal Hazard Severe, Coastal Hazard Alert and Coastal Setback overlays are to be addressed within the coastal mapping variation, which will be heard next year. As a result of this opinion, this hearing is considering the provisions that apply to the following hazards:
 - Flooding;
 - Fault rupture;
 - Coastal tsunami
 - Lake tsunami
 - The interplay between river flooding and coastal inundation in Hokitika and Westport; and
 - Slope stability.
34. We recognise that the proposed version of the Natural Hazards Chapter before the Commissioners represents a significant change from what was notified. To assist the Commissioners, submitters and the public with their understanding of what has been changed, the section 42A report has the following appendices:
 - Appendix 1 contains the evidence by Sharon Hornblow, Natural Hazards Analyst from West Coast Regional Council;
 - Appendix 2 provides a summary of the recommended decision on each submission and further submission point;
 - Appendix 3 compares the notified version of the proposed provisions with the version of the chapter recommended within this section 42A assessment;
 - Appendix 4 identifies how the recommended objectives, policies and rules work together, and how each objective is appropriately supported by policies and rules;
 - Appendix 5 identifies the recommended activity status for each of the rules. This demonstrates how the risk-based approach is applied, in that the higher the risk (being a combination of the hazard and the nature of the activity) the more restrictive the consent activity status.
 - Appendix 6 Buller District Council resolution to amend the rockfall hazard area in Punakaiki to the findings in the URS report.

3.3 Strategic Direction

35. Strategic objective UFD-O1 seeks to have urban environments and built form on the West Coast that recognises the risk of natural hazards whereby new development is located in less hazardous locations. It also seeks to promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure.

4. Statutory Requirements

36. TTPP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement (NPS), the New Zealand Coastal Policy Statement (NZCPS), national planning standards; and any regulations. Regard is also to be given to the West Coast Regional Policy Statement (WCRPS), any regional plan, District Plans of adjacent territorial authorities, and the Iwi Management Plans.
37. In addition, there is a Mana Whakahono a Rohe agreement between West Coast Regional Council and Poutini Ngāi Tahu which must be implemented.
38. As set out in the section 32 and section 42A Overview Reports, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of TTPP. These documents are discussed in more detail within this report where relevant to the assessment of submission points.
39. The assessment of submission points is made in the context of the section 32 reports already undertaken with respect to this topic, being:
 - Report Three, Part One: Natural Hazards – Ngā Mōreareatanga Aotūroa – including Coastal Hazards

4.1 Resource Management Act

40. Part 2 of the RMA contains the purpose and principles of the legislation. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.
41. In achieving this purpose, authorities need to also recognize and provide for the matters of national importance identified in section 6, have particular regard to other matters referred to in section 7 and take into account the principles of the Treaty of Waitangi referred to in section 8.
42. Section 6 matters of importance relevant to the Natural Hazard Chapter are:
 - Section 6(h) – the management of significant risks from natural hazards.
43. Section 7 of the RMA requires that particular regard be given to the following matters which are relevant to the Natural Hazards Chapter:
 - Section 7(i) - the effects of climate change
44. Section 8 and the principles of the Treaty of Waitangi are relevant to this proposal because natural hazards have the potential to impact Māori in a number of ways, including:

- Increasing risk to life and property
 - Loss of areas of cultural value (such as marae and urupā) due to erosion and other natural hazard processes
 - Loss of cultural practices (such as access to mahinga kai) due to erosion and other natural hazard processes.
45. Part 6 of the RMA contains the regulation relating to the resource consent process. Section 106 is of particular relevance to the Natural Hazards Chapter as it enables consent authorities to refuse subdivision consent if there is a significant risk from natural hazards.

4.2 Section 32AA

46. We have undertaken an evaluation of the recommended amendments to provisions since the initial s32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

1. *A further evaluation required under this Act—*
 - a. *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
 - b. *must be undertaken in accordance with section 32(1) to (4); and*
 - c. *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
 - d. *must—*
 - i. *be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - ii. *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
 2. *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*
47. The required s32AA evaluation for changes proposed as a result of consideration of submissions with respect to this topic is included following the assessment and recommendations in relation to the relief sought in submissions of this report, as required by s32AA(1)(d)(ii).
48. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the

effectiveness of provisions without changing the policy approach have not been re-evaluated. In terms of section 32AA, these minor amendments are efficient and effective in improving the administration of TTPP provisions, being primarily matters of clarification rather than substance. Additionally, further re-evaluation has not been undertaken if the amendments have not materially altered the policy approach.

4.3 Any other relevant National Planning Instruments

49. The NZCPS is applicable to this chapter. While the Coastal Hazards overlays and provisions will be addressed in a future hearing in March 2025, the Hokitika and Westport Overlays have a component of coastal hazards contained within these overlays. For this reason, the NZCPS is relevant to this chapter and must be considered within the hearing.
50. The section 32 report (Section 1.2.2) identifies the relevant provisions of the New Zealand Coastal Policy Statement that must be assessed when considering this District Plan Chapter.
51. The National Environmental Standards for Telecommunications Facilities 2016 (NES-TF) are also relevant to this plan change. In particular Regulation 57 of the NES-TF prevents the TTPP from making natural hazard rules that relate to a regulated activity under the NES-TF.
52. In September 2023, the proposed National Policy Statement for Natural Hazard Decision-making (NPS-NHD) was released for submissions. At the time of this hearing, there has been no further progress on this NPS. As the version released in September 2023 was a draft, it has no statutory weight and therefore does not require any further assessment.

4.4 National Planning Standards

53. The planning standards were introduced to improve the consistency of plans and policy statements. The planning standards were gazetted and came into effect on 5 April 2019. There are 17 standards in total, of which three standards are relevant to this report:
 - Standard 4 - District Plan Structure Standard
 - Standard 7 – District-wide Matters Standard
 - Standard 14 – Definitions Standard
54. In particular, Standard 7 requires that any provisions relating to natural hazards (except coastal hazards) are to be located in the Natural Hazards chapter. Provisions relating to coastal hazards are to be located in the Coastal Environment chapter, with cross references included in the Natural Hazards chapter.
55. As discussed in the section 32 report, the TTPP as notified did not include provisions for coastal hazards in the Coastal Environment chapter, as during the plan development this separation of the natural hazards was found to hinder an integrated approach, and the number of intersecting overlays resulted in a degree of complexity that was difficult for the public to understand. This is because many West Coast settlements are located close to river mouths at the coast where there is a close interaction between flood hazards and coastal hazards.
56. Aside from this, provisions for subdivision and earthworks within the natural hazard overlays are contained within the Subdivision and Earthworks chapters.

4.5 Non-Statutory Guidance

57. The following national guidance documents are considered relevant to this topic:

Document	Date	Author	Summary
Risk management - Principles and guidelines AS/NZS ISO 31000:2009, and SA/SNZ HB 436:2013 Risk management guidelines — Companion to AS/NZS 31000:2009	2009 2013	Standards Australia Standards New Zealand Standards Australia Limited/ Standards New Zealand	All Hazards - This is the national guidance around the management of risk.
Risk-based land use planning for natural hazard risk reduction	2013	GNS Science	All Hazards - This provides the basis for taking a risk-based approach to the management of natural hazards.
Preparing for future flooding: A guide for local government in New Zealand	2010	Ministry for the Environment	Flooding - This provides guidance on estimating the impacts of climate change on flood and options to manage the risk from flooding.
Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand	2008 Updated 2017 Updated 2024	Ministry for the Environment	This document provides non-statutory guidance on addressing sea level rise as a result of climate change. This includes the differing sea level scenarios that should be considered and the need for detailed consultation with the community.
Climate change effects and impact assessment: A Guidance Manual for Local Government in New Zealand - 2nd Edition	2008	Ministry for the Environment	Coastal hazards / Flooding - This is a non-statutory guidance document that provides guidance on the natural hazards that arise or whose effects are worsened by climate change.
Managing Flood Risk – A Process Standard. Standards New Zealand NZS 9401:2008	2008	Standards New Zealand	Flooding - This standard sets out a process for managing flood risk within New Zealand.
New Zealand's next top model: Integrating tsunami inundation modelling into land use planning	2019	GNS Science	This is non-statutory guidance around the management of tsunami hazards. It provides guidance on the level of modelling required for land use planning, management approaches

Document	Date	Author	Summary
			to tsunami, and potential mitigation measures.
Planning for development of land on or close to active faults: A guideline to assist resource management planners in New Zealand	2003	Ministry for the Environment	<p>This document provides guidelines to consider when planning for development close to faults that will have relevance to hazards policy development in District Plans. The guidelines recommend a risk-based approach, based on risk management standard AS/NZS 4360:1999 (latterly AS/NZS ISO 31000:2009).</p> <p>The risk-based approach combines the key elements of:</p> <ul style="list-style-type: none"> • Fault recurrence interval; • Fault Complexity; and • Building Importance Category. <p>The guidance recommends that for land use planning purposes, faults should be mapped and classified at a minimum scale of 1:10,000.</p>

4.6 Procedural Matters

58. At the time of writing this section 42A report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

5. Consideration of Submissions Received

5.1 Overview of Submissions Received

59. A total of **133** submissions and **30** further submissions (**1345** submission and further submission points) were received on the Natural Hazards Chapter including those relating to those Coastal Hazards that are not being addressed by Variation 2, and relevant definitions.

5.2 Structure of this Report

60. Given the number, nature and extent of the submissions and further submissions received, this section 42A report addresses the key themes and issues raised generally, in accordance with Clause 10(2), as opposed to making specific recommendations on each submission point.
61. As such, for ease of understanding the proposed changes to the overlays and the related provisions, this report has been structured such that submissions the submissions on the relevant definitions are considered first. Following on from this, the overlays themselves (extent, scientific basis, mapping approach etc.) and site-specific submissions are assessed.

Next, those submissions that are generally on the chapter as a whole, or raise an issue that does not relate to a specific provision, and those on the overview statement are considered. Submissions on the objectives and policies are addressed next, followed by submissions on the key rule topics. Finally, the submissions relating to subdivision in areas subject to the natural hazard overlays are addressed.

62. For each a review of the submissions received has been provided. An assessment section then follows, which analyses the submissions, and the notified provisions relevant to these submissions and provides consideration of the decision sought. A recommendation is then made to the Hearings Panel of whether the submission should be accepted, accepted in part, or rejected. Any recommended amendments are then detailed, along with an associated section 32AA analysis of the proposed amendments.
63. A full list of submissions and further submissions are contained in Appendix 2, along with the recommendation that submissions and further submissions are either accepted, accepted in part, or rejected.
64. Recommended amendments to the provisions as notified are contained in Appendix 3 of this report.

6. Submissions on the Relevant Definitions

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Gail Dickson (S407)	S407.004	Amend	Review definitions and headings for clarity. In particular "Addition"
Manawa Energy (S438)	S438.008	Support in Part	CRITICAL RESPONSE FACILITIES - Amend the definition of 'Critical Response facilities' as follows: means, in relation to natural hazards, hospitals, fire, rescue, police stations, buildings intended to be used in an emergency for shelter, communication operations or response, hazardous or explosive material storage, aviation control towers, air traffic control centre, emergency aircraft hangers, fuel storage, major dams, <u>electricity generation, transmission and distribution assets</u> ; community scale potable water treatment facilities; and wastewater treatment facilities
Westpower (FS222)	FS222.0177	Oppose	Disallow
Silver Fern Farms (S441)	S441.002	Oppose	CRITICAL RESPONSE FACILITIES – Amend The reference to “hazardous or explosive material storage” requires qualification as to scale, to ensure

Submitter Name (ID)	Submission Point	Position	Decision Requested
			that this definition is not all-encompassing and unduly restrictive of activities with respect to the rules of the Natural Hazards chapter of the Proposed Plan.
Waka Kotahi (S450)	S450.003	Support	HABITABLE ROOM – Retain as proposed
Ministry of Education (S456)	S456.002	Support	HABITABLE ROOM – Retain as proposed
The O'Connor Institute Trust Board (S466)	S466.009	Amend	Any reference to AEP and ARI be appropriately defined
Frank and Jo Dooley (S478)	S478.007	Amend	Provide a definition for ARI
Frank and Jo Dooley (S478)	S478.008	Amend	Provide a definition for AEP
Frank and Jo Dooley (S478)	S478.052	Amend	Any reference to AEP and ARI be appropriately defined
Buller District Council (S538)	S538.009	Oppose in part	Amend the definition as follows: Community Facilities, Education Facilities and Health Facilities Means in relation to natural hazards: All community buildings where people congregate including places of worship, Marae, daycare, primary secondary and tertiary education facilities, medical facilities excluding hospital and medical centres with surgery facilities.
Westpower (FS222)	FS222.048	Oppose	Disallow
Westpower (S547)	S547.019	Amend	BROWNFIELD - Amend sentence to read, means land that has been developed, including energy activities and infrastructure.
Westpower (S547)	S547.023	Amend	CRITICAL RESPONSE FACILITIES - Add definition of <u>Major Dam means any dam of the same, or greater, scale as large dams associated with Large Scale hydro-electric generation schemes in Clause 3.31 of the Nation Policy Statement for</u>

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<u>Freshwater 2020.</u>
FENZ (S573)	S573.001	Support	CRITICAL RESPONSE FACILITIES – No amendment sought
FENZ (S573)	S573.005	Support	Natural Hazard has the meaning as in section 2 of the RMA: means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.
David Ellerm (S581)	S581.001	Amend	BROWNFIELD - Add: <u>...or land that has previously been developed for residential or industrial activities that have since been discontinued.</u>

Analysis

65. Gail Dickson (S407.004) seeks to amend the definition of additions. This is a matter that also presents itself within the submissions of the rules. There is a definition of 'additions and alterations' in the TTPP that is specific to natural hazards. Within the submissions on the rules, there are requests for this definition to be removed. We have considered this request and believe that the definition should be amended to remove the first limb of the definition (which relates to natural hazards). This means that the proposed rules related to natural hazards would rely on the definition of 'addition', as opposed to the definition of 'additions and alterations'. To this end, the proposed amendments to the provisions have relied on the definition of 'addition' as notified in the TTPP, which we believe provides greater certainty to plan users.
66. The support for the definition of 'habitable room' by Waka Kotahi (S450.003) and Ministry of Education (S456.002) is noted. Equally it is noted that FENZ (S573.001 and S573.005) supports the definitions of 'critical response facilities' and 'natural hazards'.
67. Submissions S466.009, S478.007, S478.008, and S478.052 seek that the terms annual exceedance probability (AEP) and average recurrence interval (ARI) are appropriately defined. It is noted that it is recommended below to remove reference to ARI within the provisions, as AEP is the preferred terminology to communicate the probability of an event occurring in any given year. This is because ARI can cause confusion with the public around the likelihood of an event occurring (e.g. a one in 50 year flood event does not necessarily occur only once every 50 years).
68. No definition for AEP is provided in the Regional Policy Statement or Regional Plans. As such a definition is recommended that has been taken from the Australian Rainfall and Runoff Guidelines, which are further referenced below in relation to the flood hazard overlays.

69. Buller District Council (S538.009) seeks to change the definition of 'community facilities'. This is opposed by the further submitter FS222.048. However, upon reviewing the notified version of the TTPP, there appears to be two definitions for community facilities, which provides a level of complication to plan users. One of the definitions specifically relates to natural hazards, while the other definition relates to a broader definition of community facilities. It is the authors preference that the definition pertaining community facilities, education facilities and health facilities is removed from the plan, as it is a duplication of existing definitions.
70. Westpower Limited (S547.023) seeks the inclusion of a definition for 'major dams'. We do not support this definition, but this is in response to a number of other submission points made by this party on various natural hazard provisions, where they seek for major dams to be removed from the definition of critical response facilities, or to seek to have major dams excluded from rules. We believe the best way to provide this relief is to remove 'major dams' from the definition of critical response facilities. We note that dams have been proposed to be added to the definition of regionally significant infrastructure in other hearing streams, and therefore we believe this is an appropriate definition for these structures.
71. Manawa Energy (S438.008) seeks the inclusion of electricity generation, transmission and distribution assets to the definition of critical facilities. This was opposed by further submitter FS222.0177. We do not support including electricity generation, transmission and distribution assets into the definition of critical response facilities as it will result in a number of these activities having to obtain resource consent for their establishment within hazard overlays. These activities are provided for through the Energy, Infrastructure and Transport Chapter and therefore there would be a duplication of provisions and create potential conflict in TTPP if these activities were included in the definition of critical facilities.
72. Silver Fern Farms (S441.002) seeks qualification/quantification of the volumes of hazardous or explosive materials that can be stored before an activity is considered a critical response facility. We are in agreement with the submitter on this matter. However, we have been unable to find a quantifiable level that can be included in the definition. On this basis, and to assist with plan users, we recommend removing hazardous or explosive materials from the definition, and instead rely on the definition of industrial activities, which will capture most activities that include hazardous or explosive materials. This would mean that these activities would be assessed as a Potentially Hazard Sensitive Activity as opposed to a Hazard Sensitive Activity in our recommended framework.
73. Submitters S547.019 and S581.001 both seek amendments to the definition of 'brownfield'. This definition was used in the notified version of the rules pertaining to fault hazards. Through the revised rule framework proposed, there is no longer any reference within the provisions to brownfield development. We however are of the view that this definition can be removed as a result of the consequential change to the rule framework for fault hazards.
74. While there is no submission requesting new definitions, there are a number in relation to specific provisions seeking greater clarity on what 'unoccupied' and 'occupied' buildings refers to. To address these submissions, and with the change in the proposed provisions to a more risk-based approach, it is proposed to add the following definitions to TTPP:

Hazard Sensitive Activity means buildings accommodating:

- a. Residential Activity, including residential units, respite care, and rehabilitation housing.
- b. Visitor Accommodation

- c. Retirement Home
- d. Healthcare Facility
- e. Community Facility
- f. Educational Facility
- g. Marae
- h. Critical Response Facility
- i. Visitor Accommodation
- J. Sleep Outs
- k. Childcare services, including kohanga reo

Potentially Hazard Sensitive Activity means buildings accommodating:

- a. Commercial Activity
- b. Commercial Service Activity
- c. Crematoriums and Funeral Homes
- d. Entertainment Facility
- e. Food and Beverage Activity
- f. Industrial Activities
- g. Major Sports Facility
- h. Offices
- i. Retail Activities
- j. Rural Industrial Activities

Less Hazard Sensitive Activity means:

- a. Buildings used for non-habitable purposes
- b. Fences
- c. Minor storage facilities
- d. Parks facilities
- e. Parks furniture
- f. Buildings associated with primary production, including intensive indoor primary production
- g. West Coast Regional Council monitoring structures
- h. Buildings associated with port activities
- i. Buildings associated with quarrying and mining activities
- j. Decks
- k. Building associated with any other activity that is not identified as a Hazard Sensitive Activity or Potentially Hazard Sensitive Activity

Minimise – To reduce to the smallest amount reasonably practicable

Severe Natural Hazard Overlay – means either one or a combination of the mapped extents of the Severe Flood Overlay, Earthquake Severe Overlay and Coastal Severe Overlay.

75. It is noted here that the section 42A report for the Energy, Infrastructure and Transport Chapter recommends that the definition for 'critical infrastructure' be deleted and replaced with the definition of 'regionally significant infrastructure' as per the WCRPS. We are supportive of this recommendation, in particular noting that it captures regional council seawalls, stopbanks and erosion protection works, as well as the ports of Westport, Greymouth and Jackson Bay, which have a functional and operational need to be located within areas subject to high natural hazard risk. As such, all proposed provisions will reflect this recommendation and refer to regionally significant infrastructure rather than critical infrastructure.

76. These proposed definitions will assist with the understanding of the proposed provisions as they are terms within the proposed framework that have specific meanings.

Recommendations

77. It is recommended the definition of 'brownfield' is deleted. If it is not deleted, then it is recommended to retain the definition as notified.

78. It is recommended the definition of 'additions and alterations' is amended as follows:

Additions and Alterations means,

- a. ~~in relation to natural hazards, changes to a building or structure that alters the habitable space in such a way as to increase the likely number of inhabitants. For example, increasing the number of bedrooms, but not the size of bedrooms, or converting a garage to a bedroom but not increasing the size of a garage; and~~
- b. in relation to historic heritage items, changes to the extent, floor levels, form, proportion and scale of the item, or changes to the design, texture, or form of the fabric of the item.

79. It is recommended that the definition of 'critical response facilities' is amended as follows:

means, in relation to natural hazards, hospitals, fire, rescue, police stations, buildings intended to be used in an emergency for shelter, operations or response, ~~hazardous or explosive material storage~~, aviation control towers, air traffic control centres, emergency aircraft hangars, fuel storage, ~~major dams~~, community scale potable water treatment facilities and wastewater treatment facilities.

80. It is recommended that a definition for 'annual exceedance probability (AEP)' be included, with the proposed wording as follows:

Annual exceedance probability (AEP) means the probability of an event occurring in any given year.

81. It is recommended that the definition of 'Community Facilities, Education Facilities and Health Facilities' is deleted. If the commissioners consider there is not scope for deletion of this definition, it is then recommended that it is amended as follows:

~~Community Facilities~~, Education Facilities and Health Facilities

Means ~~in relation to natural hazards. All community buildings where people congregate including places of worship, Marae~~ daycare, primary secondary and tertiary education facilities, medical facilities excluding hospital and medical centres with surgery facilities.

82. It is recommended that the following definitions are added to the TTPP in recognition of the proposed change to the framework and to help with the understanding and interpretation of the TTPP:

Hazard Sensitive Activity means buildings accommodating:

- a. Residential Activity, including residential units, respite care, and rehabilitation housing.
- b. Visitor Accommodation
- c. Retirement Home
- d. Healthcare Facility
- e. Community Facility

- f. Educational Facility
- g. Marae
- h. Critical Response Facility
- i. Visitor Accommodation
- J. Sleep Outs
- k. Childcare services, including kohanga reo

Potentially Hazard Sensitive Activity means buildings accommodating:

- a. Commercial Activity
- b. Commercial Service Activity
- c. Crematoriums and Funeral Homes
- d. Entertainment Facility
- e. Food and Beverage Activity
- f. Industrial Activities
- g. Major Sports Facility
- h. Offices
- i. Retail Activities
- j. Rural Industrial Activities

Less Hazard Sensitive Activity means:

- a. Buildings used for non-habitable purposes
- b. Fences
- c. Minor storage facilities
- d. Parks facilities
- e. Parks furniture
- f. Buildings associated with primary production, including intensive indoor primary production
- g. West Coast Regional Council monitoring structures
- h. Buildings associated with port activities
- i. Buildings associated with quarrying and mining activities
- j. Decks
- k. Building associated with any other activity that is not identified as a Hazard Sensitive Activity or Potentially Hazard Sensitive Activity

Minimise – To reduce to the smallest amount reasonably practicable

Severe Natural Hazard Overlay – means either one or a combination of the mapped extents of the Severe Flood Overlay, Earthquake Severe Overlay and Coastal Severe Overlay.

83. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

84. We consider that the amendments to the definitions including the newly proposed definitions are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP because:
- The proposed amendments clarify the definitions contained in the proposed TTPP which reduces the likelihood of issues with interpretation when applying the relevant provisions of the plan.

- The introduction of a definition for 'minimise' helps to ensure that the outcomes sought in the TTPP, with respect to the low and medium hazard areas, are clear in terms of mitigating the impacts of natural hazards on people, property and regionally significant infrastructure, while still enabling development.
- The introduction of definitions for 'Less Hazard Sensitive', 'Potentially Hazard Sensitive' and 'Hazard Sensitive Activities' will give the clarity for plan users not currently provided in the proposed TTPP around what activities are captured by the rules.
- The removal of several definitions will remove duplication within the TTPP and makes it easier to understand the intent of the objectives, policies and rules.

Costs and Benefits

85. There could be costs where activities would not have been captured by the notified provisions that now will be, and a resource consent may be required. However, there will be benefits from improved plan interpretation and more efficient plan administration, and it is considered that the potential costs outweigh the benefits.

Risks of Acting or Not Acting

86. There is considered to be no risk from acting, however the risk from not acting is that there will not be clarity about the activities that the provisions apply to, nor what the provisions are trying to achieve.

Decision About the Most Appropriate Option

87. We are of the opinion that the amendments to the definitions including the newly proposed definitions are the most appropriate way to achieve the objectives of the plan compared to those notified.

7. Submissions on the Overlays and Site-Specific Submissions

7.1 General Submissions

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Misato Nomura (S151)	S151.007	Amend	To combine or delete some of the overlays present.
Gina Hogarth (S304)	S304.004	Support in Part	Review the extent of any hazard overlays which do not have expert reports and evidence to validate them.
<i>Grey District Council (FS1)</i>	<i>FS1.084</i>	<i>Support</i>	<i>Allow</i>
Garry Gaasbeek (S398)	S398.004	Amend	Request for some more accurate mapping.
Shaun and Carissa du Plessis (S402)	S402.002	Support	Review the number and extent of natural hazard overlays ensuring all are justified and supported with a relevant technical report that has been prepared by a suitably qualified person.

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.002</i>	<i>Support</i>	<i>Allow</i>
Shaun and Carissa du Plessis (S402)	S402.003	Amend	Review all natural hazard overlay extents to ensure all are supported by evidence to justify their extents.
<i>Vance & Carol Boyd (FS117)</i>	<i>FS117.3</i>	<i>Support</i>	<i>Allow</i>
<i>Vance & Carol Boyd (FS117)</i>	<i>FS117.9</i>	<i>Support</i>	<i>Allow</i>
Betty Harris (S405)	S405.002	Amend	Ensure all overlays are supported with a relevant technical report that has been prepared by a suitably qualified person
<i>Vance & Carol Boyd (FS117)</i>	<i>FS117.4</i>	<i>Support</i>	<i>Allow</i>
Gail Dickson (S407)	S407.005	Support in Part	Review natural hazard overlays for accuracy in alliance with the documentation you have used to create the overlays. Reduce the number of overlays.
Jane Whyte & Jeff Page (S467)	S467.004	Oppose	Review natural hazard overlays to enable tourism development at Punakaiki village
Martin & Co. (S543)	S543.036/ S543.039/ S543.040	Oppose	Oppose any extension from what has been notified that would include our properties.
Toka Tū Ake (S612)	S612.115	Amend	Include potentially liquefiable land in maps.
<i>Westpower (FS222)</i>	<i>FS222.0359</i>	<i>Oppose</i>	<i>Disallow</i>
Toka Tū Ake (S612)	S612.117	Amend	Investigate hazards to all lakes
Chorus et al. (S663)	S663.035	Amend	Add a new rule applying to all hazard overlays that critical infrastructure, or in the alternative telecommunications infrastructure, is a permitted activity in all natural hazard overlays See additional submission points on natural hazards in the HAZ chapter at the end of this table as the template will not expand out the NH provisions of the HAZ chapter"

Analysis

88. Gina Hogarth (S304.004), Shaun and Carissa du Plessis (S402.002 and S402.003), Betty Harris (S405.002), and Gail Dickson (S407.005) with further submissions in support from Grey District Council (FS1.084), Hapuka Landing Limited (FS233.002), and Vance and Carol Boyd (FS117.3; FS117.4; FS117.9) seek that the natural hazard overlays be reviewed to ensure that they have the technical information/evidence to support them. Jane Whyte & Jeff Page (S467.004) also seek that the natural hazard overlays at Punakaiki Village are reviewed. We agree with these submissions and have undertaken a review of all the available technical information that supports each of the notified overlays. On this basis a number of the overlays are recommended to be deleted or amended to reflect the latest scientific information. This recommendation also addresses the relief sought by Misato Nomura (S151.007) and Gail Dickson (S407.005).
89. The response in relation to each of the notified natural hazard overlays is addressed below under the corresponding assessment of each overlay. To confirm, when undertaking each assessment, we are considering the points raised in the general submissions above, in order to avoid the duplication of repeating the same submission points under each natural hazard overlay.
90. Chorus et al. (S663.005) seeks a new rule be inserted that enables critical infrastructure or telecommunications facilities as a Permitted Activity in all natural hazard overlays. We have reviewed the Energy, Infrastructure and Transport Chapter and it appears that this relief is provided within this chapter. The rule framework as amended through this section 42A report does not increase the consenting requirements for telecommunications facilities.

Recommendations

91. As discussed below in relation to each specific overlay, it is recommended that the Flood Plain, Lake Tsunami and Coastal Tsunami Hazard Overlays be deleted. The Section 32AA analysis for these changes is made under the corresponding natural hazard overlay.
92. It is recommended that the Earthquake Hazard Overlays are updated to reflect the most recent mapping by GNS Science. The Section 32AA analysis for this change is made under Section 7.3 below.
93. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

7.2 Flood Hazard Overlays

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
General			
Richard Lowe (S351)	S351.001	Oppose	I am opposed to the Karamea flood modeling that has been presented
<i>Richard Lowe (FS57)</i>	<i>FS109.0010</i>	<i>Oppose</i>	<i>Disallow</i>
Anne Chapman (S425)	S425.001	Oppose	Review / delete the flood overlays
<i>Grey District Council (FS1)</i>	<i>FS1.114</i>	<i>Support in Part</i>	<i>Allow in Part</i>

Submitter Name (ID)	Submission Point	Position	Decision Requested
Stuart Marshall and Susan Gooch (S433)	S433.002	Oppose	<p>My Client's own land being Section 4 SO11562, at Kaniere-Kowhitirangi Road, see the below figures 2 and 3 from the TTPP mapping programme. I understand that the proposed zoning over the whole of the site is "General Rural Zone". And that there are three Hazards and Risks of Flood Plain, Flood Hazard Susceptibility, Flood Hazard Severe layers over parts of the property.</p> <p>I oppose the three Flood layers being added onto the property, and I request that they are removed from the property.</p> <p>I can understand the Flood Plain Layer, however more information is required by myself and my client so that they know what this means for them.</p> <p>It is requested that my client and myself are consulted with about the three layers e.g. sit down and show us where the evidence is that you have made the decision to put these layers on to the property.</p> <p>The house that was built on the property in 2013 has never flooded, yet you have put Flood Hazard Susceptibility over the dwelling.</p> <p>Also, extremely disappointing for my client is that your TTPP Mapping Programme does not enable this allotment to register with your programme - when the allotment is clicked on, the "Please wait" symbol just sits there. I do not think that this is a good thing, when people are trying to access the TTPP Mapping Programme to see what is proposed for their land.</p> <p>Thank you for the opportunity to make a submission on behalf of my clients regarding the proposed TTPP.</p> <p>Regards, Lara Kelly</p>
Rick Hayman (S471)	S471.001	Amend	Greater clarification/justification as to the extent of the flood hazard maps

Submitter Name (ID)	Submission Point	Position	Decision Requested
			including an independent peer review of the work to ensure it is fit for purpose
Gavin Molloy (S485)	S485.002	Amend	Remove the flood overlay north of Franz Josef that affects Franz Alpine development.
Rosalie Sampson (S539)	S539.004	Oppose	Remove flood overlays from Karamea
Toka Tū Ake (S612)	S612.042	Amend	Amend Flood Severe and Flood Susceptibility to include all areas which are expected to have >1m flood depths in a 1% AEP flood
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS57.001</i>	<i>Support</i>	<i>Allow</i>
Toka Tū Ake (S612)	S612.121	Amend	Amend to distinguish between flood ponding areas and flood stream/overland flow paths for lower and higher flood hazard, respectively
Snodgrass Road Submitters (S619)	S619.055	Amend	Amend
Floodplain Overlay			
Benjamin and Shari Ferguson (S173)	S173.002	Oppose	Amend the Flood Plain Overlay on the Natural Hazard map for the Waipuna area to reflect the true risk and use the natural terraces and contour maps along with GPS to do so.
Kaye Leighton (S174)	S174.002	Oppose	We seek that the Natural Hazard map for the Waipuna area be amended to reflect the true risk and suggest the natural terraces and contour maps along with GPS readings be used to do so.
John Boyles (S175)	S175.002	Oppose	Amend the Flood Plain overlay at Waipuna area to reflect the true risk and suggest the natural terraces and contour maps with GPS be used to do so.
<i>Grey District Council (FS1)</i>	<i>FS1.034</i>	<i>Support in Part</i>	<i>Allow in Part</i>
David McInroe (S176)	S176.002	Oppose	Amend the flood plain overlay at Waipuna Grey District to reflect the true risk and suggest the natural terraces and contour maps with GPS be

Submitter Name (ID)	Submission Point	Position	Decision Requested
			used to do so.
Ken and Robyn Ferguson (S192)	S192.001	Oppose	Amend the Flood Plain overlay over the Waipuna Area to reflect the actual risk and exclude identified areas on terraces.
<i>Grey District Council (FS1)</i>	<i>FS1.39</i>	<i>Support</i>	<i>Allow</i>
Whittaker Ventures Ltd (S197)	S197.001	Oppose	Remove the flood plain overlay from properties at Nelson Creek - 332 Nelson Creek Road and 239 Nelson Creek Road.
<i>Arnold Valley et al. (FS90)</i>	<i>FS90.1</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.041</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Whittaker Ventures Ltd (S197)	S197.002	Oppose	Remove the Flood Plain Overlay
<i>Arnold Valley et al. (FS90)</i>	<i>FS90.2</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.042</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Paul Miles (S226)	S226.001	Oppose	Review the boundaries of the Flood Plain Overlay based on contours and actual flood risk. Look specifically at Lot 2 DP3629, Lot 2 DP331707 and the Arnold River.
<i>Grey District Council (FS1)</i>	<i>FS1.050</i>	<i>Support</i>	<i>Allow</i>
Hayden Kendrick (S259)	S259.001	Oppose	Amend the Flood Plain Overlay to be a true and correct account of how the Grey valley geographically sits using contour maps, GPS and site investigation. Anything less is an insult to our rights as property owners and to future generations.
<i>Grey District Council (FS1)</i>	<i>FS1.066</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Grant Marshall (S311)	S311.002	Amend	To amend the Flood Plan Overlay to accurately reflect low lying areas using actual contour lines instead of a broad sweep which includes elevated areas. For the Flood Plain Overlay to include the seiche line detailing around the Lake Poerua subdivision at 2382 Lake Brunner Road

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Grey District Council (FS1)</i>	<i>FS1.297</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Debbie Bland (S325)	S325.001	Amend	Oppose the entire property to be zoned as a flood plain.
Katrina McLachlan (S340)	S340.001	Amend	To amend the Flood Plain overlay in the Mawheraiti area, map #41. To take into account the change in elevation and metres above sea level
Lynette Heine (S354)	S354.001	Amend	The delineation of the 'Flood Plain' boundaries looks to have used a straight line technique - it does not follow contours. Request for a revision of the Flood Plain overlay covering the property, Sec 42 672 BLK X Mawheranui SD. While Sec 42 could be considered as flood plain, R.S 672 includes land that rises significantly as series of stepped river terraces.
<i>Grey District Council (FS1)</i>	<i>FS1.090</i>	<i>Support in Part</i>	<i>Allow in Part</i>
David Hahn (S368)	S368.001	Amend	Amend the 'Flood Plain' overlay to exclude areas situated well above the river level.
<i>Arnold Valley et al. (FS90)</i>	<i>FS90.3</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.094</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Mills Family Trust (S427)	S427.001	Oppose	Remove the flood plain overlay over the land on two terraces above Nelson Creek Road
<i>Grey District Council (FS1)</i>	<i>FS1.115</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Bruce Jones (S429)	S429.001	Amend	My property on Nelson Creek Road is included in the flood plain and there is no way it could ever flood as it is on a high terrace. If it ever floods God help the rest of the West Coast.
<i>Grey District Council (FS1)</i>	<i>FS1.116</i>	<i>Support in Part</i>	<i>Allow in Part</i>
T Croft Ltd (S460)	S460.004	Oppose	Remove the Flood Plain Overlay completely from Te Tai o Poutini Plan.

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Arnold Valley et al. (FS90)</i>	<i>FS90.5</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.139</i>	<i>Support in Part</i>	<i>Allow in Part</i>
T Croft Ltd (S460)	S460.006	Oppose	Remove the flood plain overlay from Lot 2 DP 2338 at Stillwater.
<i>Arnold Valley et al. (FS90)</i>	<i>FS90.9</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.140</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Davis Ogilvie & Partners Ltd (S465)	S465.002	Oppose	Delete the Flood Plain Overlay
<i>Arnold Valley et al. (FS90)</i>	<i>FS90.8</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.150</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Scenic Hotel Group (S438)	S483.010	Oppose	Oppose Flood Plain Hazard on the following properties: <ul style="list-style-type: none"> • 31 Pekanga Drive, Fox Glacier • 27-31 Sullivan Road, Fox Glacier • Heartland Hotel Haast, Jackson Bay Road, Haast • Heartland Hotel Glacier Country, 11 Cook Flat Road, Fox Glacier • 35 Pekanga Drive, Fox Glacier • Sec 21 Mabel Street, Punakaiki • Sec 23 Mabel Street, Punakaiki • Sec 24 Mabel Street, Punakaiki • Sec 25 Mabel Street, Punakaiki
Michael Snowden (S492)	S492.003	Oppose	Remove the flood plain layer from the submitters farm property at Okuru.
Hapuka Landing Limited (S514)	S514.004	Amend	Remove the Flood Plain Overlay from the Lots 1-18 DP 498766, Lot 19 DP 498766 and Lot 100 498766, being 'Hapuka Landing' at Okuru
<i>Anthony Christopher Eden (FS128)</i>	<i>FS128.7</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Peter Jefferies (S544)	S544.008	Oppose	Remove the flood plain overlay from Lot 1 DP 3467, Section 2 BLK XV Waiwhero SD, Lot 1 DP 2743) in the Grey Valley, at 843 Atarau Road,
<i>Grey District Council (FS1)</i>	<i>FS1.184</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Martin & Lisa Kennedy	S545.008	Oppose	Remove the flood plain overlay from

Submitter Name (ID)	Submission Point	Position	Decision Requested
(S545)			Lot 3 DP 2743) in the Grey Valley, at Atarau
<i>Grey District Council (FS1)</i>	<i>FS1.187</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Nick Pupich Sandy Jefferies (S546)	S546.008	Oppose	Remove the flood plain overlay from Lot 3 DP 2743) in the Grey Valley, at Atarau
<i>Grey District Council (FS1)</i>	<i>FS1.190</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Brian Anderson (S576)	S576.005	Amend	Amend mapping of flood plains to be specific and exclude the hill sides adjacent to flood plains which (a) are clearly not flood plains, and (b) are not susceptible to flood risk
David Ellerm (S581)	S581.015	Amend	Amend the overlay to remove Te Kinga from the Flood Plain overlay
<i>Te Kinga Investments Ltd (FS143)</i>	<i>FS143.003</i>	<i>Support</i>	<i>Not Stated</i>
<i>Cashmere Bay Dairy Ltd (FS142)</i>	<i>FS142.003</i>	<i>Support</i>	<i>Not Stated</i>
<i>Grey District Council (FS1)</i>	<i>FS1.255</i>	<i>Support in Part</i>	<i>Allow in Part</i>
David Ellerm (S581)	S581.016	Amend	Further consultation to better understand any historical and future potential flood risks.
David Ellerm (S581)	S581.018	Amend	Remove Flood Plan overlay from Cashmere Bay Road residential Lots 1-28 and adjoining sites Lot 3 &4 DP3957
Flood Susceptibility and Flood Severe Overlays			
Graeme Kellaway (S18)	S18.001	Oppose	Seeks to understand why 47 River Road (Hector) is covered by Flood Hazard Susceptibility overlay.
Frances Yeoman (S33)	S33.001	Oppose	Remove flood hazard susceptibility overlay from 2596 Franz Josef Highway.
Barnabas Young (S50)	S50.001	Amend	Amend the Flood Hazard over Rural Section 1884, State Highway 6, Tatara bordering the Northern side of the Tartara stream in Franz Josef from Flood Hazard Severe to Flood Hazard Susceptibility.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Graeme Kellaway (S53)	S53.001	Amend	Remove the Flood Hazard Susceptibility overlay from the property at 47 River Road Hector.
Griffen & Smith Ltd (S253)	S253.005	Support	Retain flood susceptibility overlay boundaries in relation to Mitre 10 Greymouth
Hamish Macbeth (S307)	S307.002	Oppose in Part	A discussion with affected landowners is sought before decisions are made with regard to the boundary of the flood susceptibility overlay.
Scenic Hotel Group (S483)	S483.015	Oppose	Oppose Flood Hazard Susceptibility Overlay on the following properties: <ul style="list-style-type: none"> • 24 Cowan Street, Franz Josef Glacier • 26 Cron Street, Franz Josef • 2 Condon Street, Franz Josef Glacier • Te Waionui Forest Retreat 3 Wallace St Franz Josef • Glacier Scenic Hotel Franz Josef Glacier 45 SH6 Franz Josef Glacier • Kea Staff Village 93 Cron Street, Franz Josef Glacier
Bert Hofmans (S504)	S504.004	Amend	Remove Lots 1-3 DP 395733 Block iX Oparara SD Flagstaff Road Karamea and other properties in a similar position from the Flood Susceptibility Overlay.
Lindy Millar (S505)	S504.005	Amend	Remove Lots 1-3 DP 395733 Block iX Oparara SD Flagstaff Road Karamea and other properties in a similar position from the Flood Susceptibility Overlay.
Leonie Avery (S507)	S507.108	Oppose in Part	Oppose any extension of Flood Hazard Overlays from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling
Jared Avery (S508)	S508.110	Oppose in Part	Oppose any extension of the Flood Severe Overlay from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling

Submitter Name (ID)	Submission Point	Position	Decision Requested
Jared Avery (S508)	S508.111	Oppose in Part	Oppose any extension of the Flood Susceptibility Overlay from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling
Kyle Avery (S509)	S509.110	Oppose in Part	Oppose any extension of the Flood Severe Overlay from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling
Avery Bros (S510)	S510.109/ S510.110/ S510.111	Oppose in Part	Oppose any extension from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling
Bradshaw Farms (S511)	S511.109/ S511.110/ S511.111	Oppose in Part	Oppose any extension from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling
Paul Avery (S512)	S512.109/ S512.110/ S512.111	Oppose in Part	Oppose any extension from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling
Brett Avery (S513)	S513.109/ S513.110/ S513.111	Oppose in Part	Oppose any extension from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling
Chris & Jan Coll (S558)	S558.060	Support	Retain extent of overlay as notified
Chris & Jan Coll (S558)	S558.061	Amend	Amend associated objectives, policies and rules to be more enabling.
<i>Frank O'Toole (FS235)</i>	<i>FS235.015</i>	<i>Support</i>	<i>Not Stated</i>
Chris J Coll Surveying Limited (S566)	S566.060	Support	Retain extent of overlay as notified
William McLaughlin (S567)	S567.145	Support	Retain extent of overlay as notified
William McLaughlin (S567)	S567.146	Amend	Amend associated objectives, policies and rules to be more enabling.
Toka Tū Ake (S612)	S612.114	Amend	Amend Flood Severe hazard overlay to

Submitter Name (ID)	Submission Point	Position	Decision Requested
			areas where flood waters in a 1% AEP flood are expected to be above 1 m, consistent with flood mapping in other NZ territorial authorities
<i>Westpower (FS222)</i>	<i>FS222.0358</i>	<i>Oppose</i>	<i>Disallow</i>
Snodgrass Road submitters (S619)	S619.004	Oppose	That the Flood Hazard Susceptibility Overlay be removed in its entirety from this property.

Analysis

General

94. Anne Chapman (S425.001) and Rick Hayman (S471.001) seek further justification for the flood hazard maps and would like these to be peer reviewed. As discussed further below we have reviewed the information upon which the Flood Plain Overlay is based and as a consequence recommend that it be deleted from the TTPP. However, we have no reason to believe that the flood hazard modelling upon which the Flood Severe and Flood Susceptibility Hazard Overlays is based is incorrect or contains significant errors. There has been no evidence presented through the submission process which demonstrates the need for these reports to be peer reviewed as there are incorrect assumptions or approach applied to the modelling. Furthermore, recent events have demonstrated that there has been flooding in a number of the areas encompassed by the mapping, and therefore this supports the basis that there is a hazard in these areas that needs to be addressed. For these reasons, it would be inappropriate to remove the remainder of the Flood Hazard Overlays from TTPP and it is our position that the Flood Susceptibility and Flood Severe Hazard Overlays should remain in TTPP to give effect to section 6(h) of the RMA
95. Toka Tū Ake (S612.121) seek that the Flood Hazard Overlays be amended to distinguish between flood ponding areas and flood stream/overland flow paths for lower and higher flood hazard, respectively. It is noted that the Flood Severe Overlay generally aligns with the river/stream corridor while the Flood Susceptibility Overlay generally reflects areas of overland flow and ponding. While we agree with this submission that there could be additional nuance introduced to perhaps distinguish between areas of ponding and overland flow, it is our view that this is better considered as part of a future plan change that reconsiders the Flood Hazard Overlays in a comprehensive manner.
96. Stuart Marshall and Susan Gooch (S433.002) oppose the three Flood Hazard Overlays being applied to their property on Kaniere-Kowhitirangi Road. As discussed further below the Flood Plain Overlay is recommended to be deleted. However, the Flood Susceptibility and Flood Severe Overlays are based on hydrodynamic modelling of the Hokitika River. We have no reason to believe that this modelling is not fit for purpose, and the applicant has not provided any evidence to the contrary. Therefore, we recommend that the Flood Plain Overlay be removed from this property, but the Flood Susceptibility and Flood Severe Overlays remain.
97. Following on from this, we reject all submissions that seek that the Flood Susceptibility or Flood Severe Overlays be removed from specific properties without further evidence to support these requests.

Flood Plain Overlay

98. A significant number of submissions and further submissions (S173.002, S174.002, S175.002, FS1.034, S176.002, S192.001, FS1.39, S197.001, FS90.1, FS1.041, S197.002, FS90.2, FS1.042, S226.001, FS1.050, S259.001, FS1.066, S311.002, FS1.297, S325.001, S340.001, S354.001, FS1.090, S368.001, FS90.3, FS1.094, S427.001, FS1.115, S429.001, FS1.116, S460.004, FS90.5, FS1.139, S460.006, FS90.9, FS1.140, S465.002, FS90.8, FS1.150, S483.010, S492.003, S514.004, FS128.7, S544.008, FS1.184, S545.008, FS1.187, S546.008, FS1.190, S576.005, S581.015, FS143.003, FS142.003, FS1.255, S581.016, S581.018) were received opposing the Flood Plain Overlay and querying the information upon which it was based, and requesting its removal from specific sites, or in its entirety from the TTPP. We have considered the information upon which this overlay is based, and while it does capture areas that are known to be subject to flood inundation, it is not based upon accurate mapping or modelling, and has been applied as a precautionary layer. We are of the view that the science behind the Flood Plain Overlay is not sufficiently robust to justify its inclusion within TTPP. As such, it is recommended that the Flood Plain Overlay and all associated provisions are deleted from the TTPP.

Flood Susceptibility and Flood Severe Overlays

99. Submissions S507.108, S508.110, S508.111, S509.110, S510.109, S510.110, S510.111, S511.109, S511.110, S511.111, S512.109, S512.110, S512.111, S513.109, S513.110, S513.11, S566.060, S567.145, S558.061 and S567.146 seek that the objectives, policies and rules associated with the Flood Severe and Flood Susceptibility Hazard Overlays are amended to be more enabling. We do not agree with these submissions for the reasons discussed below.
100. The Flood Severe Overlay as per the notified TTPP represents areas where flood waters have been modelled to have a depth of greater than 2m or a velocity of greater than 2 metres per second (2 m/s) in a 1% AEP flood event at current climate. The Flood Susceptibility Overlay represents all those areas modelled to have flood depths and speeds of less than this.
101. As per the Australian Rainfall and Runoff Guidelines (Figure 1) upon which the overlay thresholds are based, and which are commonly utilised guidelines in relation to managing flood hazards in New Zealand, the Flood Severe Overlay equates to the H5 and H6 hazard classifications, with the Flood Susceptibility Overlay equating to the H1 to H4 hazard classification. As summarised in the figure below, there is a considerable risk to people and buildings in both the Flood Severe and Flood Susceptibility Overlays from flood waters.
102. The threshold between these overlays in the TTPP as notified is determined by the risk to buildings (as opposed to people) as above 2m of water depth or speeds of 2m/s there is a risk of structural damage to buildings and the potential for collapse.

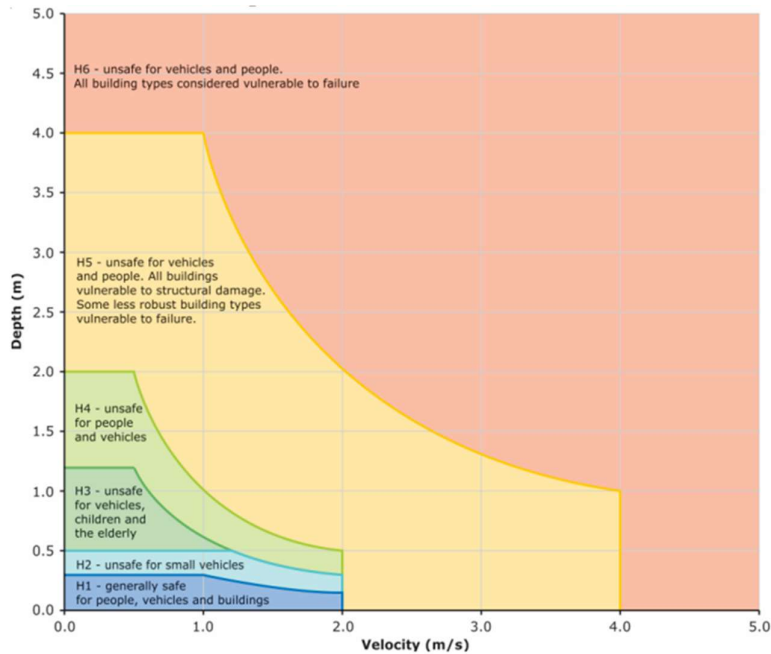


Figure 1: Flood Hazard Vulnerability Curves (Source: Australian Rainfall and Runoff Guidelines)

103. Toka Tū Ake (S612.042; S612.114) request that the Flood Severe Overlay is amended to represent areas which are expected to have flood depths of greater than 1m in a 1% AEP flood, and correspondingly the Flood Susceptibility Overlay would be those with flood depths of less than 1m.
104. For context, the Canterbury Regional Policy Statement and Waikato Regional Policy Statement have chosen to apply the H3 hazard classification where flood depths are greater than 1.2m or a velocity of greater than 2 m/s to define the 'high hazard area'. At this flood depth and speed the flood hazard is unsafe for people and vehicles.
105. We consider the request from Toka Tū Ake is an appropriate reflection of the level of risk from flood waters, because as notified the Flood Susceptibility Overlay still potentially represents a high level of risk to life, as flood waters can be up to 2m in depth. However, when considering the potential consequences on private properties from reducing the threshold between the Flood Severe and Flood Susceptibility Overlays from 2m to 1.2m of water depth, a large number of additional properties would be covered by the Flood Severe Overlay. This raises significant natural justice issues as there would be a considerable tightening and potential loss of development rights by the provisions on these properties, beyond what was expected through the proposed TTPP. We are also mindful that there are specific submissions opposing any extension to the Flood Severe or Flood Susceptibility Overlays as notified (S507.108, S508.110, S508.111, S509.110, S510.109, S510.110, S510.111, S511.109, S511.110, S511.111, S512.109, S512.110, S512.111, S513.109, S513.110, S513.11, S558.060, S566.060 and S567.145). We therefore recommend, that the thresholds are not altered, with the extent of the Flood Severe Overlay increased, as part of this full plan review process. However, we do recommend that it is addressed as part of a future Plan Change process that could also address the inclusion of climate change into the flood mapping adopted for the TTPP. It might also be appropriate as part of this plan change to consider the inclusion of an additional flood hazard overlay that is based on the H1 hazard classification that is more permissive due to the lower level of risk present, to provide a more nuanced approach to flood risk.

106. Submissions (S18.001, S33.001, S50.001, and S483.015, S504.004, S504.005, and S351.001) raised concerns regarding the flood mapping in respect to specific properties and areas. We have no reason to believe that the flood hazard modelling upon which the Flood Severe and Flood Susceptibility Overlays is based is incorrect or contains significant errors. There has been no evidence presented through the submission process which demonstrates the need for these reports to be peer reviewed as there are incorrect assumptions or approach applied to the modelling. On this basis, we do not propose to remove the flood hazard extents from these submitters properties.

Recommendations

107. That the Flood Plain Overlay and all associated provisions be deleted from TTPP. It is recommended that all other Flood Hazard Overlays remain in the TTPP.
108. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

109. The deletion of the Flood Plain Overlay will improve the effectiveness of the plan as this overlay was a precautionary layer that was not based on accurate mapping. This will also improve the efficiency of plan administration, as the Flood Plain Overlay captured a large number of properties. The deletion of this overlay will provide more certainty for property owners, and ensure that they are not subjected to provisions, for which there is a low level of certainty regarding the underlying science.

Costs and Benefits

110. The benefits of deleting the overlay are high, as it will provide certainty for property owners and will reduce the number of resource consent applications received by councils in the region (while noting only rules for subdividing in this overlay were notified). There will be no costs of removing the overlay and therefore the benefits outweigh the costs.

Risk of Acting or Not Acting

111. The information upon which the overlay is based is not accurate, is insufficient and uncertain. However, there is a risk from deleting the overlay in that it does cover properties that are known to be subject to inundation from past events. The precautionary approach of Policy NH-P2 will provide direction for decision-makers in such instances.

Decision About the Most Appropriate Option

112. The deletion of the Flood Plain Overlay is the most appropriate way to achieve the objectives of the plan, compared to retaining it.

7.3 Earthquake Hazard Overlays

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
General			
Grant Marshall (S311)	S311.005	Amend	I would like the inclusion of the GNS report on Lake Poerua dated January 2008 to the technical info in the TTPP

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Stephen Hogg (FS52)</i>	<i>FS52.3</i>	<i>Support</i>	<i>Allow</i>
Scenic Hotel Group (S483)	S483.018	Oppose	Earthquake Hazard Overlays – All Should any of the changes that restrict development be adopted then financial assistance or compensation - in conjunction with central government agencies needs to be investigated as appropriate.
Toka Tū Ake (S612)	S612.021	Amend	Add all active faults in the region to planning maps, including exclusion zones.
<i>Westpower (FS222)</i>	<i>FS222.0356</i>	<i>Oppose</i>	<i>Disallow</i>
Toka Tū Ake (S612)	S612.048	Amend	Incorporate uncertainty and distributed fault deformation into earthquake hazard (fault avoidance) zones, as directed by the MfE guidelines for planning around active faults
<i>Westpower (FS222)</i>	<i>FS222.0357</i>	<i>Oppose</i>	<i>Disallow</i>
Site Specific			
Scenic Hotel Group (S483)	S483.013	Oppose	Oppose Earthquake Overlays on the following properties: <ul style="list-style-type: none"> • Scenic Hotel Franz Josef Glacier • 45 SH6 Franz Josef Glacier • 24 Cowan Street, Franz Josef Glacier • 26 Cron Street, Franz Josef Glacier • 2 Condon Street, Franz Josef Glacier
Grant Marshall (S311)	S311.001	Amend	Amend the Earthquake Hazard Overlay pertaining to Lake Poerua to accurately reflect the earthquake Faultline and setbacks which was established through extensive research and consultation with GNS science on behalf of GDC and Golders and Canterprise.
<i>Stephen Hogg (SFS52)</i>	<i>FS52.1</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.296</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Grant Marshall (S311)	S311.004	Amend	To use correct information to show the Faultline accurately in Map 65 in

Submitter Name (ID)	Submission Point	Position	Decision Requested
			particular around my property at 2261 Lake Brunner Road. If not, then to provide detailed evidence and documentation to support and the rationale as to why this was changed

Analysis

113. Toka Tū Ake (S612.048) seeks that the Earthquake Hazard Overlays are amended to incorporate uncertainty and distributed fault deformation in line with the Ministry for the Environment guidelines for planning around active faults¹ (hereinafter referred to as the Active Fault Guidelines). We agree with this submitter that the Earthquake Hazard Overlays as notified do not adequately represent a risk-based approach to managing the risk from this hazard, as the buffers are arbitrary setbacks that do not account for the uncertainty in the location of the fault.
114. Revised fault avoidance zone (FAZ) mapping for the Alpine Fault in 18 priority areas (three in Buller District, three in Grey District and 12 in Westland District) was received from GNS Science² subsequent to the notification of the TTPP that allowed for further refinement of the overlays. As the adoption of this new mapping will not include any additional sites into the overlays and will in fact result in a significant reduction in the number of properties impacted by the overlays, it is considered appropriate to include it as part of this process.
115. Associated with the revised mapping, the overlays and associated provisions have been amended to follow more closely with the approach recommended in the Active Fault Guidelines. This means that where the fault is well-defined or well-defined extended, the planning controls are more restrictive than where the fault is uncertain constrained or uncertain poorly constrained. In the notified version of the TTPP maps, the fault trace is mapped with concentric setbacks applied, which does not adequately represent the uncertainty that is present where the fault trace and deformation zone are uncertain constrained or uncertain poorly constrained.
116. As described in the GNS Science report, the FAZs have widths of as little as 80m (well-defined) to as wide as 300m (uncertain poorly constrained). Each FAZ includes a 'setback' zone of 20m around the deformation width buffer (or fault location uncertainty buffer) to provide a margin of safety and accommodate the possibility of secondary deformation and ruptures that can occur close to primary fault ruptures.

1. _____

¹ Kerr J., Nathan S., Van Dissen R.J., Webb P., Brunson D., King A.B. (2003) Planning for development of land on or close to active faults: a guideline to assist resource management planners in New Zealand. Lower Hutt (NZ): Institute of Geological and Nuclear Sciences. 71p. Client Report 2002/124. Prepared for Ministry for the Environment.

² Langridge, R.M., Morgenstern, R., Coffey, G.L., Clarke, L.B. 2022. Updated Alpine Fault mapping and fault avoidance zones for priority areas in the West Coast region. Lower Hutt (NZ): GNS Science. 63p. Consultancy Report 2022/08.

117. To promote consistency, the naming of the new recommended Earthquake Hazard Overlays was chosen to align with those for other hazards addressed by the TTPP, and the classification of the earthquake hazards was chosen to align with the activity status of the buffers as notified. As such the recommended Earthquake Severe Hazard Overlay represents the well-defined and well-defined extended FAZs, and the recommended Earthquake Susceptibility Hazard Overlay represents the distributed, uncertain constrained and uncertain poorly constrained FAZs.
118. This recommendation will also address the submissions of Grant Marshall (S311.001, S311.004, S311.005) in part, as the inclusion of the updated GNS mapping will reduce the extent of the overlay on his property at 2261 Lake Brunner Road, and in the Lake Poerua area, as well as changing the overlay to a less restrictive Earthquake Susceptibility Overlay that reflects the uncertainty in the location of the Alpine Fault in this area, as shown in Figure 2 below.

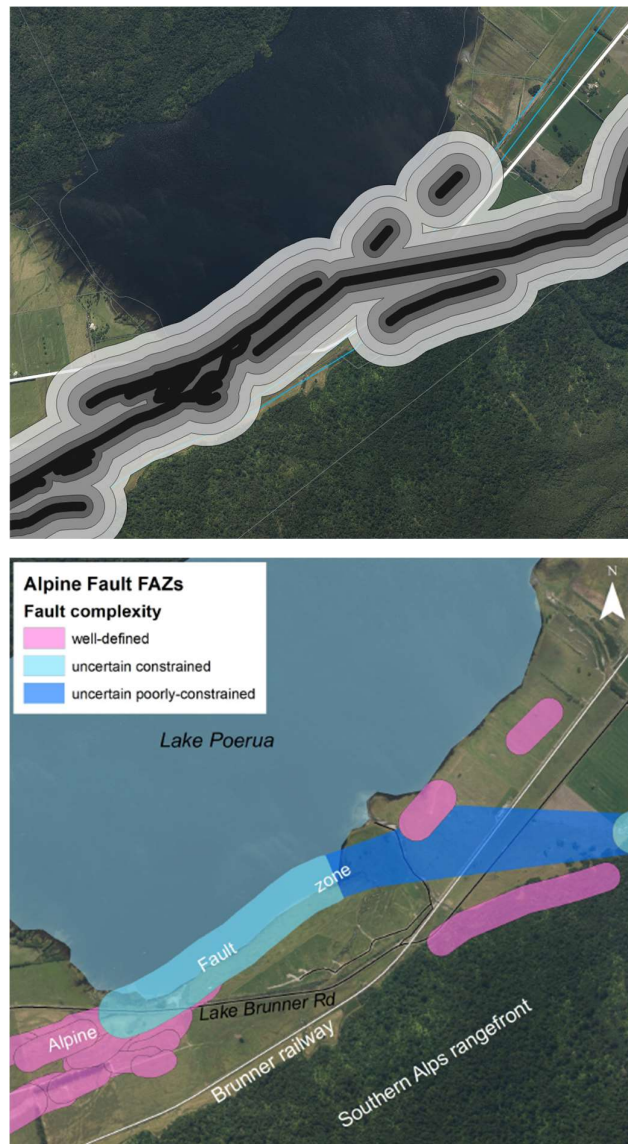


Figure 2: Extent of Earthquake Hazard Overlays as notified in the TTPP (top) vs. recommended extent of Earthquake Hazard Overlays (bottom) as per Langridge et al. (2022) at Lake Poerua.

119. Consideration has also been given to the impact upon properties owned by Scenic Hotel Group at Franz Josef as per submission S483.013. While 24 Cowan Street and 2 Condon Street will be located in the Earthquake Severe Overlay under the proposed changes, and will have similar restrictions as per the notified overlays, only the south-east corner of 26 Cron Street will be within the Earthquake Severe Overlay, with the existing building not being subject to an earthquake hazard overlay, which it currently is. The Scenic Hotel at 45 State Highway 6 will no longer be subject to an earthquake hazard overlay.
120. Figure 3 has been inserted for reference to demonstrate the extent of the recommended changes at Franz Josef township generally.

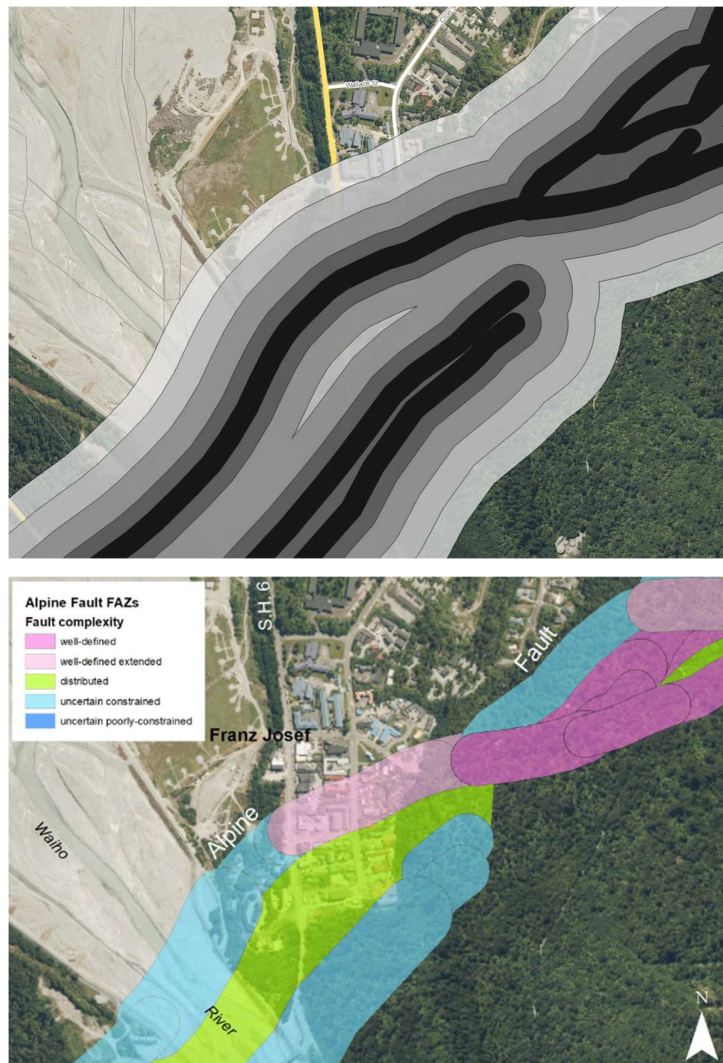


Figure 3: Extent of Earthquake Hazard Overlays as notified in the TPPP (top) vs. recommended extent of Earthquake Hazard Overlays (bottom) as per Langridge et al. (2022) at Franz Josef Village.

121. For those properties owned by the Scenic Hotel that are still within the Earthquake Hazard Overlays, we have no reason to believe that the fault hazard modelling that has been undertaken is incorrect or contains significant errors. There has been no evidence presented through the submission process which demonstrates the need for the overlay to be removed from these properties. On this basis, to give effect to s6(h) of the RMA it would

be inappropriate to remove the Earthquake Hazard Overlays from TTPP and it is our position that they should remain.

122. Scenic Hotel Group (S483.018) seeks for there to be an investigation into financial compensation as a result of loss of development rights arising from the FAZ or the natural hazard overlays. Territorial authorities are required under Section 31 of the RMA to “*control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards*”. The proposed natural hazards chapter and associated provisions are council exercising its required function, and therefore there is no requirement to provide financial contribution for loss of development rights arising from the exercising of this function.
123. Toka Tū Ake (S612.021) also seeks that all active faults in the region are included on the planning maps with associated FAZs. However, the overlays as now proposed represent the most current and up to date scientific information on the Alpine Fault which has been prioritised due to the significant risk that this fault poses. While we agree it would be preferable for the TTPP to include all active faults, this is a matter of resourcing, and is not an option at the current time. For these reasons, we recommend that this submission point be rejected.

Recommendations

124. It is recommended that the Earthquake Hazard Overlays as notified are deleted and replaced by two new overlays, being the Earthquake Severe Overlay and the Earthquake Susceptibility Overlay and the maps are updated to reflect this change.
125. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

126. We consider that the proposed changes to the Earthquake Hazard Overlays, while considerable, are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP because they reflect the complexity and uncertainty inherent in fault rupture, which the overlays and provisions as notified do not. This will ensure that development does not occur where the risk from fault rupture is high, while taking a more enabling approach to development in areas where the risk is lower.
127. The proposed new maps also follow the non-statutory national direction regarding land use planning for fault hazards. This is a form of mapping that is used nationally and well understood by a number of practitioners. As a result, it is more effective and efficient in using mapping that is well-understood, as opposed to bespoke mapping which can confuse the outcomes sought under the objectives.

Costs and Benefits

128. The benefits of the recommended changes are high, as a significant number of properties will no longer unnecessarily sit within the Earthquake Hazard Overlays, and conversely no additional properties will be impacted. We have not identified any cost associated with the proposed change in approach. The changes will streamline the provisions, resulting in improved plan interpretation and more efficient plan administration.

Risks of Acting or Not Acting

129. There is no risk from acting, however the risk from not acting is that property owners will have unnecessary restrictions placed upon their development rights, there will not be clarity about the activities that the provisions apply to, nor what the provisions are trying to achieve.

Decision About the Most Appropriate Option

130. We are of the opinion that the proposed amendments to the Earthquake Hazard Overlays, and specifically the introduction of fault complexity and uncertainty into the policies, rules and overlay maps are the most appropriate way to achieve the objectives of the plan compared to the notified provisions.

7.4 Land Instability Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Northern Buller Communities Society Incorporated (S142)	S142.007	Oppose	Review the land instability overlay for the Granity, Ngakawau and Hector areas.
Northern Buller Communities Society Incorporated (S142)	S142.008	Oppose	Remove the land instability overlay on the former mines survey office and the Lyric Theatre in Granity.
TTPP Committee (S171)	S171.012	Amend	i. Delete the Land Instability Hazard overlay on the area as shown at Granity in the map attached. ii. Add a Land Instability Hazard overlay to the area north of Hector as shown in the map attached - Area seaward of the Red dotted line is the Land Instability Hazard area.
Jackie and Bart Mathers and Gillman (S228)	S228.002	Amend	We submit that this overlay is incorrectly positioned and should be based on the current known land instability area north of Hector as per the current Buller District Plan. If the overlay is to be extended, then a more objective, reasoned analysis should be done on the area to ensure it identifies more closely with known areas of risk rather than what appears to be an arbitrary analysis based on very recent occurrences related to rainfall.
David Marshall (S347)	S347.001	Amend	The Land Instability Overlay for the Granity/Ngākawau/Hector area in map 19 of the Natural Hazards Map needs amendment to a much smaller area, such as that suggested in the England and Co. report. This report is available

Submitter Name (ID)	Submission Point	Position	Decision Requested
			through the Westport Council
Gail Dickson (S407)	S407.001	Oppose	Correct the land instability hazard overlay as shown in the Granity, Ngakawau, Hector area. Add the correct Buller hazard area for land instability which is in the current operative district plan being NORTH of Hector, to part way up the Nikau coast.
Peter Haddock (S417)	S417.003	Oppose	Remove the property at 3 Webb Street Punakaiki from the natural hazard land instability overlay.
Jane Whyte & Jeff Page (S467)	S467.020	Oppose	Remove Land Instability Overlay from 11 Owen Street and map as per current mapped as per Rockfall Hazards in operative Buller District Plan.
Scenic Hotel Group (S483)	S483.014	Oppose	Oppose Land Instability overlay on the following properties: <ul style="list-style-type: none"> • Punakaiki Beachfront Motels, Mabel Street, Punakaiki • Punakaiki Rocks, Hotel and Bar, Owen St, Punakaiki • Sec 21 Mabel Street, Punakaiki • Sec 23 Mabel Street, Punakaiki • Sec 24 Mabel Street, Punakaiki • Sec 25 Mabel Street, Punakaiki
Buller District Council (S538)	S538.149	Support in part	The proposed overlays need to be reviewed as the area covered in Granity is not the area identified in the Operative Buller District Plan.
Paparoa Track Services et al. (S605)	S605.038	Oppose in part	Map 34 of the proposed Plan which covers natural hazards is considered to be insufficient to understand the application of various hazards to the Punakaiki Village. Specifically the land instability mapping does not align with the existing mapping and no new assessment is provided to support this change.
Toka Tū Ake (S612)	S612.066	Support	Retain
Scoped Planning and Design Limited (S617)	S617.019	Amend	Include an additional overlay and associated maps for landslide risk to Franz Josef Township

Submitter Name (ID)	Submission Point	Position	Decision Requested
Westland District Council (FS79)	FS79.14	Support	Allow
Scoped Planning and Design Limited (617)	S617.020	Amend	Rule framework to prohibit all development in landslide risk area to Franz Josef Township
Westland District Council (FS79)	FS79.3	Support	Allow

Analysis

131. There are a number of submissions (S142.007; S142.008; S538.149; S228.002; S347.001; S407.001) requesting that the Land Instability Overlay in the Gracity/Ngakawau/Hector area are reviewed. The submission by the TTPP Committee (S171.012) confirms that the area mapped over Gracity was included in error, and that the overlay should reflect the area that is identified in the Operative Buller District Plan, for which there is a strong evidence base. We therefore recommend that the Land Instability Overlay at Gracity is deleted, and the overlay is added to the area north of Hector as currently shown in the Operative Buller District Plan.
132. Paparoa Track Services Ltd et al. (S605.038) correctly identify that the land instability mapping in the TTPP for Punakaiki does not align with the existing Rockfall Hazard line in the Operative Buller District Plan as shown in Figure 4. The Rockfall Hazard line reflects the study by Nathan (1984), while the Land Instability Overlay in the TTPP aligns with the study by Cooper (2000) (refer Figure 5). Neither align with the recommendations of the most recent report at the time the TTPP was notified, being URS (2003), which found that the findings of the Cooper (2000) study were too conservative. Buller District Council resolved to amend the rockfall hazard area in Punakaiki based on the URS report, however it appears that this did not occur (refer to Appendix 6).



Figure 4: Location of the Rockfall Hazard line in the Operative Buller District Plan

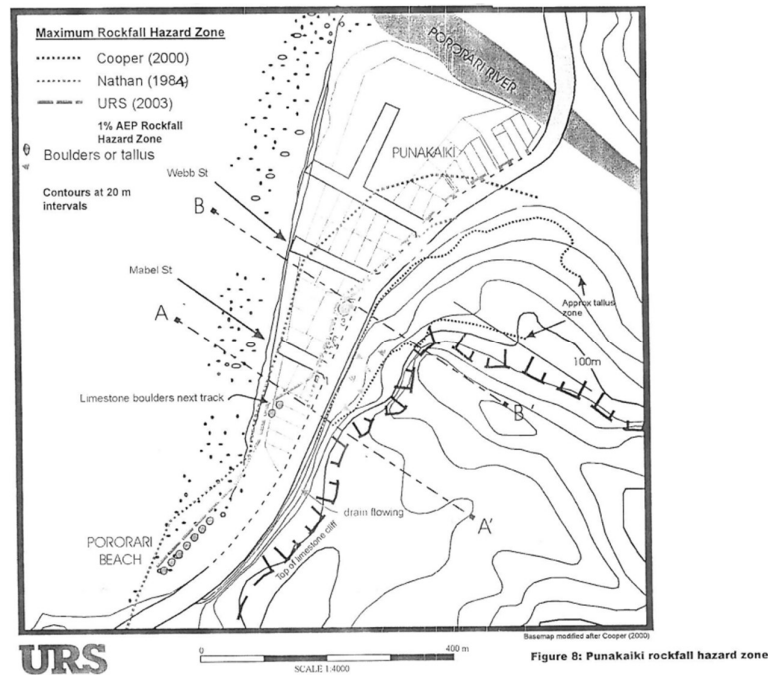


Figure 5: Rockfall Hazard Zones at Punakaiki as recommended by Nathan (1984), Cooper (2000), and URS (2003).

133. It is noted that GNS Science have in 2024 completed a region-wide investigation into slope instability, that is intended to be the subject of a future plan change. It is considered most appropriate that this location of the Land Instability Overlay be resolved during this process, and in the meantime it is recommended that the extent of the overlay reverts to that in the Operative Buller District Plan. This will provide the relief sought by Peter Haddock (S417.003) and Jane Whyte & Jeff Page (S467.020). It will in part provide the relief sought by Scenic Hotel Group (S483.014) as it is noted that Section 25 Town of Punakaiki (6 Mabel Street) is partially covered by the Rockfall Hazard Area in the Operative Buller District Plan.
134. Scoped Planning and Design Limited (S617.019 and S617.020) request that an additional overlay and associated provisions be included for Franz Josef township to prohibit all development within the area subject to landslide hazards. This is supported by Westland District Council (FS79.03; FS79.14). While we acknowledge that there is a landslide risk at Franz Josef, given that no overlay and provisions were included in the notified TTPP, it raises natural justice issues. In particular, there would be provisions added to a number of properties that would not be aware of these at the time of notification of the Plan Change. The inclusion of these provisions would add regulatory burden to these properties, to a scale, where impacted properties may have opted to lodge a submission. Furthermore, as previously noted, GNS Science have recently completed a region-wide investigation into the risk from slope instability that we understand will be the subject of a future Plan Change. It is considered most appropriate that a Land Instability Overlay and associated provisions be included for Franz Josef at this stage, such that it can be subject to the Schedule 1 process.

Recommendations

135. That the Land Instability Overlay at Granity as shown in Figure 6 be deleted.

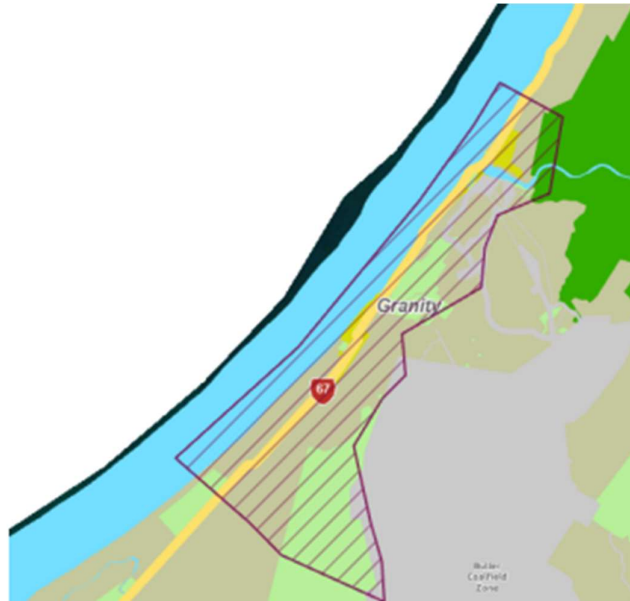


Figure 6: Land Instability Overlay at Granity as notified in the TTPP.

136. That a Land Instability Hazard Overlay be added to the area north of Hector as shown in Figure 7 – the area seaward of the Red dotted line is the Land Instability Hazard area.

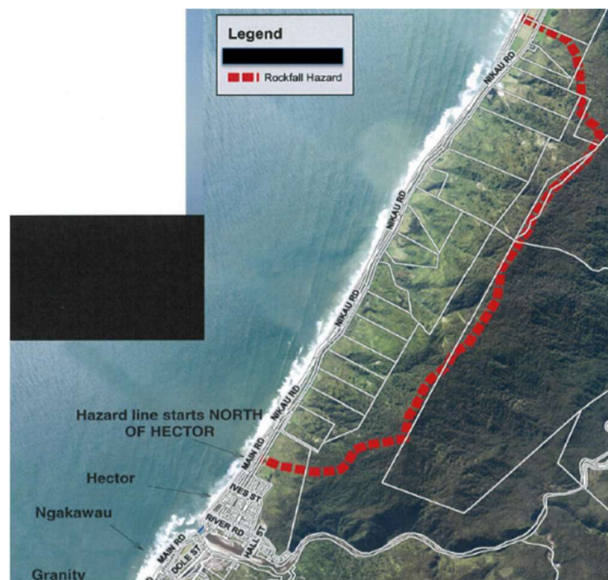


Figure 7: The correct location of the Land Instability Overlay

137. That the Land Instability Overlay at Punakaiki be amended to align with the Rockfall Hazard line in the Operative Buller District Plan as shown in Figure 4 above.
138. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

139. The proposed changes to the Land Instability Overlay will be more effective and efficient than the overly as notified, as they will correct errors in the mapping such that the right properties are covered by the overlays.

Costs and Benefits

140. There will be no cost to the changes, as those properties that will now be within the Land Instability Overlay of the TTPP are already covered by this overlay in the Operative Buller District Plan.
141. There is a benefit, in that properties that were not meant to be covered by the overlay, will not be subjected to a regulatory intervention with the associated costs.

Risks of Acting or Not Acting

142. The risk of not acting is that properties that are not subject to land instability are subjected to unnecessary restrictions. There are no risks from acting.

Decision About the Most Appropriate Option

143. The amendments to the Land Instability Overlay are the most appropriate way to achieve the objectives of the plan compared to the overlay as notified.

7.5 Lake Tsunami Hazard Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Grant Marshall (S311)	S311.006	Amend	Utilise Golders mapping at Lake Poerua for Lake Tsunami Hazard Overlay
<i>Stephen Hogg (FS52)</i>	<i>FS52.2</i>	<i>Support</i>	<i>Allow</i>
Toka Tū Ake (S612)	S612.069	Support	Retain

Analysis

144. We recognise that submissions in relation to Lake Tsunami Hazard either sought to retain the mapping as notified (S612.069), or to utilise the Golders report mapping at Lake Poerua for the Lake Tsunami Hazard Overlay (S311.006 and FS52.2).
145. As outlined under the general submissions, there are a number of submitters that are seeking a review of the natural hazard overlays to ensure they are based on robust science.
146. In analysing and responding to these submissions, we have reassessed the Lake Tsunami Hazard Overlay. This reassessment found this overlay is based on an arbitrary 5m setback from the edge of all lakes in the region. While there is specific mapping of the Lake Tsunami Hazard at Lake Poerua as noted by Grant Marshall (S311.006), the extent of the overlay as notified in the TTPP does not reflect this. If this mapping for Lake Poerua were to be adopted into the TTPP, it would impact a greater extent of properties than the overlay as notified, raising natural justice issues. On the basis of this, we are of the view that the mapping and associated provisions pertaining to the Lake Tsunami Overlay should be removed, as the evidence base is not scientifically robust enough to support their retention within the TTPP.
147. We recognise that lake tsunami (or seiche) hazards is an emerging area of scientific research in the New Zealand context. However, in this instance we also note that there are not large, populated areas that are impacted by this natural hazard and that the Natural Character and Margins of Waterbodies Chapter requires that most buildings are setback at least 20m from the lake edge, which will largely mitigate any impacts from lake tsunami.

148. While we do not dispute that this natural hazard likely exists, we feel that given the science that was used to map this hazard, combined with the low number of properties impacted by this hazard, the removal of this overlay will not significantly increase the risk to people, buildings or infrastructure, and can be managed by proxy through other TTPP provisions as well as through Civil Defence and Emergency Management procedures until such time that more accurate mapping enables a land use planning response.

Recommendations

149. It is recommended that the Lake Tsunami Hazard Overlay and associated provisions be deleted from the TTPP.

150. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

151. The deletion of the Lake Tsunami Overlay will improve the effectiveness of the plan as this overlay was a precautionary layer that was not based on accurate mapping. This will also improve the efficiency of plan administration by reducing the regulatory burden on councils in the region.

Costs and Benefits

152. The deletion of the overlay will have no costs while benefiting a limited number of property owners that are currently affected by the overlay.

Risks of Acting or Not Acting

153. It is recognised that lake tsunami is a hazard associated with lakes throughout the region, particularly where private property is located adjacent to the lakeshore. Therefore, the risk of not acting is that buildings are located within areas subject to inundation from a lake tsunami. However, the 20m setback required for most buildings from the lake edge by the Natural Character and Margins of Waterbodies Chapter is expected to mitigate the risk posed by this hazard to an acceptable level.

Decision About the Most Appropriate Option

154. We are of the opinion that the removal of the overlay is the most appropriate way to achieve the objectives of the plan compared to retaining the overlay as notified.

7.6 Coastal Tsunami Hazard Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Elley Group Ltd (S164)	S164.002	Amend	Remove the tsunami hazard zone and associated provisions.
<i>Frank O'Toole (FS235)</i>	<i>FS235.036</i>	<i>Support</i>	<i>Not Stated</i>
Bert Hofmans (S504)	S504.008	Oppose	Remove Lots 1-3 DP 395733 Block iX Oparara SD Flagstaff Road Karamea and other properties in a similar position from the Coastal Hazard

Submitter Name (ID)	Submission Point	Position	Decision Requested
			Tsunami overlay.
Lindy Millar (S505)	S505.008	Oppose	Remove Lots 1-3 DP 395733 Block iX Oparara SD Flagstaff Road Karamea and other properties in a similar position from the Coastal Hazard Tsunami overlay.
Lee Cummings (S554)	S554.001	Support	Retain the tsunami hazard overlay boundaries at Rapahoe as notified.
Avery Brothers (S609)	S609.075	Oppose	Amend overlay extent to exclude our properties

Analysis

155. Elley Group Ltd (S164.002) seeks to remove the tsunami hazard zone and the associated provisions. This is supported by further submission FS235.036. Avery Brothers (S609.075) request that the overlay be amended so that their property is excluded, as do Bert Hofmans (S504.008) and Lindy Millar (S505.008). Lee Cummings (S554.001) requests that the overlay be retained at Rapahoe.
156. The Coastal Tsunami Hazard Overlay is based on evacuation mapping and represents the 'red zone' where land elevation is less than 2m above mean high water springs. The non-statutory guidance for land use planning for tsunami inundation recommends that evacuation mapping is not used for land use planning purposes, as the focus of this mapping is life safety, and therefore it is necessarily conservative in nature and considers 'worst case' scenarios. Rather the guidance recommends that probabilistic scenario modelling for the specific purpose of land use planning is used, that takes a more balanced view of the scenarios that are adopted.
157. We have been involved in a number of Plan Changes which have incorporated provisions to manage tsunami inundation hazard. While the digital elevation model that the evacuation maps are based on is generally high resolution, the modelling is based on 'worst case' scenarios and does not align with how tsunami hazards have been incorporated into other District Plans around the country. The TTPP would therefore be an outlier if it was to retain evacuation mapping for land use planning purposes.
158. On the basis of the above, we recommend that the Coastal Tsunami Hazard Overlay is removed from the TTPP as it is based on 'worst case' scenarios which doesn't align with the non-statutory guidance as it is being used for a purpose other than its original intention (being land use planning as opposed to evacuation mapping).
159. For the purposes of clarity, we are not assessing the appropriateness of the tsunami evacuation mapping for its intended purposes and have no reason to believe it cannot continue to serve its Civil Defence and Emergency Management purpose.

Recommendations

160. It is recommended that the Coastal Tsunami Hazard Overlay and associated provisions be deleted from the TTPP.

161. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

162. The deletion of the Coastal Tsunami Overlay will improve the effectiveness of the plan as this overlay is based on conservative evacuation mapping, and therefore is not suitable for land use planning purposes. This will also improve the efficiency of plan administration by reducing the regulatory burden on Councils in the region.

Costs and Benefits

163. The deletion of the overlay will have no costs while benefiting those property owners that are currently affected by the overlay.

Risks of Acting or Not Acting

164. It is recognised that tsunami inundation is a significant risk to coastal areas in the region. Therefore, the risk of acting is that critical response facilities are located within areas subject to inundation from a coastal tsunami. The risk of not acting is that the overlay and provisions are based on mapping that has a life safety focus and therefore is necessarily conservative, leaving them open to challenge. It is noted that there is a degree of overlap between the Coastal Severe and Flood Severe Overlays with the Coastal Tsunami Overlay, which will by proxy mitigate the risk of inundation to a degree until such time that tsunami inundation mapping for land use planning purposes can be completed for inclusion into the TTPP.

Decision About the Most Appropriate Option

165. We are of the opinion that the removal of the overlay is the most appropriate way to achieve the objectives of the plan compared to retaining the overlay as notified.

7.7 Hokitika Hazard Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Department of Conservation (602)	S602.049	Support	Map the Hokitika Flood and Coastal Erosion Protection Scheme
Toka Tū Ake (S612)	S612.080	Amend	Amend to use the preferred nomenclature for flood hazard and coastal inundation of % AEP (annual exceedance probability).

Analysis

166. Submitter S602.049 seeks to map the Hokitika Flood and Coastal Erosion Protection Scheme. The District Plan does not generally map various protective schemes, unless they are protected through a designation. As such, we do not see a reason to map the Hokitika Flood and Coastal Erosion Protection Scheme within the TTPP.

167. Associated with this submission point is where they seek to have the Hokitika Coastal Hazard Overlay mapped clearly so that there is certainty about where the proposed rules

apply. This overlay is mapped on the eplan, and is clearly identified, so we are uncertain about the intent of the submission.

168. Submitter S612.080 sought for the description of the hazard overlay to be amended to include the reference to the AEP event that it represents. This submission point has been accepted and this has been added to the description of the overlay in the introduction to the chapter.

Recommendations

169. It is our recommendation that the Hokitika Coastal Hazard Overlay remains within the TTPP as notified.
170. We have recommended that the AEP event that the hazard overlay relates to is added to the description of the overlay in the summary of the chapter.
171. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

7.8 Westport Hazard Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Joanne and Ken Dixon (S213)	S213.006	Oppose	These could severely limit future growth and functionality of Westport and its outlying areas.
Karen Lippiatt (S439)	S439.023	Support	Seek funding support from government for rebuilding to agreed AEP/AIP level.
Rick Hayman (S471)	S471.004	Amend	That flood mapping is redone for when the flood walls are completed.
<i>Frank O'Toole (FS235)</i>	<i>FS235.087</i>	<i>Support</i>	<i>Allow</i>
Frank and Jo Dooley (S478)	S478.006	Support	Retain the definition of the Westport Hazard Overlay but add "This applies to the area certified by the WCRC as protected noting that impacts of climate change have been included in the design, development and implementation of the Westport Flood and Coastal Erosion Protection Scheme.
Frank and Jo Dooley (S478)	S478.019	Amend	Introduce a Council operated tool that generates the minimum floor levels required across the overlay when a protection scheme is not in place
<i>Frank O'Toole (FS235)</i>	<i>FS235.046</i>	<i>Support</i>	<i>Allow</i>
Frank and Jo Dooley (S478)	S478.025	Amend	Amend to ensure property be fully included within the limits of future stop bank protection designed to service

Submitter Name (ID)	Submission Point	Position	Decision Requested
			Westport.
The Coda Trust (S480)	S480.003	Amend	Provide greater clarification on the extent of the flood hazard maps for Westport including an independent peer review to ensure it is fit for purpose.
<i>Frank O'Toole (FS235)</i>	<i>FS235.097</i>	<i>Support</i>	<i>Allow</i>
Felicity Watson (S487)	S487.001	Amend	Greater clarification/justification of the flood hazard maps at Westport including an independent peer review.
Felicity Watson (S487)	S487.003	Amend	Confirmation on the timeframe and extent of construction of flood protection measures required to achieve NH - R52 (1).
Leonie Avery (S507)	S507.081	Oppose in Part	Amend overlay and amend associated objectives, policies and rules to be more enabling
<i>Frank O'Toole (FS235)</i>	<i>FS235.074</i>	<i>Support</i>	<i>Allow</i>
Leonie Avery (S507)	S507.109	Oppose in Part	Oppose any extension of the Westport Hazard Overlay from what has been notified that would include our properties. Amend associated objectives, policies and rules to be more enabling.
Jared Avery (S508)	S508.081	Oppose in Part	Amend overlay and amend associated objectives, policies and rules to be more enabling
Kyle Avery (S509)	S509.081	Oppose in Part	Amend overlay and amend associated objectives, policies and rules to be more enabling
<i>Frank O'Toole (FS235)</i>	<i>FS235.064</i>	<i>Support</i>	<i>Allow</i>
Avery Bros (S510)	S510.081	Oppose in Part	Amend overlay and amend associated objectives, policies and rules to be more enabling
<i>Frank O'Toole (FS235)</i>	<i>FS235.003</i>	<i>Support</i>	<i>Allow</i>
Bradshaw Farms (S511)	S511.081	Oppose in Part	Amend overlay and amend associated objectives, policies and rules to be more enabling
Paul Avery (S512)	S512.081	Oppose in Part	Amend overlay and amend associated objectives, policies and rules to be more enabling

Submitter Name (ID)	Submission Point	Position	Decision Requested
Brett Avery (S513)	S513.081	Oppose in Part	Amend overlay and amend associated objectives, policies and rules to be more enabling
<i>Frank O'Toole (FS235)</i>	<i>FS235.008</i>	<i>Support</i>	<i>Allow</i>
Steve Croasdale (S516)	S516.016	Amend	Amend overlay
Steve Croasdale (S516)	S516.017	Amend	Amend associated objectives, policies and rules to be more enabling of development.
Martin & Co. (S543)	S543.004	Oppose	That the plan includes the maps for Westport with the flood walls/stop banks included.
William McLaughlin (S567)	S567.144	Oppose	Amend overlay and amend associated objectives, policies and rules to be more enabling.
<i>Frank O'Toole (FS235)</i>	<i>FS235.0123</i>	<i>Support</i>	<i>Not Stated</i>
Frank O'Toole (S595)	S595.007	Amend	Introduce a Council operated tool that generates the minimum floor levels required across the overlay when a protection scheme is not in place,
<i>Bert Hofmans (FS118)</i>	<i>FS118.3</i>	<i>Support</i>	<i>Allow</i>
Frank O'Toole (S595)	S595.013	Amend	Amend to ensure property be fully included within the limits of future stop bank protection designed to service Westport.
Avery Brothers (S609)	S609.073	Amend	Amend overlay as it is inappropriate
Avery Brothers (S609)	S609.104	Oppose	Do not agree to the overlay being extended.
Toka Tū Ake (S612)	S612.083	Amend	Amend to use the preferred nomenclature for flood hazard and coastal inundation is using %AEP (annual exceedence probability), and to distinguish between flood ponding areas and flood stream/overland flow paths for lower and higher flood hazard, respectively.
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.014</i>	<i>Oppose</i>	<i>Disallow</i>
Snodgrass Road submitters (619)	S619.003	Oppose	Remove Westport Flood Hazard zoning or amend the flood hazard objectives, policies and rules which apply to these properties as per their submission

Submitter Name (ID)	Submission Point	Position	Decision Requested
			points.
<i>Frank O'Toole (FS235)</i>	<i>FS235.092</i>	<i>Support</i>	<i>Allow</i>

Analysis

172. Karen Lippiatt (S439.023) seeks Government funding for rebuilding to an agreed AEP/ARI level. This is beyond the scope of what can be considered through the TTPP process as it has no say over government funding decisions. Similarly, Felicity Watson (S487.003) seeks confirmation on the timing of the implementation of the Westport Flood Hazard Protection Scheme. At the time of preparing the section 42A report, the authors are unaware of the timing for the construction of this scheme.
173. Rick Hayman (S471.004) seeks an outcome where the flood maps are redone when the Flood Hazard Protection Scheme is constructed. This is supported by further submission FS235.087. Similarly, Martin & Co. (S543.004) seeks to have flood maps included which incorporate the protective functions of the Westport Flood Protection Scheme.
174. At the time of preparing the section 42A assessment, the Westport Flood Protection Scheme had not been constructed and is still being designed. As such, the protection that will be provided by this upgraded scheme is not part of the existing environment and therefore the maps must be based on the current flood hazard extent. However, when the flood protection scheme has been upgraded/constructed, the Council has the option to remap the Westport Hazard Overlay and see whether the flood protection scheme reduces the extent of the overlay, and then undertake a variation to the TTPP to reflect the amended overlay extent.
175. Frank and Jo Dooley (S478.006) supports the definition of the Westport Hazard Overlay but seeks that some further explanation text is added to the definition. Having considered this matter, we do not see the value of the additional explanation text to the overlay. The additional text does not support the implementation of the objectives, policies and rules of the TTPP pertaining to this overlay. On this basis, we do not support adding the additional explanation text, but we are open to consider this if the submitter is able to provide some further clarity on how this change would support the implementation of the overlay.
176. Submissions S480.003 and S487.001 seek further justification for the flood hazard maps and would like these to be peer reviewed. We have no reason to believe that the flood hazard modelling that has been undertaken is incorrect or contains significant errors. There has been no evidence presented through the submission process which demonstrates the need for these reports to be peer reviewed as there are incorrect assumptions or approach applied to the modelling. Furthermore, recent events have demonstrated that there has been flooding in a number of the areas encompassed by the mapping, and therefore this supports the basis that there is a hazard in these areas that need to be addressed. On this basis, to give effect to s6(h) of the RMA it would be inappropriate to remove the Westport Hazard Overlay from the TTPP and it is our position that this hazard overlay should be retained.
177. Frank O'Toole (S595.013) seeks that all properties in the overlay are included within the limits of future stop bank protection designed to service Westport. This decision lies outside the scope of this plan change.

178. Submissions and further submissions S213.006, S507.081, FS235.074, S507.109, S508.081, S509.081, FS235.064, S510.081, FS235.003, S511.081, S512.081, S513.081, FS235.008, S516.016, S516.017, S567.144, and FS235.0123 seek that the overlay be amended and the associated objectives, policies and rules also be amended to be more enabling. Submissions S609.073 and S619.003 seek to either remove the overlay or reduce its extent so that it is more enabling. Avery Brothers (S609.104) does not want the Westport Hazard Overlay extended. To confirm, it is not proposed to extend this overlay from what was notified in the proposed TTPP.
179. We reject these submissions, as without the Westport Hazard Overlay the majority of properties in Westport would be covered by a Flood Susceptibility or Flood Severe Overlay that has the same or more restrictive provisions proposed than those for the Westport Hazard Overlay. The purpose of the Westport Hazard Overlay is to recognise the existing investment in this area, and the planned protection works, so that the private development rights are provided for in an area that is subject to an elevated level of risk from flood hazards.
180. When further considering these submission points, it is noted that no expert evidence has been presented from these parties which suggests the flood hazard modelling undertaken is inappropriate. Rather the position of the submitters seems to be more based around the implications of the overlay on their respective properties and the activities that they can undertake on their respective sites.
181. We have no reason to believe that the flood hazard modelling that has been undertaken is incorrect or contains significant errors. Recent events have demonstrated that there has been flooding in a number of the areas encompassed by the mapping, and therefore this supports the basis that there is a hazard in these areas that needs to be addressed. On this basis, to give effect to s6(h) of the RMA it would be inappropriate to remove the Westport Hazard Overlay from the TTPP and it is our position that this hazard overlay should be retained.
182. Submitter 612.083 sought for the description of the hazard overlay to be amended to include the reference to the AEP event that it represents. This submission point has been accepted and this has been added to the description of the overlay in the introduction to the chapter.

Recommendations

183. It is our recommendation that the Westport Hazard Overlay remains within TTPP as notified.
184. We have recommended that the AEP event that the hazard overlay relates to is added to the description of the overlay in the summary of the chapter.
185. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

8. Submissions on the Overview and Provisions in General

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Overview			

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.113/ S190.148	Support	Retain
Te Mana Ora (S190)	S190.142	Support	Support the chapter and the intention to take a regionally consistent risk-based approach to natural hazards, including the development of natural hazards overlays.
Inger Perkins (S462)	S462.006	Amend	Amend overview to specifically identify increased storm intensity and frequency as issues and increased frequency of extremely windy days and the resulting hazards. Specifically state that the impact of these natural hazards will be exacerbated by climate change. Refer to and include the information from climate change projections for the west coast.
The O'Connor Institute Trust Board (S466)	S466.008	Amend	Westport Hazard Overlay - Include the words "This applies to the area certified by the WCRC as protected noting the impacts of climate change have been included in the design, development and implementation of the Westport Flood and Coastal Erosion Protection Scheme".
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.035</i>	<i>Oppose</i>	<i>Disallow</i>
Frank and Jo Dooley (S478)	S478.051	Amend	Include the words "This applies to the area certified by the WCRC as protected noting the impacts of climate change have been included in the design, development and implementation of the Westport Flood and Coastal Erosion Protection Scheme".
Westpower (S547)	S547.121	Amend	Amend paragraph 3: The risks associated with natural hazards ... are considerably greater - hence risk is higher. There is a considerable network of energy activities and infrastructure, including critical infrastructure, on the

Submitter Name (ID)	Submission Point	Position	Decision Requested
			West Coast that services the communities spread throughout the region and into neighbouring regions. Such activities have been, and will continue to be, developed taking into account the local conditions. This includes consideration of, and design for, natural hazard occurrence. Given the topography and conditions on the West Coast practical risk management solutions are required to ensure maintenance and enhancement of the energy supply to the communities. A risk-based approach ...".
Grey District Council (S608)	S608.552	Support in Part	Remove hyperlink from "geothermal activity" in the second paragraph of the overview
Karamea Lime (S614)	S614.059	Support	Retain
Provisions in General			
Bruce Dowrick (S51)	S51.001	Amend	That hazard zones should not reduce the existing rights of landowners to build and that established resource consent for land use should not be retrospectively rescinded without compensation. (The council should have the right to control or restrict subdivision or grant new rights of use in respect to identified hazards).
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.005</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.015</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Richard Wallis (S97)	S97.003	Amend	Add a method into the Plan that sees the development of information for landowners about natural hazards and their management.
Tim Penlington et al. (S137)	S137.003	Not Stated	Provide non-regulatory material to support landowners negotiate and understand natural hazard overlays and their implications.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Ruth Henschel (S150)	S150.006	Oppose in Part	Amend the plan so that it takes a less extreme approach to risk management and takes into account likely future planning changes and provides more specific analysis based on risks to individual property titles.
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.003</i>	<i>Support</i>	<i>Allow</i>
Will Harvey (S157)	S157.003	Amend	Provide a plain English summary so that landowners understand how they are affected and what they can do
Elley Group Ltd (S164)	S164.003	Oppose	The hazards need to be managed and not based on a false sense of total risk reduction - there is no such thing. Put some realism back into the planning sector - Plan for real and measurable risks and leave the rest to nature.
<i>Frank O'Toole (FS235)</i>	<i>FS235.037</i>	<i>Support</i>	<i>Allow</i>
Westland District Council (S181)	S181.006	Support	Retain the objectives and policies
Richard Henschel (S285)	S285.004	Oppose in Part	Provide more scientifically robust proposals with regards to natural hazards. Take a less extreme approach to managing risk rather than this 'worst case scenario', generalised planning. We would like to see a more measured and measurable approach to the hazard planning for individual properties.
Vance & Carol Boyd (S447)	S447.017	Amend	Amend the plan to make it clear that destruction of natural beach front defences, particularly in the Hannah's Clearing area, is not a Permitted Activity.
Ministry of Education (S456)	S456.015	Support	Natural hazards – Retain as proposed
Troy Scanlon (S468)	S468.001	Not Stated	Progress implementation of the flood mitigation scheme at Westport.
<i>Frank O'Toole (FS235)</i>	<i>FS222.0104</i>	<i>Support</i>	<i>Not Stated</i>
Troy Scanlon (S468)	S468.004	Oppose	Amend provisions and overlay extents to be more enabling of building and

Submitter Name (ID)	Submission Point	Position	Decision Requested
			development and recognise existing investments.
<i>Frank O'Toole (FS235)</i>	<i>FS222.0107</i>	<i>Support</i>	<i>Not Stated</i>
Scenic Hotel Group (S483)	S483.009	Oppose	Amend the plan so that people can protect property and land where a natural hazard threatens.
<i>Neil Mouat (FS54)</i>	<i>FS54.35</i>	<i>Support</i>	<i>Allow</i>
<i>West Coast Federated Farmers (FS103)</i>	<i>FS103.004</i>	<i>Support</i>	<i>Allow</i>
Karen Lippiatt (S439)	S439.022	Amend	Seek government support to fund rebuilding to agreed AEP level
Katherine Gilbert (S473)	S473.019	Amend	Amend natural hazards policies and rules so that they implement the statements in the description and reflect the seriousness of future climate disruption.
Frank and Jo Dooley (S478)	S478.018	Amend	Amend the residential zone rules to allow an exception for recession plane intrusions caused by elevated floor levels arising from compliance with the NH - R52.
<i>Frank O'Toole (FS235)</i>	<i>FS235.045</i>	<i>Support</i>	<i>Not Stated</i>
West Coast Regional Council (S488)	S488.020	Oppose	The Council seeks to be a party to the refinement of objectives, policies, rules and accompanying maps for Natural Hazards. That the Plan is refined to ensure there are no adverse effects on the social or economic wellbeing of West Coast people and communities, and no undue burden is placed on the West Coast Community from the proposed Plan provisions. WCRC are concerned that the general natural hazard provisions are unduly restrictive when flood hazard areas have not been refined in the flood maps.
<i>Kāinga Ora (FS58)</i>	<i>FS58.047</i>	<i>Support in Part</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.098</i>	<i>Support in Part</i>	<i>Not Stated</i>
<i>Arnold Valley et al. (FS90)</i>	<i>FS90.7</i>	<i>Support</i>	<i>Allow</i>

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>The O'Connor Institute (FS137)</i>	<i>FS137.004</i>	<i>Support</i>	<i>Allow</i>
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.027</i>	<i>Oppose in Part</i>	<i>Disallow in Part</i>
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.001</i>	<i>Support</i>	<i>Allow</i>
<i>Frank O'Toole (FS235)</i>	<i>FS235.0116</i>	<i>Support</i>	<i>Allow</i>
Michael Snowden (S492)	S492.007	Amend	Remove any reference to a 'red zone' in TTPP
Michael Snowden (S492)	S492.009	Amend	Include a method to actively engage with community on mitigation strategies for specific local hazard threats. eg local rating fund or joint investment programme.
Bert Hofmans (S504)	S504.002	Support	Support a risk based approach to natural hazards
Lindy Millar (S505)	S505.002	Support	Support a risk based approach to natural hazards
Federated Farmers (S524)	S524.044	Not Stated	There should be provision for unoccupied farm buildings in natural hazard areas as these have a lower risk than occupied buildings.
Lee Cummings (S554)	S554.003	Support	Retain the approach to natural hazards.
Forest and Bird (S560)	S560.004	Amend	Amend the Plan to have regard to emissions reduction plan and national adaptation plan.
<i>Horticulture NZ (SFS5)</i>	<i>FS55.23</i>	<i>Support</i>	<i>Allow</i>
Forest and Bird (S560)	S560.005	Amend	Amend the Plan so areas that contain threatened and at-risk native species and indigenous biodiversity more broadly are considered in the Natural Hazards and Risks chapter and provision is made for their range expansion in response to climate related displacement.
<i>Westpower (FS222)</i>	<i>FS222.0250</i>	<i>Oppose</i>	<i>Disallow</i>
Forest and Bird (S560)	S560.186	Amend	Add: Incorporate space for indigenous biodiversity values to be retained and enhanced;

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Westpower (FS222)</i>	<i>FS222.0251</i>	<i>Oppose</i>	<i>Disallow</i>
Chris J Coll Surveying Limited (S566)	S566.061	Amend	Flood Severe Overlay and Flood Susceptibility Overlay - Amend associated objectives, policies and rules to be more enabling.
<i>Frank O'Toole (FS235)</i>	<i>FS235.027</i>	<i>Support</i>	<i>Not Stated</i>
Department of Conservation (S602)	S602.037	Amend	Amend the policies and matters of discretion to include the consideration of alternatives, and to require the consideration of alternatives for hard protection structures.
Toka Tū Ake (S612)	S612.118	Support	Amend to add a framework for an appropriate management method for areas subject to multiple hazards includes their identification and then managing them by taking a multi-hazard, precautionary approach limiting future development or sensitive/ post emergency response activities within the area.
<i>Westpower (FS222)</i>	<i>FS222.0340</i>	<i>Oppose</i>	<i>Disallow</i>
Toka Tū Ake (S612)	S612.122	Support	Retain % AEP (annual exceedance probability)

Analysis

Submissions on Overview

186. Submitters S190.113, S190.148, and S614.059 support the chapter overview as notified.
187. Te Mana Ora (S190.142) support the chapter and the intention to take a regionally consistent risk-based approach to natural hazards, including the development of natural hazards overlays.
188. Submitter S608.552 requests that the hyperlink for geothermal activity be removed. We support this removal of this hyperlink.
189. Inger Perkins (S462.006) seeks greater recognition of climate change within the overview. The chapter overview already identifies that some of the natural hazards addressed within the Natural Hazards Chapter are impacted by climate change. Based on the level with which climate change has been included in the mapping of the overlays, it is considered that additional recognition of climate change is not appropriate, and the additional text sought by the submitter will not assist plan users with the chapter.
190. As part of this submission, the submitter seeks to have the climate change predictions added to TTPP. While we can understand the merit for this request, we are mindful that District Plans have a life of usually at least 10 years. We are also aware that in this time climate change predictions are likely to change due to the evolving nature of the science.

On this basis, we do not support including climate change predictions in the District Plan, as these are likely to become quickly outdated and in time could become misleading.

191. Submitters S466.008 and S478.051 seek to have the following added to the explanation of the Westport Hazard Overlay "This applies to the area certified by the WCRC as protected noting the impacts of climate change have been included in the design, development and implementation of the Westport Flood and Coastal Erosion Protection Scheme." This is opposed by the submitter FS109.035.
192. The overview as notified includes the following description - Westport Hazard Overlay - specific provisions managing flooding and coastal inundation. This applies to the area identified in the West Coast Regional Council Long Term Plan as to be protected. Design and consent work is underway.
193. We prefer the wording as notified. The proposed changes to the wording seek to include the certification that this area would be protected by the Westport Flood Protection Scheme. As the Westport Flood Protection Scheme is still to be constructed, there is the potential for there to be final changes to the design, and therefore it cannot be said that this area is certified to be protected. While our understanding is that the current design of the scheme does include climate change considerations, this has the potential to change and therefore cannot be confirmed until the scheme is constructed. On this basis, we do not support the proposed wording change.
194. Submitter S547.121 seeks that the overview is updated to include a description of the energy supplies and network on the West Coast. Having considered this submission point, it is our view that it would not be appropriate to add the text sought by the submitter to the overview of the Natural Hazards Chapter. The purpose of the overview is to outline the approach that the natural hazards chapter is taking to addressing natural hazard risk and the natural hazards that apply. It does not seek to describe the various characteristics of the West Coast, including the differing nature of infrastructure located on the West Coast. Including the wording sought by the submitter would be inconsistent with the intended information the overview intends to include.
195. Submitter S612.122 seeks to retain the use of AEP in the provisions. We support this submission point and have amended the provisions to reflect the use of AEP within the provisions.

General Submissions on Provisions as Notified

196. Submitters S504.002 and S505.002 support a risk-based approach to the provisions.
197. Submitters S181.006, S456.015 and S554.003 seek to retain the natural hazard provisions as notified. There have been a number of changes to the natural hazard provisions as a result of the submissions that have been received. These changes seek to improve the robustness of the proposed provisions and ensure that resource consent is only sought for those activities where the risks from the natural hazards to people, buildings and regionally significant infrastructure is at a level that it warrants an RMA intervention. In response to these submission points, we would conclude that the overall intent of the natural hazards chapter remains intact, where there is a risk-based approach taken to the management of natural hazard risk.
198. Submitter S51.001 seeks to protect private property rights and that there should be no loss in development rights or for existing resource consents approvals to be removed. This is supported by the further submissions FS1.015 and FS109.005.

199. The proposed approach to natural hazard results in a significant shift for West Coast communities in terms of how the management of future development and natural hazard risk will occur. There will be some changes in private development rights as a result of these changes. In many instances, there is still a pathway for future development to occur, however it will be subject to the resource consent process, to ensure that appropriate mitigation measures have been incorporated to reduce the risk to people and buildings.
200. The proposed new rules however would only apply to new development once the decisions on TTPP have been notified. The provisions would not apply retrospectively to existing development on a site and would not allow for the removal of any already approved resource consent applications.
201. Submitters S164.003, S285.004, S488.020 seek changes to the proposed approach to better reflect the natural hazard risk, and to enable more development on the West Coast. Submitter S488.020 was supported by FS90.7, FS137.004, FS233.001, and FS235.0116, supported in part by FS58.047 and FS58.098 and partially opposed by FS109.027.
202. Submission point S473.019 seeks changes to the provisions so that they more strongly reflect the seriousness of the natural hazards as outlined in their respective description. While this submitter is not seeking to make the provisions to be more permissive, they are seeking the provisions be altered to reflect the potential threats posed by the natural hazards.
203. We have given these submissions considerable assessment and thought when reviewing the natural hazard provisions as notified.
204. We agree with the submitters to a degree, that there was an ability to be more nuanced in the approach to natural hazard risk management within the chapter, and in response to these submission points, we are proposing significant changes to the natural hazards chapter. These changes reduce the regulatory impact of the natural hazards chapter as proposed and ensure that the proposed framework addresses the key natural hazard risks that exist on the West Coast. The key changes that we are recommending include:
 - Removing three of the notified natural hazard overlays, where the evidence base was not sufficient to support a District Plan intervention;
 - Strengthening a risk-based approach to the management of natural hazard risks, with more directive objectives and policies in this regard;
 - Reducing the number of rules within the chapter through consolidation and the removal of several overlays;
 - Aligning the activity status of rules, with the outcomes sought in the objectives and policies; and
 - Ensuring that there is consistent wording used in the objectives and policies to assist plan users.
205. Submitters S97.003, S137.003 and S157.003 seek for clear guidance to be provided on the proposed provisions to assist the community with their implementation. In our experience, any non-statutory guidance that can be prepared by the councils to assist the community with the implementation of the natural hazard provisions is helpful, especially in situations where there is a significant change in the way that natural hazard risk is being managed. We would support this non-statutory outcome sought by these submitters as the proposed natural hazards chapter represents a significant change to the local community. We have recommended this is added as a method to the Natural Hazards Chapter.

206. Submitter S468.001 seeks the implementation of the West Coast Flood Hazard Protection Scheme. This is supported by the further submission FS222.0104. This matter is outside of the scope of the District Plan review and is subject to separate local government funding of the implementation processes.
207. Submitter S483.009 seeks that the Natural Hazards Chapter protect property and land where a natural hazard threatens. This is supported by FS54.35 and FS103.004. The Natural Hazards Chapter contains objectives, policies and rules on hazard mitigation measures, including repairing existing mitigation structures as well as construction of new mitigation structures to protect properties. In this regard the proposed Natural Hazards Chapter includes a framework for the protection of private property.
208. Submitter S524.044 seeks to have a more permissive framework for unoccupied buildings within the Natural Hazard Overlays. We agree with this sentiment. We are proposing that buildings of this nature are identified as Less Hazard Sensitive Activities in response to submissions for clarity around what constitutes an unoccupied building. We have proposed a more permissive framework for these buildings within the revised Natural Hazards Chapter as we recognise the risk associated with these buildings being located in the Natural Hazard Overlays is relatively low.
209. Forest and Bird (S560.004, S560.005, S560.186) seek to incorporate the emissions reduction plan and national adaptation plan as well as to allow for the protection of biodiversity with the natural hazard chapter. Submission point S560.004 is supported by FS55.23 and submission points S560.005 and S560.186 are opposed by FS222.0250 and FS222.0251.
210. While we have some sympathy with the submitter in relation to their request to include the emissions reduction plan and the national adaptation plan within the TTPP, this is not the right document to include these higher-level government policies and plans. These documents would be best referenced within the Regional Policy Statement, with direction provided within that document on how District Plans are to give effect to the outcomes sought in these policies and plan. The District Plan level is too granular with respect to how they impact individual properties to include these documents within the relevant objectives and policies. As such, we do not support including references to the emissions reduction plan and national adaptation plan within the TTPP.
211. It is not appropriate to include the protection of biodiversity from natural hazards within the Natural Hazards Chapter for the following reasons:
 - The protection of biodiversity is best achieved through the Ecosystems and Biodiversity chapter and not through the Natural Hazards Chapter; and
 - Natural hazard events are a natural process. As such, it is inappropriate to try and control how these events interact with the natural environment. In many regards, there are no land use planning actions that can occur that can protect the natural environment from natural hazard events.
212. Submitter S439.022 seeks Government funding for rebuilding to agreed AEP/ARI level. This is beyond the scope of what can be considered through the TTPP process as it has no say over government funding decisions.
213. Submitter S447.017 seeks the retention of the existing natural features in Hannahs Clearing and seeks that a rule is added that requires a resource consent pathway for their removal. While the proposed amendments seek to retain and enhance existing natural features, it does not contain rules relating to the removal of natural features or systems. This is

because these aspects are controlled by other aspects of the TTPP including the Earthworks Chapter, the Ecosystems and Biodiversity Chapter and the Coastal Environment Chapter. We do not propose to duplicate these provisions within the Natural Hazards Chapter and as such are not proposing any rules in relation to the protection of existing natural features or systems.

214. Submitter S478.018 seeks an amendment to the recession plane/daylight angle rules in recognition of the increased floor level requirements in response to flood hazards. This is supported by FS235.045. This is a request we have seen in other parts of the country in response to the minimum floor level requirements. However, the level of analysis for this is extensive and requires detailed assessment of the resulting shading effects on neighbouring sites and flood depth analysis, to determine the appropriate level of recession plane increase. We understand this has occurred as part of the Residential Chapter hearings and is beyond the scope of what we can consider within the context of the Natural Hazards Chapter.
215. Submitter S602.037 seeks that the policies and matters of discretion of the relevant provisions are amended to require the consideration of alternative measures for hard protection structures. This has been considered within the policy and rule frameworks. There is a general approach within the provisions to the preference for new mitigation measures to not include hard engineering approaches. However, there is also a recognition that in some instances hard engineering measures will be needed.
216. Submitter S492.009 seeks a new method is added to the plan which requires active engagement with the community on mitigation strategies for specific local hazard threats. e.g. local rating fund or joint investment program. This method is outside the scope of what a District Plan can require and is best addressed through the Annual Plan and Long Term Plan process under the Local Government Act.
217. Submitter S492.007 seeks the removal of any reference to the red zone in the Natural Hazards Chapter. We are unable to find any reference to red zoning in the chapter and we are not proposing to add this reference to the chapter as part of the proposed amendments.
218. Submitter S612.118 seeks a framework for an appropriate management method for areas subject to multiple hazards that includes their identification and then management by taking a multi-hazard, precautionary approach limiting future development or sensitive/post emergency response activities within the area. This is opposed by FS222.0340.
219. This is known as planning for compounding and cascading hazards. This is a very complex area of land use planning, where there has been very little research undertaken in the context of the New Zealand planning system. There is very little guidance on how to address these hazards and it is our view that while there is merit in this submission point, this is simply a very difficult exercise to undertake and would require a complete rewrite of the Natural Hazards Chapter. It is our view that the resulting outcomes would be significant for private property owners and may have materially impacted whether individuals would have submitted on the Plan Change. There would likely to be a further loss of the ability for a number of properties to undertake further development if this approach was considered. On this basis, we recommend to retaining the risk-based approach as proposed as part of the section 42A assessment and to not make further changes to consider compounding and cascading natural hazards.

Recommendations

220. It is recommended that the wording of the overview is changed as follows:

...A risk-based approach to natural hazards has been taken in Te Tai o Poutini Plan and means that the focus of the natural hazard provisions is in the areas where there is greatest risk.

- ~~Coastal Hazard Overlays – “Coastal Severe” where risk from coastal erosion and inundation have been modelled and mapped, “Coastal Alert” where risk from coastal inundation has been modelled and mapped. “Coastal Setback” where modelling has not been undertaken and is a precautionary approach. “Coastal Tsunami” is where the most significant risk from coastal tsunami has been mapped and is different from coastal tsunami evacuation areas.~~
- Hokitika Coastal Overlay – applies to parts of Hokitika where the design and consent process for planned upgrades have not yet occurred, and a significant risk remains.
- Flood Hazard Overlays – “Flood Severe” and “Flood Susceptibility” where risk from flooding has been modelled, and due to depth and speed of water, mapped as either severe/ or susceptibility. ~~“Floodplain” are areas where modelling has not been undertaken and this is a precautionary approach.~~
- Westport Hazard Overlay - specific provisions managing flooding and coastal inundation. This applies to the area identified in the West Coast Regional Council Long Term Plan as to be protected. Design and consent work is underway.
- Earthquake Hazard Overlays – These overlays apply ~~ies 200m~~ either side of the active fault traces for the Alpine, Hope, Clarence and Awatere Faults. A large earthquake on these faults will result in ground shaking outside of these areas. The Earthquake Hazard Overlay should not be considered the total extent of the hazard but are considered to reflect the likely extent of the most significant hazard.
- Land Instability Overlay – This overlay applies to areas where there is risk from slope instability, landslide, debris flow and rockfall.
- ~~Lake Tsunami / Seiche – This applies to the land proximate to lakes.~~

~~The impacts of climate change have been included in the technical work underlying the development of the coastal severe, coastal alert, Hokitika Coastal, Westport Hazard, flood severe and flood susceptibility overlays.~~

The spatial extent of the overlays is where rules apply. Some properties may have more than one natural hazard overlay, the rules from all overlays apply.

~~There are no land use rules for the flood plain overlay and this overlay relates to the subdivision rules.~~

221. It is recommended that the hyperlink is removed from geothermal activity in the chapter overview.

222. That a new method is inserted into the chapter as follows:

Method 1: Provide guidance on taking a risk-based approach to natural hazards

Regional Council shall provide guidance to local authorities and the public on the application of the risk-based approach to managing natural hazard risk including the use of mitigation measures.

223. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

224. The strengthening of the risk-based framework in the TTPP for managing natural hazard risks will be more effective and efficient as it will provide clearer and more consistent direction on what activities are appropriate within the Natural Hazard Overlays. This provides more certainty for property owners and more efficient plan administration. The proposed framework also results in a significant reduction in the number of provisions and removes unnecessary duplication.
225. Where we have recommended changes to the provisions, we have provided a Section 32AA analysis as the conclusion of our recommendation on the provisions. As such, while we acknowledge there has been a number of changes made in respect to the general submissions, the details of these changes and the corresponding Section 32AA analysis will follow throughout this section 42A report.
226. While deletions and minor amendments are proposed to the wording of the Overview, these are consequential to the recommended changes made in following sections.
227. A new method is proposed to be inserted to inform plan users that WCRC will prepare guidance to support the implementation of the TTPP when managing natural hazard risk. While there will be a cost of this to WCRC, the benefits are considered to outweigh the costs as the guidance will promote consistency in implementation and improved outcomes for natural hazard risk management across the region.

9. Submissions on the Objectives

9.1 Submissions on the Objectives Generally

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Frank and Jo Dooley (S478)	S478.015	Amend	Amend Objectives to set out the District Council's role in ensuring flood protection scheme provides protection for all land occurs.
<i>Frank O'Toole (FS235)</i>	<i>FS235.043</i>	<i>Support</i>	<i>Allow</i>
Steve Crossdale (S516)	S516.008	Support	Retain
Buller District Council (S538)	S538.094	Support	Retain as notified
Chris & Jan Coll (S558)	S558.739	Amend	Retain
Chris J Coll Surveying Limited (S566)	S566.739	Amend	Retain
William McLaughlin (S567)	S567.096	Amend	Retain
Laura Coll McLaughlin (S574)	S574.739	Amend	Retain
Frank O'Toole (S595)	S595.003	Amend	Amend Objectives to set out the District Council's role in ensuring flood

Submitter Name (ID)	Submission Point	Position	Decision Requested
			protection scheme provides protection for all land occurs
Snodgrass Road Submitters (S619)	S619.009	Amend	Amend for site-specific allowance such that the site specific circumstances of their properties can be accommodated as per the submission on policies and rules below.

Analysis

228. Submitters S516.008, S538.094, S558.739, S566.739, S567.096, and S574.739 seek to retain the natural hazard objectives as notified. There have been a number of changes to the natural hazard objectives as a result of the submissions that have been received. These changes seek to improve the robustness of the proposed objectives. In response to these submission points, we would conclude that the overall intent of the objectives remains intact, being that a risk-based approach is taken to the management of natural hazard risk, but the proposed wording is quite different from what was notified for several of the objectives.
229. Submitters S478.015 and S595.003 seek an objective that sets out a requirement that the district council role in ensuring flood protection scheme that provides protection for all land occurs. This is supported by the further submission FS235.043. The authors do not support an objective of this nature. The reasons for this are as follows:
- A District Plan cannot bind a territorial authority to undertake an action that is subject to other local government processes and funding decisions; and
 - It is not possible to protect all land from flood hazards. Flood defences are expensive to construct and maintain. As such, as part of the Long Term Plan process, territorial authorities have to make decisions about what flood defences will be constructed and to what level of protection. It is not possible to protect all land from flooding and there will always be areas that are unprotected, or have a residual level of risk, due to the level of protection that is provided.
230. In terms of the site-specific allowance requested by Submitter S619.009, we note that the revised TTPP provisions provide a framework for the consideration of flood hazards and the associated risk from redevelopment. Any redevelopment within the flood hazard overlays would need to demonstrate that the relative planning tests can be met to allow for development to occur. For some properties, this test will be difficult to get through, but this is in recognition of the flood threat that exists to those properties and the consequential risk that will exist to people and property. It is feasible that some property owners may not have any further development opportunities for their respective site as a result of the presence of a natural hazard. However, when considering the region as a whole, the overall number of sites that are in this situation are low relative to the total number of properties in the region.

Recommendations

231. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.2 Objective NH-01

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.155	Support	Retain objective
Kāinga Ora (FS58)	FS58.035	Support	Allow
Kāinga Ora (FS58)	FS58.086	Support	Allow
Federated Farmers (S524)	S524.041	Support in part	Reword NH-01: <u>A risk-based approach for managing natural hazard risk is used for new subdivision, use and development.</u>
Snodgrass Road Submitters (FS109)	FS109.003	Support in Part	Allow in Part
Murray Stewart (FS115)	FS115.4	Support in Part	Allow in Part
Horticulture New Zealand (FS55)	FS55.21	Support	Allow
David Ellerm (S581)	S581.014	Amend	Amend to read: To <u>apply</u> use a regionally consistent, risk-based <u>and modelled</u> approach to natural hazard management.
Grey District Council (S608)	S608.553	Support	Retain
Toka Tū Ake (S612)	S612.022	Support	No change

Analysis

232. Submitters S190.155, S608.553, and S612.022 seek to retain the objective as notified. This was supported by the further submissions FS58.035 and FS58.086. The objective as notified states:

To use a regionally consistent, risk-based approach to natural hazard management.

233. The notified objective does not really give a lot of guidance in terms of the outcomes that are sought in relation to a risk-based approach. When assessing this objective, we were also mindful of submissions points S150.006, S164.003, S285.004, S468.004 and S488.020 as previously identified that seek changes to the proposed approach to better reflect the natural hazard risk, and to enable more development on the West Coast. We believe to provide better guidance to plan users, it would be best if this objective along with Objective 2 (which is discussed below) be removed and replaced with two new objectives that better state the outcomes that are sought.

234. The proposed new objectives are supported through amended policies and rules, which better align with a risk-based approach. The overall intent of these changes is to:

- Provide clearer direction to plan users;

- Ensure that the policies and rules better align to with the objectives;
 - Remove complexity from the Natural Hazards Chapter as notified;
 - Ensure there is a more consistent risk-based approach through the natural hazards chapter; and
 - Provide greater certainty to plan users and the public around the areas where future land development can occur.
235. We acknowledge that the proposed changes to the objectives are significant from what was notified. However, we consider that being more directive around the desire to avoid development, unless it can reduce the existing risk, is overall more beneficial to plan users in that it gives clearer direction in terms of the outcome that the policies and rules are giving rise to.
236. We can also confirm that the requirement to reduce the existing risk is a clear and definitive decision. The West Coast, like any region in the country, has had historic development occur in areas, which with the knowledge we have now, would not be areas where we would want development to occur due to the resulting risk from natural hazards. While the TPP cannot undo these previous decisions, it can ensure that the risk in these areas does not increase over time, and ideally decreases. For this reason, in the Severe Hazard Overlays, we have deliberately set a high threshold for new development to reduce or not increase existing risk, as these are areas where the threat from hazards is very high.
237. It is considered that reference to a risk-based approach is better placed as a policy rather than an objective, and changes to Policy NH-O1 are recommended below to reflect this.
238. Submitter S524.041 seeks that the proposed objective wording is amended as follows:
- A risk-based approach for managing natural hazard risk is used for new subdivision, use and development.
239. This is supported in part by FS109.003, and FS115.4, and supported by FS55.21.
240. We agree that the inclusion of subdivision, use and development is a helpful addition to the objective, as it provides clarity to what activities the objective applies to. We have incorporated this change in our suggested amended objective wording to NH-O1.
241. Submitter S581.014 sought the following change to the objective:
- To apply use a regionally consistent, risk-based and modelled approach to natural hazard management.
242. We do not support this change to the objective, but only for the reason that we have recommended that the notified version of the objective is proposed to be replaced with the new objective wording. If the Commissioners were of the opinion to keep the objective as notified, then we would support replacing the word "use" with "apply" but do not support adding the term "and modelled" to the objective. It is our view, that the term "and modelled", does not add anything to the objective in terms of the outcome it is seeking to achieve.

Recommendations

243. It is recommended that Objective NH-O1 be deleted and replaced with the following objective:

NH-O1

~~To use a regionally consistent, risk based approach to natural hazard management.~~

Subdivision, use and development within the Severe Natural Hazard Overlays reduces or does not increase the existing risk from natural hazards to people, buildings, and regionally significant infrastructure.

244. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation Report

Effectiveness and Efficiency

245. We consider that the amendments to Objective NH-O1 are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP because:
- The objective as notified is more suited as a policy as opposed to an objective;
 - The proposed wording in conjunction with the proposed wording for Objective NH-O2 sets out the overarching outcomes sought by the chapter; that subdivision, use and development reduces or does not increase existing risk in the Severe Natural Hazard Overlays, while subdivision, use and development minimises the risk in all other Natural Hazard Overlays where the existing risk is lower. It is our opinion that these two objectives more clearly identify what is trying to be achieved through the natural hazards framework, which will result in improved plan interpretation and implementation;
 - The proposed change aligns better effect to Part 2 and s6(h) of the RMA, and the WCRPS;
 - The proposed objective (along with the proposed changes to NH-O2) will provide clarity on the regulatory framework that applies to subdivision, use and development within the hazard overlays, which will provide certainty to the community, developers and stakeholders on what outcomes need to be achieved for development to proceed; and
 - The proposed objective better responds to the identified resource management issues within the Section 32 assessment and ensures that these issues are more appropriately addressed through a resource management framework.

Costs and Benefits

246. The intent of the objective remains the same in that a risk-based approach to natural hazard management is consistently applied across the region, however the proposed changes will provide greater clarity and direction. In some ways, this reduces the costs for applicants, in that there is greater clarity in terms of the outcomes that are sought through the objectives, and therefore those parties in the Severe Natural Hazard Overlays are less likely to have significant debate within the resource consent process in relation to new development. However, we also recognise that with this greater clarity which comes through the proposed objective, there are costs to landowners through perceived reduced development rights (while recognising that the notified rule framework was seeking to give rise to the outcome sought under the proposed objective wording).
247. We also recognise that through having less development in the Severe Natural Hazard Overlays, there are the associated benefits of having less development exposed to natural

hazard risk over time. In that regard, there are economic, social, cultural and health and safety benefits from being more directive within the objectives.

Risks of Acting or Not Acting

248. The risk of acting is that there will be a perceived loss of development rights, when compared to the notified version of the TTPP, due to the more directive wording of the objective. However, the risk from not acting is that there will not be clarity about the outcomes sought by the objective.

Decision About the Most Appropriate Option

249. We are of the opinion that the amendments to Objective NH-O1 are the most appropriate way to achieve the outcomes sought by the plan and s6(h) of the RMA when compared to the wording as notified.

9.3 Objective NH-O2

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.156	Support	Retain objective
Grey District Council (S608)	S608.554	Support	Retain
Toka Tū Ake (S612)	S612.023	Support	No change

Analysis

250. Submitters S190.156, S608.554, and S612.023 support retaining the existing objective as notified. As outlined in the analysis of Objective 1, it is proposed to remove Objective 2, and replace it with a new objective which states:

Subdivision, use and development within all other Natural Hazard Overlays minimises the risk from natural hazards to people, buildings, and regionally significant infrastructure.

251. The rationale for the removal of the notified objective is for the same reasons as outlined in the analysis of Objective 1. The proposed new objective completes the outcomes sought in relation to the Natural Hazard Overlays for those that are not a Severe Natural Hazard Overlay.

252. It is important to note that the outcome sought under proposed Objective 2, is different to proposed Objective 1. Specifically, proposed Objective 2 seeks to minimise the risk from natural hazards. There are two different limbs to this test:

1. The term minimise, means to reduce as far as practicable. This is a lower level of test, than reducing existing risk, as set out in Objective 1.
2. The requirement is to minimise the risk arising from the subdivision, use and development, as opposed to the existing risk. In this regard, the directive in this objective is to consider the risk arising from a development and then ensuring that this is minimised. Such measures to minimise risk may include (but not be limited to):
 - a. Minimum floor levels;

- b. Making buildings being relocatable;
 - c. The inclusion of engineering measures to reduce damage from natural hazard events; and
 - d. Enhancing constructing natural features or systems that reduce the risk from the natural hazards.
253. It is our view that the proposed new objective is more directive than the objective that was notified. However, we maintain the view that it does not change the overall intent of the objective in ensuring that a risk-based approach is undertaken within TTPP, it is just more nuanced on how this approach can be undertaken.

Recommendations

254. It is recommended that Objective NH-O2 be deleted and replaced as follows:

NH-O2

~~To reduce the risk to life, property and the environment from natural hazards, thereby promoting the well-being of the community and the environment.~~

Subdivision, use and development within all other Natural Hazard Overlays minimises the risk from natural hazards to people, buildings, and regionally significant infrastructure.

255. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

256. We consider that the amendments to NH-O2 are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP because:
- The proposed amendments provide the second limb to Objective NH-O1 to set out the overarching outcomes sought by the chapter; that subdivision, use and development reduces or does not increase existing risk in the Severe Natural Hazard Overlays, while subdivision, use and development minimises the risk in all other Natural Hazard Overlays where the existing risk is lower. It is our opinion that these two objectives more clearly identify what is trying to be achieved, which will result in improved plan interpretation and implementation.
 - The proposed change gives better effect to Part 2 and s6(h) of the RMA, and the WCRPS.
 - The proposed objective (along with the proposed changes to NH-O2) will provide clarity on the regulatory framework that applies to subdivision, use and development within the hazard overlays, which will provide certainty to the community, developers and stakeholders on what outcomes need to be achieved for development to proceed.

Costs and Benefits

257. The recommended amendments will not have any greater environmental, economic, social or cultural costs than the notified objective. However, there will be benefits from improved plan interpretation and more efficient plan administration.

258. The intent of the objective remains the same in that a risk-based approach to natural hazard management is consistently applied across the region, however the proposed changes will provide greater clarity and direction.

Risks of Acting or Not Acting

259. There is no risk from acting, however the risk from not acting is that there will not be clarity about the outcomes sought by the objective.

Decision About the Most Appropriate Option

260. We are of the opinion that the amendments to Objective NH-O2 are the most appropriate way to achieve the outcomes sought by the plan and s6(h) of the RMA when compared to the wording as notified.

9.4 Objective NH-O3

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Jacobus Wiskerke (S95)	S95.001	Oppose in Part	Require the removal of existing hazardous activities from locations of high risk - for example the fuel station in Franz Josef that is located on the Alpine Fault.
Te Mana Ora (S190)	S190.157	Support	Retain objective
Manawa Energy (S438)	S438.058	Support in Part	Amend NH - O3 as follows: To encourage: Only 1. The locate location of critical regionally significant infrastructure within outside areas of significant natural hazard risk, except where there is no reasonable alternative, or where there is a functional or operational need to locate in these areas; and 2. The design of regionally significant infrastructure is resilient to hazard events so as and will not to exacerbate natural hazard risk to people and property.
Transpower (FS110)	FS110.027	Support	Allow
Westpower (FS222)	FS222.0188	Support in Part	Not stated
KiwiRail (S442)	S442.044	Support	Retain as proposed
Waka Kotahi (S450)	S450.061	Support	Retain as proposed
Federated Farmers (524)	S524.042	Amend	Amend NH-O3 To only locate critical infrastructure within areas of significant natural hazard risk where there is no

Submitter Name (ID)	Submission Point	Position	Decision Requested
			reasonable alternative, and to design infrastructure so as not to exacerbate natural hazard risk to people and property <u>and is designed to maintain integrity and ongoing function during and after natural hazards.</u>
Grey District Council (S608)	S608.555	Support	Retain
Toka Tū Ake (S612)	S612.024	Neutral	Define what constitutes a significant natural hazard
Westpower (FS222)	FS222.0342	Oppose	Disallow
Chorus et al. (S663)	S663.039	Support	Retain provision as notified

Analysis

261. A number of submitters support the proposed objective as notified (S190.157, S442.044, S450.06, S608.55, S663.039, and FSFS110).
262. Manawa Energy (S438.058) requests a substantial change to the proposed objective, which seeks to encourage regionally significant infrastructure outside of areas subject to significant natural hazard risk, unless there was an operational or functional requirement for the infrastructure to be located in this area. The submitter also seeks to have the infrastructure designed to be resilient to natural hazard events.
263. We believe there are merits to the proposed changes sought, namely the inclusion of the operational and functional test to the objective. Due to the important nature of regionally significant infrastructure, it should not be in a Severe Natural Hazard Overlay unless there is an operational or functional need for it to be located in this area. This is because if this infrastructure is impacted by natural hazards, then there are likely to be significant impacts for the community that it services. On this basis, it is our view that it is appropriate to add the operational and functional consideration to the objective and this change would assist with improving the community outcomes arising from this objective.
264. Manawa Energy (S438.058) and Federated Farmers (S524.042) request amendments to the proposed objective, which seek to require critical infrastructure be designed to be resilient to the impacts of natural hazards. We have considered these submissions and are finally balanced on this matter. At this stage, we have not proposed to add this aspect to the objective. The reasons for this are two-fold:
1. The requested addition would be best suited to be located with a policy as opposed to an objective; and
 2. Many of the activities caught within the definition of critical/regionally significant infrastructure have multiple redundancies built into them by the service provider to ensure that they can operate following a natural hazard event. In this regard adding this requirement to the objective may not add any value to the planning framework, as it is already provided for in the design of the infrastructure.
265. However, for completeness, if the Commissioners were of the view that they would like some consideration of the design of the regionally significant infrastructure, then this would

be possible to add to the objective and we would be happy to provide some indicative wording within the right of reply.

266. Toka Tū Ake (S612.024) seeks a definition of what constitutes a 'significant' natural hazard. We agree that as drafted there was ambiguity around what constituted a significant natural hazard risk. We agree with the submitter that the proposed objective was unclear in terms of where it would apply. On this basis, we recommend amending the objective to ensure that it applies to the Severe Natural Hazard Overlay. The revised wording (along with other changes in response to the submission points) are outlined in the recommendations section below.
267. Submitter S95.001 requests the removal of existing hazardous facilities in locations at high risk. Providing an activity has been legally established, a District Plan is unable to cancel existing use rights and prevent existing activities continuing on a site, regardless of whether there is a change in a District Plan direction.
268. In addition to the changes sought by the submissions, there have been some administrative changes to the objective wording to ensure that it aligns with outcomes sought under the other objectives.

Recommendations

269. The following changes are recommended to Objective NH-O3:

NH-O3

To only locate ~~critical~~ regionally significant infrastructure within ~~areas of significant natural hazard risk~~ the Severe Natural Hazard Overlays where there is ~~no reasonable alternative~~ an operational or functional need to be located within these overlays, and to design infrastructure so as not to ~~exacerbate natural hazard~~ increase the risk to people and property buildings.

270. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

271. The changes to Objective NH-O3 are recommended to align with wording in other provisions and chapters, to reflect the risk-based framework now proposed, and to provide clarity. As such we consider that the proposed changes are more efficient and effective than the notified wording of the objective.

Costs and Benefits

272. There are no costs from the changes, as the intent of the objective remains intact. The changes will result in improved consistency and clarity of direction, and therefore we consider that only benefits will arise.

Risks of Acting or Not Acting

273. There is no risk from acting, as the intent of the objective remains the same. However, the risk of not acting is inconsistent interpretation and implementation of the plan.

Decision About the Most Appropriate Option

274. We are of the opinion that the amendments are the most appropriate way to achieve the outcomes sought by the plan and s6(h) of the RMA when compared to the wording as notified.

9.5 Objective NH-04

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.158	Support	Retain objective
Karen Lippiatt (S439)	S439.018	Support	Retain as notified
Toka Tū Ake (S612)	S612.025	Support	No change
Ngāi Tahu (S620)	S620.098	Amend	Amend the objective as follows: To ensure the role of hazard mitigation played by natural features <u>in hazard mitigation</u> that minimises the impact of hazards, including wetland and dunes, is recognised and protected.

Analysis

275. Submitters (S190.158, S439.018 and S612.025) seek to retain the objective as notified.
276. Submitter (S620) seeks to make amendments to the objective that clarify the role of natural features in mitigation measures. We are not opposed to this change and in reviewing this objective, we thought it could be expressed more clearly, while still achieving the same outcomes. While there are no submission points on this matter specifically in relation to this objective, there were several general submissions (including S488.020 and S602.037) which we believe provides the scope to reword the objective so that it is clearer in terms of the components of the built environment that are protected by the natural systems and features. The proposed rewording does not change the intent, or the outcome of the objective, but improves its clarity to assist plan users.
277. We have also recommended removing the terms wetlands and dunes from the objective wording. This is simply because these are only a limited selection of natural systems and features that can provide hazard mitigation protection. Council feedback identified that the inclusion of these terms could unintentionally distract from these other systems and instead overly focus the objective onto this subset of natural features and systems.

Recommendations

278. The following changes are recommended to Objective NH-04:

NH-04

~~To ensure the role of hazard mitigation played by natural features that minimise impacts of hazards including wetlands and dunes is recognised and protected.~~

Natural systems and features that reduce the susceptibility of people, buildings, and regionally significant infrastructure to damage from natural hazards are created, retained or enhanced.

279. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

280. We consider that the proposed changes are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP as the objective is clearer in terms of the components of the built environment that are protected by the natural systems and features.

Costs and Benefits

281. There are no costs associated with the recommended changes. The benefit will be greater clarity around what outcome the objective seeks, which will improve plan interpretation and administration.

Risks of Acting or Not Acting

282. There is no risk of acting as the proposed rewording does not change the intent, or the outcome of the objective, but the benefit will be that it improves clarity to assist plan users.

Decision About the Most Appropriate Option

283. We are of the opinion that the amendments are the most appropriate way to achieve the outcomes sought by the plan and s6(h) of the RMA when compared to the wording as notified.

9.6 Objective NH-05

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.159	Support	Retain objective
Grey District Council (S608)	S608.556	Support in part	Reword objective to ensure intention is clear
Toka Tū Ake (S612)	S612.026	Support	No change

Analysis

284. Te Mana Ora (S190.159) and Toka Tū Ake (S612.026) support the objective. This support is noted.

285. Grey District Council (S608.556) seeks that the objective be reworded to ensure that the intention is clearer. It is our view that the proposed objective is clear in its intent and we do not believe that any changes are needed, with the exception of changing the term 'effects' to 'impacts'. The reason for this change is because the term 'impact' is used in the corresponding policies to this objective. As such, this proposed change will ensure that the wording between the objective and policies is consistent, thereby improving its ability to be implemented.

Recommendations

286. It is recommended that the wording of Objective NH-05 is amended as follows:

NH-05

To recognise and provide for the effects impacts of climate change, and its influence on the frequency and severity of natural hazards.

287. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.7 Objective NH-06

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.160	Support	Retain objective
KiwiRail (S442)	S442.045	Support	Retain as proposed
Waka Kotahi (S450)	S450.062	Support	Retain as proposed
Westpower (S547)	S547.123	Amend	Amend: Measures taken to ... other people, property, <u>energy activities and infrastructure, including critical infrastructure</u> , and the environment.
Grey District Council (S608)	S608.557/ S608.558	Support	Retain
Toka Tū Ake (S612)	S612.027	Support	No change
Chorus et al. (S663)	S663.040	Support	Retain provision as notified

Analysis

288. Submission points S190.160, S442.045, S450.062, S608.557/S608.558, S612.027 and S663.040 support the objective as notified.
289. Westpower Limited (S547.123) seeks to amend the objective so that it relates more to energy activities and infrastructure. Throughout the proposed plan provisions there has been a refinement of how infrastructure is referenced, with the term infrastructure now recommended to be replaced with the term regionally significant infrastructure. The reason for this change is that regionally significant infrastructure is defined within WCRPS and is more focused than the term infrastructure. There was the potential for there to be unintended consequences in relation to less significant infrastructure if we retained wider terms such as infrastructure in the objective. On this basis, we agree with the submitter with including the term critical infrastructure within the proposed objective, noting that through submissions on the Energy, Infrastructure and Transport Chapter this is now recommended to be regionally significant infrastructure. However, we do not believe that the other terms such as energy activities and infrastructure need to be brought through into the objective as these are appropriately covered by the definition for regionally significant infrastructure.
290. In light of the general submissions received on the Natural Hazards Chapter, where the relief sought was wide ranging and sought to simplify the framework, we have suggested changes to this objective, which ensures that consistent wording is used that aligns with the other objectives and policies of the Natural Hazards Chapter. This wording relates to not increasing the risk, replacing the term property, with buildings and removing the word 'environment' from the objective.
291. We are of the view that using consistent terms across the objectives helps plan users with the implementation of the outcomes sought. It also ensures that the policies and rules that are linked with the objective are achieving the outcomes sought, and therefore prevents inconsistency in the implementation of the provisions.

Recommendations

292. It is recommended that the wording of Objective NH-O6 be changed as follows:

NH-O6

Measures taken to mitigate natural hazards do not ~~create or exacerbate adverse effects on other~~ increase the risks to people, property, buildings and regionally significant infrastructure and the environment.

293. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

294. The changes to Objective NH-O6 are recommended to align with wording in other provisions and chapters, and to provide clearer direction on the outcomes sought. As such we consider that the proposed changes are more efficient and effective than the wording of the objective as notified.

Costs and Benefits

295. There are no costs from the changes, as the intent of the objective remains intact. The changes will result in improved consistency and clarity of direction, and therefore we consider that only benefits will arise.

Risks of Acting or Not Acting

296. There is no risk from acting, as the intent of the objective remains the same. However, the risk of not acting is inconsistent interpretation and implementation of the plan.

Decision About the Most Appropriate Option

297. We are of the opinion that the amendments are the most appropriate way to achieve the outcomes sought by the plan and s6(h) of the RMA when compared to the wording as notified.

9.8 New Objectives

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
John Brazil (S360)	S360.002	Amend	Add a new objective: <i>To ensure the role of hazard mitigation played by protective structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.</i>
The Māori Trustee (S440)	S440.012	Support in part	The Māori Trustee considers the following objective should be inserted in this chapter. Amendments NH - O7 To work with Poutini Ngāi Tahu and landowners to identify areas suitable for managed retreat.

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Ngāi Tahu (FS41)</i>	<i>FS41.079</i>	<i>Support</i>	<i>Allow</i>
Leonie Avery (S507)	S507.004	Not Stated	Add a new objective: To ensure the role of hazard mitigation played by protective structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected
<i>Frank O'Toole (FS235)</i>	<i>FS235.072</i>	<i>Support</i>	<i>Allow</i>
Jared Avery (S508)	S508.004	Not Stated	Add a new objective: To ensure the role of hazard mitigation played by protective structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
<i>Frank O'Toole (FS235)</i>	<i>FS235.062</i>	<i>Support</i>	<i>Not stated</i>
Kyle Avery (S509)	S509.004	Not stated	Add a new objective: To ensure the role of hazard mitigation played by protective structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
Avery Bros (S510)	S510.004	Not stated	Add a new objective: To ensure the role of hazard mitigation played by protective structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
<i>Frank O'Toole (FS235)</i>	<i>FS235.001</i>	<i>Support</i>	<i>Allow</i>
Bradshaw Farms (S511)	S511.004	Not stated	Add a new objective: To ensure the role of hazard mitigation played by protective structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
Paul Avery (S512)	S512.004	Not stated	Add a new objective: To ensure the role of hazard mitigation played by protective structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
Brett Avery (S513)	S513.004	Not stated	Add a new objective: To ensure the role of hazard mitigation played by protective structures and works that

Submitter Name (ID)	Submission Point	Position	Decision Requested
			minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
Neil Mouat (S535)	S535.001	Amend	Add a new objective: To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rockwalls and stopbanks is recognised and protected
Martin & Co (S543)	S543.006	Amend	Add a new objective: To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rock walls and stop banks is recognised and protected
Westpower (S547)	S547.122	Amend	Add a new objective: To recognise and provide for the constraints imposed by the locational, technical, functional and operational requirements of energy activities, including energy aspects of infrastructure and critical infrastructure, with regard to natural hazards.
Chris & Jan Coll (S558)	S558.738	Amend	Add a new objective:To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rockwalls and stopbanks is recognised and protected
Geoff Volckman (S563)	S563.011	Amend	Add a new objective: To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
Catherine Smart-Simpson (S564)	S564.014	Amend	Add a new objective: To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
Chris J Coll Surveying Limited (S566)	S566.738	Amend	Add a new objective:To ensure the role of hazard mitigation played by protectives structures and works that

Submitter Name (ID)	Submission Point	Position	Decision Requested
			minimise impacts of hazards including rockwalls and stopbanks is recognised and protected.
William McLaughlin (S567)	S567.095	Amend	Add a new objective:To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rockwalls and stopbanks is recognised and protected.
<i>Frank O'Toole (FS235)</i>	<i>FS235.0118</i>	<i>Support</i>	<i>Allow</i>
Laura Coll McLaughlin (S574)	S574.738	Amend	Add a new objective:To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rockwalls and stopbanks is recognised and protected.
Koiterangi Lime (S577)	S577.012	Amend	Add a new objective:To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
Department of Conservation (S602)	S602.038	Amend	Add new objective: NH-O7 Subdivision, use and development does not create or exacerbate adverse natural hazard effects on other people, property, infrastructure and the environment.
Avery Brothers (S609)	S609.004	Amend	Add a new objective:To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
<i>Frank O'Toole (FS235)</i>	<i>FS235.005</i>	<i>Support</i>	<i>Allow</i>
Karamea Lime Company (S614)	S614.031	Amend	Add a new objective:To ensure the role of hazard mitigation played by protectives structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
Peter Langford (S615)	S615.031	Amend	Add a new objective:To ensure the role of hazard mitigation played by protectives structures and works that

Submitter Name (ID)	Submission Point	Position	Decision Requested
			minimise impacts of hazards including rock walls and stopbanks is recognised and protected.

Analysis

298. A number of submitters have sought for new objectives to be added to the TTPP. This analysis will consider each proposed objective and whether there is merit in including it within the natural hazards chapter.
299. Submitters S360.002, S507.004, S508.004, S509.004, S510.004, S511.004, S512.004, S535.001, S543.006, S558.738, S563.011, S564.014, S566.738, S567.095, S574.738, S577.012, S609.004, S614.031, and S615.031 would like the following objective added to the TTPP:
- To ensure the role of hazard mitigation played by protective structures and works that minimise impacts of hazards including rock walls and stopbanks is recognised and protected.
300. These submissions are supported by the further submission points FS235.005, FS235.0118, FS235.062, FS235.072.
301. There has been considerable consideration of the inclusion of this objective. It is our position that this objective is not required for the following reasons:
1. There are already two hazard mitigation objectives, being objectives NH-O4 and NH-O6;
 2. The objective as it is currently proposed suggests that the TTPP provisions could result in the removal of existing protective structures and that these need to be protected. The proposed policies and rules within the chapter do not result in the cancellation of any existing use rights and therefore a protective objective is not required for this chapter; and
 3. The objective as it is currently worded would not be supported by policy and rule framework. The remainder of the framework allows for future hard engineering measures, including the repair and maintenance of the existing structures. The proposed objective as requested, is more backward looking, in terms of protecting existing structures, as opposed to being forward focused and looking at providing for new mitigation structures.
302. Submitter S440.012 has requested the following objective:
- NH - O7 To work with Poutini Ngāi Tahu and landowners to identify areas suitable for managed retreat.
303. This is supported by the further submission FS41.079.
304. Having considered this objective, it remains our view that this is not required. There is currently work underway at the Central Government level to look at how managed retreat can be provided for. It would be premature to predetermine this position and how this will be provided for through central, regional and local government processes.
305. Therefore, the proposed natural hazards chapter is seeking to manage the risk of new development in relation to natural hazard overlays. It is not seeking to control managed

retreat from sites. If this objective was added to the TTPP, there would be no policies or rules which would support this implementation.

306. We would also recognise that by not including the proposed objective into the TTPP, we are not preventing or precluding conversations between councils, Poutini Ngāi Tahu and landowners around options for managed retreat. If this conversation needs to occur outside of a statutory context, or through the local government process, then there is the ability for this to occur, and the preclusion of an objective in this regard would not prevent these conversations from occurring.

307. Submitter S547.122 proposed the following objective:

To recognise and provide for the constraints imposed by the locational, technical, functional and operational requirements of energy activities, including energy aspects of infrastructure and critical infrastructure, with regard to natural hazards.

308. Objective NH-O3 addresses regionally significant infrastructure, and the proposed objective is more limited in that it only applies to energy activities. The proposed NH-O3 applies to all regionally significant infrastructure and therefore has broader applicability than the proposed objective. Proposed NH-O3 also includes the aspects of energy activities that are captured through the definition of regionally significant infrastructure. In this regard it is our view that NH-O3 is the appropriate objective for infrastructure and that an energy activity objective as proposed by the applicant is not required.

309. Department of Conservation (S602.038) proposed the following objective:

NH-O7 Subdivision, use and development does not create or exacerbate adverse natural hazard effects on other people, property, infrastructure and the environment.

310. Objectives NH-O1 and NH-O2 take a more nuanced approach to the management of the impacts of natural hazard on people, property, and infrastructure. It is considered that the outcomes sought by the submitter in relation to this proposed objective are achieved through proposed Objective NH-O1 and NH-O2 and therefore we do not support the inclusion of this objective.

Recommendations

311. There are no amendments to the Plan recommended as a result of these submissions.

312. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10. Submissions on the Policies

10.1 Submissions on the Policies Generally

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Ruth Henschel (S150)	S150.001	Oppose in Part	Amend the Natural hazard policies and risk management approach in relation to Flood hazard susceptibility and

Submitter Name (ID)	Submission Point	Position	Decision Requested
			Coastal hazard alert hazards so they are less risk averse.
The Māori Trustee (S440)	S440.013	Support	Retain
Frank and Jo Dooley (S478)	S478.016	Amend	Amend Policies to set out the District Council's role in ensuring flood protection scheme provides protection for all land occurs
Steve Crossdale (S516)	S516.009	Support	Retain
Anthony Eden (S578)	S578.005	Amend	New policy on who should be funding the cost of flood and disaster mitigation on individual communities, and ensure this is fair and consistent across the region.
David Ellerm (S581)	S581.017	Support	Retain
<i>Te Kinga Investments Ltd (FS143)</i>	<i>FS143.004</i>	<i>Oppose</i>	<i>Not Stated</i>
<i>Cashmere Bay Dairy Ltd (FS142)</i>	<i>FS142.004</i>	<i>Oppose</i>	<i>Not Stated</i>
Frank O'Toole (S595)	S595.004	Amend	Amend Policies to set out the District Council's role in ensuring flood protection scheme provides protection for all land occurs.
Grey District Council (S608)	S608.569	Support in Part	Remove hyperlink from the word Water in the second advice note
Snodgrass Road submitters (S619)	S619.010	Amend	Retain Policies NH-P1 - NHP13 subject to the specific amendments to Policy NH-P13 set out in the submission below.

Analysis

313. Submitters S440.013, S516.009, S581.017 support the policies in general. Further submissions FS143.004 and FS142.004 oppose the relief requested by submitter S581.017. As previously identified under the objectives there have been a number of changes to the natural hazard provisions as a result of the submissions that have been received. These changes seek to improve the robustness of the proposed provisions and ensure that resource consent is only required for those activities where the risk from natural hazards to people, and buildings is at a level warranting an RMA intervention. In response to these submission points, we would conclude that while there have been significant changes to the policy wording, the overall intent of the natural hazards chapter remains intact, where there is a risk-based approach taken to the management of natural hazard risk.
314. Submitter S150.001 a seeks a less risk averse approach to the policies in respect of flood hazard susceptibility and coastal hazard alert hazards. We have made a number of changes

to the provisions pertaining the Flood Susceptibility Overlay in response to the submissions. Some of these changes represent a slight relaxation in the rules, in response to the risk-based response that is proposed. In this regard, we agree with the relief sought by the submitter in relation to making the policies less risk averse for the Flood Hazard Susceptibility Overlay. The Coastal Alert Hazard Overlay will be addressed within the coastal hazard variation next year.

315. Submitters S478.016 and S595.004 seek a new policy around ensuring the councils role in providing flood protection to all land. We do not support a policy of this nature. The proposed policies provide support to the proposed rules, which while they govern when consent is needed for flood mitigation works, they do not require the council to undertake these works. Decisions on what flood mitigation measures are to be utilised, and where they are to be constructed are made under the Local Government Act 2002 and it would therefore not be appropriate for there to be policies in the District Plan that require council to install flood defence measures.
316. Similarly, submitter S578.005 requests a policy that sets out who pays for the costs of flood mitigation or disaster mitigation works. These costs are largely addressed through the Local Government Act 2002 process and therefore it is not appropriate for a District Plan to outline who pays for these mitigation works. As such, we do not support a policy on this matter.
317. We note the position of the submitter S619.010. In terms of the relief they seek in relation to specific policy wording, this will be addressed under the relevant policy, when these are considered within our evidence.
318. Submitter S608.569 seeks the removal of the hyperlink from water in the second advice note. We support this change, and this hyperlink should be removed.

Recommendations

319. It is recommended that the hyperlink be removed from the word 'water' in the second advice note.
320. It is recommended that the policies are amended to reflect a more consistent risk-based approach through the natural hazards chapter. This is addressed in more detail in each policy consideration undertaken below.
321. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10.2 Policy NH-P1

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.161	Support	Retain policy
<i>Kāinga Ora (FS58)</i>	<i>FS58.036</i>	<i>Support in Part</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.087</i>	<i>Support in Part</i>	<i>Allow</i>
Chris & Jan Coll (S558)	S558.740	Support	Retain

Submitter Name (ID)	Submission Point	Position	Decision Requested
Chris J Coll Surveying Limited (S566)	S566.740	Support	Retain
William McLaughlin (S567)	S567.097	Support	Retain
Laura Coll McLaughlin (S574)	S574.740	Support	Retain
Grey District Council (S608)	S608.559	Support in Part	Alter the provision to provide clarity
Toka Tū Ake (S612)	S612.028	Support in Part	Define what constitutes a significant natural hazard
<i>Westpower (FS222)</i>	<i>FS222.0342</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

322. All of the submissions on Policy NH-P1 were in support, or support in part.
323. Grey District Council (S608.559) requested that the provision be altered to provide clarity, and amendments are recommended to provide the relief sought, while also adopting the changes discussed in relation to Objective NH-O1 above.
324. Toka Tū Ake (S612.028) requested that a definition be provided for what constitutes a significant risk from natural hazards. The recommended changes make this point redundant.
325. As part of the reconsideration of the natural hazard provisions, based on the general submissions received in respect to the Natural Hazards Chapter, we are proposing a significant change to Policy 1. The proposed changes to Policy 1 outline how the risk-based approach works within the context of the proposed Natural Hazards Chapter. This provides more detail than what was in the notified version of the chapter. It is our view that the proposed changes provide greater clarity to the structure of the provisions than the version that was notified. This suggested change would result in Policy 1 becoming an overarching policy, which sets the direction for the policies that follow.

Recommendations

326. It is recommended that the following changes be made to Policy NH-P1:

NH-P1

Identify in areas subject to natural hazards overlays areas at significant risk from natural hazards within the District Plan and take a risk-based approach to the management of subdivision, use and development based on:

- a. The sensitivity of the activities to the impacts of natural hazards;
- b. The hazard posed to people's lives and wellbeing, buildings and regionally significant infrastructure, by considering the likelihood and consequences of natural hazard events; and
- c. The operational or functional need for some activities to locate within the Natural Hazard Overlays.

327. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

328. We consider that the proposed changes to Policy NH-P1 are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP for the following reasons:

- The proposed changes outline how the risk-based approach is intended to work within the context of the proposed Natural Hazards Chapter. This provides more detail than what was in the notified version of the chapter.
- It is our view that the proposed changes provide greater clarity to the structure of the provisions than the version that was notified.
- The suggested change would result in Policy 1 becoming an overarching policy, which sets the direction for the policies that follow.

Costs and Benefits

329. The recommended amendments will not have any greater environmental, economic, social or cultural costs than the notified provision. However, there will be benefits from improved plan interpretation and more efficient plan administration.

Risks of Acting or Not Acting

330. As notified, Policy NH-P1 only refers to areas at significant risk from natural hazards, whereas the proposed changes to provide a risk-based framework considers subdivision, use and development in areas that are subject to all levels of risk. Therefore, the risk from not acting is that development in areas that are not subject to a significant risk from natural hazards will not be appropriately managed.

Decision About the Most Appropriate Option

331. We are of the opinion that the amendments are the most appropriate way to achieve the proposed objectives of the plan compared to the wording of Policy NH-P1 as notified.

10.3 Policy NH-P2

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.162	Support	Retain policy
Kāinga Ora (FS58)	FS58.037	Support in Part	Allow
<i>Kāinga Ora (FS58)</i>	<i>FS58.088</i>	<i>Support in Part</i>	<i>Allow</i>
Silver Fern Farms (S441)	S441.015	Oppose	Amend as follows: NH - P2 Where a natural hazard has been identified and the natural hazard risk to people and communities is unquantified but evidence suggests

Submitter Name (ID)	Submission Point	Position	Decision Requested
			that the risk is potentially significant, apply a precautionary approach to allowing development or use of the area unless operational and/or functional needs require a particular location.
Margaret Montgomery (S446)	S446.011	Oppose	Oppose a precautionary approach.
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.005</i>	<i>Support</i>	<i>Allow</i>
<i>Frank O'Toole (FS235)</i>	<i>FS235.077</i>	<i>Support</i>	<i>Allow</i>
Waka Kotahi (450)	S450.063	Support in Part	Amend the policy to provide clarity on how this will be implemented.
Westpower (S547)	S547.124	Amend	Amend: Where a natural hazard ... significant, apply a precautionary approach to <u>managing natural hazard risk</u> .
Chris & Jan Coll (S558)	S558.741	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.741	Support	Retain
William McLaughlin (S567)	S567.098	Support	Retain
Laura Coll McLaughlin (S574)	S574.741	Support	Retain
Grey District Council (S608)	S608.560	Support in Part	Alter the policy to provide clarity on how natural hazards are being identified, how the risk is being quantified, and what evidence is acceptable to suggest the risk is significant.
<i>Ruth Henschel (FS119)</i>	<i>FS119.5</i>	<i>Support</i>	<i>Allow</i>
Toka Tū Ake (S612)	S612.029	Amend	Define what constitutes a significant natural hazard
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.006</i>	<i>Support</i>	<i>Allow</i>
<i>Westpower (FS222)</i>	<i>FS222.0343</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

332. Submitters S190.162, S558.741, S566.741, S567.098, and S574.741 support Policy NH-P2 and seek that it be retained. This support is noted.
333. Silver Fern Farms (S441.015) opposes the policy and seeks that it be amended to allow development or use of an area subject to natural hazards where there is an operational

- and/or functional need for that use to be located there. It is considered that the direction of Policy NH-P1 provides for use and development where there is a functional or operational need for the activity to be located in an area subject to natural hazards, and to this degree provides some of the relief sought by this submitter. It is also considered that the proposed policy does not preclude development of an operational or functional nature to occur, it just requires the consideration of a precautionary approach. On this basis, we do not support the requested change to the policy.
334. Westpower (S547.124) seeks that the policy be amended as follows:
- “Where a natural hazard ... significant, apply a precautionary approach to managing natural hazard risk”.
335. The submitter supports the general intent of the policy but considers that the amendment would assist in linking this policy with others by referring to “managing natural hazard risk”. We agree with the submitter that the wording of the policy could be tightened to better link with other provisions. However, given the other recommendations made throughout this report, we think that changing the wording to “subdivision, use and development” would be more appropriate.
336. Grey District Council (S608.560) seeks clarity in the wording of the policy on how natural hazards are being identified, how the risk is being quantified, and what evidence is acceptable to suggest the risk is significant and this is supported by Ruth Henschel (FS119.5). Toka Tū Ake (S612) seeks that significant risk is defined.
337. In response to these submission points, it is proposed to remove the term “but evidence suggests that the risk is potentially significant”. We believe removing this wording makes the policy clearer in terms of its implementation. Specifically, it now requires consideration of when there is a natural hazard risk, as opposed to have the ambiguity of what constitutes a significant natural hazard risk. This change means that this proposed wording of the policy would have a broader consideration from what was notified, as it would apply to when an identified natural hazard risk impacts a property (which could be any scale from low risk through to an unacceptable risk). It is expected that this policy would be applied when Council may hold a record on a site that it has experienced a natural hazard, but there is no relevant natural hazard overlay on the site. This policy then provides the direction that a precautionary approach would be undertaken in this situation to ensure any resulting natural hazard risk is addressed through the associated resource consent process.
338. Margaret Montgomery (S446.011) opposes the precautionary approach of Policy NH-P2, while Waka Kotahi (S450.063) support it, but seeks clarity on how it will be implemented.
339. Policy 3 of the proposed National Policy Statement for Natural Hazard Decision-making (NPS-NHD) directs decision-makers to adopt a precautionary approach when determining natural hazard risk if the natural hazard risk is “uncertain, unknown, or little understood” and the risk “could be intolerable”.
340. While the NPS-NHD does not define ‘precautionary approach’, the concept is embedded in the management of natural hazards in New Zealand, including in the Civil Defence Emergency Management Act 2002 (CDEM Act) at Section 7 which states “All persons exercising functions in relation to the development and implementation of civil defence emergency management plans under this Act may be cautious in managing risks even if there is scientific and technical uncertainty about those risks.”

341. As such, we consider that there is sufficient information available in terms of the application of the precautionary approach, however this is a topic that could be explored in greater detail in the guidance that is recommended to be prepared as a result of submissions.

Recommendations

342. It is recommended that the following changes are made to Policy NH-P2:

NH-P2

Where a natural hazard has been identified and the natural hazard risk to people and communities is unquantified ~~but evidence suggests that the risk is potentially significant,~~ apply a precautionary approach to allowing subdivision, use and development ~~or use~~ of the area.

343. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

344. We consider that the proposed changes to Policy NH-P2 are more efficient and effective than the notified provisions in achieving the objectives of the proposed TPPP as they make the policy clearer in terms of its implementation. Specifically, it now requires consideration of the when there is a natural hazard risk, as opposed to have the ambiguity of what constitutes a significant natural hazard risk.

Costs and Benefits

345. This change means that this proposed wording of the policy would have a broader consideration from what was notified, as it would apply to when an identified natural hazard risk impacts a property (which could be any scale from low risk through to an unacceptable risk). However, there will be benefits from improved plan interpretation and more efficient plan administration and it is considered that the benefits outweigh the costs.

Risks of Acting or Not Acting

346. As notified, Policy NH-P2 only refers to areas at significant risk from natural hazards, whereas the proposed changes allow the precautionary approach to be applied where any level of natural hazard risk is known. This is particularly important given the recommendation to remove the Flood Plain Overlay, which does reflect areas known to be subject to flood inundation, but for which the information base is not accurate or certain. Therefore, the risk from not acting is that development in areas that are not subject to a significant risk from natural hazards will not be appropriately managed.

Decision About the Most Appropriate Option

347. We are of the opinion that the amendments are the most appropriate way to achieve the objectives of the plan compared to those notified.

10.4 Policy NH-P3

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.163	Support	Retain policy

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Kāinga Ora (FS58)</i>	<i>FS58.038</i>	<i>Support</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.039</i>	<i>Support</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.089</i>	<i>Support</i>	<i>Allow</i>
Karen Lippiatt (S439)	S439.019	Support	Retain as notified
KiwiRail (S442)	S442.046	Support	Retain as proposed
Margaret Montgomery (S446)	S446.012	Oppose	The wording of this policy should be changed to reflect that the whole of New Zealand is a hazard prone country due to the ocean locked nature and therefore consideration in development, should consider engineering solutions (general) that mitigate risk.
<i>Frank O'Toole (S235)</i>	<i>FS235.078</i>	<i>Support</i>	<i>Allow</i>
Waka Kotahi (450)	S450.064	Support in Part	Retain as proposed
Neil Mouat (S535)	S535.002	Oppose in Part	Amend to: When managing natural hazards: a. Promote the use of natural features and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks; and b. Avoid increasing risk to people, property and the environment; while c. Recognising that in some circumstances hard engineering solutions may be the only practical means of protecting existing communities and critical infrastructure.
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.008</i>	<i>Support</i>	<i>Allow</i>
Martin & Co. (S543)	S543.007	Oppose in Part	Amend as follows: When managing natural hazards: a. Promote the use of natural features and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks; and b. Avoid increasing risk to people, property and the environment; while c. Recognising that in some circumstances hard engineering

Submitter Name (ID)	Submission Point	Position	Decision Requested
			solutions may be the only practical means of protecting existing communities and critical infrastructure
Westpower (S547)	S547.125	Amend	(1) Amend item c., "c. Recognising <u>and providing for</u> circumstances <u>where</u> hard engineering solutions may be the only practical means of protecting existing communities, <u>energy activities and infrastructure, including critical infrastructure; or.</u> ". (2) Add a new item d. " <u>d. recognising and providing for the locational, technical, functional and operational constraints and requirements of energy activities, including energy aspects of infrastructure and critical infrastructure.</u> ".
Chris & Jan Coll (S558)	S558.742	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.742	Support	Retain
William McLaughlin (S567)	S567.099	Support	Retain
Laura Coll McLaughlin (S574)	S574.742	Support	Retain
Grey District Council (S608)	S608.561	Support	Retain
Chorus et al. (S663)	S663.041	Support	Retain provision as notified

Analysis

348. Submitters S190.163, S439.019, S442.046, S450.064, S558.742, S566.742, S567.099, S574.742, S608.561, and S663.041 support/support in part Policy NH-P3 and seek that it be retained as notified.
349. Submitter S446.012 opposes the proposed policy wording, and wants it updated to reflect the natural hazard risk that the country experiences. We do not support the removal of the policy for this reason. This policy sets the framework for the rules pertaining to the maintenance, repair and construction of new hazard mitigation measures and therefore needs to be retained.
350. Westpower Limited (S547.125) seeks change to the policy to strengthen the recognition of and provisions for energy infrastructure. However we are of the opinion that this activity is sufficiently captured by the definition of 'regionally significant infrastructure' and specific reference to energy infrastructure is not necessary. For clarity, the recommended policy framework seeks to allow regionally significant infrastructure within the Natural Hazard

Overlays where it has an operational and functional need to be located there, and recognises that in some instances hard mitigation structures may be the most practical solution to protect this infrastructure.

351. Submitter S535.002 and S543.007 seeks to remove the term existing from point (c) of the policy. This is to ensure that the policy has wider implications beyond just the existing community base, but also applies to future communities. This is supported by FS137.008. We support this change sought by the submitter. As part of the full District Plan review, the Council has identified areas within the Future Urban Zone. Overtime these areas will become new communities and there may be the need for hard engineering measures to protect these areas. Amending the policy will clarify this point.
352. We have recommended minor changes to the policy in response to the changes sought under the general submissions on the Natural Hazards Chapter. These general changes include:
- Adding the term natural systems to limb (a) of the policy to align with the objective wording; and
 - Removing the environment from limb (b) as it is generally accepted that natural hazard impacts on the natural environment are a natural process, and it is not possible to prevent this from occurring; and
 - Adding a new limb to the policy that enables planned hazard mitigation works. This is in recognition of the number of submissions received relating to the desire to be more enabling of hazard mitigation measures, including the Westport Flood Hazard Protection Scheme, and also provides better policy direction for the rules for natural hazard mitigation structures.

Recommendations

353. It is recommended that Policy NH-P3 be amended as follows:

NH-P3

When managing natural hazards:

- a. Promote the use of natural features, natural systems and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks; and
 - b. Avoid increasing risk to people, ~~property and the environment~~ and buildings; while
 - c. Recognising that in some circumstances hard engineering solutions may be the only practical means of protecting ~~existing~~ communities and ~~critical-regionally significant~~ infrastructure; and
 - d. Enabling planned and funded natural hazard mitigation works within the Natural Hazard Overlays where these works are being undertaken by a Statutory Agency or their nominated contractor and these will decrease the existing risk to people's lives and wellbeing, buildings and regionally significant infrastructure.
354. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

355. The proposed amendments are largely to provide consistency throughout the natural hazard chapter, excepting the inclusion of clause (d) which is to provide stronger policy direction for the rules for natural hazard mitigation structures. While this does not change the intent of the policy, it provides certainty to communities about the importance of mitigation works given the hazardscape within which many urban centres on the West Coast sit. For these reasons, the proposed wording improves the effectiveness and the efficiency of the provisions.

Costs and Benefits

356. There are no costs associated with the proposed changes, however they will have the benefit of reassuring communities on the West Coast that natural hazard mitigation works are appropriate where they are planned and funded.

Risks of Acting or Not Acting

357. Overall, there is considered to be no risk from acting or not acting in this instance.

Decision About the Most Appropriate Option

358. We are of the opinion that the amendments are the most appropriate way to achieve the objectives of the plan compared to those notified.

10.5 Policy NH-P4

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.164	Support	Retain policy
<i>Kāinga Ora (FS58)</i>	<i>FS58.040</i>	<i>Support</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.090</i>	<i>Support</i>	<i>Allow</i>
Suzanne Hills (S443)	S443.019	Amend	Amend policy to include additional point of seawater incursion into groundwater.
Margaret Montgomery (S446)	S446.013	Oppose	Delete the policy.
<i>Frank O'Toole (S235)</i>	<i>FS235.079</i>	<i>Support</i>	<i>Allow</i>
Chris & Jan Coll (S558)	S558.011	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.011	Support	Retain
William McLaughlin (S567)	S567.100	Support	Retain
Brian Anderson (S576)	S576.011	Support	Retain
Department of Conservation (S602)	S602.039	Amend	Amend Policy NH-P4: Natural hazard assessment, ... a. ... g. <u>Changes to the magnitude, frequency and duration of severe</u>

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<u>weather events.</u>
Toka Tū Ake (S612)	S612.030	Support	No change

Analysis

359. The support of submissions S190.164, S558.011, S566.011, S567.100, S576.011, S612.030 and further submissions FS58.040 and FS58.090 is noted.
360. We have considered the submission by Suzanne Hills (S443.019), as rising groundwater levels associated with coastal sea level rise is a natural hazard that does need attention. However, we are of the opinion that the recommended changes below to require consideration of the change in sea level and rainfall and resulting flood events over the next 100 years is sufficient to capture the assessment of rising groundwater levels in coastal areas, particularly if the Council was to receive some modelling or technical advice on this matter.
361. Margaret Montgomery (S446.013) opposes the policy and seeks that it be deleted. However, under section 7(i) of the RMA decision-makers must have particular regard to the effects of climate change and given climate change has the implications to impact the severity of natural hazard impacts, section 6(h) also applies to the policy. Given these legislative requirements, we do not support deleting this policy.
362. It is recommended that the submission by Department of Conservation (S602.039) be accepted, as this is a key outcome resulting from climate change that should be considered by decision makers.
363. Considering the submissions received to improve the overall chapter, we have recommended a number of changes to the policy, including:
- Adding what types of resource consent applications that the policy consideration would apply to (being subdivision, use and development)
 - Adding the requirement to consider sea level rise over a 100 year period;
 - Removing managed retreat locations from the policy;
 - Removing the altering of coastal processes;
 - Removing the increased inundation of low lying areas; and
 - Removing the changes of local temperature.
364. The reasons for these changes are as follows:
- The addition of subdivision, use and development improves the policy implementation as it provides clarity on what type of resource consent applications this policy applies to;
 - The addition of a time period for sea level rise helps with the implementation of the policy as it gives a time period for consideration, and this time period is consistent with the NZCPS;
 - It is proposed to remove managed retreat from the consideration of the policy framework as this will likely be addressed through future Central Government legislation;

- Territorial authorities generally cannot consider the impacts on coastal processes and many of these occur in the coastal marine area and therefore are under the jurisdiction of the Regional Council;
 - We have added the consideration on the changes to flood hazard events to the limb around increased rainfall, given this is the outcome from increased rainfall.
 - There are no District Plan rules proposed that would address the changes from local temperatures. Furthermore, this is a matter that is best addressed through public health measures, as opposed to a planning response.
365. While it is not specifically related to this policy, the flood hazard maps that have been included in the TTPP do not appear to include consideration of climate change predictions. While WCRC has the modelling undertaken for the flood hazards that includes climate change, we have been unable to find the reasons as to why this modelling was not included in the notified version of the TTPP. We do not recommend including these maps as part of the decision on the Natural Hazards Chapter as these have large implications for a number of properties, which presents a natural justice issue in terms of additional provisions that are applied onto the impacted properties. We would however recommend that these overlays are introduced as part of a future plan change to address this issue, and to ensure that the flood maps do include the effects of climate change.

Recommendations

366. It is recommended that the following changes are made to Policy NH-P4:

NH-P4

Natural hazard assessments, ~~managed retreat locations~~ and resource consent applications for subdivision, use and development will consider the impacts of climate change. In particular the following matters will be considered:

- a. Change in sea level over the next 100 years;
 - ~~b. Altering of coastal processes;~~
 - ~~c. Increased inundation of low lying areas;~~
 - ~~d. Changes in local temperatures;~~
 - eb. Changes in rainfall patterns and any resulting change to flood events over the next 100 years; and
 - ~~f. Increase in cyclonic storms.~~
 - c. Changes in the magnitude, frequency and duration of severe weather events.
367. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

368. We consider that the proposed changes to Policy NH-P4 are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP as they are more concise and provide clearer direction on the matters that are to be considered.

Costs and Benefits

369. There are no costs arising from the changes, however they will have the benefit of providing clearer policy direction which will aid in plan interpretation and administration.

Risks of Acting or Not Acting

370. There is not considered to be any risk of acting or not acting in this instance.

Decision About the Most Appropriate Option

371. We are of the opinion that the amendments are the most appropriate way to achieve the objectives of the plan compared to those notified.

10.6 Policy NH-P5

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.165	Support	Retain policy
Kāinga Ora (FS58)	FS58.041	Support	Allow
Kāinga Ora (FS58)	FS58.093	Support	Allow
Inger Perkins (FS33)	FS33.19	Support in Part	Allow
Robert Burdekin (S378)	S378.003	Oppose	Provide be detail given around what managed retreat looks like and does the affected communities and individuals have a choice in this or is it forced removal that is being referred to.
Margaret Montgomery (S446)	S446.014	Oppose	Delete or significantly amend the policy to reflect submitter concerns.
Frank O'Toole (S235)	FS235.080	Support	Allow
Chris & Jan Coll (S558)	S558.012	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.012	Support	Retain
William McLaughlin (S567)	S567.101	Support	Retain
Brian Anderson (S576)	S576.012	Support	Retain
Toka Tū Ake (S612)	S612.031	Support	No change
Chorus et al. (S663)	S663.042	Support	Retain provision as notified

Analysis

372. While the support of submitters S190.165, S558.012, S566.012, S567.101, S576.012, S612.031, S663.042 and further submitters FS58.041, FS58.093 and FS33.19 is noted, we are aware that there is currently work underway at the Central Government level to look at how managed retreat can be provided for. As discussed above in Section 9, it would be premature to predetermine this position and how this will be provided for through central, regional and local government processes. For these reasons, we agree with submissions S378.003, S446.014 and FS235.080 and recommend that this policy be deleted.

Recommendations

373. It is recommended that NH-P5 be deleted:

NH-P5

~~When assessing areas suitable for managed retreat, the following matters will be considered:~~

- ~~a. That the natural hazard risk of the area is less than the existing location, and~~
- ~~b. The potential future need to protect the community and associated infrastructure by hazard mitigation works.~~

374. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

375. While managed retreat is an option that needs to be considered when deciding the best way to manage existing development in areas of high risk, it is considered that a Council process for implementing managed retreat is one that is best undertaken outside of TTPP process. As such, its removal will improve the effectiveness and efficiency of the plan in achieving the outcomes sought.

Costs and Benefits

376. There are considered to not be any costs of removing the policy, and the benefits will be improved efficiency of the plan.

Risks of Acting or Not Acting

377. It is considered that there are not any risks from acting or not acting, as managed retreat is a process that needs to be undertaken and decided outside of the TTPP. Once decisions have been made, there is the ability to undertake a Plan Change to enable the managed retreat to occur as planned if there are any existing unintended barriers within the TTPP.

Decision About the Most Appropriate Option

378. We are of the opinion that the deletion of Policy NH-P5 is the most appropriate way to achieve the objectives of the plan compared to the policy as notified.

10.7 Policy NH-P6

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Jacobus Wiskerke (S95)	S95.002	Amend	Amend so that existing activities within natural hazard areas that pose a high risk are relocated away from such risks.
Te Mana Ora (S190)	S190.166	Support	Retain policy
<i>Kāinga Ora (FS58)</i>	<i>FS58.092</i>	<i>Support</i>	<i>Allow</i>
Margaret Montgomery	S446.015	Support	Retain the policy

Submitter Name (ID)	Submission Point	Position	Decision Requested
(S446)			
Westpower (S547)	S547.128	Amend	Amend NH-P6 a. Development of critical response facilities (<u>note: in reference to major dams it is the dam itself and not other buildings and structures related to, or associated with, the dam that is being referred to.</u>)".
Westpower (S547)	S547.129	Amend	Amend item a. Development of critical response facilities, <u>except where it is demonstrated that a site is needed due to the technical, locational, operational or functional constraints or requirements of an activity and earthquake hazard risk has been appropriately managed;</u>
Chris & Jan Coll (S558)	S558.013	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.013	Support	Retain
William McLaughlin (S567)	S567.102	Support	Retain
Grey District Council (S608)	S608.562	Support	N/A
Toka Tū Ake (S612)	S612.032	Amend	Amend policy to extend if avoidance zones around faults to include areas of distributed and off-fault deformation, areas between fault strands and splays, and areas where the fault trace is uncertain.
<i>Westpower (FS222)</i>	<i>FS222.0344</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

379. Submitters S190.166, S446.015, S558.013, S566.013, S567.102, S608.562 seek to retain the existing policy. This is supported by the further submission FS58.092. It is recommended to remove this policy, and this is discussed in more detail in response to the submission from Toka Tū Ake (S612.032).
380. The submission by Toka Tū Ake (S612.032) is pertinent here as we agree that the Earthquake Hazard Overlays and provisions as notified do not sufficiently take a risk-based approach as discussed in Section 7.3 above. Consequently, it is recommended that Policy NH-P6 be deleted as it is not relevant to the approach being recommended.
381. For the purposes of clarity, we are not proposing that fault hazards do not have a policy framework. Rather, we are recommending that the framework incorporates fault hazards within other policies (which we will address when considering these policies). This is to

- ensure that there is a consistent risk-based approach taken when assessing hazards of varying severity.
382. While we are proposing to delete this policy, the submission by Westpower (S547.129) remains relevant to the approach we are recommending for these overlays. We reject the submission that critical response facilities should be provided for in the Earthquake Hazard Overlays, as these facilities have a vital post-event function to serve.
383. In relation to submission S547.128, we have reviewed the definition of 'critical response facilities' and are of the opinion that reference to 'major dams' is clear in that the definition does not encompass ancillary buildings and structures. However, as discussed in Section 6, we believe the best way to provide the relief sought by this submitter is to remove 'major dams' from the definition of critical response facilities. We note that dams have been recommended to be added to the definition of regionally significant infrastructure in other hearing streams, and therefore we believe this is an appropriate definition for these structures.
384. While we agree with the submission of Jacobus Wiskerke (S95.002) that existing activities are relocated from hazard areas where they pose a high risk, such as the example provided by the submitter of the petrol station that straddles the Alpine Fault at Franz Josef, this raises questions around existing use rights under s10 of the RMA. This is a complex issue that would require community engagement and changes to the Regional Policy Statement and is not something that can be addressed through a District Plan process. As such, we do not support this submission point as it is outside of the scope that we can consider.

Recommendations

385. It is recommended that Policy NH-P6 be deleted, as a consequential amendment resulting from the recommended change to the structure of the chapter:

NH-P6

~~In the Earthquake Hazard Overlay avoid:~~

- ~~a. Development of critical response facilities;~~
- ~~b. Community facilities, educational facilities and health facilities within 150m of the faultline;~~
- ~~c. Commercial and industrial buildings within 100m of the faultline; and~~
- ~~d. Residential activities within 50m of the faultline.~~

386. It is recommended that the submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

387. The proposed deletion of Policy NH-P6 is a consequential amendment to the recommended changes to the mapping of the Earthquake Hazard Overlays and the streamlining of the provisions that will result in a significantly more effective and efficient plan for directing development and use in these areas.

Costs and Benefits

388. The intent of Policy NH-P6 is captured by the proposed changes to Policy NH-P10, and as such there are no costs associated with the changes. The benefit will be a significantly

simplified planning framework for the Earthquake Hazard Overlays that appropriately considers uncertainty and fault complexity.

Risks of Acting or Not Acting

389. There is no risk of acting, but the risks of not acting are high, as Policy NH-P6 does not reflect the most recent mapping of the Alpine Fault, or the proposed risk-based approach for managing the risk posed.

Decision About the Most Appropriate Option

390. The deletion of NH-P6 is the most appropriate option to achieve the objectives of the plan compared to the wording as notified for those reasons identified above.

10.8 Policy NH-P7

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.167	Support	Retain policy
Margaret Montgomery (S446)	S446.016	Support	Retain the policy
Federated Farmers (S524)	S524.043	Support	Retain NH-P7 as notified
Westpower (S547)	S547.130	Support	Retain
Chris & Jan Coll (S558)	S558.014	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.014	Support	Retain
William McLaughlin (S567)	S567.103	Support	Retain
Grey District Council (S608)	S608.563	Support	N/A
Toka Tū Ake (S612)	S612.033	Support	No change

Analysis

391. All submissions received on this policy were in support.

392. We agree with the intent of this policy. In the general submissions, Federated Farmers sought to broaden the scope of the provisions to allow for unoccupied buildings within the natural hazard overlays. We are supportive of this position, and therefore have recommended that the policy is amended to cover all natural hazard overlays.

393. We have also introduced the term Less Hazard Sensitive Activities. These are activities that are considered appropriate to be located within areas that are impacted by hazards. This term is broader than unoccupied buildings and structures and does capture some activities that, by their nature, must be located within hazard overlays. As such, subjecting these activities to constant resource consent processes is not considered to be an efficient way of providing for these activities, and therefore they are included in the definition of Less Hazard Sensitive Activities.

Recommendations

394. It is recommended that Policy NH-P7 be amended as follows as a consequential amendment resulting from the recommended change to the structure of the chapter:

~~NH-P75~~

~~Allow unoccupied structures and buildings within the Earthquake Hazard Overlay for subdivision, use and development for Less Hazard Sensitive Activities in all Natural Hazard Overlays.~~

395. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

396. The recommended changes to Policy NH-P7 are essentially consequential to the proposed change to introduce a stronger risk-based framework to the chapter, however the wording as proposed will broaden the policy to apply to all Natural Hazard Overlays, as opposed to just the Earthquake Hazard Overlays.

397. Yet, the intent is the same in that unoccupied or what we are proposing to be Less Hazard Sensitive Activities are allowed for in all Natural Hazard Overlays in recognition of the lower risk to people and lower investment in buildings used for such activities. By capturing more overlays and activities within the one policy, as opposed to across several, the recommended changes are both more effective and efficient.

Costs and Benefits

398. The recommended amendments are consequential from the proposed change to the structure of the Natural Hazard Chapter, but retain the 'allow' directive. As such, the changes will not have any greater environmental, economic, social or cultural effects than the notified provisions. However, there will be benefits from improved clarity and therefore plan interpretation and more efficient plan administration.

Risks of Acting or Not Acting

399. There is no risk in acting. The risk from not acting is a less streamlined approach to managing natural hazard risk in all overlays.

Decision About the Most Appropriate Option

400. We are of the opinion that the amendments are the most appropriate way to achieve the objectives of the plan compared to those as notified.

10.9 Policy NH-P8

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.168	Support	Retain policy
Margaret Montgomery (S446)	S446.017	Support	Retain the policy
Westpower (S547)	S547.131	Amend	Amend: Avoid locating critical facilities within the Coastal Tsunami Hazard overlay (note: in reference to major

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<u>dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to).</u>
Chris & Jan Coll (S558)	S558.015	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.015	Support	Retain
William McLaughlin (S567)	S567.104	Support	Retain
Grey District Council (S608)	S608.564	Support	N/A
Toka Tū Ake (S612)	S612.034	Support	No change

Analysis

401. The majority of the submissions support the proposed policy with only submitter S547.131 seeking an amendment. We have recommended that the Coastal Tsunami Hazard Overlay is deleted from the TTPP, due to the science that it is based on. As there is no overlay, it is appropriate that the associated provisions are also removed, as there would be no spatial layer to which to link the associated provisions.

Recommendations

402. It is recommended that Policy NH-P8 is deleted:

~~NH-P8~~

~~Avoid locating critical response facilities within the Coastal Tsunami Hazard overlay.~~

403. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

404. The deletion of the Coastal Tsunami Overlay and the provisions relating to it, including NH-P8, will improve the effectiveness of the plan as this overlay is based on conservative evacuation mapping. This will also improve the efficiency of plan administration by reducing the regulatory burden on Councils in the region.

Costs and Benefits

405. The deletion of the overlay will have no costs while benefiting those property owners that are currently affected by the overlay.

Risks of Acting or Not Acting

406. It is recognised that tsunami inundation is a significant risk to coastal areas in the region. Therefore, the risk of not acting is that critical response facilities are located within areas subject to inundation from a coastal tsunami. The risk of not acting is that the overlay and provisions are based on mapping that has a life safety focus and therefore is necessarily conservative, leaving them open to challenge. It is noted that there is a degree of overlap between the Coastal Severe and Flood Severe Overlays with the Coastal Tsunami Overlay,

which will by proxy mitigate the risk of inundation to a degree until such time that tsunami inundation mapping for land use planning purposes can be completed to inform the TTPP.

Decision About the Most Appropriate Option

407. We are of the opinion that the removal of the policy is the most appropriate way to achieve the objectives of the plan.

10.10 Policy NH-P9

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.169	Support	Retain policy
Margaret Montgomery (S446)	S446.018	Oppose	Amend the policy so that Lake Tsunami have a similar standard to that of Earthquake Hazards and Coastal Tsunami.
Chris & Jan Coll (S558)	S558.016	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.016	Support	Retain
William McLaughlin (S567)	S567.105	Support	Retain
Grey District Council (S608)	S608.565	Support	Reword policy to use the word Avoid instead of Restrict.
Toka Tū Ake (S612)	S612.035	Support	No change

Analysis

408. The majority of the submissions support the proposed policy with only submitter S608.565 seeking an amendment to change the wording of the policy from 'restrict' to 'avoid'.
409. There is one submission which opposes the NH-P9 as they believe that the direction under the policy is too restrictive.
410. We have recommended that the Lake Tsunami Hazard Overlay is removed from the TTPP, due to the information upon which it is based. As there is no overlay, it is appropriate that the associated provisions are also removed, as there would be no spatial layer to which to link the associated provisions.

Recommendations

411. It is recommended that Policy NH-P9 is deleted:

~~NH-P9~~

~~Restrict further development of sensitive activities in the Lake Tsunami Hazard overlay.~~

412. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

413. The deletion of the Lake Tsunami Overlay and associated provisions including NH-P9 will improve the effectiveness of the plan as this overlay was a precautionary layer that was not based on accurate mapping. This will also improve the efficiency of plan administration by reducing the regulatory burden on Councils in the region.

Costs and Benefits

414. The deletion of the overlay will have no costs while benefiting those property owners that are currently affected by the overlay.

Risks of Acting or Not Acting

415. It is recognised that Lake Tsunami is a hazard associated with lakes throughout the region, particularly where private property is located adjacent to the lakeshore. Therefore, the risk of not acting is that buildings are located within areas subject to inundation from a lake tsunami. However, as discussed above in Section 7.5 the 20m setback for buildings from the lake edge required under the Natural Character and Margins of Waterbodies Chapter is expected to largely mitigate this hazard to an acceptable level.

Decision About the Most Appropriate Option

416. We are of the opinion that the removal of this policy is the most appropriate way to achieve the objectives of the plan.

10.11 Policy NH-P10

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Northern Buller Communities Society Incorporated (S142)	S142.005	Support	None Stated
Te Mana Ora (S190)	S190.170	Support	Retain policy
Erin Stagg (S314)	S314.005	Amend	That Policy NH - P10 be amended as follows Avoid development of sensitive activities within the Coastal Severe Hazard and Flood Severe Hazard overlays unless it can be demonstrated that: <ul style="list-style-type: none"> The activity has an operational and functional need to locate within the hazard area; and/or That the activity incorporates mitigation of risk to life, property and the environment; and there is significant public or environmental benefit in doing so. <u>The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding</u>
John Brazil (S360)	S360.003	Oppose in	Include wording that allows technical

Submitter Name (ID)	Submission Point	Position	Decision Requested
		Part	solutions or differing expert opinion to support resource consent applications for development. The wording of NH - P11 is more appropriate for severe overlays than the current wording. Delete " <i>and there is significant public or environmental benefit from doing so</i> ".
Margaret Montgomery (S446)	S446.019	Oppose	this should be amended so that where an activity incorporates mitigation to risk to life, the development is appropriate.
<i>Frank O'Toole (FS235)</i>	<i>FS235.081</i>	<i>Support</i>	<i>Allow</i>
Leonie Avery (S507)	S507.005	Oppose in Part	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH - P11 is more appropriate for severe overlays than the current wording. Delete " <i>and there is significant public or environmental benefit from doing so</i> ".
Jared Avery (S508)	S508.005	Oppose in Part	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH - P11 is more appropriate for severe overlays than the current wording. Delete " <i>and there is significant public or environmental benefit from doing so</i> ".
Kyle Avery (S509)	S509.005	Oppose in Part	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH - P11 is more appropriate for severe overlays than the current wording. Delete " <i>and there is significant public or environmental benefit from doing so</i> ".
Avery Bros (S510)	S510.005	Oppose in Part	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH -

Submitter Name (ID)	Submission Point	Position	Decision Requested
			P11 is more appropriate for severe overlays than the current wording. Delete "and there is significant public or environmental benefit from doing so".
Bradshaw Farms (S511)	S511.005	Oppose in Part	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH - P11 is more appropriate for severe overlays than the current wording. Delete "and there is significant public or environmental benefit from doing so".
Paul Avery (S512)	S512.005	Oppose in Part	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH - P11 is more appropriate for severe overlays than the current wording. Delete "and there is significant public or environmental benefit from doing so".
Brett Avery (S513)	S513.005	Oppose in Part	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH - P11 is more appropriate for severe overlays than the current wording. Delete "and there is significant public or environmental benefit from doing so".
Neil Mouat (S535)	S535.003	Oppose in Part	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH - P11 is more appropriate for severe overlays than the current wording.
Buller District Council (S538)	S538.095	Support	Insert flexibility within Policy P10 - b. Residential activities shouldn't need to be linked to a public good but need to ensure the hazard can be mitigated
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.006</i>	<i>Support in Part</i>	<i>Allow in Part</i>

Submitter Name (ID)	Submission Point	Position	Decision Requested
Martin & Co. (S543)	S543.037	Oppose	Amend the policy to be more enabling
Chris & Jan Coll (S558)	S558.017	Amend	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development.
Chris & Jan Coll (S558)	S558.018	Amend	Amend to read as in P11.
Chris & Jan Coll (S558)	S566.019	Amend	Delete ...and there is significant public or environmental benefit from doing so.
Chris J Coll Surveying Limited (S566)	S566.017	Amend	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development.
Chris J Coll Surveying Limited (S566)	S566.018	Amend	Amend to read as in P11.
Chris J Coll Surveying Limited (S566)	S566.019	Amend	Delete ...and there is significant public or environmental benefit from doing so.
William McLaughlin (S567)	S567.106	Amend	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development
<i>Frank O'Toole (FS235)</i>	<i>FS235.0119</i>	<i>Support</i>	<i>Allow</i>
William McLaughlin (S567)	S567.107	Amend	Amend to read as in P11
William McLaughlin (S567)	S567.108	Amend	Delete ...and there is significant public or environmental benefit from doing so.
Department of Conservation (602)	S602.040	Amend	Amend Policy NH-P10: Avoid development of sensitive activities within the Coastal Severe Hazard and Flood Severe Hazard overlays unless it can be demonstrated that: a. The activity has an operational and functional need to locate within the hazard area; and <u>b. There is no significant risks from natural hazards;</u> <u>and</u> c. That the activity incorporates mitigation of risk to life, property and the environment, and there is significant public or environmental benefit in doing so.
Paparoa Track Services et	S605.004	Amend	Amend NH - P10 as follows: Avoid

Submitter Name (ID)	Submission Point	Position	Decision Requested
al. (S605)			development of sensitive activities within the Coastal Severe Hazard and Flood Severe Hazard overlays unless it can be demonstrated that: a. The activity has an operational and functional need to locate within the hazard area; and or b. That the activity incorporates mitigation of risk to life, property and the environment, and there is significant public or environmental benefit in doing so.
Paparoa Track Services et al. (S605)	S605.039	Oppose	Delete part b.
Avery Brothers (S609)	S609.005	Amend	Include wording that allows technical solutions or differing expert opinion to support resource consent applications for development. The wording of NH - P11 is more appropriate for severe overlays than the current wording. Delete and there is significant public or environmental benefit from doing so
Grey District Council (S608)	S608.566	Support	N/A
Toka Tū Ake (S612)	S612.036	Support	No change

Analysis

417. Submitters S142.005, S190.170, S608.566, and S612.036 support the proposed policy as notified and do not seek any changes to the policy.
418. Submitters S543.037 and S605.039 either request the policy is amended to be more enabling or seek to remove clause (b) from the policy. Submitters S558.018, S566.018 and S567.107 sought policy wording that was similar to proposed Policy 11, which is more enabling. None of these submission points are supported. The Severe Flood Hazard Overlay and the Severe Earthquake Hazard Overlay reflect where a significant threat to people and property exists from these respective hazards. These are areas where new subdivision, use and development should not be enabled, unless there is an operational or functional need for it to occur. On this basis, it is not appropriate for this policy to be more enabling.
419. We have considered the submission by Erin Stagg (S314.003) that seeks the inclusion of the words "The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding". We agree with this submission, as it is not only the risk on the subject site that must be considered when determining if a proposed subdivision, use or development is appropriate, but also any risk that may be created on adjoining properties. We accept this submission and recommend changes that provide the relief sought.
420. It is appropriate, however, that this additional consideration only applies to flood hazards. This is because development in the Severe Flood Hazard has the potential to displace or

- increase the hazard on neighbouring properties through the diversion of flood waters and the potential collapse of buildings that may then result in debris being swept downstream. This same issue generally does not apply to the Earthquake Severe Overlay, and therefore we have recommended that the additional consideration of the change in risk from subdivision, use and development occurring is limited to the Severe Flood Hazard Overlay only.
421. A number of submissions (S314.005, S538.095, S566.019, S605.004, S609.005, and S566.019) seek that the wording "and there is significant public or environmental benefit from doing so" is deleted. In particular, Buller District Council (S538.095) notes that activities shouldn't need to be linked to a public good, and the focus should be on whether the risk to the activity from the natural hazard can be mitigated. We are in agreement and recommend that these words be deleted.
422. Several of these same submissions (S360.003, S446.019, S507.005, S508.005, S509.005, S510.005, S511.005, S512.005, S513.005, S535.003 S558.017, S566.017 and S567.106) seek that wording is included to allow technical solutions or differing expert opinion to support resource consent applications for development. Submission S446.019 is supported by the further submission FS235.081.
423. We generally reject these submissions, as the risk is so high in these areas that subdivision, use and development should be avoided. The test under clause (b) only applies to activities that have an operational and functional need to be located within the Flood Severe and Earthquake Severe Hazard Overlays. This operational and functional requirement is a strict test and for many activities, they would not meet this first limb of the test. It is only once it has been established that there is an operational or functional need for an activity to be located within a Flood Severe and Earthquake Severe Hazard Overlays, that the second limb of the policy can be considered, which requires that mitigation measures are incorporated to minimise the risk to people, buildings and regionally significant infrastructure.
424. The Department of Conservation (S602.040) seeks that a clause be added that there is no significant risk from natural hazards as a new clause (b). The nature of the Flood Severe and Earthquake Severe Overlays are such that the risks to development in these areas is significant. As such, this recommended additional clause could not ever be met and therefore we do not support its inclusion in the policy.
425. In response to a number of general submissions we have made changes to these policies, which include:
- Adding the new Earthquake Severe Overlay to the policy;
 - Adding subdivision, use and development to the policy to assist plan users with their understanding of how the policy applies;
 - Adding Hazard Sensitive and Potentially Hazard Sensitive Activities to the policy, so that it is clear what types of subdivision, use and development is captured by the policy;
 - Amending the wording so that the matters of risk that are assessed are aligned through the other policy direction being 'people, buildings and regionally significant infrastructure'.

Recommendations

426. It is recommended that the following changes are made to Policy NH-P10:

NH-P106

Avoid subdivision, use and development of for Potentially Hazard Sensitive and Hazard Sensitive Activities within the Coastal Severe Hazard and Flood Severe and Earthquake Severe Hazard Overlays unless it can be demonstrated that:

- a. The activity subdivision, use or development has an operational and or functional need to locate within the hazard area; and
 - b. ~~That~~ The activity subdivision, use or development incorporates mitigation measures that minimise the of risk to life, property and the environment, and there is significant public or environmental benefit in doing so people, buildings and regionally significant infrastructure; and
 - c. In the Flood Severe Overlay the risk to people and buildings on adjacent sites is not increased as a result of the activity proceeding.
427. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

428. The changes proposed to Policy NH-P10 are considered to be consequential to the proposed risk-based framework that provides greater clarity on the risk posed to different activities and the planning response that is required. Therefore, it is considered that the recommended changes will be both more effective and efficient in achieving the outcomes sought by the objectives.

Costs and Benefits

429. It is considered that the intent of Policy NH-P10 as notified is not materially changed by the recommended wording, in that the policy still seeks that subdivision, use and development is avoided in areas of significant risk unless there is an operational or functional need for the activity to be located there. Therefore, there are no costs, but the benefit is clearer policy direction for activities in the Severe Hazard Overlays.

Risks of Acting or Not Acting

430. There is no risk from acting, as the intent of the policy remains the same. The risk from not acting is a lack of clarity in what the policy is seeking, and that the outcomes sought by the objectives will not be met.

Decision About the Most Appropriate Option

431. We are of the opinion that the recommended changes are the most appropriate way to achieve the objectives of the plan compared to those notified.

10.12 Policy NH-P11

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.171	Support	Retain policy
Kāinga Ora (FS58)	FS58.042	Support	Allow

Submitter Name (ID)	Submission Point	Position	Decision Requested
Kāinga Ora (FS58)	FS58.093	Support	Allow
John Brazil (S360)	S360.004	Support	Retain as notified
Waka Kotahi (S450)	S450.065	Support in part	Amend the rule as follows: a. Mitigation measures avoid risk to life and minimise risk to while not increasing risk to property and the environment.
Margaret Montgomery (S446)	S446.021	Support	A note can be included which identifies some form of mitigation measures.
Leonie Avery (S507)	S507.006	Support	Retain as notified
Jared Avery (S508)	S508.006	Support	Retain as notified
Kyle Avery (S509)	S509.006	Support	Retain as notified
Avery Bros (S510)	S510.006	Support	Retain as notified
Bradshaw Farms (S511)	S511.006	Support	Retain as notified
Paul Avery (S512)	S512.006	Support	Retain as notified
Brett Avery (S513)	S513.006	Support	Retain as notified
Martin & Co. (S543)	S543.038	Oppose	Amend the policy to be more enabling
Westpower (S547)	S547.133	Support	Retain
Chris & Jan Coll (S558)	S558.022	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.022	Support	Retain
William McLaughlin (S567)	S567.110	Support	Retain
Department of Conservation (S602)	S602.041	Amend	Amend Policy NH-P11: Allow development in the Land Instability Alert, Coastal Alert and Flood Susceptibility overlays where: a. Mitigation measures avoid risk to life and minimise risk to property and the environment; and b. The risk to adjacent properties, activities and people <u>is not significant, and</u> is not increased as a result of the activity proceeding.
Grey District Council (S608)	S608.567	Support in Part	Alter the policy to remove the hyperlink from Land. Reword a) of this policy to remove 'minimise'

Submitter Name (ID)	Submission Point	Position	Decision Requested
Avery Brothers (S609)	S609.006	Support	Retain
Toka Tū Ake (S612)	S612.037	Support	No change

Analysis

432. Submitters S190.171, S507.006, S508.006, S509.006, S510.006, S511.006, S512.006, S513.006, S547.133, S558.022, S566.022, S567.110, S609.006, and S612.037 seek to retain the policy as notified. Submission S190.171 is supported by further submissions FS58.042, and FS58.093.
433. Waka Kotahi (S450.065) and Grey District Council (S608.567) both request that the word 'minimise' is removed from this policy. Grey District Council express concern over how this would be quantified, and that it may introduce onerous requirements. As highlighted above in Section 9.3 in relation to Objective NH-O2, the term minimise means to reduce as far as practicable. Measures to minimise risk may include (but not be limited to):
- Minimum floor levels
 - Making buildings relocatable;
 - The inclusion of engineering measures to reduce damage from natural hazard events; and
 - Enhancing or construction of natural features or systems that reduce the risk from the natural hazards.
434. The measures employed will depend on the level of risk that is present, and as such will need to be determined on case-by-case basis. On this basis we recommend the term minimise is retained within the policy.
435. Department of Conservation (S602.041) seeks that the policy be amended as follows:
- Allow development in the Land Instability Alert, Coastal Alert and Flood Susceptibility overlays where:
- a. Mitigation measures avoid risk to life and minimise risk to property and the environment; and
 - b. The risk to adjacent properties, activities and people is not significant, and is not increased as a result of the activity proceeding.
436. It is noted that overlays to which this rule relates are where risk is not significant, either because a lower risk is presented by the natural hazard, or because the existing information is not at a level that enables a 'significant risk' determination to be made. For this reason we do not recommend that the additional words sought by submitter S602.041 be included.
437. Margaret Montgomery (S446.021) requests that a note be included that identifies what type of mitigation measures might be appropriate. We think that this could be included in the guidance sought by submitters and as discussed in Section 8 and is not appropriate for this to be located within the policy wording itself.
438. Submitter S543.038 sought for the proposed provisions to be made more enabling. This is already an enabling policy, and it is considered that it does not need to be made any more enabling than the current framework provides for.

439. In response to a number of general submissions we have made changes to these policies, which include:

- Adding the new Earthquake Susceptibility Hazard Overlay to the policy;
- Adding subdivision, use and development to the policy to assist plan users with their understanding of how the policy applies;
- Adding Hazard Sensitive and Potentially Hazard Sensitive Activities to the policy, so that it is clear what types of subdivision, use and development is captured by the policy;
- Amending the wording so that the matters of risk that are assessed are aligned through the other policy direction being 'people, buildings and regionally significant infrastructure'; and
- Providing clarity that the impact on adjacent sites from subdivision, use and development only applies to the Flood Susceptibility and Land Instability Overlays.

Recommendations

440. It is recommended that the following changes are made to Policy NH-P11:

NH-P11

~~Allow~~ Provide for subdivision, use and development for Potentially Hazard Sensitive Activities and Hazard Sensitive Activities in the Land Instability Alert, Coastal Alert and Flood Susceptibility and Earthquake Susceptibility Hazard ~~Alert~~ Overlays where:

- a. Mitigation measures ~~avoid risk to life and~~ are incorporated to minimise ~~the risk to property and the environment~~ people, buildings and regionally significant infrastructure; and
- b. In the Flood Susceptibility and Land Instability Overlays ~~the risk to adjacent properties, activities and~~ people and buildings on adjacent sites is not increased as a result of the activity proceeding.

441. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

442. The changes proposed to Policy NH-P11 are considered to be consequential to the proposed risk-based framework that provides greater clarity on the risk posed to different activities and the planning response that is required. The changes that have been made recognise that where the risk is lower, or there is greater uncertainty in the scientific information, that an 'avoid' directive is not appropriate, and the development should be provided for where mitigation measures are incorporated and the risk to adjoining properties is not increased. Therefore, it is considered that the recommended changes will be both more effective and efficient in achieving the outcomes sought by the objectives.

Costs and Benefits

443. It is considered that the intent of Policy NH-P11 as notified is not materially changed by the recommended wording, in that the policy still seeks that subdivision, use and development in lower risk areas is provided for where mitigation measures reduce the risk.

Therefore, there are no costs, but the benefit is clearer policy direction for activities in the hazard overlays that present a lower risk, or where there is uncertainty in the risk posed.

Risks of Acting or Not Acting

444. There is no risk from acting, as the intent of the policy remains the same. The risk from not acting is a lack of clarity in what the policy is seeking, and that the outcomes sought by the objectives will not be met.

Decision About the Most Appropriate Option

445. We are of the opinion that the recommended changes are the most appropriate way to achieve the objectives of the plan compared to the wording as notified.

10.13 Policy NH-P12

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.172	Support	Retain policy
<i>Kāinga Ora (FS58)</i>	<i>FS58.043</i>	<i>Support</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.094</i>	<i>Support</i>	<i>Allow</i>
John Brazil (S360)	S360.005	Support	Retain as notified
Manawa Energy (S438)	S438.061	Support	Retain NH - P12(g) as notified
<i>Transpower (FS110)</i>	<i>FS110.028</i>	<i>Support</i>	<i>Allow</i>
<i>Ngāi Tahu (FS41)</i>	<i>FS41.080</i>	<i>Support</i>	<i>Allow</i>
Bert Hofmans (S504)	S504.003	Amend	Remove clause g. "the functional and operational need to locate in these areas".
Lindy Millar (S505)	S505.003	Amend	Remove clause g. "the functional and operational need to locate in these areas".
Leonie Avery (S507)	S507.007	Oppose in Part	Retain point b. Delete point g.
Jared Avery (S508)	S508.007	Oppose in Part	Retain point b. Delete point g.
Kyle Avery (S509)	S509.007	Oppose in Part	Retain point b. Delete point g.
Avery Bros (S510)	S510.007	Oppose in Part	Retain point b. Delete point g.
Bradshaw Farms (S511)	S511.007	Oppose in Part	Retain point b. Delete point g.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Paul Avery (S512)	S512.007	Oppose in Part	Retain point b. Delete point g.
Brett Avery (S513)	S513.007	Oppose in Part	Retain point b. Delete point g.
Westpower (S547)	S547.134	Amend	Amend g. The <u>locational, technical, functional and operational need constraints and requirements of activities needing</u> to locate in these areas; and ...
Chris & Jan Coll (S558)	S558.020	Support	Retain
Geoff Volckman (S563)	S563.012	Support	Retain
Catherine Smart-Simpson (S564)	S564.015	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.020	Support	Retain
William McLaughlin (S567)	S567.109	Support	Retain
Koiterangi Lime (S577)	S577.013	Support	Retain
Department of Conservation (602)	S602.042	Amend	Amend Policy NH-P12: When assessing the effects of activities in natural hazard overlays consider: <ul style="list-style-type: none"> a. The effects of natural hazards on people, property and the environment; b. technological and engineering mitigation measures and other non-engineered options; c. <u>Discouraging hard protection structures and avoiding hard protection structures in the Coastal Environment;</u> d. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk; e. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk;

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<p>f. The timing, location, scale and nature of any earthworks in relation to natural hazard risk;</p> <p>g. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site;</p> <p>h. The functional or operational need to locate in these areas; and</p> <p>i. Any significant adverse effects on the environment of any proposed mitigation measures.</p>
<i>Westpower (FS222)</i>	<i>FS222.078</i>	<i>Oppose</i>	<i>Disallow</i>
Paparoa Track Services et al. (605)	S605.005	Support	Retain as notified
Grey District Council (S608)	S608.568	Support in Part	<p>Clarify in the policy which effects are being assessed and whether provision b. of the policy is for existing or proposed mitigation (if any is proposed).</p> <p>Include a definition of natural hazard risk</p>
Avery Brothers (S609)	S609.007	Amend	<p>Retain b. Technological and engineering mitigation measures and other nonengineered options;</p> <p>Delete g. The functional or operational need to locate in these areas; and</p>
Toka Tū Ake (S612)	S612.038	Support	No change
Karamea Lime (S614)	S614.032	Support	Retain
Peter Langford (S615)	S615.032	Support	Retain
Chorus et al. (S663)	S663.043	Support	Retain provision as notified

Analysis

446. Submitters S190.172, S360.005, S438.061 S558.020 S563.012 S564.015 S566.020 S567.109 S577.013 S605.005, S612.038, S614.032, S615.032, and S663.043 seek to retain the policy as notified. Submission S190.172 is supported by the further submissions FS58.043 and FS58.094. Submission S438.061 was supported by the further submissions FS41.080 and FS110.028.

447. Westpower (S547.134) has requested that clause (g) be amended as follows:
- g. The locational, technical, functional and operational need constraints and requirements of activities needing to locate in these areas; and ...
448. The terms operational and functional need are well understood and considers the location, and technical requirements of activities to locate in hazard areas. It is considered the additional words sought by Westpower in relation to this policy are already captured by the terms operational and functional need, and therefore do not require further inclusions within the policy.
449. Manawa Energy (S438.061) seeks that clause (g) be retained as notified, while submitters S504.003, S505.003, S507.007, S508.007, S509.007, S510.007, S511.007, S512.007, S513.007 S609.007 seek that it be deleted. We have weighed up all these submissions, and firstly reject submission S609.007 as there needs to be recognition of the fact that some activities will need to be located in areas subject to natural hazards, and that there will be no viable alternative. Secondly, we consider that the wording sought by submission S547.134 does not provide anything additional to the policy that 'functional and operational' does not already, and as such we recommend that this submission is rejected, and submission S438.061 accepted.
450. We have considered the submission by Grey District Council (S438.061) and have recommended changes to the wording of Policy NH-P12 to provide the relief sought through the inclusion of the terms 'actual and potential', and 'subdivision, use and development', and adding 'existing and proposed' to clause (b) of the policy.
451. Submitter S602.042 sought for the following to be added to the policy:
- Discouraging hard protection structures and avoiding hard protection structures in the Coastal Environment.
452. This relief was opposed by the submitter FS222.078.
453. When considering this addition, we recognise that this is an outcome sought by the NZCPS. We note that there is already nuanced policy direction in the Coastal Environment Chapter around coastal hazard mitigation structures. If we accepted the proposed recommendation from the submitter on this addition to the policy, we would result in conflicting policies in the TPPP around coastal hazard mitigation measures. On this basis, we do not support the proposed change to the policy.
454. We have also made some minor recommended changes to the policy in response to the general submissions received on the chapter. These changes are mainly ensuring that consistent wording is used through the policies. These changes largely relate to clause (a) of the policy, where we recommend changing from the consideration of effects to the consideration of risk, and also clarify when it is the hazard that should be considered and when it is the risk.

Recommendations

455. It is recommended that the following changes are made to Policy NH-P12:

NH-P128

When assessing the actual and potential effects of activities subdivision, use and development in the nNatural hHazard eOverlays consider:

- a. The effects of level of risk posed by natural hazards on to people, property and the environment buildings and regionally significant infrastructure;
- b. Existing and proposed technological and engineering mitigation measures and other non-engineered options;
- c. The location and design of proposed sites, buildings, vehicle access, earthworks and regionally significant infrastructure in relation to the natural hazard risk;
- d. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk;
- e. The timing, location, scale and nature of any earthworks in relation to the natural hazard risk;
- f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site;
- g. The functional or operational need to locate in these areas; and
- h. Any significant adverse effects on the environment of any proposed mitigation measures.

456. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

457. The recommended changes are to provide clarity and consistency with other provisions and as such we consider that they are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP as they are more concise and provide clearer direction on the matters that are to be considered.

Costs and Benefits

458. There are no costs arising from the changes, however they will have the benefit of providing clearer policy direction which will aid in plan interpretation and administration.

Risks of Acting or Not Acting

459. There is not considered to be any risk of acting or not acting in this instance.

Decision About the Most Appropriate Option

460. We are of the opinion that the amendments are the most appropriate way to achieve the objectives of the plan compared to those notified.

10.14 Policy NH-P13

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.173	Support	Retain policy
<i>Kāinga Ora (FS58)</i>	<i>FS58.044</i>	<i>Support</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.095</i>	<i>Support</i>	<i>Allow</i>
Hamish Macbeth (S307)	S307.004	Support	I support such provisions as the

Submitter Name (ID)	Submission Point	Position	Decision Requested
			advice note 3 for NH P 13 which suggests increasing the finished floor levels.
Margaret Montgomery (S446)	S446.022	Oppose in Part	Amend policy to place more responsibility on the Council providing the necessary information, to remove the reference to the 1m sea level rise coastal event and delete the word avoid.
<i>Frank O'Toole (FS235)</i>	<i>FS235.083</i>	<i>Support</i>	<i>Allow</i>
The O'Connor Institute Trust Board (S466)	S466.010	Amend	Clauses a, b and c within Policy NH - P13 should be deleted, or at least remove any uncertainty as to whether the planned LTP works will provide the stated level of protection.
<i>Frank O'Toole (FS235)</i>	<i>FS235.0100</i>	<i>Support</i>	<i>Allow</i>
Frank and Jo Dooley (S478)	S478.009	Amend	That the policies be amended to explain the expectations when the Westport flood scheme is completed. Delete clauses a, b, and c - or at least remove any uncertainty as to whether the planned LTP works will provide the stated level of protection.
<i>Frank O'Toole (FS235)</i>	<i>FS235.039</i>	<i>Support</i>	<i>Allow</i>
Frank and Jo Dooley (S478)	S478.053	Amend	Clauses a, b and c within Policy NH - P13 should be deleted, or at least remove any uncertainty as to whether the planned LTP works will provide the stated level of protection.
<i>Frank O'Toole (FS235)</i>	<i>FS235.054</i>	<i>Support</i>	<i>Allow</i>
Bert Hofmans (S504)	S504.005	Amend	Amend to Restricted Discretionary where compliance not achieved
Lindy Millar (S505)	S505.005	Amend	Amend to Restricted Discretionary where compliance not achieved
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.009</i>	<i>Support</i>	<i>Allow</i>
Martin & Co. (S543)	S543.028	Oppose	Amend to be more enabling
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.0010</i>	<i>Support</i>	<i>Allow</i>
Chris & Jan Coll (S558)	S558.023	Amend	Amend to be more enabling of development.
<i>Frank O'Toole (FS235)</i>	<i>FS235.011</i>	<i>Support</i>	<i>Not Stated</i>
Chris J Coll Surveying Limited (S566)	S566.023	Amend	Amend to be more enabling of development.
<i>The O'Connor Institute</i>	<i>FS137.011</i>	<i>Support</i>	<i>Allow</i>

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Trust Board (FS137)</i>			
<i>Frank O'Toole (FS235)</i>	<i>FS235.023</i>	<i>Support</i>	<i>Not Stated</i>
William McLaughlin (S567)	S567.111	Amend	Amend to be more enabling of development.
Toka Tū Ake (S612)	S612.039	Oppose	Further limit subdivision, use, and development within the Westport Hazard Overlay
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.004</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Frank O'Toole (FS235)</i>	<i>FS235.0102</i>	<i>Oppose</i>	<i>Disallow</i>
Snodgrass Road submitters (S619)	S619.011	Amend	<p>Include additional provisions in Policy NH-P13 insofar as they apply to the Snodgrass Road submitters properties, which direct that <u>...subdivision, use and development on Snodgrass Road properties be allowed in circumstances where the specified minimum floor levels are not achieved but:</u></p> <p><u>a. It involves:</u></p> <p><u>i. Construction of buildings which do not house people; or</u></p> <p><u>ii. Reconstruction of existing dwellings which are damaged or destroyed; or</u></p> <p><u>iii. The extension of the floor area of a dwelling by 25 - 50 m² over any continuous 10 year period without meeting the finished floor area standards set out above (the intent being to allow for addition of a bedroom or similar); or</u></p> <p><u>b. It includes:</u></p> <p><u>i. Mitigation measures avoid risk to life and minimise risk to property and the environment; and</u></p> <p><u>ii. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.</u></p>

Analysis

461. Submitter S190.173 supports the proposed policy as notified. This is supported by the further submitters FS58.044 and FS58.095.
462. A number of the submissions request changes to Policy NH-P13 to make it more enabling (S446.022, S466.010, S478.009, S504.005, S505.005, S543.028, S558.023, S566.023, S567.111) and this is supported by further submissions FS137.009, FS235.083, FS235.0100, FS235.039, FS235.054, FS137.0010, and FS235.023. This includes clauses

(a), (b), (c) be deleted through the submissions. We disagree with these submissions. The removal of these clauses would result in an enabling policy, with no consideration of the sea level rise and flood hazard componentry that makes up this hazard overlay. It remains our view that retaining clauses (a) and (b) are appropriate. We however support the removal of clause (c) from the policy as clauses (a) and (b) make it clear that mitigation is required. The natural conclusion from the tests under clauses (a) and (b) is that if these are not met, then development would not be able to occur. In this regard, it is our view that clause (c) can be removed.

463. Frank and Jo Dooley (S478.009; S478.053) seek that if clauses (a), (b), and (c) are not deleted, that at least remove any uncertainty as to whether the planned mitigation works will provide the stated level of protection. While the current advice is that the flood protection works will be generally designed to a 1% AEP flood event under RCP6.0 with 600mm of freeboard, the final level of protection will not be confirmed until the scheme is constructed. We, however, do not believe that the policy needs to be updated to reflect this level of protection.
464. Toka Tū Ake (S612.039) requests that subdivision, use, and development within the Westport Hazard Overlay be further limited. We understand the reasoning behind the request, in that there will always be a level of residual risk and the flood risk posed will only increase with climate change, and that there is still the possibility of future flooding of Westport. However, the level of investment into the flood defences will enable people to retain development rights provided their property is protected, while providing time for consideration of options to make Westport more resilient. Therefore, we agree with further submissions FS109.004 and FS235.0102 and recommend that S612.039 be rejected.
465. Submitter S619.011 seeks extensive changes to the policy in respect to the Snodgrass Road properties. We have given careful consideration to the suggested policy changes. It remains our position that many of the changes sought are either best addressed in the rules (for example the replacement of existing buildings or the scale of additions to existing residential units allowed for, or addressed through other policies (for example Policy NH-P7 in relation to Less Hazard Sensitive Activities) or are already addressed through the suggested wording of the policy, where the natural hazard risks need to be minimised through mitigation measures. On this basis, while we do not support the majority of the changes sought in this submission point, we believe that the overall intent of the outcomes sought are addressed through the wider policy and rules package.

Recommendations

466. It is recommended that the following changes are made to Policy NH-P13:

~~NH-P13~~

Allow subdivision, use and development within the Westport Hazard Overlay where the risk to people and buildings is minimised from the ÷

- a. ~~1% annual exceedance probability flood event is mitigated; and the~~
- b. ~~1% annual recurrence interval plus 1m sea level rise coastal event, are mitigated; and~~
- c. ~~Where mitigation is not achieved, further subdivision, use and development is avoided.~~

467. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

468. We consider that the proposed changes to Policy NH-P13 are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP as they are more concise and provide clearer direction on the matters that are to be considered.

Costs and Benefits

469. There are no costs arising from the changes, however they will have the benefit of providing clearer policy direction which will aid in plan interpretation and administration.

Risks of Acting or Not Acting

470. There is not considered to be any risk of acting or not acting in this instance.

Decision About the Most Appropriate Option

471. We are of the opinion that the amendments are the most appropriate way to achieve the objectives of the plan compared to those notified.

10.15 Policy NH-P14

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.174	Support	Retain policy
<i>Kāinga Ora (FS58)</i>	<i>FS58.045</i>	<i>Support</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.096</i>	<i>Support</i>	<i>Allow</i>
Toka Tū Ake (S612)	S612.040	Oppose	Further limit subdivision, use, and development within the Hokitika Coastal Hazard Overlay
<i>Westpower (FS222)</i>	<i>FS222.0345</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

472. There was one submission in opposition to Policy NH-P14 from Toka Tū Ake (S612.040) who requests that subdivision, use and development be further limited within the Hokitika Coastal Hazard Overlay. This is opposed by the further submission FS222.0345. However, the inclusion of a Hokitika specific overlay is in recognition of plans to upgrade the existing seawall and flood walls, and to construct a new flood protection scheme. In light of this investment in protecting the Hokitika township, the directive of Policy NH-P14 to 'allow' subdivision, use and development where the risk from the coastal storm event is minimised is considered appropriate. We recommend rejecting this submission point.

473. Minor amendments are also recommended to the wording of Policy NH-P14 to seek that the risk is 'minimised' as opposed to 'mitigated' is added to the policy. The reason for this wording change is that minimised has a more directive meaning, being that the risk is reduced as far as practicable. We have also recommended to inserting 'annual exceedance probability' into the policy which is generally preferred over 'annual recurrence interval' for the reasons discussed in Section 6.

Recommendations

474. It is recommended that the following changes are made to Policy NH-P14:

NH-P140

Allow subdivision, use and development within the Hokitika Coastal Hazard Overlay where the risk to people and buildings is minimised from the 1% annual recurrence interval exceedance probability coastal storm event plus 1m sea level rise coastal event risks are mitigated, and where mitigation is not achieved, further subdivision, use and development is avoided.

475. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

476. We consider that the proposed changes to Policy NH-P14 are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP as they are more concise and provide clearer direction on the matters that are to be considered.

Costs and Benefits

477. There are no costs arising from the changes, however they will have the benefit of providing clearer policy direction which will aid in plan interpretation and administration.

Risks of Acting or Not Acting

478. There is not considered to be any risk of acting or not acting in this instance.

Decision About the Most Appropriate Option

479. We are of the opinion that the amendments are the most appropriate way to achieve the objectives of the plan compared to those notified.

11. Submissions on Natural Hazard Rules

11.1 Submissions on the Rules Generally

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Paul Finlay (S408)	S408.007	Amend	Require more rigid foundation for buildings of liquefaction sites of lower Hokitika
Margaret Montgomery (S446)	S446.023	Amend	Amend the rules to be clearer and more prescriptive with reference to standards in depth and set value restrictions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Margaret Montgomery (S446)	S446.040	Oppose in Part	That the provisions should either be looser utilising more restricted discretionary matters, to inform developers about the scope of consideration rather than non-complying which gives far to much scope to the council to decline or control development throughout the region.
<i>Frank O'Toole (FS235)</i>	<i>FS235.084</i>	<i>Support</i>	<i>Allow</i>
Margaret Montgomery (S446)	S446.109	Oppose	Amend the rules to be less restrictive in terms of adaptability options - ie considering alternatives - like pile foundations or 2 story buildings, with non-habitable areas on the new ground floor.
<i>Frank O'Toole (FS235)</i>	<i>FS235.085</i>	<i>Support</i>	<i>Allow</i>
Scenic Hotel Group (S483)	S483.011	Oppose	Remove natural hazards provisions from the plan where they affect existing lawfully established activities.
<i>Neil Mouat</i>	<i>FS54.26</i>	<i>Support</i>	<i>Allow</i>
<i>Buller District Council (FS149)</i>	<i>FS149.0173</i>	<i>Oppose in Part</i>	<i>Disallow in Part</i>
Michael Snowden (S492)	S492.005	Amend	<p>Introduce more certainty into the rules by:</p> <ul style="list-style-type: none"> • Providing for alternative and acceptable building models eg foundations on poles with set height limits such as 1.2m • Allow for removable dwellings in the event of erosion • Engage professional engineers to design an acceptable solution for dwellings to be raised 1.2m • waive HIRB constraints. • allow for expansion of services to the dwelling within a set area.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Michael Snowden (S492)	S492.006	Amend	Amend the rules so that planners have discretion in applying the hazard zones to take into account nuanced situations of specific sites
Buller District Council (S538)	S538.226	Support	Discretionary Activities - Retain as notified with correction to the numbering.
Rosalie Sampson (S539)	S539.005	Amend	Amend non-complying activities for natural hazards to be restricted discretionary with a focus on hazard matters only.
Rosalie Sampson (S539)	S539.008	Amend	Ensure that hazards of a similar level of risk are treated similarly within the rules.
Rosalie Sampson (S539)	S539.009	Amend	Provide for more options within the rules to remedy or mitigate against the risks of natural hazards rather than pursuing "avoid" approaches.
Chris & Jan Coll (S558)	S558.100	Amend	Permitted Activities - Amend to be more enabling of development.
Chris & Jan Coll (S558)	S558.102	Amend	Amend wording to provide for building sites.
Chris & Jan Coll (S558)	S558.310	Support	Restricted Discretionary Activities - Retain
Chris & Jan Coll (S558)	S558.314	Amend	Permitted Activities - Amend significantly to reduce complexity and be more enabling of development.
Chris & Jan Coll (S558)	S558.338	Amend	Permitted Activities - Amend so that pre-existing non-compliance is accommodated when applying performance standards.
Chris & Jan Coll (S558)	S558.341	Amend	Restricted Discretionary Activities - Amend so that pre-existing non-compliance is accommodated when applying performance standards.
Chris & Jan Coll (S558)	S558.393/ S558.415	Support	Discretionary Activities - Retain

Submitter Name (ID)	Submission Point	Position	Decision Requested
Chris & Jan Coll (S558)	S558.737	Amend	Retain no land use rules for the Flood Plain Overlay.
Geoff Volckman (S563)	S563.010	Support	Retain no land use rules for the Flood Plain Overlay.
Catherine Smart-Simpson (S564)	S564.013	Support	Retain no land use rules for the Flood Plain Overlay.
Chris J Coll Surveying Limited (S566)	S566.100	Amend	Permitted Activities - Amend to be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.310	Support	Restricted Discretionary Activities - Retain
Chris J Coll Surveying Limited (S566)	S566.314	Amend	Permitted Activities - Amend significantly to reduce complexity and be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.338	Amend	Permitted Activities - Amend so that pre-existing non-compliance is accommodated when applying performance standards.
Chris J Coll Surveying Limited (S566)	S566.341	Amend	Restricted Discretionary Activities - Amend so that pre-existing non-compliance is accommodated when applying performance standards.
Chris J Coll Surveying Limited (S566)	S566.378/ S566.393/ S566.415/ S566.701	Support	Discretionary Activities - Retain
Chris J Coll Surveying Limited (S566)	S566.737	Amend	Retain no land use rules for the Flood Plain Overlay.
William McLaughlin (S567)	S567.094	Amend	Retain no land use rules for the Flood Plain Overlay.
Laura Coll McLaughlin (S574)	S574.737	Amend	Retain no land use rules for the Flood Plain Overlay.
Karamea Lime (S614)	S614.030	Support	Retain no land use rules for the Flood Plain Overlay.
Peter Langford (S615)	S615.030	Support	Retain no land use rules for the Flood Plain Overlay.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Koiterangi Lime (S577)	S577.011	Support	Retain no land use rules for the Flood Plain Overlay.
Toka Tū Ake (S612)	S612.116	Support	Set rules for building on liquefiable land that are consistent with MBIE guidance on liquefiable land.

Analysis

480. Paul Finlay (S408.007) seeks that more rigid foundation for buildings on liquefaction sites in lower Hokitika are required. Toka Tū Ake (S612.116) requests generally that rules are set for building on liquefiable land that are consistent with MBIE guidance on liquefiable land. While we agree it is important to plan for liquefaction risk, we are not aware of any technical assessments of the hazard that are robust enough for land use planning purposes. Beca undertook a region-wide 'Level A' assessment in 2021 that identifies areas where liquefaction damage is possible, and further assessment will be required as part of any resource consent application. Therefore, it is considered that liquefaction risk is currently best managed via the Building Act, while not precluding the inclusion of management of this hazard into the TTPP in the future.
481. There are a range of submissions on the direction that the provisions take. Margaret Montgomery (S446.023) requests that the rules are clearer and more prescriptive. This submitter also seeks that the provisions are less restrictive and utilise more Restricted Discretionary matters rather than Non-Complying activity statuses which gives far too much scope to the council to decline or control development throughout the region. This is supported by Frank O'Toole (FS235.084). Rosalie Sampson (S539.005) requests similar relief, while Michael Snowden (S492.006) seeks that the rules are amended so that planners have discretion in applying the hazard zones to take into account nuanced situations of specific sites.
482. Margaret Montgomery (S446.109) also seeks that the rules provide for greater consideration of alternatives, such as pile foundations and non-habitable areas on the ground floor, with support for this from Frank O'Toole (FS235.085). Similarly, Michael Snowden (S492.005) seeks that more certainty is introduced into the rules by providing for alternative and acceptable building solutions such as foundations on poles with set height limits such as 1.2m, allowing for relocatable dwellings, and waiving height in relation to boundary constraints. Rosalie Sampson (S539.009) seeks that provision is made within the rules for more options to remedy or mitigate against the risks of natural hazards rather than pursuing 'avoid' approaches. Rosalie Sampson (S539.008) also seeks that it is ensured that hazards of a similar level of risk are treated similarly within the rules.
483. While we are somewhat bound by the scope of the submissions, this is precisely what the recommended changes are seeking to achieve, in accordance with a risk-based approach where the higher the risk, the more restrictive the provisions, and conversely the lower the risk the more permissive the provisions. In this context, a Discretionary or Non-Complying Activity status is appropriate for the higher risk overlays (Flood, Coastal and Earthquake Severe) while a Restricted Discretionary, Controlled or Permitted Activity status is appropriate for the lower risk overlays (Flood and Earthquake Susceptibility, Land Instability) or where there are existing or planned protection works (Hokitika and Westport

Hazard Overlays). It would in our view, be inappropriate to make development more permissive in those areas which have a higher hazard profile.

484. Scenic Hotel Group (S483.011) seeks that natural hazards provisions are removed from the plan where they affect existing lawfully established activities, and this is supported by a further submission from Neil Mouat (FS54.26) and opposed in part by a further submission from Buller District Council (FS149.0173).
485. It is acknowledged that the proposed approach to natural hazard will result in some changes in private development rights. In many instances, there is still a pathway for future development to occur, however it will be subject to the resource consent process, to ensure that appropriate mitigation measures have been implemented to reduce the risk to people, buildings and critical infrastructure.
486. The proposed new rules however would only apply to new development once the decisions on the plan change have been notified. The provisions would not apply retrospectively to existing development on a site and would not allow for the removal of any already approved resource consent applications.
487. Chris & Jan Coll (S558.100, S558.314, and S558.338) and Chris J Coll Surveying Limited (S566.100, S566.314, S566.338) seek that rules for Permitted Activities are amended significantly to reduce complexity and be more enabling of development and so that pre-existing non-compliance is accommodated when applying performance standards.
488. Chris & Jan Coll (S558.310, S558.341) and Chris J Coll Surveying Limited (S566.310, S566.341) seek that the rules for Restricted Discretionary Activities are retained, but that they are amended so that pre-existing non-compliance is accommodated when applying performance standards. However, it is not appropriate to legitimise existing non-compliances via a Plan Change. Existing use rights would have to be demonstrated as per section 10 of the RMA. It is reiterated however that the provisions would not apply retrospectively to legally established existing development on a site and would not allow for the removal of any already approved resource consent applications.
489. Chris & Jan Coll (S558.393, S558.415) and Chris J Coll Surveying Limited (S566.378, S566.393, S566.415, S566.701) support the rules for Discretionary Activities and seek that they be retained. Buller District Council (S538.226) also supports the Discretionary Activity rules with corrections to the numbering.
490. Submissions S558.737, S563.010, S564.013, S566.737, S567.094, S574.737, S614.030, S615.030, S577.011 support that there are no land use rules for the Flood Plain Overlay and given that the Flood Plain Overlay is recommended to be deleted, these submission points are recommended to be accepted.

Recommendations

491. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

11.2 Rule NH-R1

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.175	Support in Part	Retain rule. However, we note that changing insurance processes and possibly changing legislation may mean that it is difficult for owners of buildings to rebuild on land that has continuous exposure to natural hazards.
<i>Kāinga Ora (FS58)</i>	<i>FS58.046</i>	<i>Support in Part</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.097</i>	<i>Support in Part</i>	<i>Allow</i>
Northern Buller Communities Society Incorporated (S142)	S142.006	Support	In favour
Westland District Council (S181)	S181.005	Oppose	Remove NH-R1 4 or make it restricted discretionary to reconstruct or replace beyond the 12 months allowed for under s10 if the RMA. Restrictions being the demonstration of natural hazard mitigation.
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.012</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Buller District Council (FS149)</i>	<i>FS149.0157</i>	<i>Oppose in Part</i>	<i>Disallow in Part</i>
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.009</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Westpower Limited (FS222)</i>	<i>FS222.039</i>	<i>Oppose</i>	<i>Disallow</i>
Griffen & Smith Ltd (S253)	S253.006	Support	Retain approach to replacement of existing buildings in Rule NZ - R1 rules taking into consideration that the 1% AEP level may change over time.
John Brazil (S360)	S360.006	Oppose in Part	Amend rule so that there is a ten-year period within which lawfully established buildings can be reconstructed/replaced in all overlays or delete time limit.

Submitter Name (ID)	Submission Point	Position	Decision Requested
The Māori Trustee (S440)	S440.014	Support in Part	The Māori Trustee considers a footnote should accompany NH R1(3) to provide exceptions for circumstances outside landowners control that may delay the reconstruction or replacement of a building within the 2 year timeframe. However, if reconstruction or replacement works are not completed within a 5 year timeframe the status of this activity should no longer be permitted. This aligns with NH R1(4).
Margaret Montgomery (S446)	S446.024	Support	Retain as notified
Vance & Carol Boyd (S447)	S447.016	Amend	Amend the rule so that in all hazard overlays the rebuild period is 5 years. Clarify that this applies to all buildings legally established (ie built before and after plan notification).
Waka Kotahi (S450)	S450.066	Support in Part	Propose an additional clause: 6. The reconstructed /replaced building is fully within the property boundaries to which the building relates, with no part of the building being within the roading corridor (formed or unformed).
The O'Connor Institute Trust Board (S466)	S466.011	Amend	That clause 3 be deleted and integrated into what is currently clause 4.
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.008</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Jane Whyte & Jeff Page (S467)	S467.021	Oppose	Exclude Punakaiki Village from this rule or if the rule is retained: a. delete condition 2 b. align condition 5 with the SVZ permitted activity rules
Frank and Jo Dooley (S478)	S478.010	Oppose	That clause 3 be deleted and integrated into what is currently clause 4 with a timeframe of 10 years.
Frank and Jo Dooley (S478)	S478.054	Amend	That clause 3 be deleted and integrated into what is currently clause 4.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Leonie Avery (S507)	S507.008	Oppose in Part	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Jared Avery (S508)	S508.008	Oppose in Part	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Kyle Avery (S509)	S509.008	Oppose in Part	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Avery Bros (S510)	S510.008	Oppose in Part	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Bradshaw Farms (S511)	S511.008	Oppose in Part	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Paul Avery (S512)	S512.008	Oppose in Part	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Brett Avery (S513)	S513.008	Oppose in Part	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Neil Mouat (S535)	S535.004	Oppose in Part	Amend rule so that there is ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays.
Buller District Council (S538)	S538.096	Support	Retain as notified
Martin & Co. (S543)	S543.029	Oppose	Amend to be more enabling

Submitter Name (ID)	Submission Point	Position	Decision Requested
Westpower (S547)	S547.135	Amend	Amend this rule to ensure that it does not conflict with, or restrict, building activity that can occur under permitted activity rules elsewhere in the Natural Hazards Section.
Westpower (S547)	S547.136	Amend	It is not possible to make a submission in regard to the activity status for activities that do not comply with permitted standards "1.-5." As it is not known what the intent is in that regard
Chris & Jan Coll (S558)	S558.024	Amend	Amend rule so that there is no specified limit within which lawfully established buildings can be reconstructed/replaced in all overlays.
Geoff Volckman (S563)	S563.013	Oppose in Part	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Catherine Smart-Simpson (S564)	S564.016	Amend	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Chris J Coll Surveying Limited (S566)	S566.024	Amend	Amend rule so that there is no specified limit within which lawfully established buildings can be reconstructed/ replaced in all overlays.
William McLaughlin (S567)	S567.112	Amend	Amend rule so that there is no specified limit within which lawfully established buildings can be reconstructed/replaced in all overlays.
Koiterangi Lime (S577)	S577.014	Oppose	Delete time limit
Koiterangi Lime (S577)	S577.015	Amend	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed /replaced in all overlays.
Grey District Council (S608)	S608.570	Support	Clarity on which Natural Hazard Overlay rules apply if compliance of the rule is not achieved, and what activity status is if provision NH - R1 is not complied with.

Submitter Name (ID)	Submission Point	Position	Decision Requested
			Clarity on what an Act of God is vs. a natural disaster
Avery Brothers (S609)	S609.008	Amend	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Toka Tū Ake (S612)	S612.041	Oppose	Amend NH-R1 to prohibit reconstruction of buildings used for sensitive activities within the Flood Severe and Earthquake 20m zone.
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.007</i>	<i>Oppose</i>	<i>Disallow</i>
Toka Tū Ake (S612)	S612.119	Amend	Prohibit reconstruction of buildings used for critical response, health, community, education or hazardous facilities within any natural hazard overlay.
<i>Westpower (FS222)</i>	<i>FS222.0346</i>	<i>Oppose</i>	<i>Disallow</i>
Toka Tū Ake (S612)	S612.120	Amend	Require buildings reconstructed within the Flood Susceptibility Overlay to have the same finished floor level above the 1% AEP flood level as a new building in the same category.
Karamea Lime (S614)	S614.033	Amend	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Peter Langford (S615)	S615.033	Amend	Amend rule so that there is a ten year period within which lawfully established buildings can be reconstructed/ replaced in all overlays or delete time limit.
Scoped Planning and Design Limited (S617)	S617.011	Oppose	Delete rule NH-R1(1-5)
<i>Westland District Council (FS79)</i>	<i>FS79.8</i>	<i>Support</i>	<i>Allow</i>

Submitter Name (ID)	Submission Point	Position	Decision Requested
Snodgrass Road submitters (S619)	S619.012	Amend	Amend Rule NH-R1 so reconstruction and Replacement of Lawfully Established Buildings in the Westport Hazard Overlay is permitted within a 5 year timeframe.

Analysis

492. Submissions S190.175, S142.006, S253.006, S446.024 and S538.096 support Rule NH-R1 and seek that it be retained. Submission S543.029 seeks that the rule be made more enabling.
493. Grey District Council (S608.570) supports the rule but seeks clarity on which Natural Hazard Overlay rules and activity statuses apply if compliance with the rule is not achieved, and also in terms of what an Act of God is vs. a natural disaster. We agree that the terminology 'Act of God' is outdated and recommend its removal. We also recommend changes to the wording of the rule for clarity and to confirm activity status when compliance is not achieved.
494. There are a number of submissions (S558.024, S566.024, S567.112, S577.014) that request that Rule NH-R1 is amended so that there is no specified timeframe within which lawfully established buildings can be reconstructed/replaced in all overlays. Others request that the timeframe is five years for all overlays (S447.016), extended to five years for the Westport Hazard Overlay (S619.012) or extended to ten years for all overlays (S466.011, FS109.008, S478.010, S478.054, S507.008, S508.008, S509.008, S510.008, S511.008, S512.008, S513.008, S535.004, S563.013, S564.016, S577.015, S609.008, S614.033, S615.033). This is in response to recent experience after events such as the 2021 flooding of Westport, where in the recovery period from recent severe natural hazard events, such as the flooding of Westport in 2021, due to the extent and scale of the damage it was difficult to find tradespeople to undertake the repair work.
495. The Māori Trustee (S440.014) considers a footnote should accompany NH R1(3) to provide exceptions for circumstances outside landowners control that may delay the reconstruction or replacement of a building within the 2 year timeframe. However, if reconstruction or replacement works are not completed within a 5 year timeframe the status of this activity should no longer be permitted, which aligns with NH R1(4).
496. Westland District Council (S181.005) seeks that NH-R1(4) that allows rebuilding in overlays other than the Westport Hazard, Coastal Severe and Flood Severe Overlay within five years is removed, or that it is made a Restricted Discretionary Activity to reconstruct or replace beyond the 12 months allowed for under s10 if the RMA, with matters of discretion relating to the demonstration of natural hazard mitigation. This submission is opposed or opposed in part by further submissions FS137.012, FS149.0157, FS109.009, and FS222.039.
497. Scoped Planning and Design Limited (S617.011) submitted in opposition, noting that standards 1 to 5 of rule NH-R1 will mean that landowners will be forced to rebuild on the same site, as opposed to in a more suitable location. Westland District Council (FS79.8) supports this submission point. Te Mana Ora (S190.175) notes in their submission that changing insurance processes and possibly changing legislation may mean that it is difficult for owners of buildings to rebuild on land that has continuous exposure to natural hazards.

498. Toka Tū Ake (S612.041) seeks that NH-R1 be amended to prohibit reconstruction of buildings used for sensitive activities within the Flood Severe and Earthquake 20m zone, which is opposed by further submission FS109.007, and in submission point S612.119 seeks that the reconstruction of buildings used for critical response, health, community, education or hazardous facilities within any natural hazard overlay is prohibited. Westpower oppose this (FS222.0346) as the submission does not consider the impact upon the community.
499. Toka Tū Ake (S612.120) also request the rule be amended such that buildings reconstructed within the Flood Susceptibility Overlay are required to have the same finished floor level above the 1% AEP flood level as a new building in the same category. We agree with this submission point, as it remains our view that if the building is reconstructed within a flood hazard overlay, then it should be designed to reduce future impacts from flood hazards. As such, we have recommended a new clause to the rule that would require this outcome.
500. This is a rule that has had considerable thought and debate through the process. We completely understand the position of the submitters which seek to have this rule removed, and we have a degree of sympathy with this position. We are balancing this view with the fact that Territorial Authorities cannot cancel existing use rights, and that it can take a long time to rebuild due to access to materials and labor. We do not agree that buildings should be permitted to be reconstructed within the Severe Hazard Overlays where they have been destroyed or damaged by that natural hazard, as this is not reducing risk or providing for the financial well-being of property owners due to insurance implications, nor for their health and safety. However, we accept that where the risk is lower, additional time to rebuild should be provided in recognition of the constraints on resources in the recovery period from an event that has caused widespread damage.
501. In consultation with Buller District Council, it has been decided that a timeframe of three years for rebuilding was appropriate based on their experience after the 2021 Westport flood.
502. Waka Kotahi (S450.066) seeks that an additional clause be included that requires that the reconstructed /replaced building is fully within the property boundaries to which the building relates, with no part of the building being within the roading corridor (formed or unformed). It is noted that while rule NH-R1 will permit rebuilding in certain overlays, it does not negate the need for building consent, at which point it should be identified if a building is not located entirely within property boundaries.
503. Westpower (S547.135) correctly highlight that the rule as notified conflicts with building activity that can occur under permitted activity rules elsewhere in the Natural Hazards Section, for example within the Westport Hazard Overlay, and that the activity status for activities that do not comply with the permitted standards do not necessarily have an elevation in the rules for the corresponding Natural Hazards Overlay. Amendments have been recommended to address these issues.
504. We are finely balanced on this rule. We are open to discussing this rule further, but it is our position that the recommended wording strikes an acceptable balance between managing risk while recognising the investment that people have in their properties.

Recommendations

505. It is recommended that the following changes are made to Rule NH-R1:

NH-R1 ~~Reconstruction and Replacement of Lawfully Established Buildings in all~~ Natural Hazard Overlays

Activity Status Permitted

Where:

1. This is the ~~reconstruction~~/replacement of a building lawfully established ~~building~~ at the time of notification of the Plan; and
2. The building has been destroyed or substantially damaged due to fire, ~~natural disaster or Act of God~~ or a natural hazard event and is located in the Flood Susceptibility, Earthquake Susceptibility, Land Instability, Hokitika Coastal or Westport Hazard Overlay; and
3. ~~The destroyed/damaged building is reconstructed or replaced within 2 years in the Westport Hazard, Coastal Severe and Flood Severe Overlays~~ If the building is to contain a Potentially Hazard Sensitive or Hazard Sensitive Activity and is within the Flood Susceptibility, Hokitika Coastal, or Westport Hazard Overlay, then the replacement building complies with the minimum floor level requirement of the specific Natural Hazard Overlay Rules; and
4. The destroyed/damaged building is replaced within ~~5~~ 3 years ~~in all other natural hazard overlays; and~~
5. ~~The reconstructed/replaced building is similar in character, intensity and scale to the building that it replaces~~ The gross floor area of the replacement building is the same, or smaller than the building that was destroyed.

Activity status where compliance not achieved:

Refer to specific Natural Hazard Overlay Rules where standards 1-3 are not complied with.

Discretionary where standards 4 or 5 are not complied with.

506. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

507. We consider that the amendments Rule NH-R1 are more efficient and effective in achieving the objectives of the proposed TTPP than as notified for the following reasons:
- The proposed amendments strike a balance between managing risk while recognising the investment that people have in their properties.
 - The rule now seeks to avoid development in areas at significant risk from natural hazards to give effect to recommended Objective NH-O1 and section 6(h) of the RMA.
 - The provisions allow for the construction of replacement buildings in the majority of the hazard overlays, while also ensuring that the reconstruction of buildings does not occur in those areas where there is a greater risk to life and buildings.
 - The proposed provisions are more enabling than standard existing use rights in recognitions of the delays associated with tradespeople and insurance on the West Coast, but are not so enabling that they result in perverse outcomes.

Costs and Benefits

508. There are significant benefits through the proposed rule in that it allows for rebuilding to occur over a longer time period than standard existing use rights. However, it still allows for some mitigation to be built in for those sites that are within flood and coastal hazard overlays. This rule gives the certainty to property owners that they can rebuild on their property, while also ensuring that future risk is reduced.
509. While we recognise that there is a level of investment within the Flood Severe and Earthquake Severe Overlays, this is due to past planning decisions which should not be repeated now that we have better knowledge and understanding about natural hazard risk and how to manage it. Therefore, there will be a cost to those property owners within the Severe Hazard Overlays who are unable to rebuild within 12 months of a natural hazard event as provided for by section 10 of the RMA, as a resource consent for a Non-Complying Activity will be required. However, there is a pathway through this under section 104D of the RMA where it can be demonstrated that the adverse effects will be less than minor. As such, if mitigation measures can be incorporated into buildings within these areas of significant risk to reduce the risk to an acceptable level, then it may be appropriate to allow rebuilding in these areas.
510. Therefore, while there are costs associated with the recommended changes, on balance it is considered that the health and safety benefits of restricting reconstruction within areas at a significant risk from natural hazards outweighs the costs overall.

Risks of Acting or Not Acting

511. The risk of not acting is that the rule as notified would allow two years for buildings to be reconstructed within the Severe Hazard Overlays where the risk from natural hazards is high, and preferably should not be located. The risks from acting are that there is still rebuilding allowed within hazard areas, which has potential social, economic and health and safety risks.

Decision About the Most Appropriate Option

512. We are of the opinion that the amendments to Rule NH-R1 are the most appropriate way to achieve the objectives of the plan compared to the wording as notified.

11.3 Rules for Natural Hazard Mitigation Structures

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
General			
Forest and Bird (S560)	S560.535	Amend	Amend: There is one permitted activity rule for maintenance and repair of natural hazard mitigation structures including earthworks
<i>Westpower Limited (FS222)</i>	<i>FS222.0252</i>	<i>Oppose</i>	<i>Disallow</i>
NH-R2			
Westland District Council (S181)	S181.007	Support	Retain this rule
Te Mana Ora (S190)	S190.176	Support	Retain rule.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Margaret Montgomery (S446)	S446.025	Support	Retain as notified
Waka Kotahi (S450)	S450.067	Support in Part	Amend the word 'minimum' and replace it with measurable or quantifiable wording to provide clarity.
Jane Whyte & Jeff Page (S467)	S467.022	Support	Retain as notified
Buller District Council (S538)	S538.097	Support	Retain as notified
Chris & Jan Coll (S558)	S558.025	Amend	<p>Amend as follows: Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The structure has been lawfully established; and 2. <u>There is no significant change to the size, scale and nature of the structure.</u> <p>Earthworks and land disturbance is the minimum required to undertake the activity;</p> <p>There is no change to the design, texture, or form of the structure;</p> <p>The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; and</p> <p>There is no reduction in public access.</p>
Chris J Coll Surveying Limited (S566)	S566.025	Amend	<p>Amend as follows: Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The structure has been lawfully established; and 2. <u>There is no significant change to the size, scale and nature of the structure.</u> <p>Earthworks and land disturbance is the minimum required to undertake the activity;</p> <p>There is no change to the design, texture, or form of the structure;</p> <p>The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; and</p> <p>There is no reduction in public access.</p>

Submitter Name (ID)	Submission Point	Position	Decision Requested
William McLaughlin (S567)	S567.113	Amend	Amend as follows: Activity Status Permitted Where: 1. The structure has been lawfully established; and <u>2. There is no significant change to the size, scale and nature of the structure.</u> Earthworks and land disturbance is the minimum required to undertake the activity; There is no change to the design, texture, or form of the structure; The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; and There is no reduction in public access..
Department of Conservation (602)	S602.043	Support	Amend Rule NH- R2: Activity Status Permitted Where: The structure has been lawfully established; Earthworks and land disturbance is the minimum required to undertake the activity <u>contained wholly within the footprint of the mitigation structure;</u> There is no change to the design, texture, or form of the structure; The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; and There is no reduction in public access....
<i>Westpower Limited (FS222)</i>	<i>FS222.079</i>	<i>Oppose</i>	<i>Disallow</i>
Snodgrass Road Submitters (S619)	S619.013	Support	Retain Rule NH-R2
Grey District Council (S608)	S608.571	Support in Part	Remove the reference to operation from the title of NH - R2.

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<p>Reword provision 3. to the following: "3. There is no <u>significant</u> change to the design, texture, or form of the structure;"</p> <p>OR align with NH - R3: "3. There is no change to <u>more than 10% of the overall dimensions, orientation or outline</u> the design, texture, or form of the structure;</p> <p>Specify that the provisions in this permitted activity standard are isolated from the provisions for earthworks in the other overlay chapters to prevent this being unduly onerous.</p> <p>Replace the word 'minimum' with a measurable or quantifiable wording to provide clarity</p>
NH-R3			
Westland District Council (S181)	S181.008	Amend	<p>Replace NH - R3 3 'There is no reduction in public access' with: 'Practical public access is provided for' Council supports the requirement in NH - R3 5, confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure. This sets a clear requirement for applicants and gives clear direction to staff when considering potential risk from upgrade of structures. Keep this provision (NH - R3 5).</p>
<i>Outdoor Access Commission (FS53)</i>	<i>FS53.3</i>	<i>Support</i>	<i>Allow</i>
Te Mana Ora (S190)	S190.177	Support	Retain rule.
Hamish Macbeth	S307.003	Amend	I urge the decision makers to allow as permitted activities, the improvement of protective barriers such as seawalls which already exist. I also request that reasonable provision be made for the possibility of subdivision and land improvement and development on suitably protected land.
Margaret Montgomery	S446.026	Support	Retain as notified

Submitter Name (ID)	Submission Point	Position	Decision Requested
(S446)			
Waka Kotahi (S450)	S450.068	Support in Part	Amend the word 'minimum' and replace it with measurable or quantifiable wording to provide clarity.
Jane Whyte & Jeff Page (S467)	S467.023	Oppose in Part	Delete condition 4
Buller District Council (S538)	S538.098	Support	Retain as notified
Joel and Jennifer Watkins (S565)	S565.037/ S565.038	Oppose	Delete
Chris & Jan Coll (S558)	S558.026	Amend	Amend to be more enabling of upgrades
Chris J Coll Surveying Limited (S566)	S566.026	Amend	Amend to be more enabling of upgrades
William McLaughlin (S567)	S567.114	Amend	Amend to be more enabling of upgrades
Department of Conservation (602)	S602.044	Amend	Amend Rule NH-R3: Activity Status Permitted Where: <ol style="list-style-type: none"> 1. The structure has been lawfully established; 2. Earthworks and land disturbance is the minimum required to undertake the activity wholly contained within the footprint of the structure, or is otherwise no more than 100m³ and 200m² in area in any 12 month period; 3. ...
<i>Westpower (FS222)</i>	<i>FS222.080</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.572	Support in Part	Reword provision 4. of NH - R3 to the following: "4. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from the that-originally lawfully established consented-structure ; and" Specify that the provisions in this permitted activity standard are isolated from the provisions for earthworks in the other overlay chapters to prevent this being unduly onerous.

Submitter Name (ID)	Submission Point	Position	Decision Requested
			Replace the word 'minimum' with a measurable or quantifiable wording to provide clarity
Snodgrass Road Submitters (S619)	S619.014	Support	Retain Rule NH-R3
NH-R4			
Westland District Council (S181)	S181.009	Amend	Replace NH - R4 3 'There is no reduction in public access' with: 'Practical public access is provided for'
<i>Outdoor Access Commission (FS53)</i>	<i>FS53.4</i>	<i>Support</i>	<i>Allow</i>
Te Mana Ora (S190)	S190.178	Support	Retain rule.
Margaret Montgomery (S446)	S446.027	Support	Retain as notified
Waka Kotahi (S450)	S450.069	Support in Part	Amend the word 'minimum' and replace it with measurable or quantifiable wording to provide clarity.
Buller District Council (S538)	S538.099	Support	Retain as notified
Chris & Jan Coll (S558)	S558.027	Amend	Delete point 1. Retain other points.
Chris J Coll Surveying Limited (S566)	S566.027	Amend	Delete point 1. Retain other points.
Department of Conservation (602)	S602.046	Amend	Amend Rule NH- R4: Activity Status Permitted -Restricted Discretionary Where: <ul style="list-style-type: none"> 1. The structure is located outside of any Overlay Chapter area identified in Schedules 1-8; 2. Earthworks and land disturbance is the minimum required to undertake the activity; 3. There is no reduction in public access; 4. It is accompanied by an assessment undertaken by a Chartered Professional Engineer confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure, and

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<p>this assessment is provided to the relevant District Council 10 working days prior to works commencing...</p> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> 1. <u>The effects of natural hazards on people and property;</u> 2. <u>Considering whether the proposed earthworks and land disturbance is the minimum required to undertake the activity;</u> 3. <u>Technological and engineering mitigation measures and other non-engineered options;</u> 4. <u>Discouraging hard protection structures;</u> 5. <u>The location and design of the natural hazard mitigation structure;</u> 6. <u>Any freeboard requirements to be included;</u> 7. <u>The management of vegetation or other natural features to mitigate natural hazard risk;</u> 8. <u>The timing, location, scale and nature of any earthworks in relation to the natural hazard structure;</u> 9. <u>Adverse effects on ecosystems and indigenous biodiversity;</u> 10. <u>Any other adverse effects on the environment of the proposed natural hazard mitigation structure; and</u> 11. <u>Alternative methods to avoid or mitigate the identified hazard risks....</u>
<i>Westpower (FS222)</i>	<i>FS222.081</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.573	Support in Part	Request that the provisions to create new natural hazard mitigation structures simplified to reduce confusion and undue convolution. Replace the word 'minimum' with a measurable or quantifiable wording to provide clarity

Submitter Name (ID)	Submission Point	Position	Decision Requested
Scoped Planning and Design Limited (S617)	S617.012	Oppose	NH-R4 moved to full discretionary activity status
<i>Westland District Council (FS79)</i>	<i>FS79.9</i>	<i>Support</i>	<i>Allow</i>
Snodgrass Road Submitters (S619)	S619.015	Support	Retain Rule NH-R4
NH-R5			
Te Mana Ora (S190)	S190.179	Support	Retain rule
Buller District Council (S538)	S538.100	Support	Retain as notified
Chris & Jan Coll (S558)	S558.028	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.028	Support	Retain
William McLaughlin (S567)	S567.116	Support	Retain
Department of Conservation (S602)	S602.047	Amend	Amend: Repairs, Maintenance, Operation, Upgrade of Existing Natural Hazard Mitigation Structures and New Natural Hazard Mitigation Structures not meeting Permitted or Restricted Discretionary Activity Standards
Grey District Council (S608)	S608.574	Amend	Request that the provisions to create new natural hazard mitigation structures simplified to reduce confusion and undue convolution
Snodgrass Road Submitters (S619)	S619.016	Support	Retain Rule NH-R5
New Rules for Natural Hazard Mitigation Structures			
Department of Conservation (602)	S602.045	Amend	Insert new Rule: <u>NH - RX Demolition and Removal of a Natural Hazard Mitigation Structure within all zones and Overlay Areas</u> <u>Activity Status Permitted Advice Note: Where structures are identified as Historic Heritage Items in Schedule One, then the Historic Heritage Rules apply Activity status where compliance not achieved: N/A</u>

Analysis

513. Forest and Bird (S560.535) request that the rules be amended so that there is one permitted activity rule for maintenance and repair of natural hazard mitigation structures

- including earthworks. We agree with this submitter that the rules as notified are unnecessarily repetitive and have recommended that Rules NH-R2 and NH-R3 are combined to provide the relief sought.
514. Submissions S181.007, S190.176, S446.025, S467.022, S538.097 and S619.013 support Rule NH-R2 and seek that it be retained as notified.
 515. Submissions S190.177, S446.026, S538.098 and S619.014 support Rule NH-R3 and seek that it be retained as notified. Submissions S307.003, S467.023, S558.026, S566.026, and S567.114 seek that Rule NH-R3 be made more enabling of upgrades to existing structures.
 516. Submissions S190.178, S446.027, S538.099, S619.015 support Rule NH-R4 and seek that it be retained. Submissions S558.027 and S566.027 request that clause 1 be deleted as it relates to the structure being located outside of any Overlay Chapter area identified in Schedules 1-8, however this cross-reference is necessary to ensure that any proposed new mitigation structure is considered against all relevant rules.
 517. Submitters S190.179, S538.100, S558.028, S566.028, S567.116 and S619.016 support Rule NH-R5 and seek that it be retained. However, it is considered that Rule NH-R5 is not necessary as the elevation in activity status is provided in association with the relevant rule, and the activity status is not reliant on any standards.
 518. Westland District Council (S181.008, S181.009) requests that 'There is no reduction in public access' in Rule NH-R3 and NH-R4 is replaced with: 'Practical public access is provided for'. Outdoor Access Commission (FS53.3, FS53.4) support this. We did consider this change, as it does provide for some reduction in public access, however the change sought is not measurable, whereas 'no reduction' is. For this reason, we recommend that this submission point be rejected.
 519. Waka Kotahi (S450.067; S450.068; S450.069) and Grey District Council (S608.573) request that the word 'minimum' is deleted from Rules NH-R2, NH-R3 and NH-R4 in relation to earthworks and replace with more measurable or quantifiable wording to provide clarity. Department of Conservation (S602.046) have requested the deletion of clause 2 in its entirety. We have considered these submission points and agree with submission point S602.046 that clause 2 be deleted, and have recommended to insert an additional standard requiring that "the works are being undertaken by a Statutory Agency or their nominated contractor" to help ensure that any earthworks are appropriate to the scale of the works and the effects of which will be managed.
 520. The inclusion of the requirement that that permitted works must be undertaken by a Statutory Agency is also in recognition that they will be cognisant of the wider issues and the planning, design and construction phases will take into consideration the potential adverse effects on adjoining properties and the environment wider community, versus mitigation works by a private individual that will be more focused on protecting personal investment in a particular property, and therefore may not consider the wider potential effects that a mitigation structure might have.
 521. It is highlighted that private individuals can still undertake repairs, maintenance and upgrades to existing structures as a Permitted Activity where there is no change of more than 10% to the overall dimensions, orientation, height or length of the structure from the originally lawfully established structure.
 522. This approach also aligns with recommendations in the section 42A report for the Natural Character and Activities on the Surface of Water Chapter.

523. Grey District Council (S608.574) requests that the provisions for new natural hazard mitigation structures are simplified to reduce confusion and undue convolution. We concur and changes to Rule NH-R4 are recommended to provide the relief sought.
524. Scoped Planning and Design Limited (S617.012) seek that NH-R4 be elevated to a Discretionary Activity. The rationale for the request is that this rule is contrary to the NZCPS and in order to allow for the evaluation of the matters raised in Policies 25 and 27, this rule should be for a Discretionary Activity as opposed to Permitted. The support of Westland District Council (FS79.9) is noted in this regard.
525. We have considered this matter carefully, particularly in respect to the coastal hazard mitigation structures. We have come to the conclusion that permitted activity status is still appropriate for the following reasons:
- Large areas of the coastline are covered by the overlays in Schedules 1- 8 and therefore natural hazard mitigation structures within these areas would not be permitted under NH-R4; and
 - Many coastal hazard mitigation structures would require resource consent under the Regional Plan for works within the Coastal Marine Area, and as such there is already a consenting process for the majority of these works; and
 - Private mitigation structures would not be permitted under this rule through the virtue that it only applies to Statutory Agencies.
526. Submissions S558.025, S566.025, S567.113, S602.043, S602.044, S602.046 S608.571, S608.572 have sought proposed various changes to the wording, which have been considered in some depth and informed the recommended wording.
527. Department of Conservation (S602.045) suggest a new rule be inserted to address the demolition and removal of natural hazard mitigation structures. While we are currently of the opinion that it is not necessary, we acknowledge that there could be merit in including a rule to this effect and are open to exploring further.

Recommendations

528. It is recommended that Rules NH-R2 and NH-R3 are combined as follows:

**NH-R2 Repairs, Maintenance and ~~Operation of any Upgrades to Existing~~
Natural Hazard Mitigation Structures**

Activity Status Permitted

Where:

1. The structure has been lawfully established;
2. Earthworks and land disturbance is the minimum required to undertake the activity;
- ~~3. There is no change to the design, texture, or form of the structure;~~
- ~~4. The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; and~~
- ~~5. There is no reduction in public access.~~
3. The works are being undertaken by a Statutory Agency or their nominated contractor; or

4. There is no change of more than 10% to the overall dimensions, orientation, height or length of the structure from the originally lawfully established structure; and
5. Where the change is greater than 10% an assessment undertaken by a suitably qualified Chartered Professional Engineer, confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure, is provided to the relevant District Council 10 working days prior to works commencing.

Advice Notes:

1. *Where any natural hazard mitigation structure is also located in another Overlay Chapter area as identified on the planning maps and in the Schedules 1-8 then resource consent may be required under the relevant Overlay Chapter rules.*
2. *A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan.*

Activity status where compliance not achieved: Discretionary

~~NH R3 Upgrades to Existing Natural Hazard Mitigation Structures~~

~~Activity Status Permitted~~

~~Where:~~

- ~~1.—The structure has been lawfully established;~~
- ~~2.—Earthworks and land disturbance is the minimum required to undertake the activity;~~
- ~~3.—There is no reduction in public access;~~
- ~~4.—There is no change to more than 10% to the overall dimensions, orientation or outline of structure from that originally consented structure; and~~
- ~~5.—It is accompanied by an assessment undertaken by a Chartered Professional Engineer confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure, and this assessment is provided to the relevant District Council 10 working days prior to works commencing.~~

~~Advice Notes:~~

- ~~1.—Where any natural hazard mitigation structure is also located in another Overlay Chapter area as identified on the planning maps and in the schedules then resource consent may be required under the relevant Overlay Chapter rules.~~

~~2. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan.~~

~~Activity status where compliance not achieved: Discretionary~~

529. It is recommended that the following changes are made to Rule NH-R4:

NH-R43 New Natural Hazard Mitigation Structure

Activity Status Permitted

Where:

1. The structure is located outside of any Overlay Chapter area identified in Schedules 1-8;
2. ~~Earthworks and land disturbance is the minimum required to undertake the activity. The structure is constructed by a Statutory Agency or their nominated contractor;~~
3. There is no reduction in public access;
4. ~~It is accompanied by an assessment undertaken by a Chartered Professional Engineer confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure, and this assessment is provided to the relevant District Council 10 working days prior to works commencing.~~

Advice Note:

1. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan.
2. Natural Hazard Mitigation Structures constructed in the Coastal Environment, or within the Riparian Margins of Waterbodies or within areas identified in Schedules 1 - 8 will be subject to the provisions in the relevant Overlay Chapters.
3. If the Overlay Chapters don't provided for this activity then NH-R43 prevails.

Activity status where compliance not achieved:

Refer to relevant Overlay Chapter rules where standard 1 is not complied with.

Discretionary where standard 2-43 is not complied with.

530. It is recommended that Rule NH-R5 is deleted for the reasons discussed above in the analysis section.

531. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

532. We consider that the amendments to the rules for natural hazard mitigation structures are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP because the proposed amendments simplify and streamline the rules, reducing unnecessary duplication.

Costs and Benefits

533. The recommended amendments will mean that any new hazard mitigation structure proposed that is not to be constructed by a statutory agency or their nominated contractor will require resource consent as a Discretionary Activity, compared to as notified where it would be Permitted Activity provided an assessment by a Chartered Professional Engineer of the proposed works confirming their appropriateness was provided to the relevant District Council 10 days prior to works commencing. This will add financial costs to any private person/company that seeks to construct a new mitigation structure, however it is considered that requiring a resource consent for consideration is appropriate in this instance, as the focus of mitigation works for a specific property may not sufficiently consider the wider impacts upon adjoining properties or any adverse impacts on natural processes. A Discretionary Activity status will also allow council to consider the cumulative effects of private, smaller scale mitigation structures, which a Permitted Activity status will not.
534. The key benefit of the recommended amendments is that the rules are more permissive when it is a statutory agency that is undertaking the works, in recognition that the planning, design and construction process will consider the wider environment and any potential adverse effects that may arise from the construction of a new mitigation structure.

Risks of Acting or Not Acting

535. The risk from not acting is that the provisions as notified would allow for private mitigation structures which, while they would need to be supported by an engineering assessment, Council could not consider cumulative effects or decline consent for. There are considered to be no risks from acting.

Decision About the Most Appropriate Option

536. We are of the opinion that the amendments proposed are the most appropriate way to achieve the objectives of the plan, compared to those notified.

11.4 Rules for the Flood Severe and Flood Susceptibility Overlays

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
General			
Freehold Properties (S73)	S73.002	Amend	Amend the relevant Natural Hazard chapter provisions to provide for additions and alterations to the existing commercial buildings currently on the Top 10 Holiday Park site. [Flood Severe Overlay] and any consequential amendments to the plan

Submitter Name (ID)	Submission Point	Position	Decision Requested
Griffen & Smith Ltd (S253)	S253.013	Support	Retain provisions in Rules NH-R7, NH-R8, in relation to new unoccupied buildings and additions/alterations for commercial and industrial buildings.
Foodstuffs (S464)	S464.008	Amend	Include a non-notification clause in relation to the flood susceptibility overlay where there are no off-site effects on the environment.
Kevin Scanlon (S503)	S503.001/ S503.002	Oppose	Amend the flood hazard overlays to be more enabling of building and development and to recognise established investment.
<i>Buller District Council (FS149)</i>	<i>FS149.0169/ FS149.0170</i>	<i>Oppose in Part</i>	<i>Disallow in Part</i>
Martin & Co. (S543)	S543.034/ S543.035	Oppose	Amend the rules to be more enabling.
Frida Inta (S553)	S553.050	Amend	Amend R8 and all NH rules with higher flood annual flood exceedance.
<i>Westpower (FS222)</i>	<i>FS222.0127</i>	<i>Oppose</i>	<i>Disallow</i>
NH-R6			
Te Mana Ora (S190)	S190.181	Support	Retain rule
Margaret Montgomery (S446)	S446.028	Oppose in Part	Amend so that the rule escalates to Restricted Discretionary with clear direction as to the matters of concern/control.
Buller District Council (S538)	S538.101	Support	Retain as notified
Westpower (S547)	S547.137	Support	Retain
Chris & Jan Coll (S558)	S558.029	Support	Amend status when compliance is not achieved to Discretionary for all overlays.
Chris J Coll Surveying Limited (S566)	S566.029	Support	Amend status when compliance is not achieved to Discretionary for all overlays.
William McLaughlin (S567)	S567.117	Support	Amend status when compliance is not achieved to Discretionary for all overlays.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Grey District Council (S608)	S608.575	Support in Part	Amend the definition of maintenance in the title to refer to buildings as this is what the rule is providing for. Clarify whether NH - R6 provides for the repair/maintenance of existing buildings when the buildings are unoccupied
Snodgrass Road Submitters (S619)	S619.017	Support	Retain Rule NH-R6
NH-R7			
Westland District Council (S181)	S181.010	Oppose	Change the status for New Unoccupied Buildings in the Flood Severe and Flood Susceptibility Overlays to a Controlled or Restricted Discretionary Activity with controls or restrictions including:- Assessment of risk to building- Consideration of mitigation measures to reduce/manage flood hazard- Consideration of likelihood or potential of complete loss of the building in a flood situation
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.036</i>	<i>Oppose</i>	<i>Disallow</i>
Te Mana Ora (S190)	S190.182	Support	Retain rule
Margaret Montgomery (S446)	S446.029	Oppose in Part	Not stated
Buller District Council (S538)	S538.102	Support	Retain as notified
Westpower (S547)	S547.138	Support	Retain
Chris & Jan Coll (S558)	S558.030	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.030	Support	Retain
William McLaughlin (S567)	S567.118	Support	Retain
Grey District Council (S608)	S608.576	Support	Retain
Scoped Planning and Design Limited (S617)	S617.013	Amend	Amend to state <u>unoccupied buildings of no more than 50m2</u>

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Westland District Council (FS79)</i>	<i>FS79.10</i>	<i>Support</i>	<i>Allow</i>
Snodgrass Road Submitters (S619)	S619.018	Support	Retain Rule NH-R7
NH-R8			
Te Mana Ora (S190)	S190.183	Support	Retain rule
Margaret Montgomery (S446)	S446.030	Support	Retain as notified
Leonie Avery (S507)	S507.009	Oppose in Part	Delete point 2.
Jared Avery (S508)	S508.009	Oppose in Part	Delete point 2.
Kyle Avery (S509)	S509.009	Oppose in Part	Delete point 2.
Avery Bros (S510)	S510.009	Oppose in Part	Delete point 2.
Bradshaw Farms (S511)	S511.009	Oppose in Part	Delete point 2.
Paul Avery (S512)	S512.009	Oppose in Part	Delete point 2.
Brett Avery (S513)	S513.009	Oppose in Part	Delete point 2.
Buller District Council (S538)	S538.103	Support	Retain as notified
Westpower (S547)	S547.139	Amend	Add <u>Note: With reference to Critical Response Facilities this rule does not apply to major dams.</u>
Buller Conservation Group (S552)	S552.050	Amend	Amend R8 and all NH rules with higher flood annual flood exceedance
Chris & Jan Coll (S558)	S558.031	Support	Amend to be more enabling
Chris & Jan Coll (S558)	S558.033	Amend	Separate overlays into different rules.
Chris J Coll Surveying Limited (S566)	S566.031	Support	Amend to be more enabling
Chris J Coll Surveying Limited (S566)	S566.033	Amend	Separate overlays into different rules.

Submitter Name (ID)	Submission Point	Position	Decision Requested
William McLaughlin (S567)	S567.119	Support	Amend to be more enabling
William McLaughlin (S567)	S567.120	Support	Separate overlays into different rules
Grey District Council (S608)	S608.577	Support in Part	Reword NH - R8 provision 1. to the following: "1. There is <u>are</u> no increases in the net floor area of <u>any</u> the building used for sensitive activities; and
Avery Brothers (S609)	S609.009	Amend	Delete 2. Any new buildings or additions and alterations have a finished floor level of 300mm above a 1% annual exceedance probability (AEP) flood event.
Toka Tū Ake (S612)	S612.043	Amend	Amend activity status for new commercial and industrial buildings and additions and alterations to existing buildings for critical response facilities in the flood severe overlay.
Toka Tū Ake (S612)	S612.123	Amend	Add a new condition: <u>3. Flood early warning systems and evacuation plans are mandated for all occupied buildings.</u>
Toka Tū Ake (S612)	S612.124	Amend	Add a condition: <u>4. All critical response facilities to be relocated out of the flood severe area and preferably the flood susceptibility area, unless their location is a critical part of their purpose/function</u>
NH-R9			
Te Mana Ora (S190)	S190.184	Support	Retain rule
Margaret Montgomery (S446)	S446.031	Oppose	Amend so that where Permitted Activity standard not met escalates to Restricted Discretionary Activity.
Leonie Avery (S507)	S507.010	Oppose in Part	Amend status when compliance is not achieved to Discretionary.
Jared Avery (S508)	S508.010	Oppose in Part	Amend status when compliance is not achieved to Discretionary.
Kyle Avery (S509)	S509.010	Oppose in Part	Amend status when compliance is not achieved to Discretionary.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Avery Bros (S510)	S510.010	Oppose in Part	Amend status when compliance is not achieved to Discretionary.
Bradshaw Farms (S511)	S511.010	Oppose in Part	Amend status when compliance is not achieved to Discretionary.
Paul Avery (S512)	S512.010	Oppose in Part	Amend status when compliance is not achieved to Discretionary.
Brett Avery (S513)	S513.010	Oppose in Part	Amend status when compliance is not achieved to Discretionary.
Buller District Council (S538)	S538.104	Support in Part	Ensure overlays are supported with evidence and defined correctly. Further work may be required in regard to identification of overlays and the extent they cover.
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.011</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Chris & Jan Coll (S558)	S558.034	Amend	Amend status when compliance is not achieved to Discretionary.
Chris J Coll Surveying Limited (S566)	S566.034	Amend	Amend status when compliance is not achieved to Discretionary.
William McLaughlin (S567)	S567.121	Support	Amend status when compliance is not achieved to Discretionary.
Grey District Council (S608)	S608.578	Support in Part	Reword NH - R9 provision 1. to the following: "1. There is no increase in <u>the</u> net floor area <u>of any building</u> used for sensitive activities."
Avery Brothers (S609)	S609.010	Amend	Amend status when compliance is not achieved to Discretionary
NH-R10			
Te Mana Ora (S190)	S190.185	Support	Retain rule
Hamish Macbeth (S307)	S307.005	Support in Part	Retain NH R10.
Margaret Montgomery (S446)	S446.032	Oppose in Part	Should escalate to restricted discretionary limited to floor heights, discretionary allows for too much scope for such a narrow failure which is limited to overland flow paths for water.

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Bert Hofmans (FS118)</i>	<i>FS118.1</i>	<i>Support</i>	<i>Allow</i>
Ministry of Education (S456)	S456.016	Support	Retain as proposed
Buller District Council (S538)	S538.105	Support	Retain as notified
Toka Tū Ake (S612)	S612.044	Support	No change
Scoped Planning and Design Limited (S617)	S617.014	Oppose	Move NH-R10 to controlled activity status
<i>Westland District Council (FS79)</i>	<i>FS79.11</i>	<i>Support</i>	<i>Allow</i>
Scoped Planning and Design Limited (S617)	S617.015	Amend	Amend to read: Any new buildings or additions and alteration have a finished floor level <u>a minimum</u> of 500mm above the 1%AEP flood event
<i>Westland District Council (FS79)</i>	<i>FS79.12</i>	<i>Support</i>	<i>Allow</i>
Snodgrass Road Submitters (S619)	S619.019	Amend	Amend Rule NH-R10 to allow the floor area of a dwelling in the Snodgrass Road submitters' properties to be extended by 25 - 50 m ² over any continuous 10-year period without meeting the finished floor area standards set out in Rule NH-R10(1).
NH-R11			
Te Mana Ora (S190)	S190.186	Support	Retain rule
Margaret Montgomery (S446)	S446.033	Oppose in Part	Make matters of discretion clearer and more measurable.
Westpower (S547)	S547.140	Amend	Add <u>Note: With reference to Critical Response Facilities this rule does not apply to major dams.</u>
Westpower (S547)	S547.141	Amend	Amend: a. Whether there is a <u>locational, technical, functional or operational need constraint or requirement</u> for the facility <u>needing to be located</u> locate in a flood ...
Chris & Jan Coll (S558)	S558.035	Support	Retain

Submitter Name (ID)	Submission Point	Position	Decision Requested
Chris J Coll Surveying Limited (S566)	S566.035	Support	Retain
William McLaughlin (S567)	S567.122	Support	Retain
Grey District Council (S608)	S608.579	Support	Retain
Toka Tū Ake (S612)	S612.045	Support	Retain
NH-R12			
Te Mana Ora (S190)	S190.187	Support	Retain rule
Margaret Montgomery (S446)	S446.034	Oppose in Part	Make matters of discretion clearer and more measurable.
Foodstuffs (S464)	S464.043	Amend	<p>Discretion is restricted to:</p> <p>The effects of natural hazards on people and property;</p> <p>The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;</p> <p>Any freeboard requirements to be included;</p> <p>The management of vegetation or other natural features to mitigate natural hazard risk;</p> <p>The timing, location, scale and nature of any earthworks in relation to natural hazard risk;</p> <p>The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site;</p> <p><u>The functional or operational need to locate in these areas;</u> and</p> <p>Any adverse effects on the environment of any proposed natural hazard mitigation measures.</p> <p><u>Any application arising from this rule shall be non-notified.</u></p>
<i>Martin & Co. (FS140)</i>	<i>FS140.021</i>	<i>Support</i>	<i>Allow</i>
Leonie Avery (S507)	S507.011	Support	Retain as notified.
Jared Avery (S508)	S508.011	Support	Retain as notified.
Kyle Avery (S509)	S509.011	Support	Retain as notified.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Avery Bros (S510)	S510.011	Support	Retain as notified.
Bradshaw Farms (S511)	S511.011	Support	Retain as notified.
Paul Avery (S512)	S512.011	Support	Retain as notified.
Brett Avery (S513)	S513.011	Support	Retain as notified.
Buller District Council (S538)	S538.107	Support in Part	Insert h from R 11 into matters of discretion for R12.
Chris & Jan Coll (S558)	S558.036	Support	Amend matters to which discretion is restricted to the same matters listed in NH - R11
Geoff Volckman (S563)	S563.014	Support	Retain
Catherine Smart-Simpson (S564)	S564.017	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.036	Support	Amend matters to which discretion is restricted to the same matters listed in NH - R11
William McLaughlin (S567)	S567.123	Support	Amend matters to which discretion is restricted to the same matters listed in NH - R11
Koiterangi Lime (S577)	S577.016	Support	Retain
Avery Brothers (S609)	S609.011	Support	Retain
Toka Tū Ake (S612)	S612.046	Oppose in Part	Amend activity status for new commercial and industrial buildings within the flood severe overlay to non-complying or prohibited
Toka Tū Ake (S612)	S612.125	Amend	Add matter for discretion: h. The installation of flood early warning systems and implementation of evacuation plans.
Karamea Lime (S614)	S614.034	Support	Retain
Peter Langford (S615)	S615.034	Support	Retain
NH-R13			
Te Mana Ora (S190)	S190.188	Support	Retain rule
Margaret Montgomery (S446)	S446.035	Oppose in Part	Make rule Restricted Discretionary with clear measurable matters of discretion.
<i>Bert Hofmans (FS118)</i>	<i>FS118.2</i>	<i>Support</i>	<i>Allow</i>

Submitter Name (ID)	Submission Point	Position	Decision Requested
Leonie Avery (S507)	S507.012	Support	Retain as notified.
Jared Avery (S508)	S508.012	Support	Retain as notified.
Kyle Avery (S509)	S509.012	Support	Retain as notified.
Avery Bros (S510)	S510.012	Support	Retain as notified.
Bradshaw Farms (S511)	S511.012	Support	Retain as notified.
Paul Avery (S512)	S512.012	Support	Retain as notified.
Brett Avery (S513)	S513.012	Support	Retain as notified.
Buller District Council (S538)	S538.108	Support	Retain as notified
Westpower (S547)	S547.142	Amend	Resolve duplication with non-complying activity NH-R14
Chris & Jan Coll (S558)	S558.037	Amend	Amend to be more enabling
Geoff Volckman (S563)	S563.015	Support	Retain
Catherine Smart-Simpson (S564)	S564.018	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.037	Amend	Amend to be more enabling
William McLaughlin (S567)	S567.124	Amend	Amend to be more enabling
Koiterangi Lime (S577)	S577.017	Support	Retain
Avery Brothers (S609)	S609.012	Support	Retain
Karamea Lime (S614)	S614.035	Support	Retain
Peter Langford (S615)	S615.035	Support	Retain
Snodgrass Road Submitters (S619)	S619.020	Support	Retain provision
NH-R14			
Te Mana Ora (S190)	S190.189	Support	Retain rule
Margaret Montgomery (S446)	S446.002	Support in Part	Amend Non-complying Activity rules for flooding to Restricted Discretionary
<i>Frank O'Toole (FS235)</i>	<i>FS235.076</i>	<i>Support</i>	<i>Allow</i>
Margaret Montgomery (S446)	S446.036	Oppose	New buildings for sensitive activities should be amended.
Leonie Avery (S507)	S507.013	Oppose	Amend status to Discretionary

Submitter Name (ID)	Submission Point	Position	Decision Requested
Jared Avery (S508)	S508.013	Oppose	Amend status to Discretionary
Kyle Avery (S509)	S509.013	Oppose	Amend status to Discretionary
Avery Bros (S510)	S510.013	Oppose	Amend status to Discretionary
Bradshaw Farms (S511)	S511.013	Oppose	Amend status to Discretionary
Paul Avery (S512)	S512.013	Oppose	Amend status to Discretionary
Brett Avery (S513)	S513.013	Oppose	Amend status to Discretionary
Buller District Council (S538)	S538.109	Support	Retain as notified
Westpower (S547)	S547.143	Amend	Resolve duplication with non-complying activity NH-R13
Chris & Jan Coll (S558)	S558.038	Oppose	Delete
Chris & Jan Coll (S558)	S558.039	Amend	Refer to decision sought for NH - R13.
Chris J Coll Surveying Limited (S566)	S566.038	Oppose	Delete
Chris J Coll Surveying Limited (S566)	S566.039	Amend	Refer to decision sought for NH - R13.
William McLaughlin (S567)	S567.125	Oppose	Delete
William McLaughlin (S567)	S567.126	Amend	Refer to decision sought for NH - R13
Toka Tū Ake (S612)	S612.047	Support	Retain

Analysis

537. While it is recommended to change the structure of the rules for the Flood Hazard Overlays, the following submission points have informed the wording and activity statuses that are recommended:

General

538. Submitter S73.002 wants an amendment to the provisions to allow for additions and alterations to the existing commercial buildings within the Flood Severe Overlay. The rule framework proposed does not provide for carve out for specific sites. There has been no evidence provided by the submitter around why the nature of the hazard mapping is such on this specific site that it would require an exception from the proposed rule framework. Given the site is within the Severe Flood Hazard Overlay, we do not see a rationale, or anything unique regarding this site that would require its own specific more enabling rule framework within the TTPP. As such, we do not support this requested relief sought by the submitter.

539. Frida Inta (S553.050) submits that finished floor levels 300mm above a 1% AEP flood event is not enough to accommodate predicted sea level rise, and requests that Rule NH-R8 and all relevant natural hazard rules be amended to have a higher annual flood exceedance.

- Westpower (FS222.0127) oppose this submission point and seek that it be disallowed. While we acknowledge that some local authorities have chosen to plan for a 0.5% AEP flood event, it is commonly accepted practice to plan for the 1% AEP flood event including the effects of climate change, as this strikes a balance between managing the hazard and mitigating the risk in a manner that is more affordable for local authorities. On this basis, we do not support this submission point and we agree with the position of the further submitter.
540. The more important issue is that it is our understanding that the flood maps included in the notified TTPP do not include climate change, despite this modelling being completed. Therefore, it must be acknowledged that the Flood Hazard Overlays and associated provisions will lead to an increase in risk over time. We considered whether the modelling that does include climate change could be included as part of this process, however it would significantly increase the number of properties impacted by the overlays, as well as placing more properties within the Flood Severe Overlay, as the inclusion the effects of climate change will both increase flood depths and speeds. As discussed above in Section 7.2, our consideration of this issue is also in the context that we are of the opinion that the depth of floodwater threshold between the Flood Severe and Flood Susceptibility Overlays should be reduced from 2m to at least 1.2m water depth. However, for both of these changes to be realised, we recognise this would need to be done through a new Plan Change as if they were to occur as part of this process, there would be some resulting natural justice issues.
541. Foodstuffs (S464.008) seek that a non-notification clause be included in relation to the Flood Susceptibility Overlay where there are no off-site effects on the environment. However, the recommended changes to the rules for the Flood Susceptibility Overlay remove the net floor area requirement, and only require minimum floor levels above the 1% AEP event for commercial buildings to be permitted. If the submitter sought to not meet the minimum floor level, resource consent would be required for a Discretionary Activity. As this overlay reflects flood depths of up to 2m, there is the potential for considerable effects on adjoining properties if the minimum floor levels are not met, and therefore it is our opinion that the consenting authority needs to retain the ability to notify a resource consent application for this activity. For these reasons, we reject this submission, while noting that any adverse effects on adjoining properties can be assessed under s95E of the RMA as part of an application for resource consent, and an argument for non-notification provided at that time.
542. Martin & Co. (S54.034; S543.035) oppose the rules for the Flood Hazard Overlays and seek that they be more enabling. We accept this submission in part, as the risk-based framework recommended to be inserted will be more enabling of development where the risk is lower, but will be more restrictive where the risk is higher.
543. Griffen & Smith Ltd (S253.013) seek that the provisions in Rules NH-R7 and NH-R8 in relation to new unoccupied buildings and additions/alterations for commercial and industrial buildings be retained, while noting that the 1% AEP flood level will change over time. While it is recognised that this level will change over time and with updated modelling, the appropriate floor level will be provided by West Coast Regional Council (as per the recommended advice note) at the time of development occurring and as such will reflect the best available data.
544. Kevin Scanlon (S503.001, S503.002) seeks that the rules for the Flood Hazard Overlays are amended to be more enabling of building and development and to recognise established investment. The recommended changes to the rules for the Flood Severe and Flood

Susceptibility Overlays seek to take a risk-based approach whereby the rules are more enabling where flood risk is lower, and more restrictive where flood risk is higher. While it is recognised that these areas have established investment, it would be inappropriate to continue to allow development to occur in flood prone areas with no consideration of the risk posed or how risk might be increased.

NH-R6

545. Submission points S190.181, S538.101, S547.137 and S619.017 support NH-R6 and seek that it be retained as notified, however we recommend that Rule NH-R6 is deleted as it relates to repairs and maintenance of existing buildings, activities which do not change the level of natural hazard risk present. The recommended rule framework focuses on the activities which require resource consent. As there is no catch all rule, those activities that are not captured by the rule framework are therefore permitted by default. This means under the recommended revised framework the repairs and maintenance of existing buildings would remain permitted.
546. Grey District Council (S608.575) supports the rule in part but notes that the definition of 'maintenance' provided by the hyperlink only refers to historic heritage and infrastructure, not buildings. Clarity is also sought as it is implied that the rule permits the repair and maintenance of unoccupied buildings in the Flood Severe and Flood Susceptibility Overlays, but this is not clear from the way the rule is worded. We agree with this submission point that the rule is not clear, and we are of the opinion as discussed above that it is unnecessary and have recommended that the rule is removed from the Natural Hazards Chapter. This will also provide the relief sought in terms of the definition for 'maintenance'.
547. Margaret Montgomery (S446.028) requests that the rule be amended so that the activity status elevates to Restricted Discretionary with clear direction as to the matters of concern/control. Similarly, Chris J Coll Surveying Limited (S566.029) requests that the activity status when compliance is not achieved elevates to Discretionary for all overlays. As discussed above, we do not think that repairs and maintenance of buildings in hazard overlays changes risk, and therefore does not have to be managed by the TTPP.
548. Deleting the rule as recommended will provide the relief sought by submitters S446.028, S566.029, S608.575.

NH-R7

549. Submitters S190.182, S538.102, S547.138, S558.030, S566.030, S567.118, S608.576, S619.018 support Rule NH-R7 and seek that it be retained, while submitter S446.029 opposes the rule but the relief sought is not stated.
550. Westland District Council (S181.010) seeks that the activity status for New Unoccupied Buildings in the Flood Severe and Flood Susceptibility Overlays is elevated to a Controlled or Restricted Discretionary Activity with controls or restrictions including such matters as an assessment of the risk to the building, consideration of mitigation measures to reduce/manage the flood hazard and consideration of likelihood or potential of complete loss of the building in a flood situation. Submitter FS109.036 opposes this. Scoped Planning and Design Limited (S617.013) seek that the rule is amended such that unoccupied buildings of no more than 50m² are permitted, which is supported by Westland District Council (FS79.10).
551. We understand the viewpoint of these submitters, as the Flood Severe Overlay represents flood depths of over 2m and speeds greater than 2m/s, at which point buildings are at threat of collapse. Discussions with the councils identified that there have been some

instances of whitebaiting stands being washed down the river in floods, but that generally farm sheds for example will be located away from river. Furthermore, unoccupied buildings, or what we propose to be termed Less Hazard Sensitive Activities, such as garages or farm sheds require vehicular access, and therefore making these buildings comply with a minimum floor level requirement to mitigate the risk could result in them being unable to be used for their intended purposes. We are also mindful that we need to allow for some reasonable development of sites.

552. On balance, we are of the opinion that adding a rule for these types of buildings in the Flood Severe Hazard Overlay might add an unnecessary regulatory layer and that it is appropriate to retain a permitted activity rule for these forms of building. We note that this position is consistent with the relief sought by Federated Farmers (S524.044). However, to make the rule clearer, we have suggested removing the term unoccupied buildings and have added the term Less Hazard Sensitive Activity. This is to align with the risk-based approach that is taken within the Natural Hazards Chapter.

NH-R8

553. Submitters S190.183, S446.030, S538.103, support Rule NH-R8 and seek that it be retained as notified. This support is noted, however we recommend that this rule be deleted and replaced as discussed below.

554. Toka Tū Ake (S612.043) seeks that the activity status for new commercial and industrial buildings, and additions and alterations to existing buildings for critical response facilities in the Flood Severe Overlay be amended so that it is not a Permitted Activity. Submission points S612.123 and S612.124 seek that two new conditions be added as follows:

3. Flood early warning systems and evacuation plans are mandated for all occupied buildings.
4. All critical response facilities to be relocated out of the flood severe area and preferably the flood susceptibility area, unless their location is a critical part of their purpose/function.

555. We are in agreement that the status for these activities should be elevated from permitted. In the recommended rule framework new commercial and industrial buildings (Potentially Hazard Sensitive Activities) and additions to existing buildings for critical response facilities (Hazard Sensitive Activities) would all be Non-Complying Activities to reflect the high level of risk that is presented by the Flood Severe Overlay. For completeness, these activities are recommended to be a Permitted Activity in the Flood Susceptibility Overlay conditional on having a finished floor level above the 1% AEP flood event with freeboard. We are of the view that the Permitted Activity status for new buildings for Potentially Hazard Sensitive and Hazard Sensitive Activities in the Flood Susceptibility Overlay is appropriate, provided minimum floor levels are met. This aligns with the activity status as notified and allows for development to occur on the site provided the flood hazard is mitigated. We believe the elevation status for when the floor levels are not met should remain as a Discretionary Activity. This is to ensure that a full assessment of the reasons why the minimum floor levels cannot be met, as well as any off-site effects that may result (for example flood waters displacement), can occur.

556. It is considered that the two additional conditions sought by Toka Tū Ake (S612.123 and S612.124) are unnecessary. We are of the opinion that a flood early warning system should be administered by the local authorities, and not installed on a site-by-site basis. Site specific evacuation plans could however form part of a mitigation plan for a proposed

- development within the Flood Severe Overlay or one that does not meet the Permitted Activity Standards for the Flood Susceptibility Overlay.
557. Avery Brothers (S609.009) seek that the finished floor level requirement of 300mm above the 1% AEP flood event for commercial, industrial and critical response facilities be deleted in the Flood Susceptibility and Flood Severe Overlays. The requirement for floor levels above the modelled 1% AEP flood event is accepted practice across the country and generally also includes provision for the effects of climate change, which the TTPP flood overlays do not. The freeboard requirements are applied as directed by NZS4404:2010 to mitigate the risk of flood inundation, and this is supported by Buller District Council (S538.103). Therefore, we reject this submission and recommend that the finished floor level requirements be retained for the Flood Susceptibility Overlay. For clarity, we are recommending that in the Flood Severe Overlay, new buildings and additions to existing commercial and industrial buildings and critical response facilities are a Non-complying Activity in response to submissions, and to align with the risk-based approach proposed.
558. Buller Conservation Group (S552.050) submits that finished floor levels 300mm above a 1% AEP flood event is not enough to accommodate predicted sea level rise, and requests that Rule NH-R8 and all relevant natural hazard rules be amended to have a higher annual flood exceedance. As per our comments on submission point (S553.050) current practice is to plan for a 1% AEP flood event including the effects of climate change, as this strikes a balance between managing the hazard and mitigating the risk in a manner that is more affordable for local authorities. Our main concern is that the flood maps in the notified TTPP do not include climate change and therefore risk will increase over time.
559. Westpower (S547.139) seek that an advice note is added that states: "With reference to Critical Response Facilities this rule does not apply to major dams." As discussed in Section 6 it is now recommended that major dams be removed from the definition of critical response facilities, as we are of the opinion that this activity is better managed under the definition of regionally significant infrastructure. This will provide the relief sought by Westpower.
560. Grey District Council (S608.577) seeks that Rule NH - R8(1) be reworded for clarity. While we agree with the suggested changes, this submission point is no longer relevant given the recommended changes to the structure of the rules.
561. Chris & Jan Coll (S558.031), Chris J Coll Surveying Limited (S566.031) and William McLaughlin (S567.119) seek that rule NH-R8 be amended to be more enabling. Submitters S507.009, S508.009, S509.009, S510.009, S511.009, S512.009, S513.009 seek that clause (2) as it relates to the requirement for finished floor levels be deleted. We do not agree with this submission for the reasons outlined above, and while we are recommending that Rule NH-R8 be deleted, this requirement will be carried through into the newly proposed wording.
562. Chris & Jan Coll (S558.033), Chris J Coll Surveying Limited (S566.033) and William McLaughlin (S567.120) request that the overlays be separated into different rules. We consider that this would result in too much repetition given the similarity in what is provided for in each overlay, and that the rules for the Flood Hazard Overlays are better grouped in terms of the activity status. Therefore, we reject this submission.

NH-R9

563. Te Mana Ora (S190.184) supports Rule NH-R9 and seeks that it be retained. While this support is noted, it is recommended that this rule be deleted and replaced, as discussed below.

564. Buller District Council (S538.104) requests that it is ensured that the overlays are supported with evidence and defined correctly. Snodgrass Road Submitters (FS109.011) support this in part. As discussed above in Section 6.2, while the flood hazard overlays are based on robust modelling, we are of the opinion that the threshold for flood depth between the Flood Severe and Flood Susceptibility Overlays has the ability to be refined from 2m depth to at least 1.2m. However, this would have a significant increase in the number of properties covered by the Flood Severe Overlay, and therefore it is recommended that this matter be resolved by a future Plan Change process. The overlays also represent the flood hazard at current climate, while it is best practice that the modelling that informed the TTPP mapping included climate change considerations.
565. We agree with the submission from Grey District Council (S608.578) that the rule requires rewording for clarity as the title refers to additions and alterations to existing buildings used for sensitive activities (for example residential activities) which is a permitted activity provided the addition is not used for sensitive activities. Therefore, the rule implies additions and alterations of unoccupied buildings in the Flood Severe Overlay is a Permitted Activity but this is not clear from the way the rule is worded. It is considered that the recommended rules provide clarity in relation to the activity status for different activities in the different hazard overlays, and therefore provides the relief sought.
566. A number of submissions seek that the activity status when compliance is not achieved be changed to Discretionary (S507.010, S508.010, S509.010, S510.010, S511.010, S512.010, S513.010, S558.034, S566.034, S567.121, and S609.010), or Restricted Discretionary (S446.031) as opposed to Non-complying. As discussed above, the intent of this rule is not clear. We have recommended that this rule is removed and that it is incorporated into the rule pertaining to new buildings in the Flood Severe Overlay (Rule NH-R14). It is recommended that additions to Hazard Sensitive and Potential Hazard Sensitive Activities remain a Non-complying activity. The rationale for this is set out in the analysis under NH-R14, but essentially it is due to the nature of the flood hazard and the risk posed.

Rule NH-R10

567. Submission points S190.185, S307.005, S456.016, S538.105, S612.044 either support Rule NH-R10 or support in part and seek that the rule be retained. While this support is noted, it is recommended that this rule be deleted and replaced as discussed below.
568. Scoped Planning and Design Limited (S617.014) seeks that the rule has a Controlled Activity status which is supported by Westland District Council (FS79.11). Margaret Montgomery (S446.032) seeks that non-compliance with the minimum floor level standard elevates an activity to Restricted Discretionary, as Discretionary allows for too much scope for assessment. Bert Hofmans (FS118.1) supports this submission. We remain of the view that the Permitted Activity status of the new buildings in the Flood Susceptibility Overlay is appropriate, providing minimum floor levels are met, as this recognises existing investment and allows for development to occur on the site provided the risk is mitigated. We believe the elevation status for when the floor levels are not met should remain a Discretionary Activity. This is to ensure that full consideration of the reasons why the minimum floor level are not met are able to be assessed as well as any off site effects that may result (for example flood waters displacement).
569. Scoped Planning and Design Limited (S617.015) seeks that the rule be amended to read "Any new buildings or addition and alterations have a finished floor level a minimum of 500mm above the 1% AEP flood event." This is supported by Westland District Council (FS79.12) who seeks that this be allowed. We agree that this should be a minimum in that

higher floor levels will provide greater mitigation of the flood risk. As such we have supported this change and incorporated it into the recommended rule.

570. Snodgrass Road Submitters (S619.019) seek that Rule NH-R10 be amended to allow the floor area of a dwelling in the Snodgrass Road submitters' properties to be extended by 25 - 50 m² over any continuous 10-year period without meeting the finished floor area standards set out in Rule NH-R10(1). It is noted that while Snodgrass Road is covered by the Westport Hazard Overlay, the current proposal is that it will not be covered by the protection scheme. As such any new building or addition will be required to meet the minimum floor level specified. It is also noted that if the Westport Hazard Overlay were removed from Snodgrass Road, a number of the submitters properties would be within the Flood Susceptibility Overlay, therefore it is appropriate to consider this submission point here. We have given a lot of consideration to this request, as it is recognised that under any overlay rule that is subject to minimum floor levels above the 1% AEP flood depth plus freeboard (such as Snodgrass Road that is no longer expected to be protected by the Westport Scheme, or the Flood Susceptibility Overlay) this may in some cases result in additions that have a much higher floor level than the main dwelling. As such we turned our mind to whether this was a practical and reasonable requirement. Where we landed was that because the Flood Susceptibility Overlay encompasses modelled flood depths less than 2m, there remains a high risk to sensitive activities within this overlay. While a more elevated activity status would be preferable (such as Discretionary) there was not scope in the submissions to enable this. Therefore, we think that it is appropriate to require minimum floor levels for additions and new buildings as in the absence of a stronger rule framework to manage the potential risk in this overlay the minimum floor levels will take this role. For example, because the Flood Susceptibility Overlay encompasses all areas of inundation below 2m in depth in a 1% AEP event, where a property is subject to a lower level of inundation, say 0.3m, the minimum floor level requirement will be simple to comply with, and we consider that development in such areas is appropriate with mitigation measures. Conversely, in areas where flood depths are modelled to be 1.8m, and arguably development is not appropriate, the minimum floor levels may act as a deterrent to further development.
571. It is noted here that changes are proposed to the rules for the Westport Hazard Overlay which are discussed in greater detail in relation to Rule NH-R52 below, that will set the same minimum floor level requirements as those for the Flood Susceptibility Overlay for all buildings in the Westport Hazard Overlay, whether they are to be protected or not.
572. We are open to exploring this further in recognition that it may result in inconsistency in built form, but currently recommend that new buildings and additions to existing buildings for sensitive activities be subject to the same minimum floor levels.

NH-R11

573. Submission points S190.186, S566.035, S567.122, S608.579, and S612.045 support Rule NH-R11 and seek for it to be retained. While this support is noted, we recommend deleting this rule and replacing it in the manner discussed below.
574. Margaret Montgomery (S446.033) seeks that the matters of discretion are amended to be clearer and more measurable. We agree with this submitter and recommend changes to the matters of discretion that are consistently applied to all Restricted Discretionary Activities for ease of use.
575. Westpower (S547.140) seek that an advice note is added that states: "With reference to Critical Response Facilities this rule does not apply to major dams." As discussed in Section

6, it is now recommended that major dams be removed from the definition of critical response facilities, as we are of the opinion that this activity is better managed under the definition of regionally significant infrastructure. This will provide the relief sought by Westpower.

576. Westpower (S547.141) seek that the matters of discretion for Rule NH-R11 be amended to the following: "a. Whether there is a locational, technical, functional or operational need constraint or requirement for the facility needing to be located in a flood ...". As previously discussed we consider that the wording proposed by this submitter does not provide anything additional to the policy that 'functional and operational' does not already, and as such we recommend that this submission is rejected.
577. While we have taken the above points of the submitters into account, we are largely recommending that NH-R11 is removed, and it has been encompassed into proposed rules NH-R5 and NH-R6. This is in response to the general submissions which sought to simplify the provisions pertaining to natural hazards. We are of the view that the flood hazard provisions in particular had the ability to be simplified considerably and were overly complex at the time of notification. Critical response facilities are captured by the definition of Hazard Sensitive Activities. As such, these activities are permitted in the Flood Susceptibility Overlay, when minimum floor levels are met, and elevate to Discretionary Activity, when these rules are not met. In the Flood Severe Overlay, Hazard Sensitive Activities are proposed to be a Non-complying Activity in recognition of the risk posed.

NH-R12

578. Submissions S190.187, S507.011, S508.011, S509.011, S510.011, S511.011, S512.011, S513.011, S563.014, S564.017, S577.016, S609.011, S614.034, and S615.034 support Rule NH-R12 and seek that it be retained.
579. Toka Tū Ake (S61.046) seeks that the activity status for new commercial and industrial buildings within the Flood Severe Overlay be amended to Non-complying or Prohibited. We are in agreement with this submitter as given the risk posed to these activities within the Flood Severe Overlay from the depth and speed of flood waters, an elevated activity status is appropriate. As such, we recommend that a Non-complying Activity status apply.
580. Toka Tū Ake (S612.125) seeks that if a Restricted Discretionary Activity status is retained and that a matter of discretion be added as follows: *h. The installation of flood early warning systems and implementation of evacuation plans.* As we are recommending the activity status be elevated to Non-complying, the addition of this matter is not required, however we note that these could be included as potential mitigation measures for any future resource consent application under this rule.
581. Foodstuffs (S464.043) seeks that the matters of discretion are amended to include "The functional or operational need to locate in these areas;" and also that any application arising from this rule shall be non-notified. The further submission by Martin & Co. (FS140.021) supports this. Firstly, the test of a functional and operational need to locate in a hazard overlay is intended to provide for those activities such as electricity transmission lines, ports etc. that have a specific need to be located in certain areas. It is not intended to cover activities such as supermarkets, particularly given their important post-event function. Therefore, we reject this submission, while noting that we are also recommending that the activity status be elevated to Non-complying, which will remove these matters of discretion. Similarly, in terms of including a non-notification clause, this is not appropriate for a Non-complying activity.

582. Margaret Montgomery (S446.034) seeks that the matters of discretion are amended to be clearer and more measurable. While we are recommending that the activity status for this rule be changed to Non-complying, we agree that the matters of discretion for Restricted Discretionary Activities need to be altered, and we have recommended changes where relevant to other rules to provide this relief sought.
583. Submitters S558.036, S566.036 and S567.123 seek that the matters of discretion are the same as for those listed in Rule NH-R11. Buller District Council (SS538.107) seeks that matter of discretion (h) from Rule NH-R11 (being how the activity incorporates mitigation of risk to life, property and the environment) be inserted into the matters of discretion for R12. As we have recommended to remove this Restricted Discretionary Activity status, we do not support the relief sought as the activity status of the rule has changed.
584. While we have taken the above points of the submitters into account, we are largely recommending that NH-R12 is removed, and it has been encompassed into the new recommended rules NH-R6. This is in response to the general submissions which sought to simplify the provisions pertaining to natural hazards. We are of the view that the flood hazard provisions in particular had the ability to be simplified and were overly complex at the time of notification. Commercial and industrial buildings are captured by the definition of Potentially Hazard Sensitive Activities. As such, these activities are permitted in the Flood Susceptibility Overlay, when minimum floor levels are met, and elevate to Discretionary Activity, when these rules are not met. In the Flood Severe Overlay, Potentially Hazard Sensitive Activities are a Non-Complying Activity.

NH-R13

585. Submission points S190.188, S507.012, S508.012, S509.012, S510.012, S511.012, S512.012, S513.012, S538.108, S563.015, S564.018, S577.017, S609.012, S614.035, S615.035, S619.020 support Rule NH-R13 and seek for it to be retained. While this support is noted, it is recommended to delete this rule as it is no longer relevant within the proposed rule framework.
586. Margaret Montgomery (S446.035) seeks that the rule be made a Restricted Discretionary Activity with clear measurable matters of discretion as opposed to a Discretionary Activity. Bert Hofmans (FS118.2) support this submission. Similarly, submission points S558.037, S566.037, and S567.124 seek that the rule be amended to be more enabling.
587. As discussed in relation to Rule NH-R10 we are recommending that the activity status for new buildings and additions to existing buildings for sensitive activities in the Flood Susceptibility Overlay be a Permitted Activity that elevates to Discretionary. Therefore, we reject submission points S446.035, FS118.2 and S566.037.
588. Westpower (S547.142) seeks that this rule be amended to resolve duplication with NH-R14, however we note that Rule NH-R13 relates to the Flood Susceptibility Overlay while NH-R13 relates to the Flood Severe Overlay, and there is no duplication as notified.

NH-R14

589. Submitters S507.013, S508.013, S509.013, S510.013, S511.013, S512.013, S513.013 seek that the activity status be changed to Discretionary.
590. Submission points S558.038, S558.039, S566.038, S566.039, S567.125, S567.126 seek that the rule deleted or made more enabling.

591. Margaret Montgomery (S446.002, S446.036) supported by the further submission from Frank O'Toole (FS235.076) seeks that the Non-complying activity status be changed to Restricted Discretionary.
592. We do not support making this rule more enabling. The Flood Severe Overlay is where there are deep and fast flowing waters that present significant threat to life and buildings. Development in these areas should be the exception and not the norm, and there should be a high threshold for development within these areas to occur. As such, we support retaining the Non-Complying activity status.
593. Te Mana Ora (S190.189), Buller District Council (S538.109) and Toka Tū Ake (S612.047) support Rule NH-R14. This support is noted, and we agree that new building for sensitive activities in the Flood Severe Overlay be a Non-complying Activity to reflect the high level of risk to activities of this type, such that new use and development should be discouraged.
594. In terms of the submission by Westpower (S547.143) we are of the opinion that there is not duplication and therefore also recommend that this submission point be rejected.

Recommendations

595. It is recommended that Rules NH-R6, NH-R11 and NH-R12 are deleted, as they are not necessary.
596. It is recommended that Rules NH-R7, NH-R8, NH-R9, NH-R10, NH-R13 and NH-R14 are deleted and replaced with the following three rules as follows:

NH-R4: Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Flood Susceptibility and Flood Severe Hazard Overlay

Activity Status: Permitted

Activity status where compliance not achieved: N/A

NH-R5: Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Flood Susceptibility Hazard Overlay

Activity Status: Permitted

Where:

1. Any new buildings or additions for Potentially Hazard Sensitive Activities have a minimum finished floor level of 300mm above a 1% annual exceedance probability flood event.
2. Any new buildings or additions for Hazard Sensitive Activities have a minimum finished floor level of 500mm above a 1% annual exceedance probability flood event.

Activity status where compliance not achieved: Discretionary

**NH-R6: Additions to Existing Buildings and New Buildings
containing Potentially Hazard Sensitive Activities or Hazard
Sensitive Activities in the Flood Severe Hazard Overlay**

Activity Status: Non-complying

Activity status where compliance not achieved: N/A

597. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

598. The recommended changes will reduce the number of rules applying to the Flood Hazard Overlays from nine to three while generally maintaining the direction and intent of the rules as notified. This will improve the effectiveness of the plan by aiding in plan interpretation and administration. Therefore, the plan will be easier for property owners and other plan users to understand, resulting in it being more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP.

Costs and Benefits

599. With the strengthening of the risk-based framework for the Natural Hazards Chapter, it is recommended to elevate the activity status for additions to existing buildings and new buildings for commercial and industrial activities (now defined as Potentially Hazard Sensitive Activities) to a Non-Complying Activity within the Flood Severe Overlay, as opposed to the Permitted Activity status with a finished floor level requirement, as per the notified plan. To confirm, these activities would remain as permitted subject to the finished floor level requirements in the Flood Susceptibility Overlay. As such, there will be costs associated with applying for resource consent for these activities in the Flood Severe Overlay.
600. However, it is noted that from a practical perspective, the Flood Severe Overlay represents water depths of greater than 2m and having minimum floor levels above these water depths (as per rule NH-R8 as notified) would largely deter developments in this overlay in any case. It is considered that this would reduce the costs associated with the recommended changes.
601. The benefit of the recommended changes is that they give better effect to the WCRPS and section 6(h) of the RMA, and better achieve Part 2 of the RMA by enabling people to provide for their health and safety. In the long term it will also better provide for peoples social, economic and cultural well-being by avoiding development in areas at a high risk from natural hazards, and reducing loss of life and property damage.

Risks of Acting or Not Acting

602. The risk from not acting is that commercial and industrial type activities are located within the Flood Severe Overlay where there is a significant risk from flooding. There are no risks from not acting.

Decision About the Most Appropriate Option

603. We are of the opinion that the amendments proposed are the most appropriate way to achieve the recommended changes to the objectives of the plan, being to reduce or not increase the risk created by subdivision, use and development in areas at a high risk from

natural hazards, and to minimise the risk created by subdivision, use and development in areas at a lower risk from natural hazards, compared to those notified.

11.5 Rules for the Earthquake Hazard Overlays

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
General			
Totally Tourism Limited (S449)	S449.011	Support	Retain the Permitted Activity provisions for: <ul style="list-style-type: none"> Repairs and maintenance of existing occupied and unoccupied buildings. New unoccupied buildings. Reconstruction and replacement of lawfully established buildings destroyed by natural disaster or act of god.
Totally Tourism Limited (S449)	S449.012	Support	Retain the proposed Restricted Discretionary and Discretionary consent pathways for additions and alterations to residential and commercial buildings within the Earthquake Hazard Overlays.
Scenic Hotel Group (S483)	S483.012	Oppose	Replace the rules with rules that permit modern buildings and techniques compliant with building codes and standards that can withstand earthquakes without risk to life or unacceptable damage.
<i>Neil Mouat (FS54)</i>	<i>FS54.39</i>	<i>Support</i>	<i>Allow</i>
NH-R15			
Te Mana Ora (S190)	S190.190	Support	Retain rule
Buller District Council (S538)	S538.110	Support in Part	Insert clarity around permitted activity status for unoccupied buildings
Westpower (S547)	S547.144	Amend	Amend 1. These are lawfully established or a Permitted Activity for the zone in the plan.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Westpower (S547)	S547.145	Amend	Amend 2. Any unoccupied buildings ... response facilities <u>NOTE: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule.</u>
Grey District Council (S608)	S608.583	Support in Part	Amend the definition of maintenance in the title to refer to buildings
Toka Tū Ake (S612)	S612.051	Amend	Amend wording of 'unoccupied building'
<i>Westpower (FS222)</i>	<i>FS222.0347</i>	<i>Oppose</i>	<i>Disallow</i>
NH-R16			
Te Mana Ora (S190)	S190.191	Support	Retain rule
Buller District Council (S538)	S538.111	Support in Part	Insert clarity around permitted activity status for unoccupied buildings
Westpower (S547)	S547.146	Amend	Add <u>Note: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule.</u>
Grey District Council (S608)	S608.581	Support	N/A
Toka Tū Ake (S612)	S612.049	Support	Retain
NH-R17			
Te Mana Ora (S190)	S190.192	Support	Retain rule
Buller District Council (S538)	S538.112	Support in Part	Insert clarity around permitted activity status for unoccupied buildings
Westpower (S547)	S547.147	Amend	Add <u>Note: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule.</u>
Toka Tū Ake (S612)	S612.050	Support	Retain
NH-R18			
Te Mana Ora (S190)	S190.193	Support	Retain rule

Submitter Name (ID)	Submission Point	Position	Decision Requested
Buller District Council (S538)	S538.113	Support in Part	Insert additional permitted activity rule in each buffer addressing repairs and maintenance to unoccupied buildings in each buffer (see comment in R15). Insert permitted activity rule addressing unoccupied buildings in each buffer.
Westpower (S547)	S547.148	Amend	(1) Amend terminology for consistency between this rule and NH-R20. (2) Define "major dam" as previously submitted. (4) Add a note to the rule, <u>"(note: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule.)"</u>
Westpower (S547)	S547.149	Amend	Add <u>Note: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule.</u>
Grey District Council (S608)	S608.580/ S608.582	Support in Part	Amend the definition of maintenance in the title to refer to buildings.
Toka Tū Ake (S612)	S612.052	Amend	Amend term 'occupied building'
<i>Westpower (FS222)</i>	<i>FS222.0348</i>	<i>Oppose</i>	<i>Disallow</i>
NH-R19			
Te Mana Ora (S190)	S190.194	Support	Retain rule
Totally Tourism Limited (S449)	S449.013	Amend	Provide for the reconstruction and replacement of existing buildings in the Earthquake Hazard Overlays other than where they have been damaged/destroyed by natural disaster as a Restricted Discretionary Activity.
Buller District Council (S538)	S538.114	Support in Part	Insert additional permitted activity rule in each buffer addressing repairs and maintenance to unoccupied buildings in each buffer (see comment in R15). Insert permitted activity rule addressing unoccupied buildings in each buffer.

Submitter Name (ID)	Submission Point	Position	Decision Requested
			While considering the definition of Additions and Alterations clarify where extensions to floor areas sit.
Toka Tū Ake (S612)	S612.053	Amend	Amend term 'occupied building'
<i>Westpower (FS222)</i>	<i>FS222.0349</i>	<i>Oppose</i>	<i>Disallow</i>
NH-R20			
Te Mana Ora (S190)	S190.195	Support	Retain rule
Buller District Council (S538)	S538.115	Support in Part	Insert additional permitted activity rule in each buffer addressing repairs and maintenance to unoccupied buildings in each buffer (see comment in R15). Insert permitted activity rule addressing unoccupied buildings in each buffer. While considering the definition of Additions and Alterations clarify where extensions to floor areas sit.
Buller District Council (S538)	S538.128	Support in Part	If the intended ASP meaning is the same for all four rules, rectify R30 wording to mirror R20, R24, and R27. If ASP meaning for R30 is intended to be different, clarify meaning
Westpower (S547)	S547.150	Amend	(1) Amend terminology for consistency between this rule and NH-R18. (2) Define "major dam" as previously submitted. (4) Add a note to the rule, <u>"(note: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule.)"</u>
Grey District Council (S608)	S608.584	Support in Part	Amend the definition of maintenance in the title to refer to buildings.
NH-R21			
Te Mana Ora (S190)	S190.196	Support	Retain rule
Buller District Council (S538)	S538.116	Support in Part	Insert additional permitted activity rule in each buffer addressing repairs and maintenance to unoccupied buildings in each buffer (see comment in R15).

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<p>Insert permitted activity rule addressing unoccupied buildings in each buffer.</p> <p>While considering the definition of Additions and Alterations clarify where extensions to floor areas sit.</p>
Buller District Council (S538)	S538.120/ S538.121	Support in Part	<p>Alter bullet numbering in R21.</p> <p>Note: this discrepancy is a common theme throughout the document</p>
Buller District Council (S538)	S538.132	Support in Part	<p>If the intended meaning is the same for all four rules, rectify R28 wording to mirror R21, R25, and R31, or vice versa.</p> <p>If ASRDA meaning for R28 is intended to be different, clarify meaning.</p>
Buller District Council (S538)	S538.136	Support in Part	<p>If the intended meaning is the same for all four rules, rectify R21 wording to mirror R25, R28 and R31, or vice versa.</p> <p>If ASRDA meaning for R21 is intended to be different, clarify meaning.</p>
Buller District Council (S538)	S538.140	Support in Part	That the word proposed be removed from the rules.
Toka Tū Ake (S612)	S612.054	Amend	Amend to incorporate uncertainty and distributed fault deformation into earthquake hazard (fault avoidance) zones, as directed by the MfE guidelines for planning around active faults.
NH-R22			
Te Mana Ora (S190)	S190.197	Support	Retain rule
Totally Tourism Limited (S449)	S449.014	Amend	Provide for the reconstruction and replacement of existing buildings in the Earthquake Hazard Overlays other than where they have been damaged/destroyed by natural disaster as a Restricted Discretionary Activity.
Buller District Council (S538)	S538.117	Support in Part	Insert additional permitted activity rule in each buffer addressing repairs and maintenance to unoccupied buildings in each buffer (see comment in R15).

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<p>Insert permitted activity rule addressing unoccupied buildings in each buffer.</p> <p>While considering the definition of Additions and Alterations clarify where extensions to floor areas sit.</p>
Toka Tū Ake (S612)	S612.055	Support in Part	Amendment of the Earthquake Hazard Zone to incorporate uncertainty and distributed fault deformation into earthquake hazard (fault avoidance) zones, as directed by the MfE guidelines for planning around active faults.
NH-R23			
Te Mana Ora (S190)	S190.198	Support	Retain rule
Buller District Council (S538)	S538.118	Support in Part	<p>Insert additional permitted activity rule in each buffer addressing repairs and maintenance to unoccupied buildings in each buffer (see comment in R15).</p> <p>Insert permitted activity rule addressing unoccupied buildings in each buffer.</p> <p>While considering the definition of Additions and Alterations clarify where extensions to floor areas sit.</p>
Toka Tū Ake (S612)	S612.056	Support	Retain
NH-R24			
Te Mana Ora (S190)	S190.199	Support	Retain rule
Buller District Council (S538)	S538.119	Support in Part	<p>Insert additional permitted activity rule in each buffer addressing repairs and maintenance to unoccupied buildings in each buffer (see comment in R15).</p> <p>Insert permitted activity rule addressing unoccupied buildings in each buffer.</p> <p>While considering the definition of Additions and Alterations clarify where extensions to floor areas sit.</p>
Buller District Council (S538)	S538.122	Support in Part	<p>Alter bullet numbering in R21.</p> <p>Note: this discrepancy is a common theme throughout the document</p>

Submitter Name (ID)	Submission Point	Position	Decision Requested
Buller District Council (S538)	S538.129	Support in Part	If the intended ASP meaning is the same for all four rules, rectify R30 wording to mirror R20, R24, and R27. If ASP meaning for R30 is intended to be different, clarify meaning
Buller District Council (S538)	S538.137	Support in Part	If the intended meaning is the same for all four rules, rectify R21 wording to mirror R25, R28 and R31, or vice versa. If ASRDA meaning for R21 is intended to be different, clarify meaning.
Westpower (S547)	S547.152	Amend	(1) Amend terminology for consistency between this rule and NH-R18 and NH-20. (2) Define "major dam" as previously submitted. (3) Add a note to the rule, <u>"(note: in reference to major dams it is the dam structure and not other buildings related to, or associated with, the dam that is being referred to in this rule.)"</u>
Grey District Council (S608)	S608.585	Support in Part	Amend the definition of maintenance in the title to refer to buildings. Reword NH - R24 provision 1. to the following: "1. There is no increase in <u>the</u> net floor area <u>of any building</u> used for Critical Response Facility."
Toka Tū Ake (S612)	S612.057	Amend	Amend 'occupied building'
<i>Westpower (FS222)</i>	<i>FS222.0350</i>	<i>Oppose</i>	<i>Disallow</i>
NH-R25			
Te Mana Ora (S190)	S190.200	Support	Retain rule
Buller District Council (S538)	S538.123	Support in Part	Alter bullet numbering in R21. Note: this discrepancy is a common theme throughout the document
Buller District Council (S538)	S538.133	Support in Part	If the intended meaning is the same for all four rules, rectify R28 wording to mirror R21, R25, and R31, or vice versa. If ASRDA meaning for R28 is intended to be different, clarify meaning.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Buller District Council (S538)	S538.137	Support in Part	If the intended meaning is the same for all four rules, rectify R21 wording to mirror R25, R28 and R31, or vice versa. If ASRDA meaning for R21 is intended to be different, clarify meaning.
Buller District Council (S538)	S538.141	Support in Part	That the word proposed be removed from the rules.
Buller District Council (S538)	S538.144	Support	Retain as notified.
Toka Tū Ake (S612)	S612.058	Amend	Amendment of the Earthquake Hazard Zone to incorporate uncertainty and distributed fault deformation into earthquake hazard (fault avoidance) zones, as directed by the MfE guidelines for planning around active faults.
NH-R26			
Te Mana Ora (S190)	S190.201	Support	Retain rule
Totally Tourism Limited (S449)	S449.015	Amend	Provide for the reconstruction and replacement of existing buildings in the Earthquake Hazard Overlays other than where they have been damaged/destroyed by natural disaster as a Restricted Discretionary Activity.
Foodstuffs (S464)	S464.044	Amend	Activity Status Discretionary <u>Restricted discretionary</u> Refer to matters of discretion and notification status in NHR12.
<i>Martin & Co. (FS140)</i>	<i>FS140.022</i>	<i>Support</i>	<i>Allow</i>
Buller District Council (S538)	S538.145/ S538.147	Support	Retain as notified.
Toka Tū Ake (S612)	S612.059	Amend	Amendment of the Earthquake Hazard Zone to incorporate uncertainty and distributed fault deformation into earthquake hazard (fault avoidance) zones, as directed by the MfE guidelines for planning around active faults.
NH-R27			

Submitter Name (ID)	Submission Point	Position	Decision Requested
Te Mana Ora (S190)	S190.202	Support	Retain rule
Buller District Council (S538)	S538.124	Support in Part	Alter bullet numbering in R21. Note: this discrepancy is a common theme throughout the document
Buller District Council (S538)	S538.130	Support in Part	If the intended ASP meaning is the same for all four rules, rectify R30 wording to mirror R20, R24, and R27. If ASP meaning for R30 is intended to be different, clarify meaning
Westpower (S547)	S547.153	Amend	(1) Amend terminology for consistency between this rule and NH-R18, NH20 and NH-24. (2) Define "major dam" as previously submitted. (3) Add a note to the rule, <u>note: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule</u>
Grey District Council (S608)	S608.586	Support in Part	Amend the definition of maintenance in the title to refer to buildings. Reword NH - R27 provision 1. to the following: "1. There is no increase in <u>the</u> net floor area <u>of any building</u> used for Critical Response Facility."
Toka Tū Ake (S612)	S612.060	Amend	Amend 'occupied building'
<i>Westpower (FS222)</i>	<i>FS222.0351</i>	<i>Oppose</i>	<i>Disallow</i>
NH-R28			
Te Mana Ora (S190)	S190.203	Support	Retain rule
Buller District Council (S538)	S538.125	Support in Part	Alter bullet numbering in R21. Note: this discrepancy is a common theme throughout the document
Buller District Council (S538)	S538.134	Support in Part	If the intended meaning is the same for all four rules, rectify R28 wording to mirror R21, R25, and R31, or vice versa. If ASRDA meaning for R28 is intended to be different, clarify meaning.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Buller District Council (S538)	S538.138	Support in Part	If the intended meaning is the same for all four rules, rectify R21 wording to mirror R25, R28 and R31, or vice versa. If ASRDA meaning for R21 is intended to be different, clarify meaning.
Buller District Council (S538)	S538.142	Support in Part	That the word proposed be removed from the rules.
Buller District Council (S538)	S538.146	Support	Retain as notified.
Toka Tū Ake (S612)	S612.061	Amend	Amendment of the Earthquake Hazard Zone to incorporate uncertainty and distributed fault deformation into earthquake hazard (fault avoidance) zones, as directed by the MfE guidelines for planning around active faults.
NH-R29			
Te Mana Ora (S190)	S190.204	Support	Retain rule
Grey District Council (S608)	S608.587	Support in Part	Reword the title to clarify whether the provision is for additions and alterations to existing facilities and for new facilities, or whether this is for additions and alterations to new or existing facilities.
Toka Tū Ake (S612)	S612.062	Amend	Amendment of the Earthquake Hazard Zone to incorporate uncertainty and distributed fault deformation into earthquake hazard (fault avoidance) zones, as directed by the MfE guidelines for planning around active faults.
NH-R30			
Te Mana Ora (S190)	S190.205	Support	Retain rule
Buller District Council (S538)	S538.126	Support in Part	Alter bullet numbering in R21. Note: this discrepancy is a common theme throughout the document
Buller District Council (S538)	S538.131	Support in Part	If the intended ASP meaning is the same for all four rules, rectify R30 wording to mirror R20, R24, and R27.

Submitter Name (ID)	Submission Point	Position	Decision Requested
			If ASP meaning for R30 is intended to be different, clarify meaning
Westpower (S547)	S547.156	Amend	(1) Amend terminology for consistency between this rule and NH-R18, NH20, NH-24 and NH-27. (2) Define "major dam" as previously submitted. (3) Add a note to the rule, " <u>(note: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule.)</u> "
Westpower (S547)	S547.157	Amend	Add <u>NOTE: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule</u>
Grey District Council (S608)	S608.588	Support in Part	Amend the definition of maintenance in the title to refer to buildings. Reword NH - R30 provision 1. to the following: "1. There is no increase in <u>the</u> net floor area <u>of any building</u> used for Critical Response Facility purposes
Toka Tū Ake (S612)	S612.063	Amend	Amend 'occupied building'
<i>Westpower (FS222)</i>	<i>FS222.0352</i>	<i>Oppose</i>	<i>Disallow</i>
NH-R31			
Te Mana Ora (S190)	S190.206	Support	Retain rule
Buller District Council (S538)	S538.127	Support in Part	Alter bullet numbering in R21. Note: this discrepancy is a common theme throughout the document
Buller District Council (S538)	S538.135	Support in Part	If the intended meaning is the same for all four rules, rectify R28 wording to mirror R21, R25, and R31, or vice versa. If ASRDA meaning for R28 is intended to be different, clarify meaning.
Buller District Council (S538)	S538.139	Support in Part	If the intended meaning is the same for all four rules, rectify R21 wording to mirror R25, R28 and R31, or vice versa.

Submitter Name (ID)	Submission Point	Position	Decision Requested
			If ASRDA meaning for R21 is intended to be different, clarify meaning.
Buller District Council (S538)	S538.143	Support in Part	That the word proposed be removed from the rules.
Buller District Council (S538)	S538.148	Support	Reword title for R31 as there appears to be a typo.
Grey District Council (S608)	S608.589	Support in Part	Reword the title for clarity i.e.: "Additions and Alterations to New and Existing New Residential, Commercial and Industrial Buildings and Community Facilities, Educational Facilities and Health Facilities in the Earthquake Hazard Overlay - 200m"
Toka Tū Ake (S612)	S612.064	Amend	Amendment of the Earthquake Hazard Zone to incorporate uncertainty and distributed fault deformation into earthquake hazard (fault avoidance) zones, as directed by the MfE guidelines for planning around active faults.
NH-R32			
Te Mana Ora (S190)	S190.207	Support	Retain rule
Westpower (S547)	S547.158	Amend	Add <u>NOTE: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule</u>
Grey District Council (S608)	S608.590	Support in Part	Reword provisions NH - R31 and NH - R32 to clarify as to whether these provisions are for existing or new buildings. Change reference of Non-complying and Prohibited activity status to N/A, as there are no specifications for what would not meet the discretionary activity provisions and the Noncomplying and Prohibited activity status refers to the Flood overlays

Submitter Name (ID)	Submission Point	Position	Decision Requested
Toka Tū Ake (S612)	S612.065	Amend	Amendment of the Earthquake Hazard Zone to incorporate uncertainty and distributed fault deformation into earthquake hazard (fault avoidance) zones, as directed by the MfE guidelines for planning around active faults.

Analysis

General (Note: this section also contains discussion around submission points that were repeated for a number of the rules, while the submission point remains under within the table under the specific rules)

604. Prior to undertaking the analysis of the submission points, we would like to draw to the attention of the Commissioners, that we are recommending a fundamental change in the rules for the Earthquake Hazard Overlays as notified. The reasons for this include:
- The rules as notified were incredibly complex, and a number of general submissions sought a simplified chapter. The Earthquake Hazard Overlays was an area where this could occur.
 - After the notification of the TTPP Natural Hazards Chapter, revised mapping was received, which greatly simplifies the maps that were notified, and also results in a number of properties no longer being covered by an Earthquake Hazard Overlay; and
 - We have aligned the provisions with the MfE Active Fault Guidelines.
605. For the purposes of clarity to the Commissioners, and to save duplication of repeating the same position under each rule, we are recommending that notified rules NH-R15 – NH-R32 are deleted and are replaced with five rules. However, when formulating these revised rules, we have taken into account the submissions points received on NH-R15 to NH-R32.
606. Toka Tū Ake (S612.054; S612.055; S612.058; S612.059; S612.061; S612.062; S612.064 and S612.065) requests that the Earthquake Hazard Zones or overlays be amended to align with the MfE guidelines. We agree, and as discussed previously in Section 7.3 the provisions for the Earthquake Hazard Overlays as notified were superfluous and did not adequately reflect the uncertainty in the location of fault rupture and deformation. In addition, new evidence was received from GNS Science that further refined the overlays, resulting in a significant reduction in the number of properties impacted by the overlays.
607. Totally Tourism Limited (S449.011) seeks that the Permitted Activity provisions are retained for:
- Repairs and maintenance of existing occupied and unoccupied buildings.
 - New unoccupied buildings.
 - Reconstruction and replacement of lawfully established buildings destroyed by natural disaster or act of God.
608. As we are recommending a fundamental change to the Earthquake Hazard Overlays that will remove any rule relating to repairs and maintenance, as this does not increase risk,

- while new unoccupied buildings (Less Hazard Sensitive Activities) will be a Permitted Activity in all Earthquake Hazard Overlays. However, as per the discussion under Rule NH-R1 we are not recommending to provide for reconstruction in the Earthquake Severe Overlay beyond what is provided by section 10 of the RMA. Therefore, we recommend that this submission be accepted in part.
609. Totally Tourism Limited (S449.01) seeks that the proposed Restricted Discretionary and Discretionary consent pathways for additions and alterations to residential and commercial buildings within the Earthquake Hazard Overlays are retained. We are recommending a fundamental change to the Earthquake Hazard Overlays, that will allow for these activities in the Earthquake Susceptibility Overlays as Restricted Discretionary Activities, and therefore we recommend that this submission be accepted in part.
 610. While the submission from Scenic Hotel Group (S483.012) correctly notes that buildings can incorporate mitigation measures into the design of buildings and the materials used to withstand the effects of earthquakes such that the risk to life is low, the risk to property remains high.
 611. While advances in engineering options to mitigate the effects of fault rupture are being made, this is an evolving area of science and engineering. Given the large amount of displacement that is possible in an Alpine Fault rupture, being in the realms of 7-9m horizontally and 1-2m vertically, as noted by Langridge et al. (2022) buildings constructed on or near the fault are unlikely to cope well with such large displacement and therefore while they may perform in terms of life safety, they will not have post-event functionality. As such, we reject this submission and further submission (FS54.39) that buildings that incorporate design measures to mitigate fault rupture effects should be a Permitted Activity.
 612. However, it is recognised that the Fault Avoidance Zones developed for the Alpine Fault (referred to as Earthquake Hazard Overlays in the TTPP) do have a level of conservatism built into them, and that it is possible that there is little to no life-threatening deformation or displacement near the outer edges. Yet the risk to buildings can remain high. For this reason, a matter of discretion for additions to buildings containing Potentially Hazard Sensitive Activities and Hazard Sensitive Activities in these overlays is the location of the addition in relation to the fault trace.
 613. Buller District Council (S538.110; S538.111; S538.112; S538.113; S538.114; S538.115; S538.116; S538.117; S538.118; S538.119) request that an additional Permitted Activity rule be included in each buffer to address unoccupied buildings. We agree that this is an omission and recommend a new rule to provide the relief sought.
 614. Buller District Council (S538.114, S538.115, S538.116; S538.117; S538.118; S538.119) also requests consideration of the definition of 'additions and alterations' to clarify where extensions to floor areas sit. We have recommended that the definition of additions and alterations is removed from the TTPP. As such, the recommended rules would rely on the definition of addition, which assists with the understanding of the rule.
 615. Toka Tū Ake (S612.051; S612.052; S612.053; S612.057; S612.060; S612.063) note that the term 'occupied building' is not defined, and they request that this be amended. Further submissions from Westpower (FS222.0347; FS222.0348; FS222.0349; FS222.0350; FS222.0351; FS222.0352) oppose this request as it is unclear what the outcome sought is (i.e. no proposed wording for a definition is provided). The term occupied building will not be used, with definitions provided for Hazard Sensitive, Potentially Hazard Sensitive and Less Hazard Sensitive Activities. These terms have been used in the recommended

- amendments to the rules to make it clearer to plan users what activities are captured by the definitions.
616. Westpower (S547.145; S547.146; S547.147; S547.148; S547.149; S547.150; S547.152; S547.153; S547.156; S547.157; S547.158) seeks that a note be added where the rules refer to critical response facilities that states "NOTE: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule." As previously mentioned, it is recommended to remove the reference to 'major dams' in the definition for 'critical response facilities' which will provide the relief sought by the submitter.
617. Grey District Council (S608.580; S608.582; S608.583; S608.584; S608.585; S608.586) seeks that the definition of 'maintenance' be amended as it currently only refers to infrastructure and historic heritage. The recommended changes to the rules remove reference to 'maintenance' as this does not increase risk from natural hazards. This will provide the relief sought without changing the definition of 'maintenance'.

NH-R15

618. Te Mana Ora (S190.190) supports Rule NH-R15 and seeks that it be retained.
619. Westpower (S547.144) seeks that the wording be amended to read "1. These are lawfully established or a Permitted Activity ~~for the zone in the plan.~~" While we agree with this change in wording, this submission point will become redundant if the recommended changes to the rules are accepted, as we are proposing for this rule to be removed.

NH-R16

620. Te Mana Ora (S190.191), Grey District Council (S608.581) and Toka Tū Ake (S612.049) support Rule NH-R16 and either seek that it be retained, or the relief sought is not specified.
621. While changes are proposed to the approach taken to the Earthquake Hazard Overlays, the recommended rules propose that new buildings used for critical response facilities within the Earthquake Susceptibility Overlay, and additions buildings used for this purpose in the Earthquake Susceptibility and Earthquake Severe Overlays is a Non-Complying Activity, to generally align with Rule NH-R16 as notified.

NH-R17

622. Te Mana Ora (S190.192) and Toka Tū Ake (S612.050) support Rule NH-R17 and seek that it be retained.
623. While changes are proposed to the approach taken to the Earthquake Hazard Overlays, the recommended rules propose that new buildings used for critical response facilities in the Earthquake Severe Overlay are a Prohibited Activity to align with Rule NH-R17 as notified. While the notified provision only prohibits new buildings of this type in Greenfield areas, the recommended wording prohibits new buildings for critical response facilities in the Earthquake Severe Overlay generally, and therefore encompasses both Greenfield and Brownfield sites in recognition of the significant risk posed, and the vital role that these facilities will play in the response and recovery periods after a major fault rupture event.

NH-R18

624. Te Mana Ora (S190.193) supports this rule and seek that it be retained.
625. Westpower (S547.148) seeks that the terminology is amended for consistency between this rule and NH-R20 clause (1) in relation to the net floor area of a building, we agree that

this inconsistency needs to be resolved, and the relief sought will be provided by the recommended changes to the wording of the Earthquake Overlay rules.

NH-R19

626. Te Mana Ora (S190.194) supports this rule and seeks that it be retained.
627. Totally Tourism Limited (S449.013) seeks that this rule be amended to provide for the reconstruction and replacement of existing buildings in the Earthquake Hazard Overlays other than where they have been damaged/destroyed by natural disaster as a Restricted Discretionary Activity. As discussed above in relation to Rule NH-R1, while it is considered agreeable to allow for the reconstruction of dwellings in the Earthquake Susceptibility Overlay beyond that provided for by section 10 of the RMA, it is not appropriate to allow for buildings to be rebuilt in the Earthquake Severe Overlay due to the high level of risk posed. Therefore, we recommend that this submission be accepted in part.

NH-R20

628. Te Mana Ora (S190.195) supports this rule and seeks that it be retained.
629. The submission from Buller District Council (S538.128) seeks redrafting of the rules for clarity and consistency. We are of the opinion that the recommended changes will provide the relief sought.

NH-R21

630. Te Mana Ora (S190.196) supports this rule and seeks that it be retained.
631. Buller District Council (S538.120; S538.121; S538.132; S538.136; S538.140) seeks redrafting of the rules for clarity and consistency. We are of the opinion that the recommended changes will provide the relief sought.

NH-R22

632. Te Mana Ora (S190.197) supports this rule and seeks that it be retained.
633. Totally Tourism Limited (S449.014) seeks that this rule be amended to provide for the reconstruction and replacement of existing buildings in the Earthquake Hazard Overlays other than where they have been damaged/destroyed by natural disaster as a Restricted Discretionary Activity. As discussed above in relation to Rule NH-R1, while it is considered agreeable to allow for the reconstruction of dwellings in the Earthquake Susceptibility Overlay beyond that provided for by section 10 of the RMA, it is not appropriate to allow for buildings to be rebuilt in the Earthquake Severe Overlay due to the high level of risk posed. Therefore, we recommend that this submission be accepted in part.

NH-R23

634. Te Mana Ora (S190.198) and Toka Tū Ake (S612.056) support this and seek that it be retained.

NH-R24

635. Te Mana Ora (S190.199) supports this rule and seeks that it be retained.
636. Buller District Council (S538.122; S538.129; S538.137) and Grey District Council (S608.585) seek redrafting of the rules for clarity and consistency. We are of the opinion that the recommended changes will provide the relief sought.

NH-R25

637. Te Mana Ora (S190.200) supports this rule and seeks that it be retained.

638. Buller District Council (S538.123; S538.133; S538.137; S538.141) seeks redrafting of the rules for clarity and consistency. We are of the opinion that the recommended changes will provide the relief sought.

NH-R26

639. Te Mana Ora (S190.201) and Buller District Council (S538.145; S538.147) support this rule and seek that it be retained.
640. Totally Tourism Limited (S449.015) seeks that this rule be amended to provide for the reconstruction and replacement of existing buildings in the Earthquake Hazard Overlays other than where they have been damaged/destroyed by natural disaster as a Restricted Discretionary Activity. As discussed above in relation to Rule NH-R1, while it is considered agreeable to allow for the reconstruction of dwellings in the Earthquake Susceptibility Overlay beyond that provided for by section 10 of the RMA, it is not appropriate to allow for buildings to be rebuilt in the Earthquake Severe Overlay due to the high level of risk posed. Therefore, we recommend that this submission be accepted in part.
641. Foodstuffs (S46.044) with support Martin & Co. (FS140.022) seek that the activity status be changed from Discretionary to Restricted Discretionary, with matters of discretion being those associated with Rule NH-R12. It is considered that the recommended rules will provide some of the relief sought, with new residential, commercial and industrial buildings, and additions to these buildings being a Restricted Discretionary Activity in the Earthquake Susceptibility Overlay. However, a risk assessment will still be required for new buildings.

NH-R27

642. Te Mana Ora (S190.202) supports this rule and seeks that it be retained.
643. Buller District Council (S538.124; S538.130) and Grey District Council (S608.586) seek redrafting of the rules for clarity and consistency. We are of the opinion that the recommended changes will provide the relief sought.

NH-R28

644. Te Mana Ora (S190.203) and Buller District Council (S538.146) support this rule and seek that it be retained.
645. Buller District Council (S538.125; S538.134; S538.138; S538.142) seeks redrafting of the rules for clarity and consistency. We are of the opinion that the recommended changes will provide the relief sought.

NH-R29

646. Te Mana Ora (S190.204) supports this rule and seeks that it be retained.
647. Grey District Council (S608.587) seeks that the title be reworded to clarify whether the provision is for additions and alterations to existing facilities and for new facilities, or whether this is for additions and alterations to new or existing facilities. The recommended wording of the rules will provide the relief sought.

NH-R30

648. Te Mana Ora (S190.205) supports this rule and seeks that it be retained.
649. Buller District Council (S538.126; S538.131) and Grey District Council (S608.588) seek redrafting of the rules for clarity and consistency. We are of the opinion that the recommended changes will provide the relief sought.

NH-R31

650. Te Mana Ora (S190.206) supports this rule and seeks that it be retained.
651. Buller District Council (S538.127; S538.135; S538.139; S538.143; S538.148) and Grey District Council (S608.589) seek redrafting of the rules for clarity and consistency. We are of the opinion that the recommended changes will provide the relief sought.

NH-R32

652. Te Mana Ora (S190.207) supports this rule and seeks that it be retained.
653. Grey District Council (S608.590) seeks redrafting of the rules for clarity and consistency. We are of the opinion that the recommended changes will provide the relief sought.

Recommendations

654. It is recommended that Rules NH-R15 to NH-R32 are deleted and replaced with the following five new rules:

NH-R7: Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Earthquake Susceptibility and Earthquake Severe Hazard Overlays

Activity Status: Permitted

Activity status where compliance not achieved: N/A

NH-R8: Additions to Existing Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Earthquake Susceptibility and Earthquake Severe Hazard Overlays

Activity Status: Restricted Discretionary

Where:

1. The additions are not to a Critical Response Facility.

Discretion is restricted to:

- a. The location of the addition or building in relation to the fault trace; and
- b. Consideration of the mitigation measures incorporated into the addition to minimise the risk to life to the occupants and maintain the structural integrity of the building in the event of a fault rupture.

Activity status where compliance not achieved: Non-complying

NH-R9: New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Earthquake Susceptibility Hazard Overlay

Activity Status: Restricted Discretionary

Where:

1. A hazard risk assessment undertaken by a suitably qualified and experienced geotechnical or geological specialist is provided; and

2. The new building is not a Critical Response Facility.

Discretion is restricted to:

a. The recommendations of the hazard risk assessment;

b. The location, design and construction materials of the building, vehicle access and regionally significant infrastructure in relation to the likely fault deformation area.

c. Consideration of the mitigation measures incorporated into the addition to minimise the risk to life to the occupants and maintain the structural integrity of the building in the event of a fault rupture.

Activity status where compliance not achieved: Non-complying

NH-R10: New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Earthquake Severe Hazard Overlay

Activity Status: Non-complying

Where:

1. The new building is not a Critical Response Facility.

Activity status where compliance is not achieved: Prohibited

655. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

656. The recommended changes will greatly improve the efficiency of the rules that apply to the Earthquake Hazard Overlays by reducing the number of rules from 18 to four. This will also improve effectiveness by aiding in plan interpretation and administration. The amended rules will also be more effective in managing the risk posed by fault rupture, as they align with the non-statutory guidance for land use planning for this hazard. They introduce a more nuanced risk-based approach that accounts for uncertainty and fault complexity in comparison to the notified provisions that simply relate to distance from the (in some cases assumed) position of the fault.

657. Therefore, the amendments are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP, being to reduce or not increase the risk created by subdivision, use and development in areas at a high risk from natural hazards, and to minimise the risk created by subdivision, use and development in areas at a lower risk from natural hazards compared to those notified.

Costs and Benefits

658. The benefits of the recommended changes are high, as a significant number of properties will no longer unnecessarily sit within the Earthquake Hazard Overlays, and conversely no

additional properties will be impacted. We have not identified any cost associated with the proposed change in approach. The changes will streamline the provisions and remove unnecessary duplication, resulting in improved plan interpretation and more efficient plan administration.

659. The recommended changes give better effect to the WCRPS and section 6(h) of the RMA, and better achieve Part 2 of the RMA by enabling people to provide for their health and safety.

Risks of Acting or Not Acting

660. There is no risk from acting, however the risk from not acting is that property owners will have unnecessary restrictions placed upon their development rights, there will not be clarity about the activities that the provisions apply to, nor what the provisions are trying to achieve.

Decision About the Most Appropriate Option

661. We are of the opinion that the proposed amendments to the Earthquake Hazard Overlays, and specifically the introduction of fault complexity and uncertainty into the policies, rules and overlay maps are the most appropriate way to achieve the objectives of the plan compared to the notified provisions.

11.6 Rules for the Land Instability Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
General			
Gail Dickson (S407)	S407.003	Oppose in Part	Include Permitted Rules for the Land Instability Zone. Permitted activities should at least be outbuildings, or as you call unoccupied buildings, internal alterations to existing dwellings, at least make it in line with other hazard areas.
NH-R33			
Te Mana Ora (S190)	S190.208	Support	Retain rule
Jane Whyte & Jeff Page (S467)	S467.024	Oppose	In relation to Punakaiki Village, delete this rule.
Russell and Joanne Smith (S477)	S477.003	Oppose	Remove Restricted discretionary activity status for existing subdivisions. Alternatively, exclude residential activities other than primary residential dwellings from this rule.
Tim Mcfarlane (S482)	S482.003	Oppose	Remove Restricted discretionary activity status for existing subdivisions.

Submitter Name (ID)	Submission Point	Position	Decision Requested
			Alternatively, exclude residential activities other than primary residential dwellings from this rule.
Claire & John West (S506)	S506.003	Oppose	Remove Restricted discretionary activity status for existing subdivisions. Alternatively, exclude residential activities other than primary residential dwellings from this rule.
Lauren Nyhan Anthony Phillips (S533)	S533.003	Oppose	Remove Restricted discretionary activity status for existing subdivisions.
Buller District Council (S538)	S538.149	Support in Part	No changes to R33, however insert rule above R33 for permitted activity criteria to address the following: Unoccupied buildings within the overlay Repairs and maintenance to existing buildings and structures Extensions to floor area of existing buildings need to be addressed.
<i>Westpower Limited (FS222)</i>	<i>FS222.050</i>	<i>Oppose</i>	<i>Disallow</i>
Stewart & Catherine Nimmo (S559)	S559.003	Oppose	Remove Restricted discretionary activity status for existing subdivisions. Alternatively, exclude residential activities other than primary residential dwellings from this rule.
Joel and Jennifer Watkins (S565)	S565.006	Amend	Remove Restricted discretionary activity status for existing subdivisions.
Joel and Jennifer Watkins (S565)	S565.012	Amend	Alternative relief: exclude residential activities other than primary residential dwellings from this rule.
Chris & Jan Coll (S558)	S558.040	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.040	Support	Retain
William McLaughlin (S567)	S567.127	Support	Retain
Tim and Phaedra Robins (S579)	S579.002	Amend	Amend to remove Restricted discretionary activity status for existing subdivisions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Tim and Phaedra Robins (S579)	S579.003	Amend	Alternative relief amend to exclude residential activities other than primary residential dwellings from this rule
Paparoa Track Services et al. (605)	S605.007	Oppose	Delete this rule in relation to Punakaiki Village
Grey District Council (S608)	S608.591	Support in Part	Insert new provision NH - R33 for the permitted activity of altering, adding or maintaining existing unoccupied buildings that aren't used for sensitive activities within the Land Instability Overlay, as well as for new buildings that are not for sensitive activities in the Land Instability Overlay (i.e. pump station).
Toka Tū Ake (S612)	S612.067	Support	Retain
Ngāi Tahu (S620)	S620.099	Amend	Amend to include the following wording: (b) Requirements for geotechnical certification that subject to those measures specified: i. The proposed building or structure will not be likely to be subject to damage from slope instability during its useful life; and ii. The proposed works will not be likely to result in or contribute to damage to any adjoining or downslope property <u>or a Site or Area of Significance to Māori listed in schedule three</u> within or adjoining the natural hazard overlay - land instability alert
NH-R34			
Te Mana Ora (S190)	S190.209	Support	Retain rule
Jane Whyte & Jeff Page (S467)	S467.025	Oppose	In relation to Punakaiki Village, delete this rule.
Buller District Council (S538)	S538.150	Support	Retain as notified
Chris & Jan Coll (S558)	S558.041	Support	Amend to being a Discretionary Activity
Chris J Coll Surveying Limited (S566)	S566.041	Support	Amend to being a Discretionary Activity

Submitter Name (ID)	Submission Point	Position	Decision Requested
William McLaughlin (S567)	S567.128	Support	Amend to being a Discretionary Activity.
Paparoa Track Services et al. (605)	S605.008	Oppose	Delete this rule in relation to Punakaiki Village

Analysis

General

662. Gail Dickson (S407.0030) requests that there be a new Permitted Activity rule for outbuildings/unoccupied buildings, or similar. We agree as this is consistent with a risk-based approach, and a new rule to this effect is recommended.

NH-R33

663. Te Mana Ora (S190.208), Toka Tū Ake (S612.067), Chris & Jan Coll (S558.040), Chris J Coll Surveying Limited (S566.040) and William McLaughlin (S567.127) support this rule and request it be retained.

664. Jane Whyte & Jeff Page (S467.024) and Paparoa Track Services et al. (605.007) seek that this rule be deleted in relation to Punakaiki Village. It is recommended to change the extent of the Land Instability Overlay to match that currently in the Operative Buller District Plan, however it is not appropriate to delete this rule entirely for Punakaiki Village as this would mean that the risk posed by known slope instability would not be managed.

665. Submissions from Russell and Joanne Smith (S477.003), Tim Mcfarlane (S482.003), Claire & John West (S506.003), Lauren Nyhan Anthony Phillips (S533.003), Stewart & Catherine Nimmo (S559.003), Joel and Jennifer Watkins (S565.006), Tim and Phaedra Robins (S579.002) seek that the Restricted Discretionary Activity status be removed for existing subdivisions, with submission points S477.003, S482.003, S565.012, S579.003 seeking the alternate relief that residential activities other than the primary residential dwelling from the rule. It is noted in relation to these submissions, that once the provisions of the TTPP are operative, any future land use will be subject to them, including any requirements in relation to slope instability. However, this will not impact upon any legally established buildings that will continue to have existing use rights.

666. Both Buller District Council (S538.149) and Grey District Council (S608.591) seek a new Permitted Activity rule to address unoccupied buildings or those used for what we are proposing be termed Less Hazard Sensitive Activities. We agree that this is gap in the framework and recommend a new rule to provide the relief sought. While it is noted that Westpower Limited (FS222.050) opposes the submission Buller District Council, this relates to requiring more detail on the changes recommended so that an informed further submission can be made.

667. Ngāi Tahu (S620.099) seeks that the rule be amended as follows:

- (b) Requirements for geotechnical certification that subject to those measures specified:
 - i. The proposed building or structure will not be likely to be subject to damage from slope instability during its useful life; and

- ii. The proposed works will not be likely to result in or contribute to damage to any adjoining or downslope property or a Site or Area of Significance to Māori listed in schedule three within or adjoining the natural hazard overlay - land instability alert.

668. We are of the opinion that specific recognition of sites or areas of significance to Māori within the rule is unnecessary, as the rule captures any adjoining or downslope property. While we are open to discussing this further, it would seem that if we were to specify one type of property, we would need to specify all types of property that might potentially be impacted. Therefore, we recommend that this submission point be rejected.

NH-R34

669. Te Mana Ora (S190.209) and Buller District Council (S538.150) support this rule and request it be retained.
670. Chris & Jan Coll (S558.041), Chris J Coll Surveying Limited (S566.041) and William McLaughlin (S567.128) seek that the activity status be changed from Non-complying to Discretionary. We recommend that this submission point be rejected, as a Non-complying Activity status is considered to be appropriate where an expert report is not provided to confirm that the risk to people and property is acceptable, given that a risk is known to exist in these areas.
671. Jane Whyte & Jeff Page (S467.025) and Paparoa Track Services et al. (605.008) seek that this rule be deleted in relation to Punakaiki Village. It is recommended to change the extent of the Land Instability Overlay to match that currently in the Operative Buller District Plan, however it is not appropriate to delete this rule entirely for Punakaiki Village as this would mean that the risk posed by known slope instability would not be managed.
672. Overall, we are of the opinion that Rule NH-R34 is not required, as the elevation in activity status is provided in Rule R33. Therefore, it is recommended that this rule be deleted.

Recommendations

673. It is recommended that a new rule be inserted, as follows:

NH-R11 Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Land Instability Hazard Overlay

Activity Status: Permitted

674. It is recommended that Rule NH-R33 be changed as follows:

NH-R33~~12~~ Additions to Existing Buildings and New Buildings for containing Potentially Hazard Sensitive and Hazard Sensitive Activities in the Land Instability Overlay

Activity Status Restricted Discretionary

Where:

1. ~~These are accompanied by a~~ A geotechnical assessment prepared by a suitably qualified and experienced geotechnical engineer is provided.

Discretion is restricted to:

- a. Requirements for measures in relation to building location, design or construction that, if carried out, will be adequate to

avoid any damage to the proposed building or additions, or to any adjoining or downslope property, arising from slope instability during the useful life of the building or structure; and

- b. Requirements for geotechnical certification that subject to those measures specified:
 - i. The proposed building or structure will not be likely to be subject to damage from slope instability during its life; and
 - ii. The proposed works will not be likely to result in or contribute to damage to any adjoining or downslope property within or adjoining the natural hazard overlay – land instability alert.

Activity status where compliance not achieved: Non-complying

- 675. It is recommended that Rule NH-R34 is deleted as the elevation in activity status is already provided by the preceding rule.
- 676. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

- 677. The newly proposed rule will address a gap in the rule framework where unoccupied buildings or buildings used for Less Hazard Sensitive Activities were not addressed by the notified version of the TTPP. The rules did also not address commercial or industrial buildings or buildings for what we are proposing to be termed Potentially Hazard Sensitive Activities. Including rules for these activities will clarify what activities are captured by the rules and where resource consent is required. As such the recommended changes are considered to be more effective and efficient than those notified.

Costs and Benefits

- 678. As the new rule for Less Hazard Sensitive Activities has a Permitted Activity status there are no costs associated with including this.
- 679. There will be costs associated with the inclusion of Potentially Hazard Sensitive Activities as a Restricted Discretionary Activity within the overlay, both in terms of the resource consent application itself and the geotechnical report that is required to accompany the application.
- 680. However, the benefit is that the amendments will ensure that activities will not be established in areas at risk from land instability to give better effect to the WCRPS and section 6(h) of the RMA, and better achieve Part 2 of the RMA by enabling people to provide for their health and safety.
- 681. Overall, it is considered that the benefits outweigh the costs.

Risks of Acting or Not Acting

- 682. The risk of not acting is that the rules for the Land Instability Overlay will be uncertain, as not all activities are adequately captured. This could lead to inappropriate development occurring in areas that are known to be subject to land instability. There are considered to be no risks with acting.

Decision About the Most Appropriate Option

683. We are of the opinion that the recommended changes are the most appropriate way to achieve the objectives of the plan compared to those notified.

11.7 Rules for the Lake Tsunami Hazard Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
NH-R35			
Te Mana Ora (S190)	S190.210	Support	Retain rule
Westpower (S547)	S547.159	Amend	Amend the heading of NH-R35, Repairs, Maintenance, <u>Upgrading</u> , Additions, Alterations
Grey District Council (S608)	S608.592	Support in Part	Amend the definition of maintenance in the title to refer to buildings and structures. Reword NH - R35 provision 1. to the following: "1. There is no increase in the net floor area of any building used for sensitive activities."
NH-R36			
Te Mana Ora (S190)	S190.211	Support	Retain rule
Toka Tū Ake (S612)	S612.068	Support	Retain
NH-R37			
Te Mana Ora (S190)	S190.212	Support	Retain rule

Analysis

684. While the submissions in support of the rules associated with the Lake Tsunami Hazard Overlay are noted, as discussed in Section 7.5, reconsideration of the Lake Tsunami Hazard Overlay found that it is not based on any scientific evidence. As such, we recommend that the rules pertaining to the Lake Tsunami Hazard are removed.

Recommendations

685. It is recommended that Rules NH-R35 to NH-R37 relating to the Lake Tsunami Hazard Overlay be deleted.

686. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

687. The deletion of the Lake Tsunami Overlay and associated rules will improve the effectiveness of the plan as this overlay was a precautionary layer that was not based on accurate mapping. This will also improve the efficiency of plan administration by reducing the regulatory burden on councils in the region.

Costs and Benefits

688. The deletion of the rules associated with the Lake Tsunami Overlay will have no costs while benefiting those limited number of property owners that are currently affected by the overlay.

Risks of Acting or Not Acting

689. It is recognised that lake tsunami is a hazard associated with lakes throughout the region, particularly where private property is located adjacent to the lakeshore. Therefore, the risk of not acting is that buildings are located within areas subject to inundation from a lake tsunami. However, the 20m setback for buildings generally from the lake edge as required by the Natural Character of Waterbodies and Activities on the Surface of Water is expected to largely mitigate this hazard to an acceptable level.

Decision About the Most Appropriate Option

690. We are of the opinion that the removal of the rules in association with the removal of the overlay is the most appropriate way to achieve the objectives of the plan compared to retaining the rules as notified.

11.8 Rules for the Coastal Tsunami Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
General			
Margaret Montgomery (S446)	S446.039	Oppose in Part	Amend the rule to reflect that these are rights that all landowners have under s10 of the RMA.
Westpower (S547)	S547.167	Amend	(1) The term "Critical Response Facility(ies)" is be removed from each item in NH-R47 and NH-R48 and placed in the heading of each of the rules as that is what the rules are about and would ensure consistency with NH-R49 terminology. (3) Define "major dam" as previously submitted. (2) Add a note to the rules, <u>"(note: in reference to major dams it is the dam itself and not other buildings related to, or associated with, the dam that is being referred to in this rule.)"</u>
NH-R47			
Te Mana Ora (S190)	S190.222	Support	Retain rule
Buller District Council (S538)	S538.160	Support	Add advice note for clarity

Submitter Name (ID)	Submission Point	Position	Decision Requested
Chris & Jan Coll (S558)	S558.053	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.053	Support	Retain
William McLaughlin (S567)	S567.139	Support	Retain
Toka Tū Ake (S612)	S612.077	Support	Retain
Snodgrass Road Submitters (S619)	S619.025	Support	Retain provision
NH-R48			
Te Mana Ora (S190)	S190.223	Support	Retain rule
Chris & Jan Coll (S558)	S558.055	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.055	Support	Retain
William McLaughlin (S567)	S567.140	Support	Retain
Toka Tū Ake (S612)	S612.078	Support	Retain
Snodgrass Road Submitters (S619)	S619.026	Support	Retain provision
NH-R49			
Te Mana Ora (S190)	S190.224	Support	Retain rule
Buller District Council (S538)	S538.161	Support	Add advice note for clarity
Chris & Jan Coll (S558)	S558.056	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.056	Support	Retain
William McLaughlin (S567)	S567.141	Support	Retain
Snodgrass Road Submitters (S619)	S619.027	Support	Retain provision

Analysis

691. While the submissions in support of the rules for the Coastal Tsunami Overlay are noted, as discussed in Section 7.6, reconsideration of the Coastal Tsunami Hazard Overlay found that it is based on evacuation mapping which is too conservative to apply for land use planning purposes.

Recommendations

692. It is recommended that the submission by Elley Group Limited (S164.002) and further submission by Frank O'Toole (235.036) be accepted, and that Rules NH-R47 to NH-R49 as they relate to the Coastal Tsunami Overlay be deleted.
693. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

694. The deletion of the Coastal Tsunami Overlay rules will improve the effectiveness of the plan as this overlay is based on conservative evacuation mapping, and therefore is not suitable for land use planning purposes. This will also improve the efficiency of plan administration by reducing the regulatory burden on Councils in the region.

Costs and Benefits

695. The deletion of the rules will have no costs while benefiting those property owners that are currently impacted by the overlay and associated restrictions.

Risks of Acting or Not Acting

696. It is recognised that tsunami inundation is a significant risk to coastal areas in the region. Therefore, the risk of acting is that critical response facilities are located within areas subject to inundation from a coastal tsunami.
697. The risk of not acting is that the overlay and provisions are based on mapping that has a life safety focus and therefore is necessarily conservative, leaving them open to challenge. It is noted that there is a degree of overlap between the Coastal Severe and Flood Severe Overlays with the Coastal Tsunami Overlay, the rules for which will by proxy mitigate the risk of inundation to a degree until such time that tsunami inundation mapping for land use planning purposes can be completed to inform the TTPP.

Decision About the Most Appropriate Option

698. We are of the opinion that the removal of the rules for the Coastal Tsunami Overlay is the most appropriate way to achieve the objectives of the plan compared to retaining the overlay as notified.

11.9 Rules for the Hokitika Coastal Hazard Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
NH-R50			
TTPP Committee (S171)	S171.005	Amend	Amend wording to 1. All Any new buildings are protected by the located in the protection area of the Hokitika Flood and Coastal Erosion Protection Scheme, from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event, as certified as mapped by the West Coast Regional Council

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<p>2. Where new buildings are not protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event:</p> <p>a. Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event;</p> <p>b. Commercial and industrial buildings have a finished floor level of 300mm above the 100-year ARI plus 1m sea level rise coastal event.</p>
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.034</i>	<i>Oppose in Part</i>	<i>Disallow in Part</i>
Te Mana Ora (S190)	S190.225	Support	Retain rule
West Coast Regional Council (S488)	S488.016	Oppose	<p>Rule NH - R50, is reworded to provide clarity to landowners. Suggested wording:</p> <p>Where new buildings are not protected by the Hokitika/Westport Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event:</p> <p>a. Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event;</p> <p>b. Commercial and industrial buildings have a finished floor level of 300mm above the 100-year ARI plus 1m sea level rise coastal event.</p> <p>Provide a clear definition for 100-year Annual Recurrence Interval (1% ARI) plus 1m sea level rise coastal event and a 1% annual exceedance probability (AEP).</p>
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.023</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Westpower (S547)	S547.169	Support	Retain

Submitter Name (ID)	Submission Point	Position	Decision Requested
Department of Conservation (602)	S602.050	Oppose	<p>Amend: Activity Status Permitted Where:</p> <p>All new buildings are protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event, as certified by the West Coast Regional Council. Where new buildings are not protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event: Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event;</p> <p>Commercial and industrial buildings have a finished floor level of 300mm above the 100-year ARI plus 1m sea level rise coastal event. Activity status where compliance not achieved: Discretionary</p>
Department of Conservation (602)	S602.00239	Amend	<p>Add new Restricted Discretionary Rule and Non-Complying Rules:</p> <p><u>NH-RXX New Buildings in the Hokitika Coastal Overlay Where new buildings are not protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event:</u></p> <p><u>Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event;</u></p> <p><u>Commercial and industrial buildings have a finished floor level of 300mm above the 100-year ARI plus 1m sea level rise coastal event.</u></p> <p><u>Discretion is restricted to:</u></p> <p><u>An assessment and consideration of coastal erosion risk;</u></p> <p><u>The effects of natural hazards on people and property;</u></p>

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<p><u>The location and design of proposed buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;</u></p> <p><u>The management of vegetation or other natural features to mitigate natural hazard risk;</u></p> <p><u>The timing, location, scale and nature of any earthworks in relation to natural hazard risk;</u></p> <p><u>The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site and adjacent properties;</u></p> <p><u>Adverse effects on ecosystems and indigenous biodiversity;</u></p> <p><u>Any other adverse effects on the environment of any proposed natural hazard mitigation measures; and</u></p> <p><u>Alternative methods to avoid or mitigate the identified hazard risks.</u></p> <p><u>Activity status where compliance not achieved: Discretionary</u></p> <p><u>NH-RXX New Buildings in the Hokitika Coastal Overlay not meeting Restricted Activity Standards</u></p> <p><u>Activity Status Discretionary Activity status where compliance not achieved: N/A</u></p>
Toka Tū Ake (S612)	S612.081	Amend	Amend to require minimum finished floor levels 500mm above the 100-year ARI coastal inundation level for residential properties and 300mm above the 100-year ARI coastal inundation level for commercial and industrial buildings for all structures within the Hokitika Coastal Hazard Zone
NH-R51			
Te Mana Ora (S190)	S190.226	Support	Retain rule
Foodstuffs (S464)	S464.045	Amend	Activity Status Discretionary <u>Restricted discretionary</u> . Refer to matters of discretion and notification status in NHR12.

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Martin & Co. (FS140)</i>	<i>FS140.023</i>	<i>Support</i>	<i>Allow</i>
West Coast Regional Council (S488)	S488.017	Oppose	Rule NH - R51 is reworded to provide clarity to landowners.
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.024</i>	<i>Oppose in Part</i>	<i>Disallow in Part</i>
Toka Tū Ake (S612)	S612.082	Support	Retain

Analysis

699. Te Mana Ora (S190.225) and Westpower (S547.169) support Rule NH-R50 and seek that it be retained.
700. The submission by the TTPP Committee (S171.005) notes that the wording of the rule is poorly drafted and will not enable a certain outcome in administration.
701. Further reading of the submission by West Coast Regional Council has clarified submission point S488.016 in relation to providing a clear definition of a 1% ARI and 1% AEP event. West Coast Regional Council submits that the rules for the Hokitika Coastal Hazard Overlay (and the Westport Hazard Overlay which is discussed in Section 11.10) are unenforceable over the 10 year period of the TTPP. They submit that tying a flood protection scheme to an ARI (or equally an AEP) means that any flood protection scheme must offer this level of protection in perpetuity. As the submitter correctly identifies,
- “a scheme is constructed to offer a certain level of protection, but climate change or new flood data may mean that level of protection changes over time. On a technical basis, that level of protection may not be offered over the 10-year life of the Plan. For example, if the protection is modelled in year 3, it may show it only offers a 1 in 98-year ARI, therefore it would fail to comply with the rule and no-one could build in the protection area, or be subject to minimum floor heights. Additionally, buildings that are constructed before the year 3 modelling occurs, may be illegal if the protection is remodelled to show a lower protection. In the event the modelling shows a lower protection, it may mean those buildings need retrospective resource consent.”
702. We agree with this submitter that the level of service provided by the protection works will change over time and recognise the potential issues with tying the flood protection scheme to a specified return period. As such, changes are recommended to address this and provide the relief sought by this submitter. To confirm, the rule will still require that new additions or buildings are built to have a minimum finished floor level above the 1% AEP with 1m sea level rise coastal event, as while this level will change over time, the advice that will be provided by West Coast Regional Council (as per the recommended advice note) will be the best available at the time of the development occurring, and existing use rights will be retained in the event that the required minimum floor level requirement rises over time.
703. Toka Tū Ake (S612.081) request that Rule NH-R50 be amended to require minimum finished floor levels 500mm above the 100-year ARI coastal inundation level for residential properties and 300mm above the 100-year ARI coastal inundation level for commercial and industrial buildings for all structures within the Hokitika Coastal Hazard Zone.

704. We agree with this submitter. The mapping that has been undertaken for the coastal and fluvial flood hazards at Hokitika clearly demonstrates that a significant level of residual risk is present, particularly when climate change is factored in. Breaches of the stopbank are likely in a 1% AEP event at current climate. While new and upgraded protection structures are planned, and construction has commenced, this work is still in the early phases and there is currently no certainty of when the works will be completed or exactly what properties it will protect. Therefore, it is pertinent to take steps to manage the existing risk until such time that the planned protection works have been completed. On this basis, we recommend that submission S612.081 be accepted, and Rule NH-R50 be amended so that all buildings within the Hokitika Coastal Hazard area are required to have a minimum finished floor level including freeboard above the 1% AEP plus 1m of sea level rise coastal event.
705. Whilst it is acknowledged that the notified wording of rule NH-R50 sought to recognise the existing level of development in Hokitika and the protection that will be provided by the forthcoming upgrades, it is our understanding that while the works have begun, they are still some time away from being completed. This would effectively mean under the wording of the rule as notified which requires that buildings *'are protected'* (i.e. not *'will be protected'*) that until such time that the protection works are constructed, buildings would be *'not protected'* and the minimum floor level requirement above the 100 year ARI (or 1% AEP event) with freeboard would apply anyway.
706. It can be seen that whether a property is protected or not protected has the potential cause significant confusion for the public and plan users. The recommended wording is much clearer in that the minimum floor level requirements apply regardless of whether a property is protected or not. This decision has been made due to the uncertainty in the final extent of the constructed works, the level of service that will be provided, and what properties will be protected. Yet it is noted that because the recommended changes will require the minimum floor level applicable to a specific site to be obtained from WCRC at the time of proposed development, this will mean that as the protection structures are progressively constructed, the minimum floor level advice will reflect this. For example, if the protection works are built to provide protection in a 1% AEP event with climate change, then once constructed the associated modelling will show a property protected by the works as not subject to flooding in this event. Therefore, it is only the freeboard floor level that would apply, to minimise the degree of residual risk. It is also noted that in the situation where the protection works are not built to a 1% AEP level of service, the recommended changes will mean that the minimum floor level advised by WCRC will take this into account and manage any associated increase in residual risk.
707. Conversely, as per the notified wording of Rule NH-R50, once the extent of the new and upgraded scheme is decided, there may be properties within the Hokitika Coastal Hazard Overlay that will ultimately not be protected that will enjoy the benefit of a Permitted Activity status subject to minimum floor levels including freeboard above the inundation level for activities that might otherwise have a more restrictive activity status in accordance with the underlying coastal or flood hazard overlay until such time that a Plan Change is undertaken to amend the extent of the Hokitika Coastal Hazard Overlay.
708. This recommendation is also made in recognition that the Hokitika Coastal Hazard Overlay and the associated provisions are intended to be an interim measure until such time the upgrades are completed. At that stage, the expectation is that there will be a Plan Change process to amend the extent of the overlay to correctly include those properties protected, with properties that are not protected reverting to the underlying flood and coastal hazard

overlays. The provisions could also be updated at this time to appropriately reflect the level of risk (including residual risk) associated with the completed scheme. Until this time, the recommended wording of rule NH-R50 is considered to provide the flexibility required given the uncertainty that still exists in terms of the finished protection scheme.

709. As such, these are time limited issues, and in the case of the latter scenario, the requirement for minimum floor levels above the inundation levels will sufficiently mitigate the risk to new development in the interim until longer term solutions for some of these areas are decided.
710. Ultimately the intent of the rule remains the same, in that buildings in areas not protected have a minimum floor level above the inundation level plus freeboard. While the recommended changes will result in freeboard being applied to floor levels where buildings will be protected, this is within scope of the submissions and necessary to address residual risk.
711. Department of Conservation (S602.050; S602.00239) seek that where properties are not protected by the scheme this is elevated to a Restricted Discretionary Activity, with associated matters of discretion suggested, to allow the adverse effects to be appropriately assessed. We gave considerable thought to this submission when assessing the most appropriate manner in which to amend the rule. However, we are comfortable that what is recommended will adequately manage the risk that is posed until such time that the new and upgraded scheme is completed.
712. Foodstuffs (S464.045) seeks that the activity status for non-compliance with the Permitted Activity standards be changed from Discretionary to Restricted Discretionary, with matters of discretion being the same as those for Rule NH-R12, and a non-notification clause included. Martin & Co. (FS140.023) support this submission. Given the level of risk posed where minimum floor levels are not met, we disagree with these submissions and are of the opinion that a Discretionary Activity status is entirely appropriate to enable consideration of all actual and potential effects of the coastal and flood hazards that affect the area covered by the overlay.
713. Te Mana Ora (S190.226) and Toka Tū Ake (S612.082) support Rule NH-R51 and seek that it be retained, while West Coast Regional Council (S488.017) seek that it be considered in conjunction with the wording of Rule NH - R52 to provide clarity to landowners, which is opposed in part by Snodgrass Road Submitters in part (FS109.024). We recommend that the Discretionary Activity status for activities that do not comply with the Permitted Activity standards of Rule NH-R50 is retained, but that Rule NH-R51 be deleted, as the elevation in activity status is already provided by Rule NH-R50.

Recommendations

714. It is recommended that a new rule be included for the Hokitika Coastal Hazard Overlay as follows:

**NH-R13: Additions to Existing Buildings and New Buildings
containing Less Hazard Sensitive Activities in the Hokitika
Coastal Hazard Overlay**

Activity Status: Permitted

Activity status where compliance not achieved: N/A

715. It is recommended that Rule NH-R50 be changed as follows:

NH-R5014: Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive and Hazard Sensitive Activities in the Hokitika Coastal Hazard Overlay

Activity Status Permitted

Where:

- ~~1. All new buildings are protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event, as certified by the West Coast Regional Council~~
- ~~2.1. Where ~~n~~New buildings or additions to existing buildings are not protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event have a minimum floor level of:~~
 - ~~a. Buildings ~~f~~or ~~o~~r additions containing Hazard sSensitive aActivities have a minimum floor level of - 500mm above the ~~100-year ARI 1% annual exceedance probability~~ plus 1m sea level rise coastal event;~~
 - ~~b. Commercial and industrial ~~b~~Buildings have a finished floor level ~~of~~ or additions containing Potentially Hazard Sensitive Activities - 300mm above the ~~100-year ARI 1% annual exceedance probability~~ plus 1m sea level rise coastal event.~~

Activity status where compliance not achieved: Discretionary

Advice Note:

The required finished floor level shall be obtained from West Coast Regional Council.

716. It is recommended that Rule NH-R51 be deleted.

717. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

718. Submissions noted that the rule as notified was poorly drafted and would not enable certain outcomes in administration. The recommended changes remove reference to the level of service of the planned scheme to enable the rule to function as intended, and it has been considerably simplified. Therefore, the recommended changes will aid in plan interpretation and implementation and will be more effective and efficient at achieving the risk management outcomes sought by the objectives.

Costs and Benefits

719. As notified new buildings that were protected were a Permitted Activity whereas now they will need to meet a minimum finished floor level to remain as permitted. This could have additional costs in terms of engineering and building design, however there will be no additional regulatory costs unless the minimum floor level is not met, in which case resource consent will be required.

720. Conversely, we think that the benefits will be significant. The changes will provide clear direction for activities to be permitted in this area, while managing the risk that is posed.

Risks of Acting or Not Acting

721. The risk of not acting is that the rules as notified will not adequately manage the risk from inundation given that the scheme is not yet built and the level of protection that will be provided is not certain. The rules would allow development to continue in an area subject to a significant risk from flooding, impacting on the safety and resilience of people and property. As such, section 6(h) and Part 2 of the RMA will not be given effect to.

Decision About the Most Appropriate Option

722. For the above reasons the recommended amendments are considered to be more appropriate for achieving the objectives of the plan and the purpose of the RMA than the notified version.

11.10 Rules for the Westport Hazard Overlay

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
General			
Joanne and Ken Dixon (S213)	S213.004	Amend	Allow for site specific assessments to demonstrate compliance for permitted activities as opposed to a blanket approach in the Snodgrass area.
Troy Scanlon (S468)	S468.002	Not Stated	Amend the Westport hazard maps to include the flood control scheme.
Frank O'Toole (FS235)	FS2.35.0105	Support	Not <i>Stated</i>
Margaret Montgomery (S446)	S446.037	Amend	Amend the flood rules for Westport to take on board a similar approach to the Earthquake Hazard overlay whereby new residential buildings are allowed provided a hazard risk assessment is provided. The town should be mapped by council including where primary/secondary overland flow paths areas of inundation etc. a layer of mapping should also include lidar based mapping which accounts for the topography of the area.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Felicity Watson (S487)	S487.004	Amend	Provide a mechanism to seek floor level heights, or minimum building platform heights associated with subdivision from District or Regional Council on a case-by-case basis, so that expensive technical reports are not required every time someone wants to build a new house or modify an existing home. Environment Canterbury provide a flood risk assessment with floor levels upon request and a similar service should be available on the West Coast.
Martin & Co. (S543)	S543.005	Oppose	Amend the rules so that they are based on floor heights required with the flood protection in place. If that is not possible it should include rules that allow them to be considered in the future. The rules should be amended to refer to a 2% AEP level. The rules should have provision to allow for these heights to come into effect for the various areas in town as the works are completed to protect that area.
Martin & Co. (S543)	S543.027	Oppose	Amend overlay and amend associated rules to be more enabling
Chris & Jan Coll (S558)	S566.059	Oppose	Amend overlay and amend associated objectives, policies and rules to be more enabling
<i>Frank O'Toole (FS235)</i>	<i>FS235.014</i>	<i>Support</i>	<i>Not stated</i>
Chris J Coll Surveying Limited (S566)	S566.059	Oppose	Amend overlay and amend associated objectives, policies and rules to be more enabling
<i>Frank O'Toole (FS235)</i>	<i>FS235.026</i>	<i>Support</i>	<i>Not stated</i>
Avery Brothers (S609)	S609.074	Oppose	Amend overlay and amend associated objectives, policies and rules to be more enabling
<i>Frank O'Toole (FS235)</i>	<i>FS235.007</i>	<i>Support</i>	<i>Allow</i>
NH-R52			
TTPP Committee (S171)	S171.003	Amend	Amend the wording

Submitter Name (ID)	Submission Point	Position	Decision Requested
			<p>1. <u>Any</u> new occupied buildings and additions and alterations to existing occupied buildings where these are protected by are located in the protection area of the Westport Flood and Coastal Erosion Protection Scheme from a 100 year Annual Recurrence Interval (1%ARI) plus 1m sea level rise coastal event and a 1% annual exceedance probability (AEP) flood even as certified as mapped by the West Coast Regional Council; or</p> <p>2. <u>Where</u> new occupied buildings <u>are located</u> in areas not protected by outside those areas protected by the Westport Flood and Coastal Erosion Protection Scheme from a 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event, where these are:</p> <p>a. Buildings for sensitive activities where the finished floor level is 500mm above a 1% Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event and a 1% <u>Annual Exceedance Probability</u> (AEP) flood event;</p> <p>b. Commercial and industrial buildings where the finished floor level is 300mm above a 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event;</p> <p><u>or</u></p> <p>3. These are new unoccupied buildings or additions or alterations to existing unoccupied buildings; or</p> <p>4. These are additions and alterations to critical response facilities commercial and industrial activities where there is no increase in area of building that does not meet a minimum finished floor level of 300mm above a 1% ARI plus 1m sea level rise</p>

Submitter Name (ID)	Submission Point	Position	Decision Requested
			event and a 1% AEP flood event; or 5. These are additions and alterations to buildings for sensitive activities in areas not protected by the Westport Flood and Coastal Erosion Protection Scheme from a 1% ARI plus sea level rise coastal event and a 1% AEP flood event , where there is no increase in area of building that does not meet a minimum finished floor level of 500mm above a 1% ARI plus 1m sea level rise event and a 1% AEP flood event.
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.013</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.033</i>	<i>Oppose</i>	<i>Disallow</i>
Te Mana Ora (S190)	S190.2727	Support	Retain rule
Karen Lippiatt (S439)	S439.024	Support	Include a map linked to Rule NH52 that shows where land meets the Permitted Activity criteria.
The O'Connor Institute Trust Board (S466)	S466.012	Amend	Remove from clause 1 the protection standard after the words 'Westport Flood and Coastal Erosion Protection Scheme' and before the words 'as certified by the West Coast Regional Council'
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.007</i>	<i>Support</i>	<i>Allow</i>
<i>Frank O'Toole (FS235)</i>	<i>FS235.0101</i>	<i>Support</i>	<i>Allow</i>
Troy Scanlon (S468)	S468.003	Oppose	Amend so that if houses are built above the currently modelled 2% AEP level with an addition 0.5m freeboard then they are a Permitted Activity
Frank O'Toole (FS235)	FS235.0106	Support	Not Stated
Rick Hayman (S471)	S471.002	Amend	Reconsider the heights in the rule and align these to reflect building consents that have been issued recently - which is lower
Frank O'Toole (FS235)	FS235.086	Support	Not Stated

Submitter Name (ID)	Submission Point	Position	Decision Requested
Rick Hayman (S471)	S471.003	Amend	Confirm the timeframe and extent of construction of flood protection measures referred to within the rule.
Rick Hayman (S471)	S471.005	Amend	Amend the rules to refer to 1% AEP after the flood walls are constructed and require new buildings to have 300mm above this level.
Frank O'Toole (FS235)	FS235.088	Support	Not Stated
Rick Hayman (S471)	S471.006	Amend	Provide a simple mechanism to seek floor level heights or minimum building platform heights associated with subdivision, new home building and existing home modifications on a case-by-case basis that doesn't require expensive technical experts (eg Environment Canterbury approach).
Frank O'Toole (FS235)	FS235.089	Support	Not Stated
Frank and Jo Dooley (S478)	S478.011	Amend	Clause 1 should be amended to delete the protection standard after the words "Westport Flood and Coastal Erosion Protection Scheme".
Frank O'Toole (FS235)	FS235.040	Support	Allow
Frank and Jo Dooley (S478)	S478.013	Amend	Amend the need to provide flood protection to the levels set out.
Frank O'Toole (FS235)	FS235.041	Support	Not Stated
Frank and Jo Dooley (S478)	S478.014	Amend	Amend NH - R52 (2 - 5) to allow for finished floor levels for buildings for sensitive activities to be built to the 1 in 100 year ARI coastal event (without sea level rise) and the 1%AEP flood event until the Flood Protection Scheme is in place.
Frank O'Toole (FS235)	FS235.042	Support	Not Stated
Frank and Jo Dooley (S478)	S478.017	Amend	Amend the wording of the NH - R52 (1) to allow for new development to occur once an appropriate scheme is in place
Frank O'Toole (FS235)	FS235.044	Support	Allow
Frank and Jo Dooley (S478)	S478.055	Amend	Remove from clause 1 the protection standard after the words 'Westport Flood and Coastal Erosion Protection

Submitter Name (ID)	Submission Point	Position	Decision Requested
			Scheme' and before the words 'as certified by the West Coast Regional Council'
Frank O'Toole (FS235)	FS235.055	Support	Allow
The Coda Trust (S480)	S480.001	Oppose	Reconsider the heights in the rule to reflect the heights building consents have been approved to recently.
Frank O'Toole (FS235)	FS235.095	Support	Not Stated
The Coda Trust (S480)	S480.002	Oppose	Provide confirmation of the timeframe and extent of construction of flood protection measures required to achieve NH 52(1)
Frank O'Toole (FS235)	FS235.095	Support	Allow
The Coda Trust (S480)	S480.004	Amend	Provide a mechanism to seek floor level heights or minimum building heights associated with subdivision from the District or Regional Council on a case by case basis similar to the service provided by Environment Canterbury
Frank O'Toole (FS235)	FS235.098	Support	Not Stated
Felicity Watson (S487)	S487.002	Amend	Reconsider the heights required in the short term to reflect heights building consents have been approved to recently, which is lower than that required by the rule.
West Coast Regional Council (S488)	S488.018	Oppose	<p>Rule NH - R52 is reworded to provide clarity to landowners. Suggested wording:</p> <p>Where new buildings are not protected by the Hokitika/Westport Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event:</p> <p>a. Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event;</p>

Submitter Name (ID)	Submission Point	Position	Decision Requested
			b. Commercial and industrial buildings have a finished floor level of 300mm above the 100- year ARI plus 1m sea level rise coastal event. Provide a clear definition of clear definition for 100-year Annual Recurrence Interval (1% ARI) plus 1m sea level rise coastal event and a 1% annual exceedance probability (AEP).
Snodgrass Road Submitters (<i>FS109</i>)	FS109.025	Oppose in Part	Disallow in Part
Frank O'Toole (FS235)	FS235.0114	Support	Not Stated
Warren French (S494)	S494.001	Oppose	Reconsider the heights in the rule to reflect the heights building consents have been approved to recently.
Frank O'Toole (FS235)	FS235.0109	Support	Not <i>Stated</i>
Warren French (S494)	S494.002	Amend	Provide confirmation of the timeframe and extent of construction of flood protection measures required to achieve NH 52(1)
Frank O'Toole (FS235)	FS235.0110	Support	Not Stated
Warren French (S494)	S494.003	Amend	Provide greater clarification on the extent of the flood hazard maps for Westport including an independent peer review to ensure it is fit for purpose.
Frank O'Toole (FS235)	FS235.0111	Support	Not Stated
Warren French (S494)	S494.004	Amend	Provide a mechanism to seek floor level heights or minimum building heights associated with subdivision from the District or Regional Council on a case by case basis similar to the service provided by Environment Canterbury.
Frank <i>O'Toole (FS235)</i>	FS235.0112	Support	Not Stated

Submitter Name (ID)	Submission Point	Position	Decision Requested
Buller District Council (S538)	S538.162	Support in Part	<p>Rewrite rule NH-R52. A simplified rule would be preferred, however if a similar format is followed as proposed in R52 a suggestion is below. Our changes are based on using the existing TTPP definitions. There may be merit in separating out the use of additions and alterations to ensure that a clear concise interpretation of the rules can be achieved for all plan users.</p> <p>Suggestion</p> <p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These are <u>new buildings for sensitive activities</u> where the finished floor level is 500mm above 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event; or 2. These are <u>new buildings for critical response facilities, commercial and industrial activities</u> where the finished floor level is 300mm above a 1% ARI plus 1m sea level rise event and a 1% AEP flood event; or 3. These are <u>additions and alterations to existing buildings currently used for sensitive activities</u> where there is no increase in the existing floor area that does not meet the finished floor level of 500mm above 1% ARI plus 1m sea level rise coastal event and a 1% AEP floor; or 4. These are <u>additions and alterations to buildings for critical response facilities, commercial and industrial activities</u> where there is no increase in the existing floor area that does not meet the finished floor level is 300mm above a 1% ARI plus 1m sea level rise event and a 1% AEP flood event; 5. These are <u>new unoccupied buildings</u>; or 6. These are <u>unoccupied extensions to existing buildings</u>

Submitter Name (ID)	Submission Point	Position	Decision Requested
			7. The <u>conversion of an unoccupied building</u> that alters the habitable space as to increase the likely number of inhabitants where the finished floor level is 500mm above 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event
<i>The O'Connor Institute Trust Board (FS137)</i>	<i>FS137.014</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.029</i>	<i>Oppose in Part</i>	<i>Disallow in Part</i>
<i>Frank O'Toole (FS235)</i>	<i>FS235.009</i>	<i>Oppose in Part</i>	<i>Not stated</i>
Martin & Co. (S543)	S543.030	Oppose	Amend to be more enabling
Chris & Jan Coll (S558)	S558.057	Amend	Amend to be more enabling.
<i>Frank O'Toole (FS235)</i>	<i>FS235.012</i>	<i>Support</i>	<i>Not stated</i>
Chris J Coll Surveying Limited (S566)	S566.057	Amend	Amend to be more enabling.
<i>Frank O'Toole (FS235)</i>	<i>FS235.024</i>	<i>Support</i>	<i>Not stated</i>
William McLaughlin (S567)	S567.142	Amend	Amend to be more enabling.
<i>Frank O'Toole (FS235)</i>	<i>FS235.0121</i>	<i>Support</i>	<i>Not stated</i>
Frank O'Toole (S595)	S595.001	Amend	Amend the need to provide flood protection to the levels set out.
Frank O'Toole (S595)	S595.002	Amend	Amend NH - R52 (2 - 5) to allow for finished floor levels for buildings for sensitive activities to be built to the 1 in 100 year ARI coastal event (without sea level rise) and the 1%AEP flood event until the Flood Protection Scheme is in place.
Frank O'Toole (S595)	S595.005	Amend	Amend the wording of the NH - R52 (1) to allow for new development to occur once an appropriate scheme is in place
Frank O'Toole (S595)	S595.006	Amend	Amend the residential zone rules to allow an exception for recession plane intrusions caused by elevated floor levels arising from compliance with the NH - R52.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Toka Tū Ake (S612)	S612.084	Amend	Amend: minimum finished floor levels 500mm above the 100-year ARI coastal inundation level for residential properties and 300mm above the 100-year ARI coastal inundation level for commercial and industrial buildings for all structures within the Westport Hazard Zone.
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.035</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Frank O'Toole (FS235)</i>	<i>FS235.0103</i>	<i>Oppose in Part</i>	<i>Not stated</i>
Snodgrass Road Submitters (S619)	S619.028	Amend	Amend Rule NH-R52 to allow the floor area of a dwelling in the Snodgrass Road properties to be extended by 25 - 50 m ² over any continuous 10 year period without meeting the finished floor area standards set out in Rule NH-R52.
NH-R53			
Te Mana Ora (S190)	S190.228	Support	Retain rule
Margaret Montgomery (S446)	S446.020	Oppose	Amend Discretionary Activities to be Restricted Discretionary.
<i>Frank O'Toole (FS235)</i>	<i>FS235.082</i>	<i>Support</i>	<i>Allow</i>
Foodstuffs (S464)	S464.046	Amend	Activity Status Discretionary <u>Restricted discretionary</u> Refer to matters of discretion and notification status in NHR12.
<i>Martin & Co. (FS140)</i>	<i>FS140.024</i>	<i>Support</i>	<i>Allow</i>
West Coast Regional Council (S488)	S488.019	Oppose	Rule NH - R53 is reworded to provide clarity to landowners.
Snodgrass Road Submitters (FS109)	FS109.026	Oppose in Part	Disallow in Part
Frank O'Toole (FS235)	FS235.0115	Support	Not Stated
Buller District Council (S538)	S538.163	Support	Retain as notified.
<i>Frank O'Toole</i>	<i>FS235.0010</i>	<i>Support</i>	<i>Not stated</i>
Martin & Co. (S543)	S543.031	Oppose	Amend to be more enabling

Submitter Name (ID)	Submission Point	Position	Decision Requested
Chris & Jan Coll (S558)	S558.058	Amend	Amend to be more enabling.
<i>Frank O'Toole (FS235)</i>	<i>FS235.013</i>	<i>Support</i>	<i>Not stated</i>
Chris J Coll Surveying Limited (S566)	S566.058	Amend	Amend to be more enabling.
<i>Frank O'Toole (FS235)</i>	<i>FS235.025</i>	<i>Support</i>	<i>Not stated</i>
William McLaughlin (S567)	S567.143	Amend	Amend to be more enabling.
<i>Frank O'Toole (FS235)</i>	<i>FS235.0122</i>	<i>Support</i>	<i>Not stated</i>
Toka Tū Ake (S612)	S612.085	Support	Retain
Snodgrass Road Submitters (S619)	S619.029	Support	Retain Rule NH-R53

Analysis

General

723. Margaret Montgomery (S446.037) seeks that the rules for the Westport Hazard Overlay are amended to take a similar approach to the Earthquake Hazard Overlay whereby new residential buildings are allowed provided a hazard risk assessment is provided and that the town should be mapped by council to show primary and secondary overland flow paths and areas of inundation which should be based on LiDAR data.
724. Joanne and Ken Dixon (S213.004) seek that the rules are amended to allow for site specific assessments to demonstrate compliance for permitted activities as opposed to a blanket approach in the Snodgrass Area.
725. In response to these submissions, we are mindful of the availability of expertise and the cost involved in requiring expert reports, and as such only recommend that these are required where it is considered necessary to understand the risk level present. In terms of the mapping, the Westport Hazard Overlay is underlain by recent and peer reviewed flood modelling information that utilises LiDAR data and surveyed cross-sections and which shows the areas of inundation and overland flow paths for a range of scenarios. The submitter has not provided any evidence to challenge the modelling upon which the Westport Hazard Overlay is based. As such, it is considered appropriate to require minimum floor levels based on this modelling, rather than requiring a site-specific assessment to remain permitted. It is noted that if an applicant wishes to challenge the minimum floor level they have the ability to provide a site-specific assessment as part of a Discretionary Activity resource consent application.
726. Troy Scanlon (S468.002) with support from Frank O'Toole (FS235.0105) seeks that the Westport hazard maps are amended to include the flood control scheme. While we understand that this is the intention, this is unable to happen until the extent of the scheme is decided.
727. Martin & Co. (S543.005) seeks that the rules are amended so that they are based on floor heights required with the flood protection in place. This is discussed further below in relation to Rule NH-R52, but in summary, it is considered that given the current uncertainty around the extent of the protection scheme, which properties will be protected, as well as

- the level of service that the scheme will provide, this will not ensure that the risk from flooding is sufficiently managed.
728. Submissions S468.003, S543.005 and further submission FS235.0106 request that a 2% AEP level be referred to in the rule. However, planning for a 1% AEP event is standard practice as it is recognised that planning for a 2% AEP event is not sufficient to ensure that the risk to our communities from natural hazards is appropriately managed.
729. Submission and further submission points S543.027, S566.059, FS235.014, S566.059, FS235.026, S609.074, FS235.007 seek that the overlay and associated provisions are amended to be more enabling of development. We are of the opinion that the Westport Hazard Overlay is enabling of development, as without the overlay many properties in Westport would be covered by a flood or coastal hazard overlay that is more restrictive in nature.

NH-R52

730. Te Mana Ora (S190.2727) supports this rule and seeks that it be retained.
731. Submissions and further submissions S543.030, S558.057, FS235.012, S566.057, FS235.024, S567.142, FS235.0121 seek that Rule NH-52 for the Westport Hazard Overlay is amended to be more enabling.
732. West Coast Regional Council (S488.018; S488.019) submits that the rules for the Westport Hazard Overlay are unenforceable over the 10 year period of the TTPP. They submit that tying a flood protection scheme to an ARI (or equally an AEP) means that any flood protection scheme must offer this level of protection in perpetuity. As the submitter correctly identifies,
- “a scheme is constructed to offer a certain level of protection, but climate change or new flood data may mean that level of protection changes over time. On a technical basis, that level of protection may not be offered over the 10-year life of the Plan. For example, if the protection is modelled in year 3, it may show it only offers a 1 in 98-year ARI, therefore it would fail to comply with the rule and no-one could build in the protection area, or be subject to minimum floor heights. Additionally, buildings that are constructed before the year 3 modelling occurs, may be illegal if the protection is re-modelled to show a lower protection. In the event the modelling shows a lower protection, it may mean those buildings need retrospective resource consent.”
733. Similarly, submissions and further submissions S466.012, FS137.007, FS235.0101, S478.011, FS235.040, S478.013, FS235.041, S478.055, S235.055, S595.001 seek that clause (1) of Rule NH-R52 be amended to remove reference to the level of service to be provided by the scheme.
734. We agree with these submissions that the level of service provided by the protection works will change over time and recognise the potential issues with tying the flood protection scheme to a specified return period. As such, changes are recommended to address this and provide the relief sought by these submitters. To confirm, the rule will still require that new additions or buildings are built to have a minimum finished floor level above the 1% AEP flood event, as while this level will change over time, the advice that will be provided by West Coast Regional Council (as per the recommended advice note) will be the best available at the time of the development occurring, and existing use rights will be retained in the event that the required minimum floor level requirement rises over time.

735. TTPP Committee (S171.003) note that Rule NH-R52 is poorly drafted and will not enable a certain outcome in administration. Buller District Council (S538.162) and West Coast Regional Council (S488.018) seek that it be rewritten and simplified/clarified. All submitters have suggested wording for Rule NH-52 as noted in the submission table above which we have considered and variously incorporated into our recommended changes.

736. In particular Buller District Council (S538.162) provides the following suggested wording:

Activity Status Permitted

Where:

1. These are new buildings for sensitive activities where the finished floor level is 500mm above 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event; or
2. These are new buildings for critical response facilities, commercial and industrial activities where the finished floor level is 300mm above a 1% ARI plus 1m sea level rise event and a 1% AEP flood event; or
3. These are additions and alterations to existing buildings currently used for sensitive activities where there is no increase in the existing floor area that does not meet the finished floor level of 500mm above 1% ARI plus 1m sea level rise coastal event and a 1% AEP floor; or
4. These are additions and alterations to buildings for critical response facilities, commercial and industrial activities where there is no increase in the existing floor area that does not meet the finished floor level is 300mm above a 1% ARI plus 1m sea level rise event and a 1% AEP flood event;
5. These are new unoccupied buildings; or
6. These are unoccupied extensions to existing buildings
7. The conversion of an unoccupied building that alters the habitable space as to increase the likely number of inhabitants where the finished floor level is 500mm above 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event

737. While not specifically highlighted in the original submission, subsequent meetings with Buller District Council have confirmed that the intention of the suggested wording is that all new buildings in the Westport Hazard Overlay for sensitive activities, critical response facilities, and commercial and industrial activities have a minimum floor level above the 1% AEP coastal event with sea level rise and the 1% AEP flood event, with additional freeboard depending on what the proposed activity the building will contain is, based on New Zealand Standards NZS4404:2010. Additions for these buildings should also meet the minimum floor level requirements, while unoccupied buildings do not have any minimum floor level requirement. Further submissions FS137.014, FS109.029 and FS235.009 oppose this submission point, or oppose in part.

738. Toka Tū Ake (S612.084) also request that Rule NH-R52 be amended to require minimum finished floor levels 500mm above the 100-year ARI coastal inundation level for residential properties and 300mm above the 100-year ARI coastal inundation level for commercial and industrial buildings for all structures within the Westport Hazard Zone. Further submissions FS109.035 and FS235.0103 oppose this or oppose in part.

739. The mapping that has been undertaken for the flood hazard at Westport clearly demonstrates that a significant level of residual risk is present, particularly when climate change is factored in. While upgrades of the protection structures are planned, the final details and level of service that will be provided are still to be confirmed.
740. It is further recognised that if the TTPP becomes operative prior to the scheme being completed and therefore the extent of properties protected being confirmed, there will be a period of time where all properties within the Westport Hazard Overlay will be required to comply with the minimum floor level above inundation levels as none of these will be protected. Submitters S478.014 and S595.002 have noted this and request the removal of climate change considerations in minimum floor levels until such time that the scheme is built. In a similar vein submission S471.005 supported by FS235.088 seeks that the rules be amended refer to a 1% AEP event after the flood walls are constructed and require new buildings to have 300mm above this level. However, it is considered that this will only add complexity and confusion to the rule framework.
741. Conversely, as per the notified wording of Rule NH-R52, once the extent of the upgraded scheme is decided, there will likely be properties within the Westport Hazard Overlay that will not be protected (for example Snodgrass Road) that will enjoy the benefit of a Permitted Activity status subject to minimum floor levels including freeboard above the inundation level for activities that might otherwise be subject to a more restrictive rule framework until such time that a Plan Change is undertaken to amend the extent of the Westport Hazard Overlay.
742. Ultimately, these are time limited issues, and in the case of the latter scenario, the requirement for minimum floor levels above the inundation levels will sufficiently mitigate the risk to new development in the interim until longer term solutions for some of these areas are decided.
743. Therefore, we accept submissions S538.162, and S612.084 and recommend that new buildings and additions to existing buildings that will contain Hazard Sensitive Activities (equivalent to sensitive activities) in the Westport Hazard Overlay are required to have a minimum finished floor level above the 1% AEP coastal event with 1m of sea level rise, and the 1% AEP flood event plus 500mm of freeboard, and new buildings and additions to existing buildings that will contain Potentially Hazard Sensitive Activities (equivalent to commercial and industrial activities) are required to have a minimum finished floor level above the 1% AEP coastal event with 1m of sea level rise, and the 1% AEP flood event plus 300mm of freeboard. Buildings for Less Hazard Sensitive Activities (equivalent to unoccupied buildings) are exempt from minimum floor levels.
744. This recommendation is also made in recognition that the Westport Hazard Overlay and the associated provisions are intended to be an interim measure until such time the scheme is completed. At that stage, the expectation is that there will be a Plan Change process to amend the extent of the overlay to correctly include those properties protected, with properties that are not protected reverting to the underlying flood and coastal hazard overlays. The provisions could also be updated at this time to appropriately reflect the level of risk (including residual risk) associated with the completed scheme. Until this time, the recommended wording of rule NH-R52 is considered to provide the flexibility required given the uncertainty that still exists in terms of the finished protection scheme.
745. Submissions and further submissions from S471.006, S480.004, S487.004, FS235.098, S494.004, FS235.0112 request that a mechanism be provided to advise floor level heights, or minimum building platform heights associated with subdivision from District or Regional

- Council on a case-by-case basis, so that expensive technical reports are not required every time someone wants to build a new house or modify an existing home. The submitter notes that Environment Canterbury provide a flood risk assessment with floor levels upon request and a similar service should be available on the West Coast. We entirely agree with this submitter, and West Coast Regional Council has confirmed that they will be the agency that provides this information. An advice note is recommended to be added to Rule NH-R52 to this effect.
746. Submissions and further submissions S439.024, S471.003, S480.002, S494.002, FS235.0110 seek that confirmation of the timeframe and extent of construction of flood protection measures required to achieve NH 52(1) is provided. At the time of preparing the section 42A assessment, the Westport Flood Protection Scheme had not been constructed. As such, this scheme is not part of the existing environment and therefore the maps must be based on the current flood hazard extent. However, when the flood protection scheme has been constructed, the Council has the option to remap the Westport Hazard Overlay and see whether the flood protection scheme reduces the extent of the overlay, and then undertake a variation to the District Plan to reflect the amended overlay extent.
747. Submission S494.003 with the support of further submission FS235.0111 seeks greater clarification on the extent of the flood hazard maps for Westport including an independent peer review to ensure it is fit for purpose. We have no reason to believe that the flood hazard modelling that has been undertaken is incorrect or contains significant errors. There has been no evidence presented through the submission process which demonstrates the need for these reports to be peer reviewed as there are incorrect assumptions or approach applied to the modelling. Furthermore, recent events have demonstrated that there has been flooding in a number of the areas encompassed by the mapping, and therefore this supports the basis that there is a hazard in these areas that need to be addressed. On this basis, to give effect to section 6(h) of the RMA it would be inappropriate to remove the Westport Hazard Overlay from the District Plan and it is our position that this hazard overlay should remain in the District Plan.
748. Submission S619.028 sought to allow for a level of permitted additions for properties in Snodgrass Road. We do not support this request. We have given considerable thought to whether a certain level of permitted additions should be allowed for properties in general within the Westport Hazard Overlay. However, due to the nature of the hazard, and the potential flood inundation depths, we have come to the position that it is appropriate for additions to occur to residential units, but only providing they meet the minimum floor level requirements. While we acknowledge this could result in split level residential units in some areas due to the flood depth, we are also of the view that the risk in this area should not be incrementally increased overtime through the ability to undertake constant additions to residential units, which are below the inundation level.
749. Submissions and further submission S471.002, FS235.086, S480.001, FS235.095, S487.002, S494.001, FS235.0109 seek that the minimum floor levels required are reconsidered to reflect the levels in recently approved building consents. The submissions also note that these levels are variable, and are creating a peppered landscape in Westport, with properties raised to a variety of levels with no cohesion. While the floor levels for recent developments are not provided, we accept that variable building heights may occur across Westport as the flood depth is variable, but locally required floor heights are expected to be similar. We also note that as recommended, the provisions would require additions to an existing dwelling to meet the minimum floor level requirements, which may result in the addition being at a higher level than the existing dwelling. We have considered

this at length and discussed it with the councils. Where we have landed is that the residual risk is currently significant in Westport, and until such time that the protection scheme is constructed, and the level of service is known, the risk needs to be managed as such. It is preferable that in the interim period until the scheme is constructed that the existing risk is managed, as opposed to allowing development to occur with no or insufficient mitigation of the existing risk, only to be in a situation where that development is not protected by the final scheme.

750. Snodgrass Road Submitters (S619.028) seek that Rule NH-R52 be amended to allow the floor area of a dwelling in the Snodgrass Road properties to be extended by 25 - 50 m² over any continuous 10 year period without meeting the finished floor area standards set out in Rule NH-R52. However, our position is that this would lead to an unacceptable increase in risk in this area and would not give effect to section 6(h) of the RMA.
751. Submitter S595.006 seeks an amendment to the recession plane/day light angle rules in recognition of the increased floor level requirements in response to flood hazards. This is a request we have seen in other parts of the country in response to the minimum floor level requirements. However, the level of analysis for this is extensive and requires detailed analysis on the resulting shading levels to neighbouring sites and flood depth analysis, to determine the appropriate level of recession plane increase. This would need to have occurred as part of the residential chapter review and is beyond the scope of what we can consider within just the context of the natural hazards chapter.
752. Submissions and further submissions S478.017, FS235.044, S595.005 seek that the rule be amended to allow for new development once the scheme is in place. This is the intent of the rules, and changes are recommended to clarify this.

Rule NH-R53

753. Submission and further submission points S190.228, S538.163, FS235.0010, S612.085, S619.029 support Rule NH-R53 and seek that it be retained.
754. Submission and further submission points S543.031, S558.058, FS235.013, S566.058, FS235.025, S567.143, FS235.0122 seek that Rule NH-R53 be amended to be more enabling.
755. Similarly, Margaret Montgomery (S446.020) and Foodstuffs (S464.046) seek that the Discretionary Activity status for activities that do not comply with the Permitted Activity status of Rule NH-R52 be amended to Restricted Discretionary. Further submissions FS235.082 and FS140.024 support this.
756. West Coast Regional Council (S488.019) seek that it be considered in conjunction with the wording of Rule NH-R52 to provide clarity to landowners, which is opposed and opposed in part by further submissions FS109.026, FS235.0115.
757. We have considered the full range of submissions and have the position that the Westport Hazard Overlay is already very permissive given the risk posed to the area from flooding. This specific overlay has been created in recognition of existing investment in the area, and future planned protection works, but a reasonable level of risk remains. Therefore, we are of the opinion that a Discretionary Activity status where the minimum floor levels are not met is entirely appropriate to enable consideration of all actual and potential effects of the flood hazards that affect the area covered by the overlay.
758. We recommend that the Discretionary Activity status for activities that do not comply with the Permitted Activity standards of Rule NH-R52 is retained, but that Rule NH-R53 be deleted, as the elevation in activity status is already provided by Rule NH-R52.

Recommendations

759. It is recommended that a new rule be inserted as follows:

NH-R15: Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Westport Hazard Overlay

Activity Status: Permitted

760. It is recommended that Rule NH-R52 is changed as follows:

NH-R5216: Additions to Existing Buildings and New Buildings and Additions and Alterations to Existing Buildings containing Potentially Hazard Sensitive Activities and Hazard Sensitive Activities in the Westport Hazard Overlay

Activity Status: Permitted

Where:

1. ~~New occupied buildings and additions and alterations to existing occupied buildings where these are protected by the Westport Flood and Coastal Erosion Protection Scheme from a 100 year Annual Recurrence Interval (1%ARI) plus 1m sea level rise coastal event and a 1% annual exceedance probability (AEP) flood event as certified by the West Coast Regional Council; or~~
2. 1. New occupied buildings or additions to existing buildings in areas not protected by the Westport Flood and Coastal Erosion Protection Scheme from a 1% ARI plus 1m sea level rise coastal event and a 1% AEP flood event, where these are have a minimum finished floor level of:
 - a. Buildings or additions containing for Hazard sSensitive aActivities where the finished floor level is _ 500mm above a 1% ARI annual exceedance probability plus 1m sea level rise coastal event and a 1% AEP annual exceedance probability flood event;
 - b. Commercial and industrial bBuildings or additions containing Potentially Hazard Sensitive Activities where the finished floor level is _ 300mm above a 1% ARI annual exceedance probability plus 1m sea level rise coastal event and a 1% AEP annual exceedance probability flood event;
3. ~~These are new unoccupied buildings or additions or alterations to existing unoccupied buildings; or~~
4. ~~These are additions and alterations to critical response facilities, commercial and industrial activities where there is no increase in area of building that does not meet a minimum finished floor level of 300mm above a 1% ARI plus 1m sea level rise event and a 1% AEP flood event;~~

5. ~~These are additions and alterations to buildings for sensitive activities in areas not protected by the Westport Flood and Coastal Erosion Protection Scheme from a 1% ARI plus sea level rise coastal event and a 1% AEP flood event, where there is no increase in area of building that does not meet a minimum finished floor level of 500mm above a 1% ARI plus 1m sea level rise event and a 1% AEP flood event.~~

Activity status where compliance not achieved: Discretionary

Advice Note:

The finished floor level required shall be obtained from West Coast Regional Council.

761. It is recommended that Rule NH-R53 is deleted.
762. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

763. Submissions noted that the rule as notified was poorly drafted and would not enable certain outcomes in administration. The recommended changes remove reference to the level of service of the planned scheme to enable the rule to function as intended, and it has been considerably simplified. Therefore, the recommended changes will aid in plan interpretation and implementation and will be more effective and efficient at achieving the risk management outcomes sought by the objectives.

Costs and Benefits

764. As notified new buildings that were protected were a Permitted Activity whereas now they will need to meet a minimum finished floor level to remain as permitted. This could have additional costs in terms of engineering and building design, however there will be no additional regulatory costs unless the minimum floor level is not met, in which case resource consent will be required.
765. Conversely, we are of the opinion that the benefits will be significant. The changes will provide clear direction for activities to be permitted in this area, while managing the risk that is posed.

Risks of Acting or Not Acting

766. The risk of not acting is that the rules as notified will not adequately manage the risk from inundation given that the scheme is not yet built and the level of protection that will be provided is not certain. The rules would allow development to continue in an area subject to a significant risk from flooding, impacting on the safety and resilience of people and property. As such, section 6(h) and Part 2 of the RMA will not be given effect to.

Decision About the Most Appropriate Option

767. For the above reasons the recommended amendments are considered to be more appropriate for achieving the objectives of the plan and the purpose of the RMA than the notified version.

12. Submissions on Subdivision Provisions for Natural Hazards

12.1 Overview, Objectives and Policies for Subdivision in the Natural Hazard Overlays

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Overview			
Te Mana Ora (S190)	S190.400	Support	Not stated
SUB-02			
Frank and Jo Dooley (S478)	S478.028	Amend	Amend to read: Subdivision occurs in locations and at a rate that: a. ... f. Avoids <u>Sufficiently mitigates risks from</u> significant natural hazards and are built to be resilient to natural hazards
<i>Kāinga Ora - Homes and Communities (FS586)</i>	<i>FS58.064/ FS58.0122</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Frank O'Toole (S595)	S595.016	Amend	Amend to read: Subdivision occurs in locations and at a rate that: a. ... f. Avoids <u>Sufficiently mitigates risks from</u> significant natural hazards and are built to be resilient to natural hazards
Toka Tū Ake (S612)	S612.086	Amend	Define what constitutes a 'significant' natural hazard.
<i>Kāinga Ora - Homes and Communities (FS586)</i>	<i>FS58.065/ FS58.0123</i>	<i>Support in Part</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.331</i>	<i>Support</i>	<i>Allow</i>
SUB-P4			
Te Mana Ora (S190)	S190.410	Support	Retain policy
Margaret Montgomery (S446)	S446.044	Oppose in Part	Wording should not specifically refer to foundation, but flood free options based on raised FFL based on the datum and flood data
Waka Kotahi (S450)	S450.116	Support	Retain as proposed
Martin & Co. (S543)	S543.043	Oppose	Amend to be more enabling

Submitter Name (ID)	Submission Point	Position	Decision Requested
Chris & Jan Coll (S558)	S558.190	Support	Amend point c. to recognise that a house can be raised/constructed above flood levels using piles or other building methods that do not involve raising the platform
Chris J Coll Surveying Limited (S566)	S566.190	Support	Amend point c. to recognise that a house can be raised/constructed above flood levels using piles or other building methods that do not involve raising the platform
<i>Frank O'Toole</i>	<i>FS235.029</i>	<i>Support</i>	<i>Allow</i>
William McLaughlin (S567)	S567.263	Support	Amend point c. to recognise that a house can be raised/constructed above flood levels using piles or other building methods that do not involve raising the platform.
Laura Coll McLaughlin (S574)	S574.190	Support	Amend point c. to recognise that a house can be raised/constructed above flood levels using piles or other building methods that do not involve raising the platform.
<i>Frank O'Toole</i>	<i>FS235.066</i>	<i>Support</i>	<i>Allow</i>
Department of Conservation (602)	S602.122	Oppose	Amend: Manage significant risks from natural hazards by <u>restricting avoiding</u> subdivision that: a. Creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris, fault rupture, severe ground shaking or flooding; or b. Results in adverse effects on the stability of land and buildings; and c. Does not provide safe, flood free and stable building platforms at the time of subdivision
<i>Davis Ogilvie & Partners Ltd</i>	<i>FS154.026</i>	<i>Support</i>	<i>Allow</i>

Submitter Name (ID)	Submission Point	Position	Decision Requested
Toka Tū Ake (S612)	S612.090	Amend	Amend "Manage significant risks from natural hazards by restricting subdivision that:..." to "Manage significant risks from natural hazards by avoiding subdivision that:..."
<i>Davis Ogilvie & Partners Ltd (FS154)</i>	<i>FS154.027</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.332</i>	<i>Oppose</i>	<i>Disallow</i>
Toka Tū Ake (S612)	S612.129	Support	Define what constitutes a significant hazard.
SUB-P6			
Frank and Jo Dooley (S478)	S478.029	Amend	Avoid subdivision: a. ... f. In areas of <u>that does not manage</u> significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities
<i>Kāinga Ora (FS586)</i>	<i>FS58.067/ FS58.0125</i>	<i>Support</i>	<i>Allow</i>
Frank O'Toole (S595)	S595.017	Amend	Avoid subdivision: a. ... f. In areas of <u>that does not manage</u> significant risk of natural hazards, where this is for the purposes of accommodating and/or servicing people and communities
<i>Davis Ogilvie & Partners Ltd (FS154)</i>	<i>FS154.028</i>	<i>Support</i>	<i>Allow</i>
Snodgrass Road Submitters (S619)	S619.035	Amend	Delete Policy SUB-P6(f).

Analysis

Overview

768. The support of Te Mana Ora (S190.400) for the overview is noted.

SUB-O2

769. We do not agree with the amendment proposed by Frank and Jo Dooley (S478.004) and Frank O'Toole (S595.016) to SUB-O2, as if there is a significant risk present, this needs to be avoided. If the risk can be mitigated to a lower level, then the 'avoid' directive would no longer apply. This rationale also applies to the submissions by Frank and Jo Dooley (S478.029), Frank O'Toole (S595.017) and Snodgrass Road Submitters (S619.035) and the

further submissions from Kāinga Ora (FS58.067/ FS58.0125) and Davis Ogilvie & Partners Ltd (FS154.028) in relation to SUB-P6. As such, these submission points are rejected.

770. Submitter S612.086 seeks an objective to define significant natural hazard risk. Given the framework that has been applied to the land use rules, the significant hazards where activities are being avoided are generally the Severe Flood Hazard and Earthquake Hazard Overlays. As such, we would expect future subdivisions in these areas to be avoided. We believe the policies and rules give the context to what constitutes a significant natural hazard and further clarity is not required.

SUB- P4

771. Submissions S558.190, S566.190, S567.263, S574.190 seek that SUB-P4(c) be amended to recognise that a house can be raised/constructed above flood levels using piles or other building methods that do not involve raising the platform. We agree that this is a viable approach to addressing flood hazards, particularly in the Flood Susceptibility Overlay and we have recommended a change to the policy to reflect this. This change is to remove the reference to flood free from the policy.
772. We agree with the Department of Conservation (S602.122) and Toka Tū Ake (S612.090) that 'avoiding' is more appropriate than 'restricting' and is also consistent with the terminology used throughout the Natural Hazards Chapter. While the further submission from Grey District Council (FS1.332) opposes this change, we note that in keeping with a risk-based approach, if mitigation measures have been incorporated to reduce the risk level from significant, then the subdivision does not have to be 'avoided' and there is a consenting pathway for this.

SUB-P6

773. We do not agree with the amendment proposed by Frank and Jo Dooley (S478.004) and Frank O'Toole (S595.016) to SUB-O2, as if there is a significant risk present, this needs to be avoided. If the risk can be mitigated to a lower level, then the 'avoid' directive would no longer apply. We do not agree with the submissions by Frank and Jo Dooley (S478.029), Frank O'Toole (S595.017) and Snodgrass Road Submitters (S619.035) and the further submissions from Kāinga Ora (FS58.067/ FS58.0125) and Davis Ogilvie & Partners Ltd (FS154.028) in relation to SUB-P6, which seeks to remove the word from Policy SUB-P6. We are of the view that if there is a significant natural hazard risk, then this needs to be avoided. As such, these submission points are rejected.

Recommendations

774. It is recommended that Objective SUB-O2 and Policy SUB-P6 be retained as notified.
775. It is recommended that SUB-P4 is changed as follows:

**SUB-P4: Manage significant risks from natural hazards by ~~restricting~~
avoiding subdivision that:**

- a. Creates new or exacerbates existing natural hazards including coastal hazards, erosion, slippage, subsidence, falling debris, fault rupture, severe ground shaking or flooding; or
- b. Results in adverse effects on the stability of land and buildings; and

- c. Does not provide safe, flood-free and stable building platforms at the time of subdivision.

776. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

777. The recommended changes are minor in nature but will provide clarity and consistency of the policy with those in the Natural Hazards Chapter. Therefore, we consider that the proposed changes are more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP than the wording as notified.

Costs and Benefits

778. There are no costs associated with the recommended changes. The benefit will be improved interpretation and plan administration.

Risks of Acting or Not Acting

779. There are no risks from acting or not acting.

Decision About the Most Appropriate Option

780. We are of the opinion that the amendments are the most appropriate way to achieve the objectives of the plan compared to those notified.

12.2 Rules for Subdivision in the Natural Hazard Overlays

Submissions

Submitter Name (ID)	Submission Point	Position	Decision Requested
Restricted Discretionary Activities			
Toka Tū Ake (S612)	S612.099	Amend	Amend to include of Natural hazards or geotechnical constraints as matters of discretion.
SUB-R5			
Grey District Council (S608)	S608.072	Amend	Amend Rule Condition 3(iv) title to remove reference to "Flood Plain" Rule to read: iv. Any Flood Susceptibility, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;
Chris J Coll Surveying Ltd (FS151)	FS151.026	Support	Allow
SUB-R6			
Grey District Council (S608)	S608.073	Amend	Amend Rule Condition 3(iv) title to remove reference to "Flood Plain" Rule to read: iv. Any Flood Susceptibility, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Chris J Coll Surveying Ltd (FS151)</i>	<i>FS151.027</i>	<i>Support</i>	<i>Allow</i>
SUB-R8			
Grey District Council (S608)	S608.074	Amend	Amend Rule Condition 3(v) title to remove reference to "Flood Plain" Rule to read: iv. Any Flood Susceptibility, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay
SUB-R13			
Te Mana Ora (S190)	S190.428	Support	Retain rule
Hamish Macbeth (S307)	S307.006	Amend	That subdivision is still a possibility within the Flood Susceptibility overlay.
John Brazil (S360)	S360.019	Support	Retain as notified
Margaret Montgomery (S446)	S446.057	Oppose in Part	Amend rule to allow that where the subdivision does not result in land use non-compliance, council has the ability to waive the minimum allotment standard and that matters of discretion d and e be more accurately defined in the Plan with in regards to natural hazards so that it offers potential solutions or guidance for applicants.
T Croft Ltd (S460)	S460.005	Oppose	Remove the flood plain overlay and associated subdivision rule.
<i>Arnold Valley et al. (FS90)</i>	<i>FS90.6</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.138</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Frank and Jo Dooley (S478)	S478.030	Amend	Amend to allow relief from the building platform standard SUB - S2 (2)(c) to reconcile the inconsistency in the rule framework, or some other similar relief that allows for SUB - R13 to function as intended.
Leonie Avery (S507)	S507.052	Support	Retain as notified
Jared Avery (S508)	S508.052	Support	Retain as notified
Kyle Avery (S509)	S509.052	Support	Retain as notified
Avery Bros (S510)	S510.052	Support	Retain as notified

Submitter Name (ID)	Submission Point	Position	Decision Requested
Bradshaw Farms (S511)	S511.052	Support	Retain as notified
Paul Avery (S512)	S512.052	Support	Retain as notified
Brett Avery (S513)	S513.052	Support	Retain as notified
Steve Croasdale (S516)	S516.054	Support	Retain
Buller District Council (S538)	S538.266	Support in Part	That a minimum qualification be defined for "suitably qualified and experienced practitioner."
Martin & Co. (S543)	S543.044	Oppose	Amend to be more enabling
<i>Vance and Carol Boyd (FS117)</i>	<i>FS117.1</i>	<i>Support</i>	<i>Allow</i>
Westpower (S547)	S547.384	Amend	Add <u>f. The provision of infrastructure and services for drinking water, waste water and stormwater, telecommunications and energy.</u>
Westpower (S547)	S547.385	Amend	Add <u>g. The provision of easements, including for both existing and proposed energy activities and associated infrastructure</u>
Westpower (S547)	S547.386	Amend	Add <u>h. Management of potential reverse sensitivity effects on existing land uses, including network utilities and critical infrastructure (including energy activities), rural activities or significant hazardous facilities.</u>
Chris & Jan Coll (S558)	S558.238	Amend	Delete "sensitive activities" from point d.
Geoff Volckman (S563)	S563.048	Support	Retain
Catherine Smart-Simpson (S564)	S564.054	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.238	Amend	Delete "sensitive activities" from point d.
William McLaughlin (S567)	S567.307	Amend	Delete "sensitive activities" from point d.
Laura Coll McLaughlin (S574)	S574.238	Amend	Delete "sensitive activities" from point d.
Koiterangi Lime (S577)	S577.059	Support	Retain

Submitter Name (ID)	Submission Point	Position	Decision Requested
Frank O'Toole (S595)	S595.018	Amend	Amend to allow relief from the building platform standard SUB - S2 (2)(c) to reconcile the inconsistency in the rule framework, or some other similar relief that allows for SUB - R13 to function as intended
Grey District Council (S608)	S608.076	Amend	Amend Rule title to remove reference to "Flood Plain" Rule to read: Subdivision to create allotment(s) in the Flood Susceptibility, Land Instability, Coastal Alert, Coastal Setback, Lake Tsunami and Coastal Tsunami Overlays
Avery Brothers (S609)	S609.046	Support	Retain
Toka Tū Ake (S612)	S612.101	Amend	Amend The subdivision will not lead to use of the land within the Coastal Tsunami Overlay for critical response facilities; <u>The subdivision will not lead to use of the land within natural hazard overlays for critical response facilities;</u>
<i>Westpower (FS222)</i>	<i>FS222.0355</i>	<i>Oppose</i>	<i>Disallow</i>
Karamea Lime (S614)	S614.076	Support	Retain
Peter Langford (S615)	S615.076	Support	Retain
SUB-R20			
Te Mana Ora (S190)	S190.435	Support	Retain rule
Margaret Montgomery (S446)	S446.059	Not Stated	Make a Restricted Discretionary Activity and provide Matters of Discretion.
Leonie Avery (S507)	S507.057	Support	Retain
Jared Avery (S508)	S508.057	Support	Retain
Kyle Avery (S509)	S509.057	Support	Retain
Avery Bros (S510)	S510.057	Support	Retain
Bradshaw Farms (S511)	S511.057	Support	Retain
Paul Avery (S512)	S512.057	Support	Retain
Brett Avery (S513)	S513.057	Support	Retain
Martin & Co. (S543)	S543.033	Oppose	Amend to be more enabling

Submitter Name (ID)	Submission Point	Position	Decision Requested
<i>Kāinga Ora (FS58)</i>	<i>FS58.069</i>	<i>Support in Part</i>	<i>Allow</i>
<i>Kāinga Ora (FS58)</i>	<i>FS58.0128</i>	<i>Support in Part</i>	<i>Allow</i>
Chris & Jan Coll (S558)	S558.250	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.250	Support	Retain
William McLaughlin (S567)	S567.318	Support	Retain
Laura Coll McLaughlin (S574)	S574.250	Support	Retain
Avery Brothers (S609)	S609.050	Support	Retain
Toka Tū Ake (S612)	S612.102	Support	Retain
Snodgrass Road Submitters (S619)	S619.036	Support	Retain Rule SUB-R20 and discretionary activity status for subdivision of the Snodgrass Road submitters properties.
SUB-R21			
TTPP Committee (S171)	S171.006	Amend	Amend Rule SUB-R21 in relation to subdivision in the Coastal Hazard Severe and Flood Hazard Severe Overlay so that it is a Non-complying activity
<i>Forest and Bird (FS34)</i>	<i>FS34.011</i>	<i>Support in Part</i>	<i>Allow</i>
Te Mana Ora (S190)	S190.436	Support	Retain rule
John Brazil (S360)	S360.021	Oppose in Part	Amend "Non-complying" to "N/A" under "Activity status where compliance not achieved".
Margaret Montgomery (S446)	S446.060	Not Stated	Make a Restricted Discretionary Activity and provide Matters of Discretion.
Leonie Avery (S507)	S507.058	Support	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Jared Avery (S508)	S508.058	Support	Amend to: Activity status where compliance not achieved: Non-complying N/A.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Avery Bros (S510)	S510.058	Support	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Bradshaw Farms (S511)	S511.058	Support	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Paul Avery (S512)	S512.058	Support	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Brett Avery (S513)	S513.058	Support	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Neil Mouat (S535)	S535.029	Oppose in Part	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Martin & Co. (S543)	S543.045	Oppose	Amend to be more enabling
Chris & Jan Coll (S558)	S558.251	Amend	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Chris J Coll Surveying Limited (S566)	S566.251	Amend	Amend to: Activity status where compliance not achieved: Non-complying N/A.
William McLaughlin (S567)	S567.319	Amend	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Laura Coll McLaughlin (S574)	S574.251	Amend	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Avery Brothers (S609)	S609.051	Support	Amend to: Activity status where compliance not achieved: Non-complying N/A.
Toka Tū Ake (S612)	S612.103	Support	Retain
SUB-R23			
Te Mana Ora (S190)	S190.438	Support	Retain rule
John Brazil (S360)	S360.022	Support	Retain
Margaret Montgomery (S446)	S446.062	Amend	Make a Restricted Discretionary Activity and provide Matters of Discretion.

Submitter Name (ID)	Submission Point	Position	Decision Requested
Leonie Avery (S507)	S507.059	Support	Retain
Jared Avery (S508)	S508.059	Support	Retain
Kyle Avery (S509)	S509.059	Support	Retain
Avery Bros (S510)	S510.059	Support	Retain
Bradshaw Farms (S511)	S511.059	Support	Retain
Paul Avery (S512)	S512.059	Support	Retain
Brett Avery (S513)	S513.059	Support	Retain
Steve Croasdale (S516)	S516.059	Support	Retain
Peter Jefferies (S544)	S544.009	Oppose	Delete the reference to the flood plain overlay in the rule
<i>Grey District Council (FS1)</i>	<i>FS1.185</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Martin & Lisa Kennedy	S545.009	Oppose	Delete the reference to the flood plain overlay in the rule
<i>Grey District Council (FS1)</i>	<i>FS1.186</i>	<i>Support in Part</i>	<i>Allow in Part</i>
Nick Pupich Sandy Jefferies (S546)	S546.009	Oppose	Delete the reference to the flood plain overlay in the rule
Chris & Jan Coll (S558)	S558.254	Support	Retain
Geoff Volckman (S563)	S563.053	Support	Retain
Catherine Smart-Simpson (S564)	S564.059	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.254	Support	Retain
William McLaughlin (S567)	S567.321	Support	Retain
Koiterangi Lime (S577)	S577.064	Support	Retain
Grey District Council (S608)	S608.077	Amend	Amend Rule title to remove reference to "Flood Plain" Rule to read: Subdivision to create Allotments in the Flood Susceptibility, Land Instability, Coastal Alert, Coastal Setback, Lake Tsunami and Coastal Tsunami Overlays not meeting Restricted Discretionary Activity Standards

Submitter Name (ID)	Submission Point	Position	Decision Requested
Avery Brothers (S609)	S609.052	Support	Retain
Karamea Lime (S614)	S614.081	Support	Retain
Peter Langford (S615)	S615.081	Support	Retain
SUB-R26			
Te Mana Ora (S190)	S190.443	Support	Retain rule
Lara Kelly (S421)	S421.017	Support	Amend to discretionary (instead of Non-complying).
Chris & Jan Coll (S558)	S558.257	Amend	Amend to Discretionary Activity.
Chris J Coll Surveying Limited (S566)	S566.257	Amend	Amend to Discretionary Activity.
<i>Davis Ogilvie & Partners Ltd (FS154)</i>	<i>FS154.032/ FS154.033</i>	<i>Oppose</i>	<i>Disallow</i>
William McLaughlin (S567)	S567.324	Amend	Amend to Discretionary Activity.
Laura Coll McLaughlin (S574)	S574.257	Amend	Amend to Discretionary Activity
Toka Tū Ake (S612)	S612.104	Support	Retain
SUB-R28			
Te Mana Ora (S190)	S190.436	Support	Retain rule
Lara Kelly (S421)	S421.018	Support	Amend to discretionary (instead of Prohibited).
Buller District Council (S538)	S538.270	Support	Retain as notified
Chris & Jan Coll (S558)	S558.259	Amend	Amend to Discretionary Activity.
Chris J Coll Surveying Limited (S566)	S566.259	Amend	Amend to Discretionary Activity.
<i>Davis Ogilvie & Partners Ltd (FS154)</i>	<i>FS154.034</i>	<i>Support in Part</i>	<i>Allow in Part</i>
William McLaughlin (S567)	S567.326	Amend	Amend to Discretionary Activity.
Laura Coll McLaughlin (S574)	S574.259	Amend	Amend to Discretionary Activity
Toka Tū Ake (S612)	S612.105	Support	Retain
SUB-S2			

Submitter Name (ID)	Submission Point	Position	Decision Requested
Margaret Montgomery (S446)	S446.065	Oppose in Part	Delete Clause 1 in relation to building platforms.

Analysis

General

781. With the recommended removal of the Flood Plain Overlay, those submissions and further submissions (S608.072, FS151.026, S608.073, FS151.027, S608.074, S460.005, FS90.6, FS1.138, S608.076, S544.009, FS1.185, S545.009, FS1.186, S546.009, S608.077) seeking that reference to this overlay in Rules SUB-R6, SUB-R8, and SUB-R13 be deleted are accepted. As the Lake Tsunami and Coastal Tsunami Overlays are also recommended to be deleted, consequential amendments to remove reference to these overlays in SUB-R6, SUB-R8 and SUB- R13 are also recommended.
782. Toka Tū Ake (S612.099) requested that natural hazards and geotechnical constraints be included as a matter of discretion for Restricted Discretionary Activities. We are of the opinion that this is adequately addressed by Standard SUB-S2, which required that each allotment created must have a building platform that is stable and flood free and outside any identified Natural Hazard Overlay. We recommend that this submission point be rejected.

SUB-R13

783. Submitters S190.428, S360.019, S507.052, S508.052, S509.052, S510.052, S511.052, S512.052, S513.052, S516.054, S563.048, S564.054, S577.059, S609.046, S614.076 and S615.076 support Rule SUB-R13 and seek that it be retained.
784. Hamish Macbeth (S307.006) seeks that subdivision is still a possibility within the Flood Susceptibility Overlay. It is proposed that subdivision in the Flood Susceptibility Overlay be a Restricted Discretionary Activity where it is supported by a risk assessment by a suitably qualified and experienced practitioner. As such, subdivision within this overlay is a possibility where the assessment can demonstrate that the risk to people and property from allowing the development to proceed is acceptable.
785. Buller District Council (S538.266) seeks that a minimum qualification be defined for "suitably qualified and experienced practitioner." We consider that good guidance on this is provided by the Bay of Plenty Regional Policy Statement Natural Hazard User Guide³ as follows:

1. _____

³ <https://atlas.boprc.govt.nz/api/v1/edms/document/A3889265/content>

Box 1 - Guidance on suitably qualified and experienced practitioners

As a general guide, a suitably qualified and experienced practitioner is a person who is independent, applies good professional practice, and assesses consequences with reference to accepted benchmarks and industry guidelines. Environmental practitioners are not expected to act alone across the large number of disciplines required to deal with natural hazard risk issues. For example, someone may be suitably qualified in understanding the consequences associated with flooding but have no experience

in assessing earthquake related consequences. The practitioner is essentially an expert in some specific and relevant fields and experienced in drawing together multi-disciplinary inputs and drawing conclusions about likely consequences.

A suitably qualified and experienced practitioner would need to be willing to certify (by signature) that the content of the hazard consequence assessment complies with good practice and professional standards, and to stand by the conclusions of the report. For example, a person certifying a report should be someone who could ultimately stand in the Environment Court and provide expert testimony, and whose experience and qualifications stand up to Court scrutiny.

786. We suggest that something similar could be included in the non-regulatory guidance that is recommended in Section 8 of this report.
787. Submitters S558.238, S566.238, S567.307 and S574.238 seek that 'sensitive activities' be deleted from matter of discretion (d). We have considered this submission and agree that while consideration of what the allotments will be used for is valid, we note that Hazard Sensitive Activities are provided for in these overlays as either a Permitted or Restricted Discretionary Activity subject to specified standards being met, and as such are anticipated in these overlays where the risk can be mitigated. Therefore, we recommend that reference to 'sensitive activities' be removed from this matter of discretion.
788. Margaret Montgomery (S446.057) seeks to amend the rule so that where the subdivision does not result in land use non-compliance, council has the ability to waive the minimum allotment standard, and that matters of discretion (d) and (e) be more accurately defined in the Plan in regard to natural hazards so that it offers potential solutions or guidance for applicants. Firstly, we believe that if a site is subject to natural hazard, it is not appropriate to provide council with the ability to waive the minimum size and allow a denser pattern of development than provided for in the plan. We do agree with this submitter that matters of discretion (d) and (e) need reconsideration. As discussed above we recommend deleting reference to specific activities in matter (d) however, we believe that it is appropriate that matter (e) is still retained within the subdivision provisions.
789. Frank and Jo Dooley (S478.030) and Frank O'Toole (S595.018) seek that relief from the building platform standard SUB-S2 (2)(c) is provided to reconcile the inconsistency in the rule framework, or some other similar relief that allows for SUB-R13 to function as intended. We agree with these submitters. To explain, Permitted Activity Standard SUB-S2(2)(c) requires that building platforms must be outside of an identified natural hazard area. However, Rule SUB-R13 requires that for an activity to be located in a natural hazard area as a Restricted Discretionary it has to comply with all subdivision standards – which it cannot by virtue of Standard SUB-S2(2)(c). Any subdivision within the identified overlays of SUB-R13 would immediately be elevated by the rule framework to a Discretionary Activity, with no Restricted Discretionary pathway. This is not the intent of the rule. Therefore, we recommend that SUB-R13(3) be deleted. This will allow non-compliance with Standard SUB-S2(c) to elevate to a Restricted Discretionary Activity in line with the activity status for Rule SUB-R13.
790. Toka Tū Ake (S612.10) seeks that the rule be amended as follows:

~~The subdivision will not lead to use of the land within the Coastal Tsunami Overlay for critical response facilities;~~ The subdivision will not lead to use of the land within natural

hazard overlays for critical response facilities;

791. As it is recommended that the Coastal Tsunami Overlay be deleted, this clause of SUB-R13 is also recommended to be deleted. However, restrictions around the locating of critical response facilities in the Severe Hazard Overlays is recommended to be provided for in SUB-R21 as a Hazard Sensitive Activity.
792. Westpower (S547.384, S547.385, S547.386) seeks the addition of a number of infrastructure specific matters of discretion. However, we are of the opinion that this is unnecessary, as the matters requested can be addressed in the required hazard risk assessment.

SUB-R20

793. Submissions and further submissions S190.435, S507.057, S508.057, S509.057, S510.057, S511.057, S512.057, S513.057, S543.033, FS58.069, FS58.0128, S558.250, S566.250, S567.318, S574.250, S609.050, S612.102, S619.036 support Rule SUB-R20 and seek that it be retained.
794. Margaret Montgomery (S446.059) seeks that subdivision in the Westport Hazard Overlay be changed from a Discretionary to a Restricted Discretionary Activity with associated matters of discretion. Our position is that retaining a Discretionary Activity status in the Westport Hazard Overlay reflects the level of risk that still remains in this area, and provides council with the full discretion to consider any relevant matters when assessing applications for subdivision in this area.

SUB-R21

795. Submission S190.436, S507.058, S508.058, S510.058, S511.058, S512.058, S513.058, S612.103 support this rule and seek that it be retained.
796. TTPP Committee (S171.006) submits the Rule SUB-R21 for subdivision within the Coastal Severe and Flood Severe Hazard Overlays should be changed from Discretionary to Non-complying. We concur with this submitter, as this is consistent with the risk-based approach being taken to manage natural hazard risk in the TTPP.
797. Consequently, we recommend that submissions S446.060 and S543.045 be rejected as both of these submissions are seeking a more enabling framework.
798. Submissions S360.021, S507.058, S508.058, S510.058, S511.058, S512.058, S513.058, S535.029, S558.251, S566.251, S567.319, S574.251, S609.051 highlight an error in the rule, and the recommended change to subdivision of land in the Coastal Severe and Flood Severe Overlays being a Non-Complying Activity will resolve this.

SUB-R23

799. Margaret Montgomery (SS446.062) seeks that the rule be made a Restricted Discretionary Activity and matters of discretion provided. However, we are not recommending that the activity status of Rule SUB-R13 be changed from Restricted Discretionary, and therefore it is recommended that this submission be rejected, and the Discretionary Activity status retained.
800. Submissions S190.438, S360.022, S507.059, S508.059, S509.059, S510.059, S511.059, S512.059, S513.059, S516.059, S558.254, S563.053, S564.059, S566.254, S567.321, S577.064, S609.052, S614.081, and S615.081 support Rule SUB-R23 and seek that it be retained. Support for the Discretionary Activity status of the rule is noted, however it is

recommended that the rule be deleted, as the elevation in activity status is already provided under the Restricted Discretionary rule for these activities.

SUB-R26

801. In relation to Rule SUB-R26 where subdivision within the 50m-200m buffers is a Non-complying Activity, Toka Tū Ake (S612.104) and Te Mana Ora (S190.443) submit in support while submissions S421.017, S558.257, S566.257, S567.324 and S574.257 seek that the Non-complying Activity status be changed to Discretionary. The further submission of Davis Ogilvie & Partners Ltd (FS154.032/ FS154.033) opposes this. We accept these submissions in part. Following the risk-based approach of the MfE Active Fault Guidelines, we recommend that subdivision in the Earthquake Severe Overlay (well-defined and well-defined extended FAZ) which roughly equates to the 20m and 50m buffers remain as a Non-Complying Activity, while subdivision in the Earthquake Susceptibility Overlay (distributed, uncertain constrained and uncertain poorly constrained FAZs) which roughly equate to the 100m, 150m and 200m buffers is amended to a Restricted Discretionary Activity. This Restricted Discretionary activity status is conditional on a hazard risk assessment that confirms that the risk to people and buildings is low, with an elevation in activity status to Discretionary where compliance with this is not achieved.

SUB-R28

802. Following on from this, while submissions S190.436, S538.270, and S612.105 support Rule SUB-R28 and seek that it be retained, it is recommended that the submissions S421.018, S558.259, S566.259, S567.326, S574.259 are accepted in part, as it recommended that the activity status for subdivision within the Earthquake Severe Overlay (which encompasses the 20m buffer) is changed to Non-Complying. This is considered to be appropriate to accommodate the uncertainty in the location of the fault, and the location of a proposed building within the Earthquake Severe Overlay. It is anticipated that any application for subdivision within the Earthquake Severe Overlay would be accompanied by evidence showing the location of the fault relative to a proposed building platform. Given that the Earthquake Severe overlay is at a minimum 80m, and incorporates 20m either side of safety factor, if a subdivision was being proposed where the building platform was more than 20m from the fault trace, and it was supported by a report prepared by a suitably qualified expert, then this subdivision could be an appropriate use of a site.

SUB-S2

803. We reject the submission by Margaret Montgomery (S446.065) as this relates to a Permitted Activity standard and therefore it is appropriate that a resource consent application is elevated in activity status where it cannot provide a building platform outside of a Natural Hazard Overlay.

Recommendations

804. It is recommended that Rule SUB-R6 be changed as follows:

SUB-R6: Subdivision to create allotment(s) in any RURZ - Rural Zone or MPZ - Māori Purpose Zone

Activity Status: Controlled

Where:

...

3. This is not within an area of:

- i. Outstanding Natural Landscape as identified in Schedule Five;
 - ii. Outstanding Natural Feature as identified in Schedule Six;
 - iii. Sites of Historic Heritage as identified in Schedule One;
 - ~~iv. Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;~~
 - ~~v. This is not within the Earthquake Hazard Overlay;~~
4. It does not create a building platform for a Potentially Hazard Sensitive or Hazard Sensitive Activity in the:
- i. Flood Susceptibility, Earthquake Susceptibility, Land Instability, Coastal Alert, or Hokitika Coastal Hazard Overlay;
 - ii. Westport Hazard Overlay;
 - iii. Flood Severe, Coastal Severe, or Earthquake Severe Overlay
- ~~4.5. This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;~~

Activity status where compliance not achieved:

Restricted Discretionary where 3 or 4(i) is not complied with.

Discretionary where 2, 4(ii) or 5-7 6-8 is not complied with.

Non-complying where 4 (iii) or 5 is not complied with.

805. It is recommended that the following changes are made to Rule SUB-R8 as follows:

SUB-R8: Subdivision to create allotment(s) of Land that contains or is within the Electricity Transmission and Distribution Yard

Activity Status Controlled

Where:

...

- 3. This is not within an area of:
 - i. Outstanding Natural Landscape as identified in Schedule Five;
 - ii. Outstanding Natural Feature as identified in Schedule Six;
 - iii. Sites of Historic Heritage as identified in Schedule One;
 - iv. Sites and Areas of Significance to Māori as identified in Schedule Three;

v. ~~Any Flood Susceptibility, Flood Plain, Land Instability, Coastal Alert or Coastal Tsunami Hazard Overlay;~~

4. ~~It does not create a building platform for a Potentially Hazard Sensitive or Hazard Sensitive Activity in the:~~

i. ~~Flood Susceptibility, Earthquake Susceptibility, Land Instability, Coastal Alert, or Hokitika Coastal Hazard Overlay;~~

ii. ~~Westport Hazard Overlay;~~

iii. ~~Flood Severe, Coastal Severe, or Earthquake Severe Overlay.~~

4.5. ~~This is not within an area of Flood Severe, Coastal Severe or Westport Hazard Overlay or the Airport Noise Control Overlay;~~

.....

7. ~~This is not within the Earthquake Hazard Overlay;~~

Activity status where compliance not achieved:

Restricted Discretionary where 1, 3 or 4(i) or 5 is not complied with

Discretionary where 2, 4(ii) or 5 6 is not complied with

Non-complying where 4(iii) 6 7-11 is not complied with

806. It is recommended that a new rule be inserted:

SUB-RX: Subdivision to create building platform(s) for Less Hazard Sensitive Activities in the Flood Susceptibility, Earthquake Susceptibility, Land Instability, Coastal Alert, Coastal Setback, Hokitika Coastal, Westport, Coastal Severe, Flood Severe, or Earthquake Severe Hazard Overlay

Activity Status: Controlled

Matters of control:

a. Risk to people, buildings and regionally significant infrastructure from the proposal and any measures to mitigate those risks;

b. The location and design of proposed buildings, vehicle access, and regionally significant infrastructure in relation to the natural hazard.

Activity status where compliance not achieved: N/A

807. It is recommended that SUB-R13 be changed as follows:

SUB-R13: Subdivision to create building platforms for Potentially Hazard Sensitive Activities and Hazard Sensitive Activities in the Flood Susceptibility, Flood Plain, Earthquake Susceptibility, Land Instability, Coastal

Alert, Coastal Setback, ~~Lake Tsunami~~ and ~~Coastal Tsunami~~ or Hokitika Coastal Hazard Overlay

Activity Status Restricted Discretionary

Where:

1. ~~The subdivision will not lead to use of the land within the Coastal Tsunami Overlay for critical response facilities;~~
2. ~~This is accompanied by a A hazard risk assessment undertaken by a suitably qualified and experienced practitioner is provided; and~~
3. ~~All Subdivision Standards are complied with.~~

Discretion is restricted to:

- a. Matters outlined in the accompanying hazard risk assessment;
- b. Risk to ~~life, property and the environment~~ people, buildings and regionally significant infrastructure from the proposal and any measures to mitigate those risks;
- c. The location and design of proposed buildings, vehicle access and regionally significant infrastructure in relation to the natural hazard risk;
- d. Whether the intended future use of the allotment(s) created by subdivision is for ~~sensitive activities, or~~ critical response facilities; and
- e. Any adverse effect on the environment of any proposed natural hazard mitigation measures.

Activity status where compliance not achieved: Discretionary

808. It is recommended that SUB-R20 be changed as follows:

SUB-R20: Subdivision to create building platform(s) for Potentially Hazard Sensitive Activities and Hazard Sensitive Activities of Land in the Westport Hazard Overlay

Activity Status: Discretionary

Activity status where compliance not achieved: N/A

809. It is recommended that SUB-R21 be changed as follows:

SUB-R21: Subdivision to create building platform(s) for Potentially Hazard Sensitive Activities and Hazard Sensitive Activities within the Coastal Severe, and Flood Severe, or Earthquake Severe Natural Hazard Overlay

Activity Status: ~~Discretionary~~ Non-Complying

Activity status where compliance not achieved: ~~Non-complying~~
N/A

810. It is recommended that SUB-R23, SUB-R26 and SUB-R28 be deleted.

811. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

Section 32AA Evaluation

Effectiveness and Efficiency

812. The changes to the rules in the subdivision chapter as they pertain to natural hazards are primarily consequential to the risk-based approach that is being recommended for the natural hazards chapter, and are to create consistency across the chapters. This will improve the effectiveness of the plan by aiding in plan interpretation and administration. Therefore, the plan will be easier for property owners and other plan users to understand, resulting in it being more efficient and effective than the notified provisions in achieving the objectives of the proposed TTPP.

Costs and Benefits

813. The benefits of the changes are improved consistency and ease of interpretation.
814. There is an identified cost with the elevation of subdivision in the Severe Natural Hazard Overlays to a Non-complying Activity, compared to Discretionary as notified. This will mean that applicants will need to provide a more robust analysis of the natural hazard risks in these areas. However, this sends a clear message that subdivision, use and development is generally not appropriate in areas subject to a significant level of risk, which will ultimately have the benefit of better provide for peoples social, economic and cultural well-being by avoiding development in areas at a high risk from natural hazards, and reducing loss of life and property damage.
815. The recommended changes will give better effect to the WCRPS and section 6(h) of the RMA, and better achieve Part 2 of the RMA by enabling people to provide for their health and safety.

Risks of Acting or Not Acting

816. The risk of not acting is that there would be a lack of clarity in relation to subdivision in the natural hazard overlays, and that subdivision for the purpose of providing for Hazard Sensitive Activities in the Severe Hazard Overlays might be easier to achieve.
817. The risk of not acting is that section 6(h) of the RMA would not be given effect to.
818. There are no risks from acting.

Decision About the Most Appropriate Option

819. We are of the opinion that the recommended changes are the most appropriate way to achieve the objectives of the plan compared to those notified.

13. Conclusion

820. This report has provided an assessment of submissions received in relation to the Natural Hazards Chapter. The primary amendments that we have recommended relate to:
- Changes to the structure of the provisions to strengthen the risk-based approach to managing the risk from natural hazards and to clarify and simplify the framework that was notified
 - The deletion of the Flood Plain, Coastal Tsunami and Lake Tsunami Hazard Overlays given that they are based on information that is not robust enough to support the restriction of private property rights via the TTPP;

- The removal of the Earthquake Hazard Overlays and provisions as notified and their replacement with updated mapping and provisions that take into account fault complexity and uncertainty and are consistent with the non-statutory guidelines for planning for active faults; and
 - Ensuring there is consistency in the approach
821. Sections 6 to 12 consider and provides recommendations on the decisions requested in submissions. We consider that the submissions on the Natural Hazards Chapter should be accepted, accepted in part, rejected or rejected in part, as set out in our recommendations of this report and contained in **Appendix 2** of this report.
822. We recommend that provisions for the Natural Hazards Chapter be amended for the reasons set out in this report and as contained in **Appendices 1, 3, 4, 5 and 6** of this report.
823. We consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.