

**BEFORE THE INDEPENDENT HEARINGS PANEL APPOINTED TO HEAR AND MAKE
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON THE NATURAL HAZARDS
CHAPTER OF THE TE TAI POUTINI PLAN**

UNDER	Schedule 1 of the Resource Management Act 1991 (the Act)
IN THE MATTER OF	Hearing Submissions and Further Submissions on the Natural Hazards Chapter of the Te Tai o Poutini Plan

**REBUTTAL EVIDENCE OF
JAMES GARY BEBAN
Variation 2 - Coastal Hazards
14 March 2025**

INTRODUCTION

- 1 My name is James Gary Beban and I am the co-author of the s.42A report pertaining to the coastal hazards variation (Variation 2).
- 2 This rebuttal evidence responds to several of the pieces of planning evidence received in response to the s.42A report.

Expert Evidence received on the Section 42A report.

- 3 Following the publication of the s.42A report, planning evidence has been received from the following parties:
 - Anita Collie – P and A Horrell, MTP Limited, Biggles Limited, Michael Snowden and Vance and Carol Boyd
 - Samuel Flewellen – Scenic Hotel Group Limited
 - Martin Kennedy - Westpower Limited
- 4 Evidence has also been received from Offshore and Coastal Engineering Limited.
- 5 There are several matters from the following parties that I would like to address within this rebuttal evidence.
 - Anita Collie – P and A Horrell, MTP Limited, Biggles Limited, Michael Snowden and Vance and Carol Boyd
 - Samuel Flewellen – Scenic Hotel Group Limited
 - Martin Kennedy - Westpower Limited

Anita Collie – P and A Horrell, MTP Limited, Biggles Limited, Michael Snowden and Vance and Carol Boyd

- 6 Ms Collie within her evidence has sought the removal of the various Coastal Hazard Overlays on several submitters properties. I will defer to Mr Bosserelle in respect to this request.
- 7 Ms Collie has further sought that a change is made to NH-P6 to specifically refer to the lawfully established use of an existing residential site. I do not support the requested change as the proposed District Plan provisions do not override approved resource consents , or those that have been given effect to. Providing policy support for already approved resource consents is not required in my view.
- 8 Ms Collie has also sought:
 - (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; and

(c) Amendments to some of the criteria in the permitted activity rules.

- 9 I am not in agreement with Ms Collie on this matter. Firstly, Ms Collie is approaching risk from the perspective of life safety, which I agree is an element of risk. However, there are also social and economic risk factors to consider, which arise from the construction of buildings. As such, the proposed District Plan framework needs to consider risk in a holistic manner and not just focus on life safety.
- 10 A vacant site has a different risk profile to a site that contains a residential dwelling. The risk is created through the establishment of the building, both in terms of risk to buildings but also the risk to life. It is my view it would be contrary to the New Zealand Coastal Policy Statement to allow for residential buildings in the Coastal Severe Overlay to be constructed as a permitted activity. Such an activity status can result in residential dwellings being inappropriately located on a site, with little or no mitigation measures. As such, there is a resulting increase in risk occurring in these instances and I do not believe that a permitted activity status aligns with the NZCPS outcomes sought.
- 11 However, I believe there is merit in an issue that Ms Collie has identified within her evidence (which I have also addressed within my Natural Hazards Chapter Right of Reply). Ms Collie's evidence has correctly identified that the limb tests under NH-P6 are an 'and' test, which means all limbs of the policies needs to be met. This means that for an activity to be established on a site within the Coastal Severe (Coastal Hazard Erosion and Inundation) Overlay there always needs to be an operational or functional need. The establishment of a residential dwelling on an existing vacant site would not meet this test. As such, if the resource consents for the submitters' sites were to lapse then there would be a high regulatory test to get future resource consent approvals on sites in the Coastal Severe (Coastal Hazard Erosion and Inundation) Overlay.
- 12 In my view this has the potential to create an issue with Section 85(2) of the Act, in that the proposed framework could prevent the reasonable use of peoples' land, particularly in regard to the Coastal Severe (Coastal Hazard Erosion and Inundation) Overlay. This is because there are properties that have been created to accommodate a residential unit, but through the proposed rule framework, this would be difficult to achieve as the residential unit could never meet the policy test, and as a non-complying activity would have to rely on the effects of the activity on the environment being minor to meet the test of s104D(1)(a) to enable consent to be granted.
- 13 This matter is addressed in my Natural Hazards Chapter Right of Reply, in respect to the Earthquake Severe and Flood Severe Overlays, and I believe the same justification exists for including the Coastal Hazard Erosion and Inundation Overlay within this policy and rule framework. The new policy and rule I have proposed are outlined below:

<u>NH-PXX</u>	<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>
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	<p>a. <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></p> <p>b. <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></p>
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<u>Restricted Discretionary Activities</u>	
<u>NH-RXX</u>	<u>The construction of buildings that will contain a residential unit within the Flood Severe Overlay, Earthquake Severe Overlay or Coastal Hazard Erosion and Inundation Overlay</u>
<p><u>Activity Status Restricted Discretionary</u></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><u>Discretion is restricted to:</u></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 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><u>Activity status where compliance not achieved:</u></p> <p><u>Non-complying</u></p>

- 14 Ms Collie has further identified that there is an issue with the wording on Policy NH-P6 and a conflict with Objective NH-O1. I agree with Ms Collie that there is a conflict between limb (b) of Policy NH-P6 and Objective NH-O1 and this needs to be addressed. The suggested wording for the policy is provided below:

<p>NH - P106</p>	<p>Avoid <u>subdivision, use and development</u> of <u>for Potentially Hazard Sensitive and Hazard Sensitive</u> Activities within the Coastal Severe Hazard and Flood Severe and Earthquake Severe Hazard and the Coastal Hazard Erosion and Inundation Overlay <u>overlays unless it can be demonstrated that where:</u></p> <ol style="list-style-type: none"> The <u>activity-subdivision, use or development</u> has an operational and or functional need to locate within the hazard area; and That the activity-subdivision, use or development incorporates mitigation <u>measures that minimise the</u> reduces or does not increase the <u>of existing-risk to life, property and the environment,</u> and there is significant public or environmental benefit in doing so <u>people, buildings and regionally significant infrastructure; and</u> <u>In the Flood Severe Overlay the risk to people and buildings on adjacent sites is not increased as a result of the activity proceeding.</u>
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15 Ms Collie has sought an amendment to NH-R1 to potentially remove all timeframes, or to extend the timeframe within the rule framework. I have addressed this within the Natural Hazards Chapter Right of Reply. To summarise, I have recommended that the period of time for which this rule applies is increased to 4 years after the natural hazard event. I further recommend changes to clarify that the 4 years apply from the date of the natural hazard event that gives rise to the damage or destruction of the building occurring.

16 I would also note that this rule does not remove existing use rights. This means that if a residential dwelling is demolished after the natural hazard event, then the existing use rights provisions would still apply - providing the dwelling was built to the same scale, form and intensity as what previously existed. As such, proposed rule NH-R1 does not conflict with Section 10 of the Act.

Samuel Flewellen – Scenic Hotel Group

17 Mr Flewellen within his evidence has sought the removal of the various Coastal Hazard Overlays on several submitters' properties. I will defer to Mr Bosserelle in respect to this request.

18 Mr Flewellen within his evidence has sought changes to a number of policies (NH-P3, NH-P10, and NH-P12 as notified) and rule NH-R44. I do not support these changes as there are a number of resulting implications for the Flood Severe and the Earthquake Severe Overlays that would have wider ramifications beyond the submitters site. The changes would also weaken the policy and rule response in respect to the Flood Severe and the Earthquake Severe Overlays and would result in the policy direction being inconsistent with NH-O1, which seeks to ensure the existing level of risk presented by development is not increased.

19 I acknowledge the issue Mr Flewellen is raising and I have sympathy with his position. The Scenic Visitor Zone is a bespoke zone, and appears to only exist in Fox Glacier, Franz Josef and Punakaiki. Having reviewed the location of the Scenic Visitor Zone relative to natural

hazards, the Punakaiki Scenic Visitor Zone is the only zone located within a Severe Natural Hazard Overlay.

- 20 I acknowledge there is a tourism pressure that exists to Fox Glacier, Franz Josef and Punakaiki and that in Punakaiki providing for this pressure is going to be frustrated by the Coastal Hazard Erosion and Inundation Overlay. Given the uniqueness of the zone and its intended role, I do believe that a carve out in the policy and rule framework, in a similar manner as what is proposed for vacant allotments, is appropriate and would best meet the purpose of the RMA.
- 21 In terms of the proposed rule, I am suggesting a Restricted Discretionary Activity consent, with five matters of discretion that will ensure the risk from coastal hazards are minimised in relation to the sites in the Scenic Visitor Zone. I am of the view that this framework would still allow for future development within this zone, but in a manner that ensures the risk from coastal hazards is responded to. I however stress that I am of the view that it is not appropriate to roll the Restricted Discretionary Activity status through the wider region. I am of a view that this would result in an increase in risk over time, and therefore the rule framework would be disconnected from Objective NH-O1, and would ultimately result in an outcome that is inconsistent with the NZCPS.
- 22 Mr Flewellyn has suggested new policy and rule wording within his evidence to address this issue. For the purposes of consistency with other policy and rule wording in the District Plan, I have suggested my own wording. This wording tightens the suggested policy put forward by Mr Flewellyn to ensure that it only applies to the Scenic Visitor Zone in Punakaiki. My suggested policy and associated rule for the Scenic Visitor Zone is as follows:

<u>NH-PXX</u>	<p><u>Only allow for the construction of buildings associated with Hazard Sensitive Activities and Potentially Hazard Sensitive Activities within the Scenic Visitor Zone and within the Coastal Hazard Erosion and Inundation Overlay, where:</u></p> <p>a. <u>Locating a building on the site outside of the Coastal Hazard Erosion and Inundation Overlay is not a practicable option; and</u></p> <p>b. <u>Mitigation measures are incorporated into the building to minimise the risk to life of the occupants and maintain the structural integrity of the building from coastal erosion or coastal inundation.</u></p>
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<u>Restricted Discretionary Activities</u>	
<u>NH-RXX</u>	<u>The construction of buildings, and additions to buildings, that will contain Hazard Sensitive Activities or Potentially Hazard Sensitive Activities and are within the Scenic Visitor Zone and within the Coastal Hazard Erosion and Inundation Overlay</u>
<u>Activity Status Restricted Discretionary</u> <u>Where:</u>	<u>Activity status where compliance not achieved:</u>

<p>1. <u>This is accompanied by a natural hazard risk assessment prepared by a suitably qualified and experienced person.</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The risk from coastal hazards on people and property and any measures to reduce or mitigate this risk;</u> b. <u>The management of vegetation or other natural features to mitigate natural hazard risk;</u> c. <u>The potential for there to be an increase in the risk of coastal erosion to either neighbouring properties or Regionally Significant Infrastructure from either the design of the proposed development or any mitigation measures to reduce the risk to future occupants or buildings.</u> d. <u>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.</u> e. <u>In respect to Community Facilities, Retirement Homes, Healthcare Facilities, Childcare Services and Educational Facilities the ability for people to be able to safely evacuate from the site in a coastal hazard event;</u> f. <u>In respect to Emergency Facilities the ability for emergency vehicles and services to be able to operate during and after a coastal hazard event.</u> 	<p><u>Non-complying</u></p>
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- 23 Mr Flewellen has sought changes to NH-R1. I have canvassed this issue in my Right of Reply to the Natural Hazards Chapter and paragraphs 15 and 16 of this Rebuttal evidence.
- 24 Mr Flewellen has sought change to policy NH-P11 to allow for hard engineering structures in respect to coastal hazards. I do not support this change. The NZCPS is directive in respect to hard engineering structures, and this is represented in Policy 25 which states:

NZCPS Policy 25

1. discourage hard protection structures and promote the use of alternatives to them, including natural defences; and

25 I am of the view that the proposed wording on NH-P11 as proposed in the Coastal Hazards Variation aligns with the direction of the NZCPS and that the wording of allowing for hard engineering structures as proposed by Mr Flewellen would be inconsistent with Policy 25 of the NZCPS.

Martin Kennedy - West Power Limited

26 Within Mr Kennedy evidence, there are a number of matters that have been addressed within the s.42A report for the Natural Hazards hearing and the associated rebuttal evidence and the Right of Reply. I will not readdress matters covered in these documents within this rebuttal evidence, but would rather focus on what I perceive to be new issues that have been raised.

27 Mr Kennedy has raised concerns within his evidence regarding the relief sought by Te Tai o Poutini Plan Committee and that these changes should have been proposed within the Natural Hazards Chapter as part of the documentation that was notified with Variation 2.

28 Variation 2 was renotified to ensure that submitters had the opportunity to comment on the coastal hazard provisions as well as the maps. When the variation was first notified, submitters were incorrectly advised they could only submit on the spatial extent of the maps. The renotification was intended to address this error. The advice received was that the provisions could not be modified prior to this renotification. On this basis, the Te Tai o Poutini Plan Committee needed to lodge a submission to raise any issues they considered worthy of a submission point. I would also note that Te Tai o Poutini Plan Committee submitted on the full District Plan when it was notified to ensure that identified issues were addressed. As such, it is appropriate for the Te Tai o Poutini Plan Committee to lodge a submission.

29 Mr Kennedy has raised concerns that Westpower further submission opposing submission point S171.031 is not recorded in the s.42A report on pages 89 – 93. I acknowledge that Mr Kennedy further submission point FS222.0370 is not recorded, however it is acknowledged in the Appendix 1 where the further submission is recommended to be rejected. The submission point relates to the new natural hazard policy pertaining to Natural Hazard Mitigation Structures within the coastal environment. The rationale for Mr Kennedy's further submission point on this matter not being accepted, is because the relief sought was contrary to the NZCPS. Policy 25 is directive on hard engineering mitigation measures and this policy is to provide support to the NZCPS.

30 Mr Kennedy has questions around how this policy would work. When resource consent is required for a new hazard mitigation structure, and this hazard mitigation structure is for addressing a coastal hazard, then decisions makers will take into account the direction that is within proposed Policy NH-P11.

- 31 Mr Kennedy has correctly identified that in the suggested revised Natural Hazards Chapter attached to the s.42A report for the Coastal Hazards Variation, the title of Rule 1 was not correct. The current title for the rule reference is provided below, and the amendments shown in the rule were made as part of the rebuttal evidence and Right of Reply for the Natural Hazards Chapter.

NH- R1	Reconstruction and Replacement of Lawfully Established Buildings for Less Hazard Sensitive Activities, Potentially Hazard Sensitive Activities and Hazard Sensitive Activities in all Natural Hazard Overlays
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- 32 Mr Kennedy has recommended a change to the third matter of discretion in rules NH-R16, NH-R17, NH-R18, and NH-R22 (rule numbering as notified is NH-R41, NH-R42, NH-R43, and NH-R45), where he requests that the impacts on regionally significant infrastructure from coastal erosion is a matter of discretion. I am supportive of this change. Coastal erosion mitigation structures can have significant edge effects and increase the rates of erosion on adjoining land if they are not designed correctly. It would be an inappropriate outcome if Regionally Significant Infrastructure was damaged as a result of coastal erosion. On this basis, I recommend the following changes to the rules:

NH - <u>R4116</u>	<u>Additions and Alterations of Existing Buildings used for Sensitive Activities in the Coastal Severe and Coastal Alert Overlays Additions to Existing Buildings containing Hazard Sensitive Activities in the Coastal Hazard Inundation Overlay 1.</u>	
<u>Activity Status Permitted</u>		Activity status where compliance not achieved:
<u>Where:</u>		<u>Discretionary</u>
<u>1. There is no increase in net floor area used for a sensitive activity.</u>		<u>for Coastal Alert</u>
<u>Activity Status Restricted Discretionary</u>		<u>Non-complying</u>
<u>Discretion is restricted to:</u>		<u>for Coastal Severe</u>
<u>a. The risk from coastal hazards on people and property and any measures to reduce or mitigate this risk;</u>		<u>N/A</u>
<u>b. The management of vegetation or other natural features to mitigate natural hazard risk;</u>		
<u>c. The potential for there to be an increase in the risk of coastal erosion to neighbouring properties or Regionally Significant Infrastructure from either the design of the proposed development or any mitigation measures to reduce the risk to future occupants or buildings.</u>		

d. <u>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.</u>	
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NH - R4217	New Commercial, Industrial, or Critical Response Facilities Buildings, <u>containing Potentially Hazard Sensitive Activities</u> and Additions and Alterations to Commercial, Industrial or Critical Response Facilities to Buildings <u>containing Potentially Hazard Sensitive Activities</u> not meeting Permitted Activity Standards in <u>Coastal Hazard Erosion and Inundation Overlay</u> , or <u>Coastal Hazard Inundation Overlay 1</u> .
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>1. There is no increase in net floor area for use by a sensitive activity.</p> <p>Discretion is restricted to:</p> <p>a. The effects of natural hazards on people and property;</p> <p>b. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;</p> <p>c. Any freeboard requirements to be included;</p> <p>d. The management of vegetation or other natural features to mitigate natural hazard risk;</p> <p>e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk;</p> <p>f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site and adjacent properties;</p> <p>g. Any adverse effects on the environment of any proposed natural hazard mitigation measures.</p> <p>a. <u>The risk from coastal hazards on people and property and any measures to reduce or mitigate this risk;</u></p> <p>b. <u>The management of vegetation or other natural features to mitigate natural hazard risk;</u></p> <p>c. <u>The potential for there to be an increase in the risk of coastal erosion to neighbouring</u></p>	<p>Activity status where compliance not achieved:</p> <p>Discretionary</p> <p>for Coastal Alert</p> <p>Non-complying</p> <p>for Coastal Severe</p> <p><u>N/A</u></p>

<p><u>properties or Regionally Significant Infrastructure from either the design of the proposed development or any mitigation measures to reduce the risk to future occupants or buildings.</u></p> <p>d. <u>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.</u></p>	
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NH – R4318	New Buildings Containing Hazard Sensitive Activities in the Coastal Hazard Inundation Overlay 1.
<p>Activity Status Restricted Discretionary</p> <p><u>Where:</u></p> <p>1. <u>This is accompanied by a natural hazard risk assessment prepared by a suitably qualified and experienced person.</u></p> <p>Discretion is restricted to:</p> <p>a. <u>The risk from coastal hazards on people and property and any measures to reduce or mitigate this risk;</u></p> <p>b. <u>The management of vegetation or other natural features to mitigate natural hazard risk;</u></p> <p>c. <u>The potential for there to be an increase in the risk of coastal erosion to neighbouring properties or Regionally Significant Infrastructure from either the design of the proposed development or any mitigation measures to reduce the risk to future occupants or buildings.</u></p> <p>d. <u>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.</u></p>	<p>Activity status where compliance not achieved:</p> <p><u>Non-Complying</u></p> <p><u>Discretionary</u></p>

NH - R4522	New Buildings for containing Hazard Sensitive Activities in the Coastal Setback Overlay 2 Coastal Hazard Inundation Overlay 2
Activity Status Restricted Discretionary	Activity status where compliance not achieved:

<p>Where:</p> <p>1. This is accompanied by a natural hazard risk assessment prepared by a suitably qualified and experienced person.</p> <p>Discretion is restricted to:</p> <p>a. The level of risk as assessed by a suitably qualified and experienced person;</p> <p>b. The location and design of proposed sites, building, structures, vehicle access in relation to natural hazard risk</p> <p>c. The modification or retention of vegetation or other natural features to mitigate natural hazard risk;</p> <p>d. The impact of underlying geology and topography of the site on hazard risk;</p> <p>e. The potential of the proposal to exacerbate natural hazard risk, including transferring risk to another site;</p> <p>f. Any adverse effects on the environment of any proposed natural hazard mitigation structures.</p> <p><u>a. The risk from coastal hazards on people and property and any measures to reduce or mitigate this risk;</u></p> <p><u>b. The management of vegetation or other natural features to mitigate natural hazard risk;</u></p> <p><u>c. The potential for there to be an increase in the risk of coastal erosion to neighbouring properties or Regionally Significant Infrastructure from either the design of the proposed development or any mitigation measures to reduce the risk to future occupants or buildings.</u></p> <p><u>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.</u></p>	<p>Non – complying</p>
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Other Matters

- 33 It has come to our attention that there are some additional recommendations required to those contained within the s42A report for Variation 2, and the Right of Reply for the Natural Hazards Chapter for consistency.
- 34 Firstly, the definition of “Severe Natural Hazard Overlay” needs to be updated to reflect the new recommended naming of the Coastal Severe Overlay. The recommended change is as follows:

<u>SEVERE NATURAL HAZARD OVERLAY</u>	<u>means either one or a combination of the mapped extents of the Severe Flood Overlay, Earthquake Severe Overlay and Coastal Severe Overlay Coastal Hazard Erosion and Inundation Overlay.</u>
37 NH - R2	38 Repairs, Maintenance and Operation of any Upgrades to Existing Natural Hazard Mitigation Structures
<p>39</p> <p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The structure has been lawfully established; 2. Earthworks and land disturbance is the minimum required to undertake the activity; 3. There is no change to the design, texture, or form of the structure; 4. The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; and 5. There is no reduction in public access; 3. The works are being undertaken by a Statutory Agency or their nominated contractor <u>acting on their behalf</u>; or 4. There is no change of more than 10% to the overall dimensions, orientation, height or length of the structure from the originally lawfully established structure; and 5. Where the change is greater than 10% It is accompanied by an assessment undertaken by a suitably qualified Chartered Professional Engineer, confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure, is provided to the relevant 	<p>Activity status where compliance not achieved:</p> <p>Discretionary</p>

<p><u>District Council 10 working days prior to works commencing.</u></p> <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. Where any natural hazard mitigation structure is also located in another Overlay Chapter area as identified on the planning maps and in the Schedules 1-8 then resource consent may be required under the relevant Overlay Chapter rules. 2. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan. 	
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NH - R43	New Natural Hazard Mitigation Structure
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The structure is located outside of any Overlay Chapter area identified in Schedules 1-8;¹ 2.1. Earthworks and land disturbance is the minimum required to undertake the activity <u>The structure is constructed by a Statutory Agency or their nominated contractor acting on their behalf;</u> 3.2. There is no reduction in public access; 4. 3. <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> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan. 2. Natural Hazard Mitigation Structures constructed in the Coastal Environment, or within the Riparian Margins of Waterbodies or within areas identified in Schedules 1 - 	<p>Activity status where compliance not achieved:</p> <p>Refer to relevant Overlay Chapter rules</p> <p>Where standard 1 is not complied with.</p> <p>Discretionary</p> <p>Where standard 2-43 1 or 2 is not complied with</p>

¹ Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.431)

8 will be subject to the provisions in the relevant Overlay Chapters.	
3. If the Overlay Chapters don't provided for this activity then NH-R43 prevails.	

40 Finally, due to the recommended changes to the rule for new natural hazard mitigation structures across the s42A report and Right of Reply for the Natural Hazards Chapter, and the s42A report for Variation 2, to enable the elevation of activity status to function correctly, reference to the particular standards needs to be deleted as follows and shown in green:

NH - R3	New Natural Hazard Mitigation Structure
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The structure is located outside of any Overlay Chapter area identified in Schedules 1 - 8; 1. Earthworks and land disturbance is the minimum required to undertake the activity <u>The structure is constructed by a Statutory Agency or their nominated contractor acting on their behalf;</u> 2. There is no reduction in public access; 3. 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. <p>Advice Note:</p> <ol style="list-style-type: none"> A West Coast Regional Council resource consent may be required under the West Coast Regional Land and Water Plan and/or Regional Coastal Plan. 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. 	<p>Activity status where compliance not achieved:</p> <p>Refer to relevant Overlay Chapter rules</p> <p>Where standard 1 is not complied with.</p> <p>Discretionary</p> <p>Where standard 2-43-1 or 2 is not complied with</p>

3. If the Overlay Chapters don't provided for this activity then NH-R43 prevails.	
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Section 32AA

41 In respect to the changes made in response to submissions received, I do not believe a Section 32AA assessment is needed, as the changes are small and largely administrative and do not add any additional cost or regulatory burden to any party.

Annotated Changes to the Chapter.

42 Attached to this evidence are updated versions of the Natural Hazards Chapter, Subdivision Chapter and Definitions to reflect the changes made in light of the planning evidence received. As part of updating these changes, we have also included the submission points that have resulted in our suggested changes to the chapter.

43 This latest version of the Natural Hazards Chapter, Subdivision Chapter and Definitions also includes all previous amendments as recommended by the s42A report, Rebuttal Evidence and Right of Reply for the Natural Hazards Chapter, and therefore can be considered the most up-to-date version of the provisions and definitions at the time of the hearings for the Coastal Hazards Variation.

Signed



James Beban

14 March 2025