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## Recommended Changes to the NH Chapter as notified

Below shows the changes to the notified Natural Hazards chapter as recommended by the s42A report.

**Note: Rules relating to the Coastal Severe and Coastal Alert Overlays (NH-R38 to NH-R44) and the Coastal Setback Overlay (NH-R45 to NH-R46) are subject to Variation 2 Coastal Natural Hazard Mapping and are therefore not subject to the proposed recommendations below.**

## NH

## Natural Hazards - Ngā Mōreareatanga Aotūroa

The West Coast/Te Tai o Poutini region is subject many natural hazards; river flooding, coastal erosion, coastal inundation and land instability; the impact of these natural hazards is likely to be exacerbated by climate change including sea level rise over the lifetime of this Plan. There is also natural hazard risk from earthquakes and tsunami (coastal and lake).

A natural hazard is defined in the RMA as "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".

The risks associated with natural hazards vary on the West Coast/Te Tai o Poutini, with its sparse population and low level of development in some areas, compared with discrete areas of larger populations in the towns and settlements. In the larger populated and developed areas the consequences of natural hazards are considerably greater - hence the risk is higher. 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.<sup>1</sup>~~
- 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.<sup>2</sup>~~

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<sup>1</sup> Note that the coastal hazard provisions are now to be considered in a separate variation process.

<sup>2</sup> Anne Chapman (S425.001), Benjamin and Shari Ferguson (S173.002), Kaye Leighton (S174.002), John Boyles (S175.002), David McInroe (S176.002), Ken and Robyn Ferguson (S192.001), Whittaker Ventures Ltd (S197.001, S197.002), Paul Miles (S226.001), Hayden Kendrick (S259.001), Grant Marshall (S311.002), Debbie Bland (S325.001), Katrina McLachlan (S340.001), Lynette Heine (S354.001), David Hahn (S368.001), Mills Family Trust (S427.001), Bruce Jones (S429.001), T Croft Ltd (S460.004, S60.006), Davis Ogilvie & Partners Ltd (S465.002), Scenic Hotel Group (S483.010), Michael Snowden (S492.003), Hapuka Landing Limited (S514.004), Peter Jefferies (S544.008), Martin & Lisa Kennedy (S545.008), Nick Pupich Sandy Jefferies (S546.008), Brian Anderson (S576.005), David Ellerm (S581.015)

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- 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<sup>3</sup> – 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.~~<sup>4</sup>

~~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.~~

### Natural Hazard Mitigation Structures

Where Natural Hazard Mitigation Structures are located or proposed in the Coastal Environment or Riparian Areas of Waterbodies, the rules for these are to be found in the relevant Coastal Environment and Natural Character and Margins of Waterbodies Chapters.

### Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to this chapter, a number of General District-wide Matters chapters also contain provisions that may be relevant for natural hazards and in particular the specific provisions around the construction of natural hazard mitigation structures such as seawalls, flood walls and stop banks.

In particular the Coastal Environment Chapter, Natural Character and Margins of Waterbodies Chapter, Earthworks Chapter, Ecosystems and Indigenous Biodiversity and Natural Features and Landscapes Chapters may be relevant.

Natural Hazards Objectives	
NH - O1	<del>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.</del> <sup>5</sup>
NH - O2	<del>To reduce the risk to life, property and the environment from natural hazards, thereby promoting the well-being of the community and environment.</del>

<sup>3</sup> Toka Tū Ake (S612.048, S612.054, S612.055, S612.059, S612.061, S612.062, S612.064, S612.065)

<sup>4</sup> Misato Nomura (S151.007), Gina Hogarth (S304.004), Shaun and Carissa du Plessis (S402.002, S402.003), Betty Harris (S405.002), Gail Dickson (S407.005), Jane Whyte & Jeff Page (S467.004), David Ellerm (S581.018)

<sup>5</sup> Te Mana Ora (S190.142), Bert Hofmans (S504.002), Lindy Millar (S505.002)

	<u>Subdivision, use and development within all other Natural Hazard Overlays minimises the risk from natural hazards to people, buildings, and regionally significant infrastructure.</u>
<b>NH - O3</b>	<u>To only locate critical regionally significant infrastructure within areas of significant natural hazard risk the Severe Natural Hazard Overlay where there is no reasonable alternative an operational or functional need to be located within this overlay, and to design infrastructure so as not to exacerbate natural hazard increase the risk to people and property other<sup>6</sup> buildings.<sup>7</sup></u>
<b>NH - O4</b>	<u>To ensure the role of hazard mitigation played by natural features that minimise impacts of hazards including wetlands and dunes is recognised and protected. <u>Natural systems and features Green Infrastructure<sup>8</sup> that reduce the susceptibility of people, buildings, and regionally significant infrastructure to damage from natural hazards are created, retained, or enhanced and protected<sup>9</sup>.</u></u>
<b>NH - O5</b>	<u>To recognise and provide for the effects impacts of climate change, and its influence on the frequency and severity of natural hazards.<sup>10</sup></u>
<b>NH - O6</b>	<u>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.</u>

<b>Policies</b>	
<b>NH - P1</b>	<u>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:</u> <u>a. The sensitivity of the activities to the impacts of natural hazards;</u> <u>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</u> <u>c. The operational or functional need for some activities to locate within the Natural Hazard Overlays.<sup>11</sup></u>
<b>NH - P2</b>	<u>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.<sup>12</sup></u>
<b>NH - P3</b>	<u>When managing natural hazards:</u>

<sup>6</sup> Mr Kennedy for Westpower Ltd (S547), Manawa Energy (S438)

<sup>7</sup> Manawa Energy (S438.058)

<sup>8</sup> Mrs Pull for Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (S620)

<sup>9</sup> Mrs Pull for Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (S620)

<sup>10</sup> Grey District Council (S608.556)

<sup>11</sup> Grey District Council (S608.559)

<sup>12</sup> Grey District Council (S608.560)

	<p>a. Promote the use of <u>natural features, natural systems Green Infrastructure</u><sup>13</sup> and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks; and</p> <p>b. Avoid increasing risk to people, <del>property and the environment and buildings</del>; while</p> <p>c. Recognising that in some circumstances hard engineering solutions may be the only practical means of protecting <del>existing</del><sup>14</sup> communities and <u>critical regionally significant infrastructure</u>;</p> <p>d. Enabling <u>planned and funded</u> natural hazard mitigation works <u>within the Natural Hazard Overlays</u> where these works are being undertaken by a Statutory Agency or their nominated contractor <u>acting on their behalf</u> and these will decrease the <del>existing</del> risk to people's lives and wellbeing, buildings and regionally significant infrastructure<sup>15</sup>.</p>
<b>NH - P4</b>	<p>Natural hazard assessments, <del>managed retreat locations</del> and resource consent applications <u>for subdivision, development or use</u> will consider the impacts of climate change. In particular the following matters will be considered:</p> <p>a. Change in sea level <u>over the next 100 years</u>;</p> <p>b. <del>Altering of coastal processes</del>;</p> <p>c. <del>Increased inundation of low lying areas</del>;</p> <p>d. <del>Changes in local temperatures</del>;</p> <p>e. <u>Changes in rainfall patterns and any resulting change to flood events over the next 100 years</u>; and</p> <p>f. <del>Increase in cyclonic storms</del></p> <p>c. <u>Changes in the magnitude, frequency and duration of severe weather events</u>.<sup>16</sup></p>
<b>NH - P5</b>	<p><del>When assessing areas suitable for managed retreat, the following matters will be considered:</del></p> <p>a. <del>That the natural hazard risk of the area is less than the existing location, and</del></p> <p>b. <del>The potential future need to protect the community and associated infrastructure by hazard mitigation works</del>.<sup>17</sup></p>
<b>NH - P6</b>	<p>In the Earthquake Hazard Overlay avoid:</p> <p>a. <del>Development of critical response facilities</del>;</p> <p>b. <del>Community facilities, educational facilities and health facilities within 150m of the faultline</del>;</p>

<sup>13</sup> Mrs Pull for Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (S620)

<sup>14</sup> Neil Mouat (S535.002), Martin & Co. (S543.007)

<sup>15</sup> Mr Barr for Buller District Council (S538), Snodgrass Road Submitters (S619)

<sup>16</sup> Department of Conservation (S602.039)

<sup>17</sup> Margaret Montgomery (S446.014)

	<p>e. <del>Commercial and industrial buildings within 100m of the faultline; and</del></p> <p>d. <del>Residential activities within 50m of the faultline.</del><sup>18</sup></p>
<b>NH - P75</b>	Allow <del>unoccupied structures and buildings within the Earthquake Hazard Overlay</del> for subdivision, use and development for Less Hazard Sensitive Activities in all Natural Hazard Overlays. <sup>19</sup>
<b>NH - P8</b>	<del>Avoid locating critical response facilities within the Coastal Tsunami Hazard overlay.</del>
<b>NH - P9</b>	<del>Restrict further development of sensitive activities in the Lake Tsunami Hazard overlay.</del>
<b>NH - P106</b>	<p>Avoid <u>subdivision, use and development of</u> 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 <u>where:</u></p> <ol style="list-style-type: none"> <li>The <del>activity</del> <u>subdivision, use or development</u> has an operational <del>and</del> <u>or</u> functional need to locate within the hazard area; and</li> <li>That <del>the activity</del> <u>subdivision, use or development</u> incorporates mitigation <u>measures that minimise the</u> <del>of</del> risk to life, property and the environment, and there is significant public or environmental benefit in <del>doing so</del> <u>people, buildings and regionally significant infrastructure; and</u></li> <li><u>In the Flood Severe Overlay the risk to people, <del>and</del> buildings and regionally significant infrastructure<sup>20</sup> on adjacent sites is not increased as a result of the activity proceeding.<sup>21</sup></u></li> </ol>
<b>NH - P117</b>	<p><del>Allow</del> 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, Flood Alert and Earthquake Susceptibility Hazard overlays where:</p> <ol style="list-style-type: none"> <li>Mitigation measures <del>avoid risk to life and</del> <u>are incorporated to</u> minimise the <del>risk to property and the environment</del> <u>people, buildings and regionally significant infrastructure; and</u></li> <li><u>In the Flood Susceptibility and Land Instability Overlays</u> <del>The risk to adjacent properties, activities and people and buildings on adjacent sites</del> is not increased as a result of the activity proceeding.</li> </ol>
<b>NH - PXX</b>	<u>Only allow for the construction of a single residential unit on an existing vacant site located within the Flood Severe Overlay, Earthquake Severe Overlay or Coastal Hazard Erosion and Inundation Overlay, where:</u>

<sup>18</sup> Toka Tū Ake (S612.032)

<sup>19</sup> Federated Farmers (S524.044)

<sup>20</sup> [Mr Kennedy for Westpower Ltd \(S547\)](#)

<sup>21</sup> Te Mana Ora (S190.142), Bert Hofmans (S504.002), Lindy Millar (S505.002), John Brazil (S360.003), Leonie Avery (S507.005), Jared Avery (S508.005), Kyle Avery (S509.005), Avery Bros (S510.005), Bradshaw Farms (S511.005), Paul Avery (S512.005), Brett Avery (S513.005), Buller District Council (S538.095), Chris & Jan Coll (S568.019), Chris J Coll Surveying Limited (S566.019), William McLaughlin (S567.108), Paparoa Track Services et al. (S605.004), Avery Brothers (S609.005), Erin Stagg (S314.005)

	<ol style="list-style-type: none"> <li>1. <u>Locating a residential unit on a site outside of the Flood Severe Overlay, Earthquake Severe Overlay or Coastal Hazard Erosion and Inundation Overlay is not a practicable option; and</u></li> <li>2. <u>Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and the structural integrity of the building in the event of a natural hazard that relates to the overlay.</u><sup>22</sup></li> </ol>
<b>NH - P128</b>	<p>When assessing the <u>actual and potential</u> effects of <del>activities</del> <u>subdivision, use and development</u> in <del>n</del><u>Natural</u> <del>h</del><u>Hazard</u> <del>e</del><u>Overlays</u> consider:</p> <ol style="list-style-type: none"> <li>a. <del>The effects of level of risk posed by</del> natural hazards <del>on</del> <u>to</u> people, <del>property and the environment</del> <u>buildings and regionally significant infrastructure</u>;</li> <li>b. <u>Existing and proposed</u><sup>23</sup> <del>T</del><u>technological</u> and engineering mitigation measures and other non-engineered options;</li> <li>c. The location and design of proposed sites, buildings, vehicle access, earthworks and <del>regionally significant on-site</del> infrastructure in relation to natural hazard risk;</li> <li>d. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk;</li> <li>e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk;</li> <li>f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site;</li> <li>g. The functional or operational need to locate in these areas; and</li> <li>h. Any <del>significant</del> adverse effects on the environment of any proposed mitigation measures.</li> </ol>
<b>NH - P139</b>	<p>Allow subdivision, use and development within the Westport Hazard Overlay where <u>the risk to people and buildings is minimised from the</u> :</p> <ol style="list-style-type: none"> <li>a. <del>1% annual exceedance probability flood event is mitigated; and</del> <u>the</u></li> <li>b. <del>1% annual recurrence interval plus 1m sea level rise coastal event, are mitigated; and</del></li> <li>c. <del>Where mitigation is not achieved, further subdivision, use and development is avoided.</del></li> </ol>
<b>NH - P1410</b>	<p>Allow subdivision, use and development within the Hokitika Coastal Hazard Overlay where <u>the risk to people and buildings is minimised from the</u> 1% annual <del>recurrence interval</del> <u>exceedance probability</u> coastal storm event plus 1m sea level rise <del>coastal event risks are mitigated; and where mitigation is not achieved, further subdivision, use and development is avoided.</del></p>

<sup>22</sup> West Coast Regional Council (S488), Buller District Council (S538), Grey District Council (S608), Richard Henschel (S285), Chris & Jan Coll (S558)

<sup>23</sup> Grey District Council (S608.568)

**Advice Notes:**

1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.
2. Regional rules relating to the diversion of water are contained with the West Coast Regional Land and Water Plan. Resource consents may also be required under this Plan.
3. ~~Reconstruction or replacement~~ Repair of a lawfully established building or structure may be subject to existing use rights. In these instances increasing the finished floor level in flood or coastal inundation overlays is strongly encouraged.
4. Any new buildings or additions to existing buildings will still be subject to the bulk and location provisions, including recession planes, for the underlying zone of site subject to the new building or additions.

**Rules - All Natural Hazard Overlays**

**Permitted Activities**

<b>NH- R1</b>	<b><del>Reconstruction and Replacement of Lawfully Established Buildings for <u>Less Hazard Sensitive Activities</u><sup>24</sup>, Potentially Hazard Sensitive Activities and Hazard Sensitive Activities</del> in all Natural Hazard Overlays</b>
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**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

**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.<sup>27</sup>

<sup>24</sup> Westpower Evidence (Martin Kennedy page 12)

<sup>27</sup> Grey District Council (S608.570)

<p>4. The destroyed/damaged building is reconstructed or replaced within <del>5</del> <u>3</u> <u>4</u> years <u>after the date of the natural hazard event which caused the damage or destruction to the building</u><sup>25</sup> in all other natural hazard overlays; and</p> <p>5. The reconstructed/replaced building is similar in character, intensity and scale to the building that it replaces <u>The gross floor area of the replacement building is the same, or smaller than the building that was destroyed.</u><sup>26</sup></p>	
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<b>NH - R2</b>	<b>Repairs, Maintenance and Operation of any<sup>28</sup> <u>Upgrades to Existing Natural Hazard Mitigation Structures</u></b>
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<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The structure has been lawfully established;</li> <li><del>2. Earthworks and land disturbance is the minimum required to undertake the activity;</del></li> <li><del>3. There is no change to the design, texture, or form of the structure;</del></li> <li><del>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</del></li> <li><del>5. There is no reduction in public access;</del></li> <li><del>3. The works are being undertaken by a Statutory Agency or their nominated contractor; or</del></li> <li><del>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</del> <sup>29</sup></li> <li><del>5. <u>Where the change is greater than 10% It is accompanied by an assessment undertaken by a <u>suitably qualified</u></u><sup>30</sup> 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.</del></li> </ol> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>1. Where any natural hazard mitigation structure is also located in another Overlay Chapter area as identified on the planning</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>
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<sup>25</sup> Snodgrass Road Submitters (S619)  
<sup>26</sup> Toka Tū Ake (S612.041, S612.120), Westpower (S547.135)  
<sup>28</sup> Grey District Council (S608.571)  
<sup>29</sup> Grey District Council (S608.571, S608.572)  
<sup>30</sup> Reinstate notified version due to lack of scope

<p>maps and in the Schedules 1-8 then resource consent may be required under the relevant Overlay Chapter rules.</p> <p>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.</p>	
<p><b>NH-R3 Upgrades to Existing Natural Hazard Mitigation Structures</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li><del>1. The structure has been lawfully established;</del></li> <li><del>2. Earthworks and land disturbance is the minimum required to undertake the activity;</del></li> <li><del>3. There is no reduction in public access;</del></li> <li><del>4. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from that originally consented structure; and</del></li> <li><del>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.</del></li> </ol> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li><del>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.</del></li> <li><del>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.</del></li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>
<p><b>NH - R43 New Natural Hazard Mitigation Structure</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The structure is located outside of any Overlay Chapter area identified in Schedules 1-8;</li> <li>2. <del>Earthworks and land disturbance is the minimum required to undertake the activity</del> <u>The structure is constructed by a Statutory Agency or their nominated contractor;</u><sup>31</sup></li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><b>Refer to relevant Overlay Chapter rules</b></p> <p>Where standard 1 is not complied with.</p> <p><b>Discretionary</b></p>

<sup>31</sup> Department of Conservation (S602.046), Grey District Council (S608.573)

<p>3. There is no reduction in public access;</p> <p>4. <u>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.</u><sup>32</sup></p> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. If the Overlay Chapters don't provided for this activity then NH-R43 prevails.</li> </ol>	<p>Where standard 2-43<sup>33</sup> is not complied with.</p>
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**Discretionary Activities**

<p><b>NH - R5</b></p>	<p><b>Repairs, Maintenance, Operation, Upgrade of Existing Natural Hazard Mitigation Structures and New Natural Hazard Mitigation Structures not meeting Permitted Activity Standards</b></p>
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<p><b>Activity Status Discretionary</b></p> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li>1. <del>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.</del></li> <li>2. <del>A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan.</del></li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
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**Rules - Flood Severe Overlay and Flood Susceptibility Overlay**

**Permitted Activities**

<p><b>NH - R6</b></p>	<p><b>Repairs and Maintenance of Existing Buildings in the Flood Severe and Flood Susceptibility Overlays</b><sup>34</sup></p>
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<sup>32</sup> Reinstate notified version due to lack of scope

<sup>33</sup> Reinstate notified version due to lack of scope

<sup>34</sup> Grey District Council (S608.575)

<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p>1. <del>Repairs and maintenance do not increase the net floor area of the building used for sensitive activities.</del></p>	<p><b>Activity status where compliance not achieved:</b></p> <p><b>Discretionary</b> For Flood Susceptibility Overlay</p> <p><b>Non-complying</b> For Flood Severe Overlay</p>
<p><b>NH - R7      New Unoccupied Buildings in the Flood Severe and Flood Susceptibility Overlays</b></p>	
<p><b>Activity Status Permitted</b></p>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
<p><b>NH - R8      Additions and Alterations to Existing Buildings for Critical Response Facilities, and New Buildings and Additions and Alterations to Existing Buildings for Commercial and Industrial Activities in the Flood Severe and Flood Susceptibility Overlays</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p>1. <del>There are no increases in net floor area of the building used for sensitive activities; and</del></p> <p>2. <del>Any new buildings or additions and alterations have a finished floor level of 300mm above a 1% annual exceedance probability (AEP) flood event.</del></p>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary</p>
<p><b>NH - R9      Flood Severe Overlay - Additions and Alterations to Existing Buildings used for Sensitive Activities</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p>1. <del>There is no increase in net floor area for sensitive activities</del></p>	<p><b>Activity status where compliance not achieved:</b></p> <p>Non-complying</p>
<p><b>NH - R10      Flood Susceptibility Overlay - New Buildings used for Sensitive Activities and Additions and Alterations to Existing Buildings used for Sensitive Activities</b></p>	
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p>1. <del>Any new buildings or additions and alterations have a finished floor level of 500mm above the 1% AEP flood event.</del></p>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>

<b><u>NH - R4</u></b>	<b><u>Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Flood Susceptibility and Flood Severe Hazard Overlay</u></b>	
<b><u>Activity Status Permitted</u></b>		<b><u>Activity status where compliance not achieved:</u></b>  N/A
<b><u>NH - R5</u></b>	<b><u>Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Flood Susceptibility Hazard Overlay</u></b>	
<b><u>Activity Status: Permitted</u></b> <u>Where:</u> <ol style="list-style-type: none"> <li><u>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.</u></li> <li><u>Any new buildings or additions for Hazard Sensitive Activities have a minimum<sup>35</sup> finished floor level of 500mm above a 1% annual exceedance probability flood event.</u></li> </ol>		<b><u>Activity status where compliance not achieved:</u></b> <u>Discretionary</u> <u>Restricted Discretionary Activity</u> <u>Discretion is restricted to:</u> <ol style="list-style-type: none"> <li><u>The risk to people and buildings of the site from the 1% Annual Exceedance Probability Flood and the mitigation measures to reduce this risk.</u></li> <li><u>The risk to people and buildings on adjacent properties from the 1% Annual Exceedance Probability Flood, and the mitigation measures to reduce this risk.</u></li> <li><u>The impacts of the building on the conveyance of flood waters, including any potential for flood waters to be blocked or diverted onto adjacent properties.<sup>36</sup></u></li> </ol>

<sup>35</sup> Scoped Planning and Design Limited (S617.015)

<sup>36</sup> Bert Hofmans (S504)

**Restricted Discretionary Activities**

**NH - R11**

**~~New Critical Response Facilities and Additions and Alterations to Existing Critical Response Facilities not meeting Permitted Activity Standards in the Flood Severe and Flood Susceptibility Overlays~~**

**~~Activity Status Restricted Discretionary~~**

**~~Discretion is restricted to:~~**

- ~~a. Whether there is a functional or operational need for the facility to be located in a Flood Severe or Flood Susceptibility Overlay area;~~
- ~~b. The effects of natural hazards on people and property;~~
- ~~c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;~~
- ~~d. Any freeboard requirements to be included;~~
- ~~e. The management of vegetation or other natural features to mitigate natural hazard risk;~~
- ~~f. The timing, location, scale and nature of any earthworks in relation to natural hazard risk;~~
- ~~g. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site.;~~
- ~~h. How the activity incorporates mitigation of risk to life, property and the environment; and~~
- ~~i. Any adverse effects on the environment of any proposed natural hazard mitigation measures.~~

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

N/A

**NH - R12**

**~~New Commercial and Industrial Buildings and Additions and Alterations to Existing Commercial and Industrial Buildings not meeting Permitted Activity Standards in the Flood Severe and Flood Susceptibility Overlays~~**

**~~Activity Status Restricted Discretionary~~**

**~~Discretion is restricted to:~~**

- ~~a. The effects of natural hazards on people and property;~~
- ~~b. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;~~
- ~~c. Any freeboard requirements to be included;~~
- ~~d. The management of vegetation or other natural features to mitigate natural hazard risk;~~
- ~~e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk;~~

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

N/A

<p>f. <del>The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site; and</del></p> <p>g. <del>Any adverse effects on the environment of any proposed natural hazard mitigation measures.</del></p>		
<b>Discretionary Activities</b>		
<b>NH - R13</b>	<del>Flood Susceptibility Overlay - Additions and Alterations to Existing Buildings used for Sensitive Activities not meeting Permitted Activity standards and New Buildings used for Sensitive Activities not meeting Permitted Activity standards</del>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b>  N/A
<b>Non-complying Activities</b>		
<b>NH - R14</b>	<del>Flood Severe Overlay - Additions and Alterations to Existing Buildings used for Sensitive Activities not meeting Permitted Activity standards and New Buildings used for Sensitive Activities</del>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b>  N/A
<b>NH - R6</b>	<u>Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Flood Severe Hazard Overlay <sup>37</sup></u>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b>  N/A
<b>Rules - Earthquake Susceptibility and Earthquake Severe Hazard Overlays – All</b>		
<b>Permitted Activities - All Earthquake Hazard Overlays</b>		
<b>Permitted Activities</b>		
<b>NH - R15</b>	<del>Repairs, Maintenance, Additions and Alterations to Existing and New Unoccupied Buildings in the Earthquake Hazard Overlays - all buffer widths</del>	

<sup>37</sup> Toka Tū Ake (S612.043, S612.046)

<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>These are lawfully established or a Permitted Activity for the zone; and</li> <li>Any unoccupied building does not form part of the buildings for critical response facilities.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Non-complying</p>
<p><b>NH - R7</b>      <b>Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Earthquake Susceptibility and Earthquake Severe Hazard Overlays <sup>38</sup></b></p>	
<p><b>Activity Status Permitted</b></p>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
<p><b>Restricted Discretionary Activities</b></p>	
<p><b>NH - R8</b>      <b>Additions to Existing Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Earthquake Susceptibility and Earthquake Severe Hazard Overlays <sup>39</sup></b></p>	
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>The additions are not to a Critical Response Facility.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>The location of the addition or building in relation to the fault trace; and</li> <li>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.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Non-Complying</p>
<p><b>NH - R9</b>      <b>New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Earthquake Susceptibility Hazard Overlay</b></p>	
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>A hazard risk assessment undertaken by a suitably qualified and experienced geotechnical or geological specialist is provided; and</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Non-complying <sup>40</sup></p>

<sup>38</sup> Buller District Council (S538.111, S538.112, S538.113, S538.114, S538.115, S538.116, S538.117, S538.118, S538.119)

<sup>39</sup> Toka Tū Ake (S612.052, S612.053, S612.057, S612.060, S612.063)

<sup>40</sup> Grey District Council (S608.590)

<p>2. <u>The new building is not a Critical Response Facility.</u></p> <p><b>Discretion is restricted to:</b></p> <p>a. <u>The recommendations of the hazard risk assessment;</u></p> <p>b. <u>The location, design and construction materials of the building, vehicle access and <del>regionally significant infrastructure</del> on-site in relation to the likely fault deformation area.</u></p> <p>c. <u>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.</u></p>	
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<b><u>NH - RXX</u></b>	<b><u>The construction of buildings that will contain a residential unit within the Flood Severe Overlay and Earthquake Severe and Coastal Hazard and Erosion Overlay</u></b>
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<p><b><u>Activity Status Restricted Discretionary</u></b></p> <p><u>Where:</u></p> <p>1. <u>It involves the construction of one residential unit on an existing vacant site that existed prior to 1 July 2022 where the residential unit is located within the Flood Severe Overlay, Earthquake Severe Overlay or Coastal Hazard Erosion and Inundation Overlay.</u></p> <p><b><u>Discretion is restricted to:</u></b></p> <p>a. <u>The location of the residential unit on the site and whether there are any other practicable locations on the site to locate the residential unit outside of the natural hazard overlay;</u></p> <p>b. <u>The mitigation measures incorporated into the residential unit to minimise the risk to life to the occupants and maintain the structural integrity of the building from the natural hazard which relates to the overlay; and</u></p> <p>c. <u>Within the Flood Severe Overlay and the Coastal Hazard Erosion and Inundation Overlay the incorporation of mitigation measures into the residential unit to allow for the building to be relocated due to the future risk presented to the building from natural hazards.</u></p>	<p><b><u>Activity status where compliance not achieved:</u></b></p> <p><u>Non-complying <sup>41</sup></u></p>
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**Non-complying Activities**

<b><u>NH - R10</u></b>	<b><u>New Buildings containing Potentially Hazard Sensitive Activities or Hazard Sensitive Activities in the Earthquake Severe Hazard Overlay</u></b>
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<sup>41</sup> West Coast Regional Council (S488), Buller District Council (S538), Grey District Council (S608), Richard Henschel (S285), Chris & Jan Coll (S558)

<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b>
Where: 1. <u>The new building is not a Critical Response Facility on a Greenfield site.</u>		<u>Prohibited</u>
<b>NH - R16</b>	<del>Additions and Alterations to Existing Buildings and New Buildings Used for Critical Response Facilities in Brownfield areas in the Earthquake Hazard Overlays - all buffer widths</del>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A
<b>Prohibited Activities</b>		
<b>NH - R17</b>	<del>New Buildings Used for Critical Response Facilities in Greenfield areas in the Earthquake Hazard Overlays - all buffer widths</del>	
No application for resource consent will be accepted for this activity		
Rules - Earthquake Hazard Overlay - 20m		
Permitted Activities		
<b>NH - R18</b>	<del>Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay - 20m</del>	
<b>Activity Status Permitted</b>		<b>Activity status where compliance not achieved:</b>
Where: 1. <del>There is no increase in the net floor area of the building used for a Critical Response Facility.</del>		Non-complying
<b>Non-complying Activities</b>		
<b>NH - R19</b>	<del>Repairs and Maintenance and Additions and Alterations to Existing Occupied Buildings not meeting Permitted Activity Standards and New Occupied Buildings in the Earthquake Hazard Overlay - 20m</del>	
<b>Activity Status Non-complying</b>		<b>Activity status where compliance not achieved:</b> N/A
Rules - Earthquake Hazard Overlay - 50m		
Permitted Activities		
<b>NH - R20</b>	<del>Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay - 50m</del>	

<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p>1. There is no increase in the area of the building used for a Critical Response Facility.</p>	<p><b>Activity status where compliance not achieved:</b></p> <p><b>Non-complying</b></p> <p>For critical response facilities in brownfield areas under Rule NH-R16</p> <p><b>Prohibited</b></p> <p>For critical response facilities in greenfield areas under Rule NH-R17.</p>
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**Restricted Discretionary Activities**

<b>NH - R21</b>	<b>Additions and Alterations to Existing Residential Buildings and New Residential Buildings in the Earthquake Hazard Overlay - 50m</b>
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<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <p>1. These are accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced natural hazards practitioner.</p> <p><b>Discretion is restricted to:</b></p> <p>a. Implementation of recommendations in accompanying hazard risk assessment;</p> <p>b. Risk to life, property and the environment from the proposal and any measures to mitigate those risks;</p> <p>c. The location and design of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk; and</p> <p>d. Any adverse effect on the environment of any proposed natural hazard mitigation measures.</p>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>
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**Discretionary Activities**

<b>NH - R22</b>	<b>Additions and Alterations to Existing Residential Buildings and New Residential Buildings not meeting Restricted Discretionary Standards, Additions and Alterations to Existing Commercial and Industrial Buildings and New Commercial and Industrial Buildings in the Earthquake Hazard Overlay - 50m</b>
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<p><b>Activity Status Discretionary</b></p>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
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<b>Non-complying Activities</b>	
<b>NH - R23</b>	<del>Additions and Alterations to Existing Community Facilities, Education Facilities and Health Facilities and New Community Facilities, Education Facilities and Health Facilities in the Earthquake Hazard Overlay - 50m</del>
<b>Activity Status Non-complying</b>	<b>Activity status where compliance not achieved:</b> N/A
<b>Rules - Earthquake Hazard Overlay - 100m</b>	
<b>Permitted Activities</b>	
<b>NH - R24</b>	<del>Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay - 100m</del>
<b>Activity Status Permitted</b> Where: 1. There is no increase in the area of the building used for Critical Response Facility	<b>Activity status where compliance not achieved:</b> <b>Non-complying</b> For critical response facilities in brownfield areas under Rule NH - R16 <b>Prohibited</b> For critical response facilities in greenfield areas under Rule NH - R17
<b>Restricted Discretionary Activities</b>	
<b>NH - R25</b>	<del>Additions and Alterations to Existing Residential Buildings, and New Residential Buildings in the Earthquake Hazard Overlay - 100m</del>
<b>Activity Status Restricted Discretionary</b> Where: 1. These are accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced natural hazards practitioner. <b>Discretion is restricted to:</b> a. Implementation of recommendations in accompanying hazard risk assessment; b. Risk to life, property and the environment from the proposal and any measures to mitigate those risks;	<b>Activity status where compliance not achieved:</b> Discretionary

<p>c. <del>The location, design and construction materials of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk; and</del></p> <p>d. <del>Any adverse effect on the environment of any proposed mitigation measures.</del></p>		
<p><b>Discretionary Activities</b></p>		
<p><b>NH - R26</b></p>		<p><del>Additions and Alterations to and New Residential Buildings not meeting Restricted Discretionary Standards, Additions and Alterations to and New Commercial and Industrial Buildings, Community Facilities, Educational Facilities and Health Facilities in the Earthquake Hazard Overlay - 100m</del></p>
<p><b>Activity Status Discretionary</b></p>		<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
<p><b>Rules - Earthquake Hazard Overlay - 150m</b></p>		
<p><b>Permitted Activities</b></p>		
<p><b>NH - R27</b></p>		<p><del>Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay - 150m</del></p>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <p>1. <del>There is no increase in the area of the building used for Critical Response Facility purposes</del></p>		<p><b>Activity status where compliance not achieved:</b></p> <p><b>Non-complying</b></p> <p>For critical response facilities in brownfield areas under Rule NH - R16</p> <p><b>Prohibited</b></p> <p>For critical response facilities in greenfield areas under Rule NH - R17</p>
<p><b>Restricted Discretionary Activities</b></p>		
<p><b>NH - R28</b></p>		<p><del>Additions and Alterations to New and Existing Residential, Commercial and Industrial Buildings in the Earthquake Hazard Overlay - 150m</del></p>
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <p>1. <del>These are accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced natural hazards practitioner.</del></p>		<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>

<p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Recommendations in accompanying hazard risk assessment;</li> <li>b. Risk to life, property and the environment from the proposal and any measures to mitigate those risks;</li> <li>c. The location, design and construction materials of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk; and</li> <li>d. Any adverse effect on the environment of any proposed mitigation measures.</li> </ul>	
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**Discretionary Activities**

<b>NH - R29</b>	<b>Additions and Alterations to and New Community Facilities, Educational Facilities and Health Facilities in the Earthquake Hazard Overlay - 150m</b>
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<b>Activity Status Discretionary</b>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
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**Rules – Earthquake Hazard Overlay – 200m**

**Permitted Activities**

<b>NH - R30</b>	<b>Repairs and Maintenance to Existing Occupied Buildings in the Earthquake Hazard Overlay – 200m</b>
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<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ul style="list-style-type: none"> <li>a. Repairs and maintenance do not increase the area of a building used for Critical Response Facility purposes.</li> </ul>	<p><b>Activity status where compliance not achieved:</b></p> <p><b>Non-complying</b></p> <p>For critical response facilities in brownfield areas under Rule NH - R16</p> <p><b>Prohibited</b></p> <p>For critical response facilities in greenfield areas under Rule NH - R17</p>
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**Restricted Discretionary Activities**

<b>NH - R31</b>	<b>Additions and Alterations New and Existing New Residential, Commercial and Industrial Buildings and Community Facilities, Educational Facilities and Health Facilities in the Earthquake Hazard Overlay - 200m</b>
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<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>These are accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced natural hazards practitioner.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>Implementation of recommendations in the accompanying hazard risk assessment;</li> <li>Risk to life, property and the environment from the proposal and any measures to mitigate those risks;</li> <li>The location, design and construction materials of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk; and</li> <li>Any adverse effect on the environment of any proposed natural hazard mitigation measures.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Discretionary</p>
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**Discretionary Activities**

<b>NH - R32</b>	<b>Additions and Alterations to Existing Buildings and New Buildings not meeting Restricted Activity Standards in the Earthquake Hazard Overlay - 200m</b>
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<p><b>Activity Status Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>These are not Critical Response Facilities.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><b>Non-complying</b> For critical response facilities in brownfield areas under Rule NH -R11</p> <p><b>Prohibited</b> For critical response facilities in greenfield areas under Rule NH - R12</p>
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**Rules - Land Instability Overlay**

**Permitted Activities**

<b>NH - R11</b>	<b>Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Land Instability Hazard Overlay</b>
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<b><u>Activity Status Permitted</u></b> <sup>42</sup>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
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<sup>42</sup> Gail Dickson (S407.003), Grey District Council (S608.591)

**Restricted Discretionary Activities****NH - R3312****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 work 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 useful 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 ~~area~~.

**Activity status where compliance not achieved:**

Non-complying

**Non-complying Activities****NH - R34****~~New buildings for Sensitive Activities in the Land Instability Overlay not meeting Restricted Discretionary Activity Standards~~****Activity Status Non-complying****Activity status where compliance not achieved:**

N/A

**Rules - Lake Tsunami Hazard Overlay****Permitted Activities****NH - R35****~~Repairs, Maintenance, Additions and Alterations to Existing Buildings and Structures, or New Buildings and Structures in the Lake Tsunami Hazard Overlay~~****Activity Status Permitted**

Where:

**Activity status where compliance not achieved:**

1. There is no increase in the area of the building used for sensitive activities.	Restricted Discretionary
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**Restricted Discretionary Activities**

<b>NH - R36</b>	<b>Buildings for Sensitive Activities not meeting Permitted Activity Standards in the Lake Tsunami Hazard Overlay</b>
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**Activity Status Restricted Discretionary**

Where:

1. This is accompanied by a hazard assessment prepared by a suitably qualified and experienced natural hazard practitioner.

**Discretion is restricted to:**

- a. The level of risk as assessed by suitably qualified and experienced person;
- b. The location and design of proposed sites, buildings, structures and vehicle access in relation to natural hazard risk;
- c. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk;
- d. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site; and
- e. Any adverse effect on the environment of any proposed natural hazard mitigation measures.

**Activity status where compliance not achieved:**

Non-complying

**Non-complying Activities**

<b>NH - R37</b>	<b>Buildings for sensitive activities in the Lake Tsunami Hazard Overlay not meeting Restricted Discretionary Standards</b>
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**Activity Status Non-complying**

**Activity status where compliance not achieved:**

N/A

**Rules for the Coastal Severe and Coastal Alert Overlays**

**Permitted Activities**

<b>NH - R38</b>	<b>Repairs and Maintenance to Existing Buildings in the Coastal Severe and Coastal Alert Overlays</b>
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**Activity Status Permitted**

Where:

1. For repairs and maintenance there is no increase in the area of the building;

**Activity status where compliance not achieved:**

NA

<p>2. For reconstruction of a building lawfully established at the time of notification of the Plan where:</p> <ol style="list-style-type: none"> <li>The building has been destroyed or substantially damaged due to fire, natural disaster or Act of God;</li> <li>The destroyed/damaged building is reconstructed within 5 years in the Coastal Alert overlay and 2 years in the Coastal Severe overlay;</li> <li>The reconstructed building is similar in character, intensity and scale to the building it replaces.</li> </ol>	
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<b>NH - R39</b>	<b>New Unoccupied Buildings and Structures in the Coastal Severe and Coastal Alert Overlays</b>
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<p><b>Activity Status Permitted</b></p>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
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<b>NH - R40</b>	<b>Additions and Alterations for Commercial and Industrial Buildings and Critical Response Facilities in the Coastal Severe and Coastal Alert Overlays</b>
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<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>There is no increase to the net floor area used for any sensitive activity; and</li> <li>Where any increase in net floor area meets a minimum finished floor level of 300mm above a 1% annual exceedance probability (AEP) event.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Restricted Discretionary</p>
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<b>NH - R41</b>	<b>Additions and Alterations of Existing Buildings used for Sensitive Activities in the Coastal Severe and Coastal Alert Overlays</b>
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<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>There is no increase in net floor area used for a sensitive activity.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><b>Discretionary</b> for Coastal Alert</p> <p><b>Non-complying</b> for Coastal Severe</p>
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<b>Restricted Discretionary Activities</b>	
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<b>NH - R42</b>	<b>New Commercial, Industrial, or Critical Response Facilities Buildings, Additions and Alterations to Commercial, Industrial or Critical</b>
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Response Facilities Buildings not meeting Permitted Activity Standards	
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>There is no increase in net floor area for use by a sensitive activity.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>The effects of natural hazards on people and property;</li> <li>The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;</li> <li>Any freeboard requirements to be included;</li> <li>The management of vegetation or other natural features to mitigate natural hazard risk;</li> <li>The timing, location, scale and nature of any earthworks in relation to natural hazard risk;</li> <li>The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site and adjacent properties;</li> <li>Any adverse effects on the environment of any proposed natural hazard mitigation measures.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><b>Discretionary</b> for Coastal Alert</p> <p><b>Non-complying</b> for Coastal Severe</p>
<b>Discretionary Activities</b>	
<b>NH - R43</b>	<b>Coastal Alert Overlay: New Buildings for Sensitive Activities and Additions and Alterations of existing Buildings that increase the net floor area for Sensitive Activities</b>
<p><b>Activity Status Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>These are located in the Coastal Alert Overlay</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
<b>Non-complying Activities</b>	
<b>NH - R44</b>	<b>Coastal Severe Overlay: New Buildings for Sensitive Activities and Additions and Alterations of Buildings that increase the net floor area for Sensitive Activities</b>
<p><b>Activity Status Non-complying</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>These are located in the Coastal Severe Overlay</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
<b>Coastal Setback Overlay</b>	

<b>Restricted Discretionary Activities</b>	
<b>NH - R45</b>	<b>New Buildings for Sensitive Activities in the Coastal Setback Overlay</b>
<p><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>This is accompanied by a natural hazard risk assessment prepared by a suitably qualified and experienced person.</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>The level of risk as assessed by a suitably qualified and experienced person;</li> <li>The location and design of proposed sites, building, structures, vehicle access in relation to natural hazard risk</li> <li>The modification or retention of vegetation or other natural features to mitigate natural hazard risk;</li> <li>The impact of underlying geology and topography of the site on hazard risk;</li> <li>The potential of the proposal to exacerbate natural hazard risk, including transferring risk to another site;</li> <li>Any adverse effects on the environment of any proposed natural hazard mitigation structures.</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p>Non - complying</p>
<b>Non-complying Activities</b>	
<b>NH - R46</b>	<b>New Buildings for Sensitive Activities in the Coastal Setback Overlay not meeting Restricted Activity Standards</b>
<p><b>Activity Status Non-complying</b></p>	<p><b>Activity status where compliance not achieved:</b></p> <p>N/A</p>
<b>Coastal Tsunami Overlay<sup>43</sup></b>	
<b>Permitted Activities</b>	
<b>NH - R47</b>	<b>Repairs, Maintenance, Additions and Alterations to Existing Buildings within the Coastal Tsunami Overlay</b>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>Any works do not increase the building footprint used for Critical Response Facility purposes;</li> <li>Any works do not increase the area of the building used for Critical Response Facility purposes; and</li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><b>Discretionary</b></p> <p>where Standard 1 is not complied with</p>

<sup>43</sup> Elley Group Ltd (S164.002)

<p>3. <del>No building used for a Critical Response Facility is reconstructed or replaced in a position that is seaward of the building it replaces.</del></p>	<p><b>Non-complying</b> where Standard 2 or 3 is not complied with</p>
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**Discretionary Activities**

<p><b>NH - R48</b></p>	<p><del>Repairs, Maintenance, Additions and Alterations to Existing Buildings within the Coastal Tsunami Overlay not meeting Permitted Activity Standards</del></p>
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<p><b>Activity Status Discretionary</b> Where: 1. <del>Any addition or alteration does not increase the area of the building used for Critical Response Facilities</del> 2. <del>No building used for a Critical Response Facility is reconstructed or replaced in a position that is seaward of the building it replaces.</del></p>	<p><b>Activity status where compliance not achieved:</b> Non-complying</p>
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**Non-complying Activities**

<p><b>NH - R49</b></p>	<p><del>New Buildings for Critical Response Facilities within the Coastal Tsunami Overlay and Additions and Alterations to existing buildings for Critical Response Facilities not meeting Discretionary Activity Standards</del></p>
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<p><b>Activity Status Non-complying</b></p>	<p><b>Activity status where compliance not achieved:</b> N/A</p>
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**Hokitika Coastal Hazard Overlay**

**Permitted Activities**

<p><b><u>NH - R13</u></b></p>	<p><u>Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Hokitika Coastal Hazard Overlay</u></p>
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<p><b><u>Activity Status Permitted</u></b></p>	<p><b><u>Activity status where compliance not achieved:</u></b> N/A</p>
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<p><b><u>NH - R5014</u></b></p>	<p><u>Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive and Hazard Sensitive Activities in the Hokitika Coastal Hazard Overlay</u></p>
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<p><b>Activity Status Permitted</b> Where:</p>	<p><b>Activity status where compliance not achieved:</b></p>
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<p>1. <del>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</del></p> <p>2.1. <del>Where n</del><u>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 <u>have a minimum floor level of:</u></u><sup>44</sup></p> <p>a. <del>Buildings for</del> <u>or additions containing Hazard s</u><del>Sensitive a</del><u>Activities have a minimum floor level of - 500mm above the 100-year ARI 1% annual exceedance probability</u><sup>45</sup><del>plus 1m sea level rise coastal event;</del></p> <p>b. <del>Commercial and industrial b</del><u>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.</u></p> <p><u>Advice Note:</u></p> <p><u>1. The finished floor level required for buildings shall be obtained from West Coast Regional Council.</u></p>	<p>Discretionary</p>
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**Discretionary Activities**

<b>NH - R51</b>	<b><del>New Buildings in the Hokitika Coastal Overlay not meeting Permitted Activity standards</del></b>
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<b>Activity Status Discretionary</b>	<b>Activity status where compliance not achieved:</b>  N/A
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**Westport Hazard Overlay**

**Permitted Activities**

<b><u>NH - R15</u></b>	<b><u>Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Westport Hazard Overlay</u></b>
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<b><u>Activity Status Permitted</u></b>	<b><u>Activity status where compliance not achieved:</u></b>  <u>N/A</u>
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<b><u>NH - R5216</u></b>	<b><u>Additions to Existing Buildings and New Buildings and Additions and Alterations to Existing Buildings containing Potentially Hazard</u></b>
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<sup>44</sup> Toka Tū Ake (S612.081)

<sup>45</sup> Toka Tū Ake (S612.080)

**Sensitive Activities and Hazard Sensitive Activities in the Westport Hazard Overlay**

**Activity Status Permitted**

Where: <sup>46</sup>

- ~~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 Sensitive Activities 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 <sup>47</sup> flood event;~~
  - ~~b. Commercial and industrial Buildings 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

<sup>46</sup> Buller District Council (S538.162)

<sup>47</sup> Toka Tū Ake (S612.083, S612.084), TTPP Committee (S171.003)

<u>Advice Note:</u>		
1. <u>The finished floor level required for buildings shall be obtained from West Coast Regional Council.</u> <sup>48</sup>		
<b>Discretionary Activities</b>		
<b>NH - R53</b>	<b><del>New Buildings and Additions and Alterations to Existing Buildings in the Westport Hazard Overlay not meeting Permitted Activity Standards.</del></b>	
<b>Activity Status Discretionary</b>		<b>Activity status where compliance not achieved:</b> N/A

**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.<sup>49</sup>

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<sup>48</sup> Felicity Watson (S487.004), Rick Hayman (S471.006), The Coda Trust (S480.004), Warren French (S494.004)  
<sup>49</sup> Richard Wallis (S97.003), Tim Penlington et al. (S137.003), Will Harvey (S157.003)