

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED TE TAI O POUTINI PLAN**

UNDER	the Resource Management Act 1991
IN THE MATTER	of a hearing on the proposed Te Tai o Poutini Plan Variation 2: Coastal Hazards
FOR	P & A HORRELL Submitter 715
AND	MTP LIMITED Submitter 711
AND	Biggles Limited Submitter 685
AND	MICHAEL GEORGE SNOWDEN Submitter 492
AND	VANCE & CAROL BOYD Submitter 447

STATEMENT OF EVIDENCE OF ANITA CLARE COLLIE

Dated: 3 March 2025

Statement of evidence of Anita Clare Collie

Qualifications and experience

- 1 My full name is Anita Clare Collie. I am a planning consultant with sixteen years' experience in the field of resource management planning. I am a Director of Town Planning Group ("**TPG**"), a position I have held since late 2024. I have been employed by TPG since 2017, and my previous role was as a Principal Planner. In my role, I am responsible for overseeing and providing resource management advice to TPG's clients on a range of matters.
- 2 I hold a bachelor's degree in environmental science (University of Western Australia) (2005), and I am an Associate member of the New Zealand Planning Institute.
- 3 My experience includes providing planning advice to clients with respect to plan development and changes, applying for resource consents, and preparing evidence in respect of these matters. Recently and in respect of plan change / policy advice, I have presented evidence at hearings on the Christchurch District Plan (Plan Change 14), the proposed Otago Regional Policy Statement, and the proposed Selwyn District Plan (Variation 1).

Code of Conduct for Expert Witnesses

- 4 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 5 I have been engaged to provide planning evidence by P & A Horrell (s715), MTP Limited (s711), Biggles Limited (s685), Michael Snowden (s492), and Vance and Carol Boyd (s447) (collectively, the **Submitters** and the **Submissions**).
- 6 The Submitters own properties individually located in Okuru and Hannah's Clearing, and raise similar issues of concern in their submissions, hence these are addressed in a common statement of evidence.
- 7 This evidence relates to their submissions which seek amendments to the Te Tai o Poutini Plan Variation 2: Coastal Hazards (**TTPP Variation 2**) in relation to the coastal hazard overlay mapping and related provisions. The Submitters have

particular concern in regard to how the TTPP Variation 2 provides recognition for existing consented / lawfully established activities.

8 My evidence is set out as follows:

- (a) The Submitters' property location and relevant resource consents;
- (b) The proposed relief sought by the Submitters;
- (c) An evaluation of the relief sought;
- (d) Further submissions; and
- (e) The statutory framework.

9 In preparing this statement of evidence I have considered the:

- (a) Submissions filed by the above-mentioned parties;
- (b) TTPP Variation 2 provisions;
- (c) TTPP Variation 2 Section 42A Report;
- (d) TTPP Section 42A Report for the Natural Hazards Chapter;
- (e) TTPP Variation 2 and TTPP – Report 5 Hazards and Risks Section 32 reports;
- (f) relevant further submissions; and
- (g) relevant statutory documents.

10 In this evidence, my scope is limited to the consideration of the Submitters' relief sought, i.e., specifically in relation to residential buildings. My evidence should be read as relating entirely to 'Hazard Sensitive Activities'.

Executive Summary

11 The Submitters own rural-residential properties in Okuru and Hannah's Clearing. Subdivision and land use consent for a single residential building on each lot has been granted resource consent, with due consideration for the suitability of the Submitters' properties for residential development and location for residential buildings on the sites. The Submitters have a legitimate expectation that they will be able to build their consented dwellings, and utilise the land for residential activities now and into the future.

- 12 Provisions in the TTPP Variation 2 have the effect of creating additional consenting requirements for the Submitters, creating an unnecessary duplication of regulation and potentially eroding permissions already granted.
- 13 Amendments are proposed to the TTPP to provide for consented residential buildings to be constructed and for minor alterations and additions to those buildings. The policy direction in the New Zealand Coastal policy Statement (**NZCPS**) and West Coast Regional Policy Statement (**WCRPS**) is given effect to by ensuring this development does not increase the risk of adverse effects of coastal hazards. An alternative mechanism is suggested to the proposed building footprint control; that is, the definition of residential unit limits occupation to a single household. Alongside due consideration for building placement and design matters, this is mechanism that would enable a more 'real-world' approach to managing coastal hazard risk.

The Submitters' sites and existing environment

- 14 The Submitters own property in Okuru and Hannah's Clearing, located as shown in **Figure 1** and **Figure 3** below. The legal descriptions and address details are provided in **Annexure [A]**. A comparison of the Coastal Hazard overlays proposed in the TTPP and Variation 2 for each of the Submitter properties are shown in **Annexure [B]**.



Figure 1: Okuru and surrounding area, identifying properties belonging to P & A Horrell, MTP Limited, Biggles Limited and Michael Snowden (GRIP Map).

Michael Snowden

- 15 Mr Snowden's property is owned by Kahu Properties Limited, and Mr Snowden is listed as a Director and Shareholder of the company.

- 16 The Snowden property comprises two parcels, set between a hydro parcel, zoned Rural under the Operative Westland District Plan and General Rural Zone under the TTPP. It is located approximately 600m east of Okuru, adjacent to the Hapuka Landing subdivision (**Figure 1**). This property is subject to several overlays under the TTPP Variation 2 as notified:
- (a) Flood Plain
 - (b) Coastal Hazard Severe¹
 - (c) Coastal Hazard Alert²
 - (d) Coastal Environment
 - (e) High Coastal Natural Character
 - (f) Sites of Significance to Māori 197
 - (g) Pounamu Management Areas
- 17 Resource Consent 220133 was granted on the 23rd of October 2024 to erect a residential dwelling and an accessory building in the southwest part of the property, as shown in **Figure 2** below. Earthworks to create bunds for visual amenity purposes were required along the road boundary³ and the dwelling was required to be located outside the NIWA 1% AEP inundation extent. The application was supported by a site-specific assessment of coastal hazards by a qualified engineer.

¹ Proposed to be re-named Coastal Hazard Erosion and Inundation Overlay. In this evidence I have used the term Coastal Severe Overlay to align with the notified version of the TTPP Variation 2. I have no opinion on the name used.

² Proposed to be re-named Coastal Hazard Inundation Overlay 1. In this evidence I have used the term Coastal Alert Overlay to align with the notified version of the TTPP Variation 2. I have no opinion on the name used.

³ Also authorised by West Coast Regional Council land use consent RC-2024-0084-01.

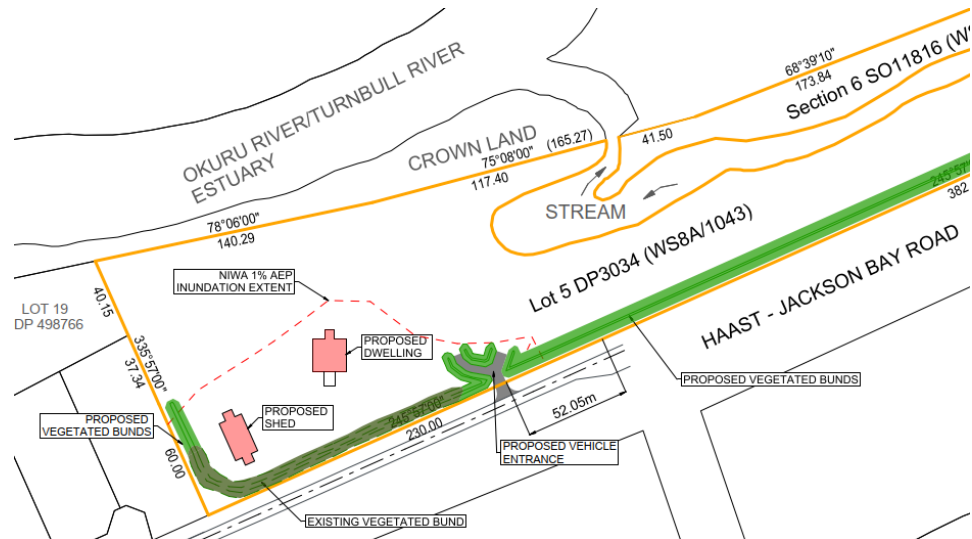


Figure 2 RC220133 Approved Plan A demonstrating the location of consented residential dwelling, and ancillary building on the Snowden property. The full extent of bunding on the site is not shown in the above figure.

- 18 I understand that Mr Snowden has commenced earthworks on his property and his resource consent has been given effect to.

MTP Limited, Biggles Limited and P & A Horrell

- 19 Properties owned by MTP Limited, Biggles Limited and P & A Horrell comprise four separate parcels all located within the Hapuka Landing subdivision (**Figure 1**) (collectively, the '**Hapuka Landing Sites**').
- 20 The Hapuka Landing Sites are zoned as Rural under the Operative Westland District Plan and General Rural under the TTPP, and are subject to a number of overlays under the TTPP as notified:
- (a) Flood Plain
 - (b) Coastal Hazard Severe
 - (c) Coastal Environment
 - (d) High Coastal Natural Character
 - (e) Sites of Significance to Māori 197
 - (f) Pounamu Management Areas
- 21 The Hapuka Landing subdivision was authorised through Resource Consents 140061 and 140062, which authorised the creation of 18 rural-residential lots, one access lot and one balance lot, and land use consent for the future construction of residential buildings on each of the 18 residential lots. A 60-metre building restriction (measured from Haast-Jackson Bay Road) was proposed,

with all dwellings and accessory buildings required to be located outside the no build area. There were also controls imposed in respect of minimum floor levels. I understand that a rock wall had previously been consented and formed part of a consent notice on the title (before the subdivision), however this had never been constructed and the consent notice requiring the rock wall was removed in favour of the building line restriction.

- 22 The above consents were subsequently varied under Resource Consent 160024 to allow a consent notice relating to telecommunications to be placed on the titles and to vary the approved landscape plans.
- 23 Both the land use and subdivision consents relating to the residential development and subdivision have been given effect to.

Vance and Carol Boyd

- 24 The Boyd property comprises three adjacent parcels at Hannah's Clearing (**Figure 3**) zoned as Rural under the Operative Westland District Plan, and Rural Lifestyle Zone under the TTPP, and subject to several overlays under the TTPP as notified:

- (i) Flood Plain
- (ii) Coastal Hazard Severe
- (iii) Coastal Environment
- (iv) Outstanding Coastal Natural Character
- (v) Outstanding Natural Landscapes
- (vi) Pounamu Management Areas

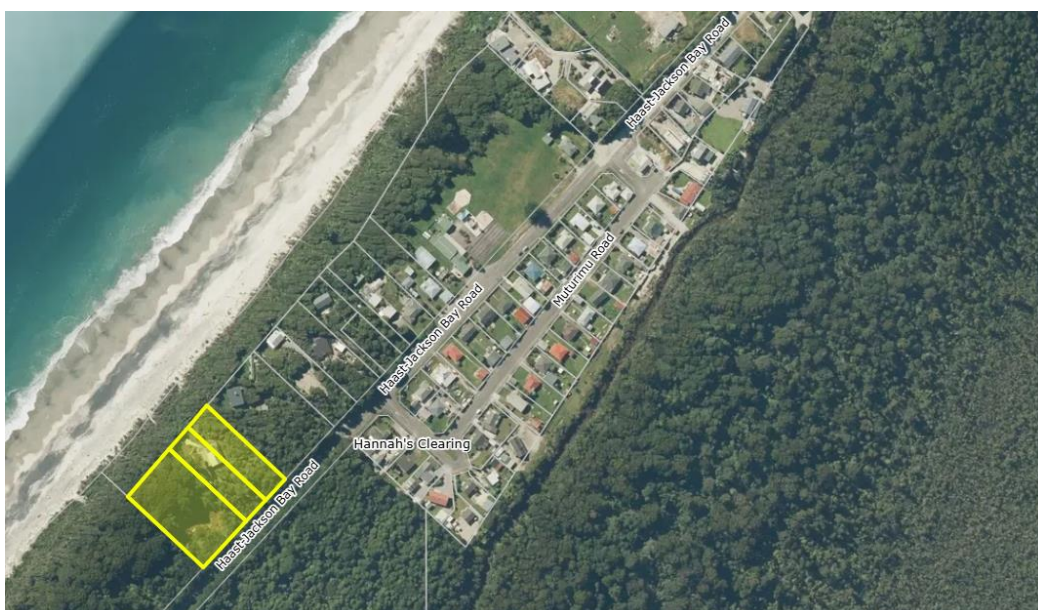


Figure 3: *Hannah's Clearing, identifying properties belonging to V & C Boyd in yellow highlight (GRIP Map).*

- 25 Resource Consents 040176 and 040177 were granted on 12 November 2004, authorising the subdivision of a single lot into the three lots currently owned by the Boyds, and land use consent for residential activities. The application specified a maximum of one residential dwelling on each site⁴; a total of three residential dwellings across the three lots. One dwelling has been established spanning the northern and centre lot. The southern lot is currently vacant. I consider that both the subdivision and land use consent have been given effect to.
- 26 Land between the Boyd property and the coastal marine area is Crown land (Marginal Strip) administered by the Department of Conservation and the legal width is approximately 30 metres.

Relief Sought by Submissions

- 27 By way of summary, the Submissions seek:
- (a) That the proposed mapping overlays are not accepted, and the Submitter properties are excluded from the coastal hazard overlays.
 - (b) Clarifications as to what 'lawfully established' means in the context of the TTPP, and provision of exemptions in respect of activities authorised by resource consents.
 - (c) Amendments to the TTPP provisions to include some recognition of existing hazard mitigation works, and to protect existing and consented

⁴ Application for resource consent prepared by Cowan & Holmes Limited, October 2004, Sections 2.2 and 3.1.2.

residential activities and buildings, including reasonable extensions and modifications to existing residential buildings.

- (d) Specific amendments to policies NH-P2, NH - P10 and NH-P12, to give effect to the above.
- (e) Specific amendments to rules NH-R1, NH-38, NH-R43 and NH-R44, to give effect to the above.

28 I address these matters sequentially in the following sections.

Statutory Framework

Part 2 of the RMA

29 Section 6(h) identifies the management of significant risks from natural hazards as a matter of national importance that must be recognised and provided for. Section 7(i) identifies the effects of climate change as a matter that must be had particular regard to.

New Zealand Coastal Policy Statement 2010 (NZCPS)

30 Objective 5 of the NZCPS seeks to ensure that coastal hazard risks taking account of climate change, are managed by:

- (a) locating new development away from areas prone to such risks;
- (b) considering responses, including managed retreat, for existing development in this situation; and
- (c) protecting or restoring natural defenses to coastal hazards.

31 I do not consider the Submitters residential buildings to be 'new development' as these are consented and could be built as of right from the time the consents were granted, and these consents have not lapsed. The appropriate approach under objective 5 is to *manage* coastal hazard risks by considering responses for existing development.

32 Policy 3 requires the adoption of a precautionary approach in regard to the use and management of coastal resources. In respect of the Submissions, this is in the context of where coastal hazards assessments have been completed through a subdivision process and identification of suitable building locations. A precautionary approach does not need to be the avoidance of risk. A precautionary approach can also be given effect to through appropriate assessment, mitigation and management of risk.

- 33 Policy 25 directs to avoid increasing risk of harm from coastal hazards and avoiding redevelopment that would increase the risk of adverse effects of coastal hazards.

West Coast Regional Policy Statement

- 34 The WCRPS chapter 9 relates to the coastal environment. Objective 2 provides for appropriate land use in the coastal environment to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing.
- 35 Objective 3 seeks to ensure that new development has appropriate regard to the level of coastal risk, and this is provided for when determining the suitability of residential subdivision and appropriate location of residential buildings.
- 36 Objective 4 seeks to manage coastal hazard risks on existing development. Policy 3e. gives effect to this by allowing existing lawfully established activities to continue provided the effects remain similar.

Te Tai o Poutini Plan

- 37 The Strategic Directions Objectives UFD-O1 seeks to recognise the risk of natural hazards whereby new development is located in less hazardous locations. I consider that the Submitters' consented development is not new development as the consents have been given effect to and cannot lapse.
- 38 Natural Hazard Chapter objectives are addressed below.

Evaluation of the proposed amendments

Mapping

- 39 I understand that the Submitters seek that the coastal hazard overlay mapping is removed from their properties citing concern with the methodology and accuracy of the proposed mapping in the context of the significant impact on their property rights.
- 40 Comment on the accuracy of the mapping is not within the scope of my evidence; however, I do provide comment on the planning impact of the proposed coastal hazard overlays.
- 41 The Submitters can use their land for residential activities and construct residential buildings; however the construction of a residential building would

appear also to be subject to Rule NH-R43 / NH-R-44 as a discretionary or non-complying activity.⁵

42 The NIWA Report⁶ states that the modelling used is “a relatively simplistic “bathtub” inundation mapping that tend to overestimate flood extent when compared with a dynamical model” and that “Bathtub mapping is a simple approach that is normally conservative.”⁷

43 I understand the Submitters concerns to be influenced by the identified conservatism in the mapping, potential inaccuracy due to lack of site-specific validation and the significance of the impact of the TTPP provisions on themselves and the community.

‘Lawfully established’ definition

44 The TTPP definition of lawfully established includes:

means activities permitted through a rule in a plan, a resource consent, a national environmental standard, or by an existing use right (as provided for in Section 10 in the RMA). In the case of mineral extraction it also includes an activity permitted through a Coal Mining Licence issued under the Coal Mines Act (1979).

45 Having regard to the above definition, I consider that the Submitters’ residential activity and building are lawfully established as they are authorised by resource consents that have been given effect to. The NH chapter rules recognise activities that are lawfully established,⁸ and therefore these should also be recognised in the objectives and policies, which I further discuss later in evidence.

Amendments to TTPP Objectives

46 The Submitters seek amendments to the TTPP Objectives to recognise and protect existing and consented residential activities and buildings, including reasonable extensions and modifications to existing residential buildings.

47 The TTPP as notified sought to reduce risks from natural hazards in Objective NH-O2. The s42A Report recommends amendments that restructure the objectives. New objective NH-O1 is proposed to read:

Subdivision, use and development within the Severe Natural Hazard and the Coastal Hazard Erosion and

⁵ The s42A Report interpretation appears to be that any new buildings that do not already have building consent will be subject to the new rules once the TTPP becomes operative (paragraph 288, Variation 2 s42A Report).

⁶ Mapping for priority coastal hazard areas in the West Coast Region Coastal inundation hazard update using 2022 LiDAR, March 2023, Bosserelle, C. and Allis, M.

⁷ NIWA Report, pages 4 and 8.

⁸ For example, Rule NH-R1 and NH-R38 in the notified version of the TTPP.

Inundation Overlays reduces or does not increase the existing risk from natural hazards to people, buildings, and regionally significant infrastructure.

- 48 The NZCPS Objective 5 seeks to manage coastal hazard risk by locating new development away from areas prone to coastal hazard risks and considering responses for existing development. NZCPS Policy 25 seeks to avoid increasing risk and avoiding redevelopment or land use change that would increase the risk. The WCRPS Chapter 9 Objective 4 seeks to manage coastal hazard risks affecting existing development to enable the safety, and social and economic wellbeing of people and communities. Policy 3e allows lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity.
- 49 By requiring no increase in risk while providing for reduction in risk, I consider the revised drafting is more consistent with the NZCPS and WCRPS and addresses the relief sought by the Submitters. I support the drafting of NH-O1 proposed in the s42A Report.
- 50 The s42A report recommends Objective NH-O2 is amended to read:
- Subdivision, use and development within all other Natural Hazard Overlays minimises the risk from natural hazards to people, buildings, and regionally significant infrastructure.
- 51 I generally support this, however it does not appear to recognise lawfully established activities in the same way that NH-O1 does. Regardless, I consider the wording to be acceptable given the rules provide a pathway for a lawfully established activity in the Coastal Alert Overlay to re-establish as a permitted activity, which would not then engage with this objective.

Amendments to TTTP Policies

- 52 The Submitters seek specific amendments to policies NH-P2, NH-P10 and NH-P12, to include some recognition of existing hazard mitigation works, and to protect existing and consented residential activities and buildings, including reasonable extensions and modifications to existing residential buildings.
- 53 Policy NH-P2 is proposed by the Submissions to be amended as follows (deleted text shown with strikethrough and added text shown with bold underline):

NH - P2 Where a natural hazard has been identified and the natural hazard risk to people and communities is unquantified but evidence ~~suggests~~ **demonstrates** that the risk **remains** potentially significant **even after considering appropriate mitigation measures**, apply a precautionary approach to allowing development or use of the area.

- 54 The s42A report recommends the following drafting of Policy NH-P2:
- Where a natural hazard has been identified and the natural hazard risk to people and communities is unquantified, apply a precautionary approach to allowing subdivision, use and development of the area.
- 55 I consider that the drafting in the s42A Report is clearer and removes the ambiguity of concern to the Submitters.
- 56 The Submissions requested that Policy NH-P10 is amended as follows⁹:
- NH - P10 Restrict development of sensitive activities within the Coastal Severe Hazard and Flood Severe Hazard overlays unless it can be demonstrated that the activity incorporates appropriate mitigation of risk to life, property and the environment; and either
- i. The activity has an operational and functional need to locate within the hazard area and there is significant public or environmental benefit in doing so; or
- ii. The activity is an existing or consented residential activity or building.
- 57 The S42A Report recommends the following drafting of Policy NH-P2:
- Avoid subdivision, use and development for Potentially Hazard Sensitive and Hazard Sensitive Activities within the Coastal Hazard Erosion and Inundation Overlay and Flood Severe and Earthquake Severe Hazard Overlays unless:
- a. The subdivision, use or development has an operational or functional need to locate within the hazard area; and
- b. The subdivision, use or development incorporates mitigation measures that minimise the risk to 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.
- 58 The Submitters seek to provide for maintenance of their existing property rights and reasonable future use of their land. As rural-residential properties, the land is very limited in potential use if the Submitters cannot build a residential dwelling on their sites; the sites are very small for economic rural productive use. Whether or not the Submitters situation would fit under the definition of a *functional or operational need* (clause a. of the policy) is a grey area that may be a subject of disagreement. For that reason, I recommend minor edits to the version of this

⁹ As the proposed amendments are substantial, individual edits are not shown.

policy recommended in the s42A report, to clearly provide for the Submitters situation without ambiguity.

a. The subdivision, use or development

- i. has an operational or functional need to locate within the hazard area, or
- ii. **relates to a lawfully established use of an existing residential site**; and

59 The amendment provides recognition for the Submitters where they have undeveloped residential sections and the coastal hazard risk has already been assessed in respect of the site suitability for residential development through the subdivision process. In this respect, the amendments are consistent with the NZCPS and WCRPS direction to not increase risk from coastal hazards, with as discussed in paragraph 48 above.

60 In regard to s32AA, I consider the proposed amendments increase the efficiency and effectiveness of the policy, and that there are proposed amendments are sufficiently minor that any risks of acting or not acting remain as assessed in the s32 report.

61 Secondly, I understand that Policy NH-P2 gives effect to Objective NH-O1 and there appears to be a degree of inconsistency in regard to how these provisions seek to manage risk. Objective NH-O1 “reduces or does not increase the existing risk”, whereas Policy NH-P2 requires “mitigation measures that minimise the risk”. I prefer the approach in Objective NH-O1 as it better gives effect to the direction in the NZCPS and WCRPS¹⁰ and recommend consequential edits to Policy NH-P2.

62 The Submitters requested that Policy NH-P12 be amended to also include hazard mitigation work. The s42A Report recommends a minor amendment which I consider addresses the submission points.¹¹

Amendments to TTTP Rules

63 The Submitters seek amendments to rules NH-R1, NH-R38, NH-R43 and NH-R44, relating to new and replacement buildings and additions to buildings in the Coastal Severe and Coastal Alert Overlays. The S42A Reports (both for the Natural Hazards Chapter and Variation 2) recommend substantial changes to the rule framework. In general, I support the consolidation of the rules and the clearer structure recommended by the s42A reports. To avoid confusion, I refer to the rule numbering in the TTTP as notified.

¹⁰ Refer to paragraphs 48 and 49 above.

¹¹ S42A Report, paragraph 302.

64 The Submitters seek:

- (a) That the construction of a residential dwelling on a single residential lot where there is currently no residential unit, is permitted.
- (b) That replacement buildings, and minor reasonable additions and alterations to consented residential buildings are permitted.
- (c) Amendments to some of the criteria in the permitted activity rules.

65 The Submissions seek to provide recognition for their consented residential use of residential lots which currently have no buildings. It is apparent that the Submitters all have existing resource consents that have been given effect to, and which authorise the construction of a residential building on the Submitters' properties. Some of the consented dwellings have not yet been constructed, though there is no possibility that the consent will lapse. However, the s42A report rightly notes:

In terms of consented subdivisions, any new buildings that do not already have building consent will be subject to the new rules once the TTPP becomes operative, which is a common and expected situation when district plans are being reviewed.¹²

66 The Submitters have a reasonable expectation of being able to build dwellings on their land in accordance with the resource consents sought and granted and it is not unusual for District Plans to recognise this through 'grandfather clauses' in rules.¹³ It is critical to include specific recognition of consented residential activity, regardless of whether a specific dwelling design has been included in the land use consent. The effects of coastal hazards and the suitability of residential activity on these sites have already been assessed and approved, and to require a further consent process (potentially for a non-complying activity), would undermine principles of fairness and fail to recognise the value of the Submitters' existing investment.

67 The Submitters seek to provide for reasonable extensions to dwellings. I understand that this is to provide for minor additions and for situations where dwellings may be built in a staged manner to spread costs. Policy 25 in the NZCPS seeks to ensure that coastal hazard risks are not increased and that redevelopment or land use change that increases risks of adverse effects from coastal hazards is avoided. The WCRPS clearly anticipate some minor amendments to the activities occurring, by provision that the activity remains

¹² Section 42A Report, paragraph 288.

¹³ For example, TTPP notified rule GRUZ-R3 (relating to residential activity in the General Rural Zone) enables residential activity on undersized lots, where those lots were subdivided at the operative date of the plan.

similar,¹⁴ rather than the same. This can be achieved by appropriate controls in the rules, for example, by requiring any buildings do not increase the number of residential units on the site. This is a reasonable alternative approach to restricting building footprint and is effective because the definition of a residential unit in the plan restricts occupancy to a single household.

- 68 I understand that additions and alterations are recommended to be restricted in order to not increase coastal hazard risk. However, this approach lacks a real-world view. For example, a family occupying a residential unit may seek to add on a bedroom to give themselves more space. That does not increase the degree of risk from coastal hazards; the occupancy remains the same as it is still a single household, i.e., the family would continue occupying the residential unit regardless. The rule as written unnecessarily restricts people's economic and social well-being by linking the footprint of a residential unit with the coastal hazard risk. Utilising the number of residential units is a suitable alternative approach to ensure coastal hazard risks are not increased, provided it can be paired with placement (e.g. building platform locations or building line restrictions) and design controls (e.g., minimum floor levels).
- 69 This approach is consistent with the WCRPS Chapter 9, Policy 3.e., which states:
- Provide for subdivision, use or development in the coastal environment:
- e) By allowing lawfully established **activities** to continue provided the adverse effects are the same or similar in scale, character or intensity. (emphasis added).
- 70 The WRCPS refers to activities, not buildings, recognising that is the activity which occupies the building that is most relevant in terms of the risks posed by coastal hazards. Provided residential activity is not expanded on residential lots to include additional residential activity beyond that consented, I consider that minor expansions to the building footprint could be accommodated as a permitted activity, noting that a residential unit (as defined) must only ever include one household.
- 71 This approach is supported further when considering the interpretation of the term 'character' in the notified version of the rule¹⁵. As written to refer to buildings, a reader may legitimately interpret the term in reference to the physical appearance or visual amenity of the building. That interpretation is clearly not intended, nor in alignment with the plan objectives, WCRPS or NZCPS.

¹⁴ WCRPS Chapter 9, Policy 3e.

¹⁵ Rule NH-R1 (5) The reconstructed/replaced building is similar in **character**, intensity and scale to the building that it replaces. (emphasis added)

- 72 Both the notified and s42A report versions of Rule NH-R1 also require that, if an existing residential building were to be destroyed and replaced as a permitted activity, that the destruction must be for a reason associated with a natural hazard. This adds unnecessary complexity; there is no increase in risk of adverse effects from coastal hazards if, for example, a residential building is replaced with a newer one because it is old / deteriorated. To the contrary, a more modern home is likely to be more resilient to natural hazards.
- 73 Further, the rule requires that the reconstruction must occur within a period of 2 or 3 years¹⁶. I don't consider this restriction to be necessary, however, if the Panel do prefer to include a timeframe restriction on rebuilding, it is worth considering that following a large-scale natural disaster it can take far longer than 3 years for insurance and rebuild processes to occur, as evidenced through the aftermath of the Canterbury Earthquakes.
- 74 The subdivision of land to create additional allotments in the Coastal Alert overlay is subject to Restricted Discretionary Activity Rule SUB-R13, and the matters of discretion include hazard risk assessment, risk to people and buildings, and mitigation measures. Subdivision within the Coastal Severe overlay is a discretionary activity under SUB-R21. Council has scope to consider building platform locations, hazard mitigation measures, floor levels and other appropriate matters relating to coastal hazard management. These criteria enable consideration of building placement and design matters that contribute to the management of risk.
- 75 The NZCPS and WCRPS do not require that existing development rights are removed or reduced. The effect of the rules as drafted is to withdraw existing development rights on vacant lots that have already been subdivided, but are without an existing dwelling, raising questions of fairness.
- 76 Effects of coastal hazards on the Submitters' residential buildings and the development of rural-residential activity on the Submitters properties have already been considered through the subdivision process and deemed appropriate by way of site-specific assessment. Further restriction is unnecessary and has the effect of negating an existing approval.
- 77 In my opinion, coastal hazard risks in relation to residential activity can be managed through limiting the scale, character and intensity of the activity through:
- (a) subdivision provisions which enable the assessment of the suitability of a property for additional residential lots and building platforms in respect of

¹⁶ 3 years is the recommendation in the S42A report and 2 years in the version of the TTPP as notified

coastal hazards matters, and with consideration of building placement and design controls; and

- (b) zoning provisions which control the density of residential activity; and
- (c) provisions in the natural hazards chapter which control replacement buildings and additions to buildings, with consideration of building placement and design controls, so as to ensure that the risk of adverse effects from coastal hazards is not increased.

78 In summary, it is my opinion that it is reasonable for the rule framework to provide for:

- (a) In the Coastal Alert Overlay:
 - (i) New residential buildings as a permitted activity, where these are consented, or located on a single residential lot where there is currently no residential unit and where a suitable building location has been assessed through the subdivision process. New residential buildings not meeting these criteria should be a restricted discretionary activity under NH-R43 as proposed to be amended by the Variation 2 S42A Report.
 - (ii) Replacement of and additions to lawfully established residential buildings as a permitted activity, provided the scale, intensity and character of the activity (defined as a single residential unit per residential lot) does not increase. Rule criteria dealing with building placement and design matters can be included to ensure that the risk of coastal hazards does not increase.¹⁷ Replacement buildings or additions to buildings not meeting these rule criteria should be a restricted discretionary activity under Rule NH-R41 with matters of discretion as proposed by the Variation 2 S42A Report.¹⁸

- (b) In the Coastal Severe Overlay:

¹⁷ For example, that the replacement or additional building is not moved closer to the coast and/or including minimum floor level criteria.

¹⁸ These are:

- a. The risk from coastal hazards on people and property and any measures to reduce or mitigate this risk;
- b. The management of vegetation or other natural features to mitigate natural hazard risk;
- c. The potential for there to be an increase in the risk of coastal erosion to neighbouring properties from either the design of the proposed development or any mitigation measures to reduce the risk to future occupants or buildings.
- d. Any potential impacts on the natural environment or changes in natural processes as a result of any natural hazard mitigation measures use to reduce the risk to the building.

- (i) New residential buildings as a permitted activity, where these are consented, or located on a single residential lot where there is currently no residential unit and where a suitable building location has been assessed through the subdivision process. New residential buildings not meeting these criteria should be a non-complying activity under NH-R44 as proposed to be amended by the Variation 2 S42A Report.
- (ii) Replacement of and additions to lawfully established residential buildings as a restricted discretionary activity, provided the scale, intensity and character of the activity (defined as a single residential unit per residential lot) does not increase. Rule criteria dealing with building placement and design matters can be included to ensure that the risk of coastal hazards does not increase.¹⁹ Replacement buildings or additions to buildings not meeting these rule criteria should be a non-complying activity under NH-R44 as proposed to be amended by the Variation 2 S42A Report.

79 In recognition that the rule framework is recommended to be significantly amended in the s42A report, I suggest it is more efficient for any amendments to rules to give effect to the submissions points to be drafted should the panel be minded to accept my recommended approach. I am available to assist with this should this be the panels preferred approach.

S32AA evaluation

80 I consider that the proposed new rules would address a gap illustrated by the Submissions, i.e., where an activity is consented and has been assessed for coastal hazards, but would otherwise require an additional resource consent. The proposed amendments make it clear that these activities do not require additional consents. The amendments to enable minor additions to and replacement of residential buildings provides a more certain pathway for people who already have lawfully established or consented residential buildings. Removal of criteria in the permitted activity rules relating to the cause of destruction and the timeframe for rebuild will simplify the rule.

81 The amendments proposed may introduce some additional criteria into the rule framework, however I consider overall that the efficiency of the rules will be maintained or improved by providing more certainty and clarity for those with properties in the Overlays. I consider that the proposed amendments will be more effective than the notified provisions at achieving the objectives of the plan.

¹⁹ For example, that the replacement or additional building is not moved closer to the coast and/or including minimum floor level criteria.

- 82 The proposed amendments will reduce future costs to property owners and there are no additional costs of implementing the proposed amendments. The benefits will be clarity in the rule framework and certainty for affected property owners.
- 83 Risks can be managed in the rule drafting to ensure that the amendments do not increase risks to property owners as noted above. The risk of not acting is that some property owners will be subject to additional and unnecessary resource consent processes, and uncertainty.
- 84 Overall, I consider the amendments to be the most appropriate way to achieve the objectives of the plan.

Further submissions

- 85 Three further submissions were received directly in respect of the Biggles Limited submission, from Scenic Hotel Group Limited, Neil Mouat, and Grey District Council. These were generally in support of the Submission points raised.
- 86 No further submissions were received in respect of the other Submissions and there were no further submission points in opposition.

Conclusion

- 87 For the reasons set out above, I consider that the proposed amendments to the TTPP Variation 2 is the most appropriate outcome, and is the most efficient and effective means of achieving the purpose of the RMA, the relevant objectives of the TTPP and gives effect to the NZCPS and WCRPS.

Anita Clare Collie

Dated this 3rd day of March 2025

Annexure [A] Legal Descriptions of the Submitters' Properties

Site No.	Submitter	Address	Legal Description	Record of Title
1	Vance and Carol Boyd	1984 Haast-Jackson Bay Road, Jackson Bay, Haast	Lot 1 DP 357973	236101
			Lot 2 DP 357973	236102
			Lot 3 DP 357973	236103
2	Michael George Snowden	1100 Haast-Jackson Bay Road, Haast	Lot 5 DP 3034	WS8A/1043
			Section 6 SO 11816	
3	MTP Limited	19 Fox Moth Drive, Haast	Lot 10 DP 498766	739373
		29 Fox Moth Drive, Haast	Lot 15 DP 498766	739378
4	P & A Horrell	31 Fox Moth Drive, Haast	Lot 16 DP 498766	739379
5	Biggles Limited	33 Fox Moth Drive, Haast	Lot 17 DP 498766	739380

Annexure [B] TTPP Coastal Hazard Overlay in Relation to Submitters' Properties

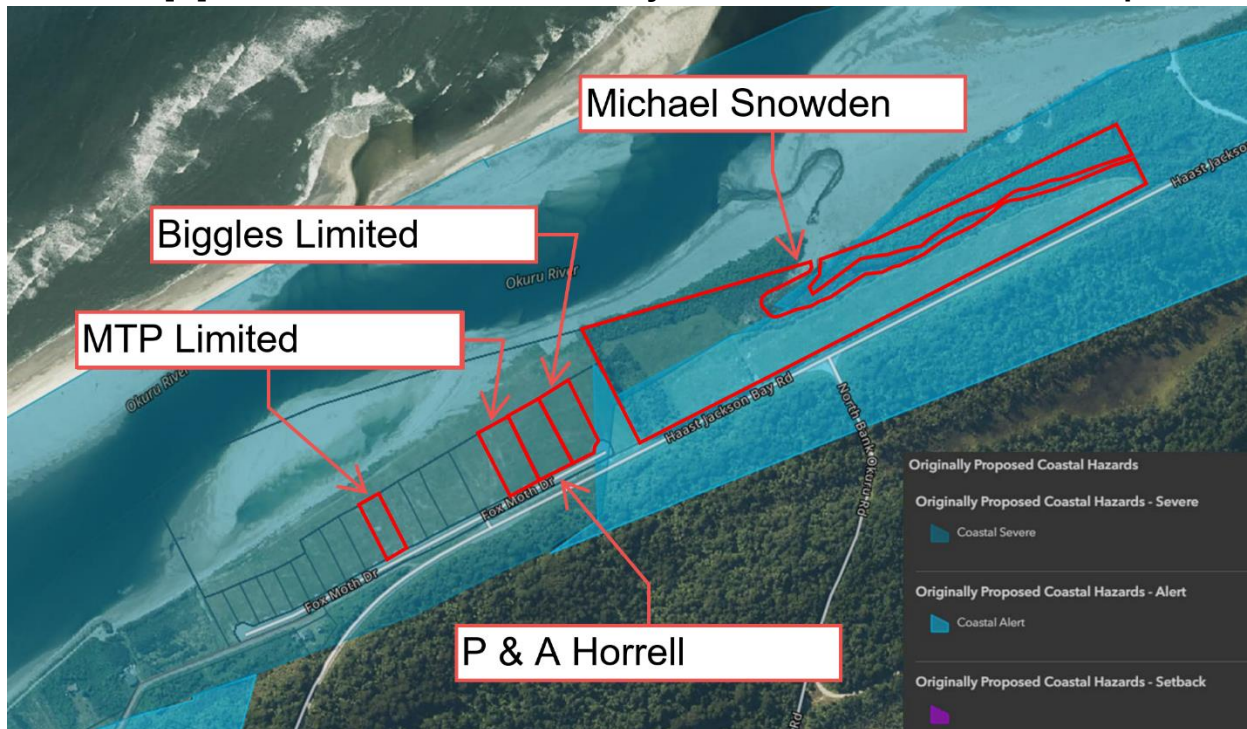


Figure 4: Originally Proposed Coastal Hazards for Sites No. 2-5 (TTPP Coastal Hazard Variation Change Comparison).

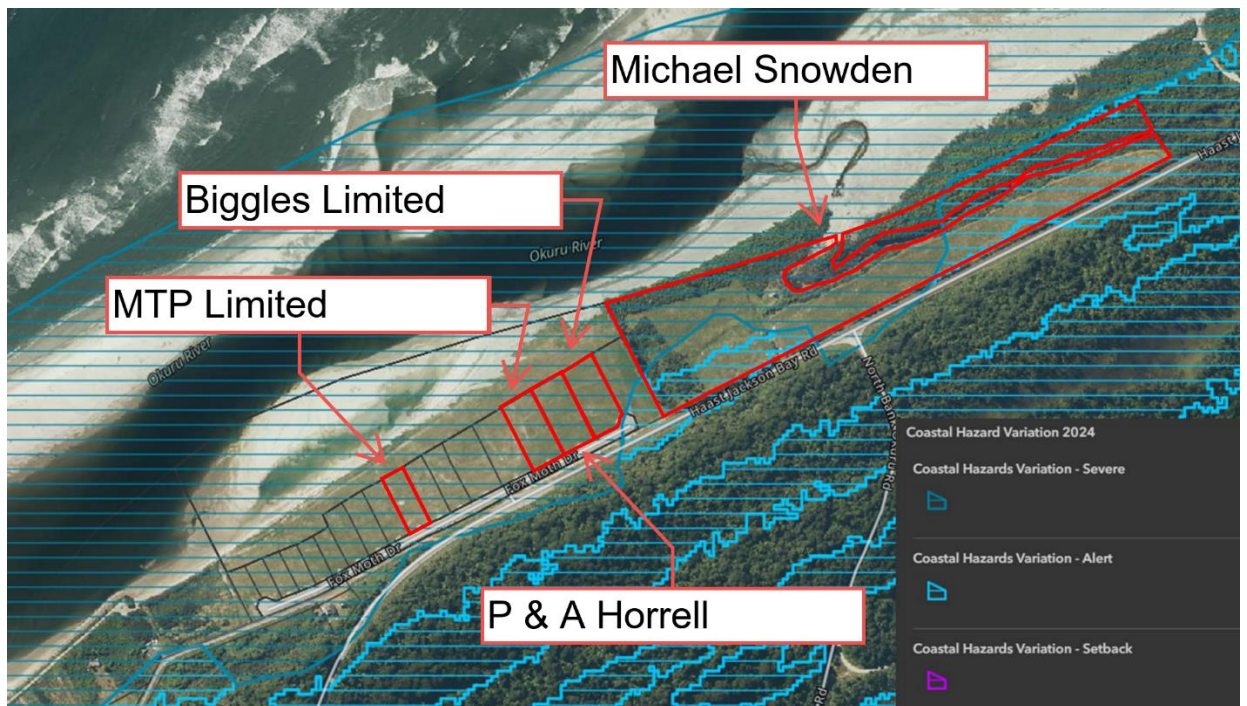


Figure 5: Coastal Hazard Variation 2024 for Sites No. 2-5 (TTPP Coastal Hazard Variation Change Comparison).

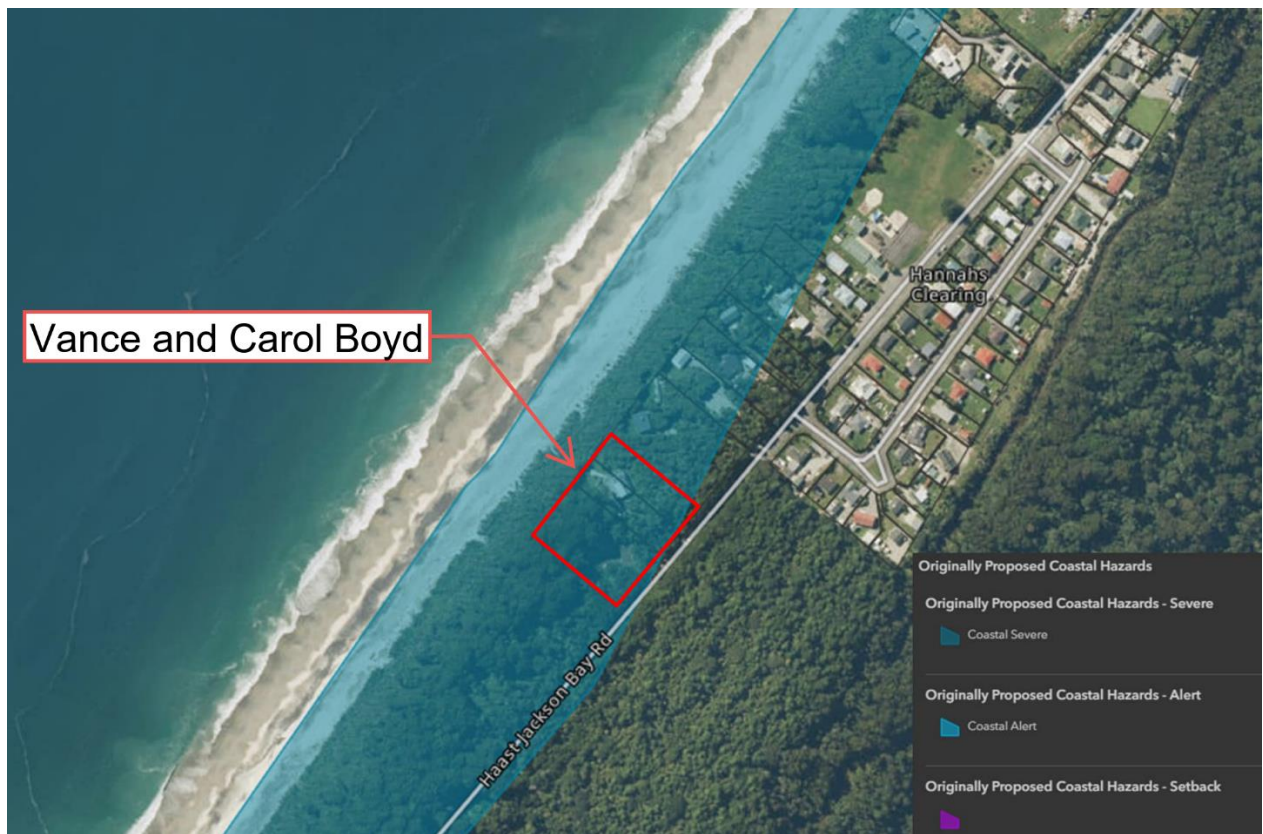


Figure 6: Originally Proposed Coastal Hazards for Site No. 1 (TTPP Coastal Hazard Variation Change Comparison).

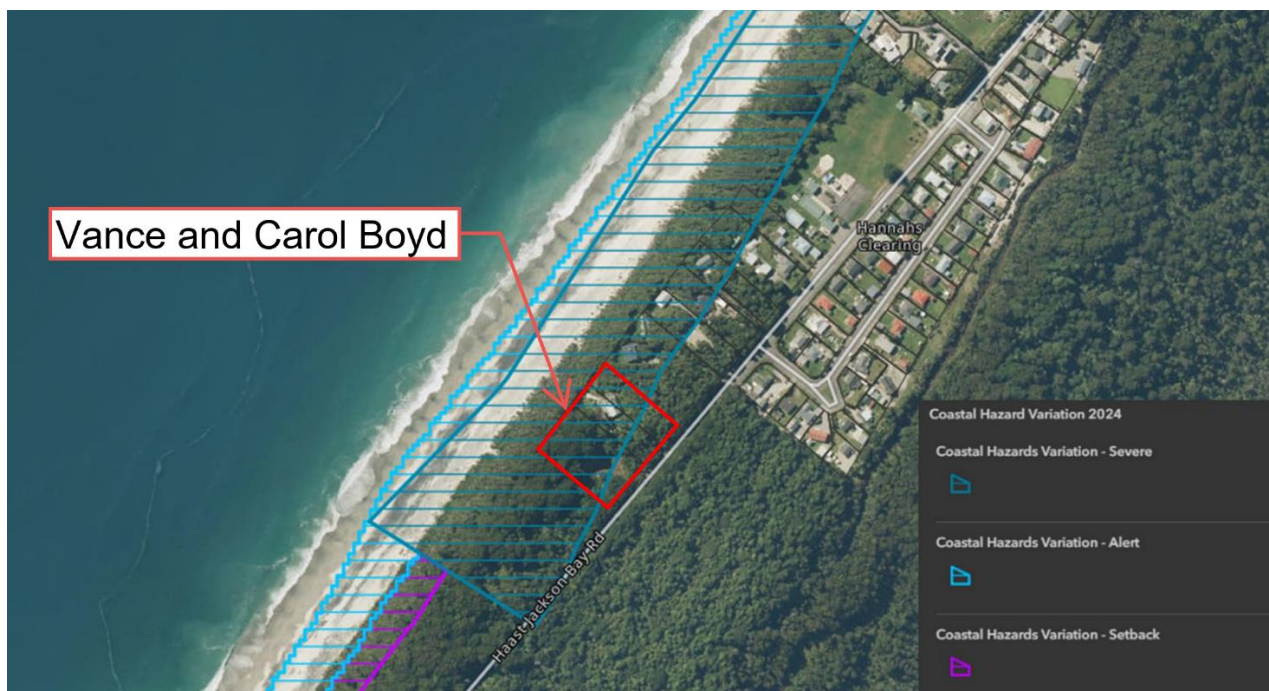


Figure 7: Coastal Hazard Variation 2024 for Site No. 1 (TTPP Coastal Hazard Variation Change Comparison)