

**PLANNING EVIDENCE**

**IN THE MATTER OF** Proposed Te Tai o Poutini Plan (pTTPP)

**AND**

**IN THE MATTER OF** A hearing into the above pursuant to the Resource Management Act 1991

**DATE OF HEARING** 18-25 March 2025

**REVIEW OF RESOURCE MANAGEMENT AND PLANNING MATTERS  
RELATED TO SUBMISSIONS AND FURTHER SUBMISSIONS OF  
WESTPOWER LTD TO VARIATION 2 - COASTAL HAZARDS TO  
THE PROPOSED TE TAI O POUTINI PLAN**

**TOPICS:**

**Coastal Hazards Variation 2**

**Evidence of Martin Kennedy**

## **1.0 INTRODUCTION**

- 1.1 My name is Martin Kennedy and I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth.
- 1.2 I have been engaged by Westpower Limited to provide planning evidence in regard to resource management issues related to Variation 2 to the Proposed Te Tai o Poutini Plan (*pTTPP*), and more particularly recommendations and amendments arising from the Section 42A Report relating to submissions and further submissions made by Westpower.
- 1.3 My role in this hearing process is to provide evidence on relevant resource management issues to assist the Commissioners in considering the matter.
- 1.4 This evidence specifically relates to the topic:
  - Variation 2 - Coastal Hazards

## **2.0 SUBMITTER**

- 2.1 The submitter is: Westpower Limited (*Westpower*)
- 2.2 Westpower is a community owned company undertaking activities related to the generation and distribution of electricity to the community. Westpower undertakes activities in all districts in the region. Westpower's ability to undertake its activities for the community is impacted by the provisions of the plan. When assessing the proposed plan activities have been considered under three broad categories (although all are interrelated);
  - the existing electricity network;
  - potential additions and extension to the network;
  - electricity generation activities.

## **3.0 WITNESS**

- 3.1 As above I have been requested by the submitter to present evidence on the resource management issues relating to certain matters which were the subject of submissions and further submissions to the pTTPP.
- 3.2 I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth. Prior to that, I was Manager of the Environmental Services Department of the Grey District Council based in Greymouth. Before that I was District Planner at the same

Council. I have 34 years Resource Management and Planning experience. I have experience in all aspects of implementation of the Resource Management Act (from a consent authority, applicant and submitter perspective) including: Resource Consent Applications (processing, development and submissions), environmental effects assessments; notification and processing decisions; and District Plan development, implementation and associated processes. I also assist submitters with submissions and involvement in National, Regional and District Policy and Plan development processes under the Resource Management Act.

- 3.3 I have had specific experience with the development, implementation and interpretation of the Policies and Plans on the West Coast as a consultant to Councils, applicants and submitters.
- 3.4 I have a BSc (Physical Geography) and a Masters Degree in Regional and Resource Planning (MRRP).
- 3.5 I am a current full member of the New Zealand Planning Institute.
- 3.6 I have read and understood the Code of Conduct for Expert Witnesses contained in the Environment Court's Consolidated Practice Note 2023 and agree to comply with it. The report presented is within my area of planning expertise and I confirm that I have not omitted to consider material facts that might alter or detract from the opinions given in this evidence.

#### **4.0 SCOPE OF EVIDENCE**

- 4.1 Westpower Ltd made submissions to a number of provisions throughout the variation process for "Coastal Hazards", this process culminating in Variation 2. There have been no pre-hearing processes since the lodging of submissions and further submissions.
- 4.2 For the purpose of this evidence the current pTTPP document, with respect to coastal hazards, is used as the base for assessment and opinions, with reference to the Section 42A Report (*the s42A Report*).
- 4.3 Westpower Ltd, whilst retaining its submissions and further submissions, is in general agreement with those recommendations of the s42A Report where they result in the outcomes/decisions sought by Westpower. Westpower has sought my advice for the purposes of the hearing into the pTTPP and the matters arising which have not been accepted, or accepted in part, through the s42A Report.

- 4.4 It is not proposed to repeat all of the matters on which submissions were made by Westpower Ltd as they are before the Commissioners in the form of the original submission and further submissions, and the s42A Report. It is agreed that the report generally represents the matters raised in those submissions and further submissions, and those points of submission remain. Where there are issues arising with submission points these are discussed below.
- 4.5 This evidence is therefore submitted for two purposes;
- To provide advice in regard to the recommended outcomes, in their current form, in the s42A Report in relation to the submissions and further submissions made by Westpower Ltd.
  - To provide further evidence in relation to matters arising from the s42A Report which require clarification and/or amendments.
- 4.6 This evidence covers these matters and focuses on those recommendations where the s42A Report does not support the submissions and further submissions of Westpower Ltd, or where issues have been identified with the report.
- 4.7 I note in providing this evidence that Variation 2 is in essence a subsection of the “*Natural Hazards*” hearing which has already occurred. There are various matters (ie definitions, objectives, policies etc) that cross from that hearing to this and I would reiterate that the evidence already submitted stands, including the outcomes sought. Where there is a change in my opinion on any matter that will be discussed below as, whilst making the process more complex, where an outcome proposed assists the interpretation and administration of the plan I have sought to remain open to such matters.
- 4.8 I am however concerned that the overlapping reports and provisions may result in some amendments being lost across the processes. I note, for example, that paragraph 76 of the s42A Report advises that recommended changes from the s42A Report for the “*Natural Hazards*” hearing are shown as ~~strikethrough~~ or underline with additional changes arising from Variation 2 shown as **bold underline**. Having read that paragraph the first amendment discussed in the s42A Report is in relation to the definition of “*Critical Response Facilities*” which I note includes the proposed amendment arising from **Variation 2** but not the ~~strikethrough~~ proposed by the s42A Report at the “*Natural Hazards*” hearing, although I note both are set out in Appendix 2 to the s42A Report.

## **5.0 CONCLUSION**

- 5.1 Whilst there is some agreement on the outcomes arising from a range of submissions and further submissions there are a number of points that in my opinion require further consideration and inclusion in the TTPP.
- 5.2 Rather than summarise the broad range of matters here Sections 7 and 8 below discuss those matters where submission points have been either accepted or rejected by the s42A Report and my opinions in regard to those matters.
- 5.3 I have also included comments and opinions regarding submissions “*accepted in part*” by the s42A Report.

## **6.0 STRUCTURE OF EVIDENCE**

- 6.1 To assist with this evidence the following sections are provided;
- a. Recommendations on Submissions and Further Submissions supported (Section 7.0)
  - b. Amendments Required (Section 8.0)
  - c. Part II of the Resource Management Act 1991 (Section 9.0)
- 6.2 To assist with this evidence, a summary of the s42A Report recommendations is attached as Appendix 1 below. The appendix will be referred to where required for ease of cross reference rather than repetition of information.

## **7.0 RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS**

- 7.1 Having reviewed the s42A Report and appendices, which are understood to reflect the recommendations of that report, Westpower have advised that those recommendations accepting its submissions and further submissions are supported. This is with the exception of those matters discussed below, including matters where a submission or further submission has been “*accepted in part*”.
- 7.2 I have reviewed those matters and generally support the recommendations to accept those submission points made by Westpower. I provide no further evidence in regard to those matters at this stage. I will be available to answer any questions should those matters recommended to be accepted in the s42A Report remain in contention at the hearing. For clarity these recommendations are shown in Appendix 1 (pages 1-11) attached to this evidence, as submissions and further submissions “*accepted*”.

## 8.0 AMENDMENTS REQUIRED

8.1 There are matters which require further amendment in regard to the current pTTPP document, more particularly those aspects related to Variation 2, and arising in the s42A Report. For the purpose of this evidence, and the hearing, the matters discussed relate to issues associated with the activities of Westpower Ltd.

8.2 For the purpose of cross reference to the s42A Reports the headings used in that report are repeated here when discussing specific submission points.

### 8. *Submissions on the Coastal Hazard Variation and Overlays (pages 29-56)*

#### 8.1.1 *Terminology (pages 29-31)*

*FS222.0367 (Appendix 1, page 14)*

8.3 The s42A Report recommends “*rejecting*” this further submission where it accepts the s42A recommendations from the “*Natural Hazards*” hearing as this will ensure consistency of terms. I agree that consistency of terms is essential for implementation of the plan but note that my previous evidence sought amendment to what were new terms introduced through that hearing process, and for which there have been no decisions made. Amendments sought through submission *SI71.026* will impact the interpretation of the plan and if the amendments sought in my previous evidence are not made could impact the activities of Westpower. If the outcomes sought in my previous evidence were accepted then I would agree with the proposal in this regard.

8.4 To assist matters the matters related to;

- the definition of “*Critical Response Facilities*” is discussed at *paragraph 8.3* of my previous evidence and ultimately I agreed with the s42A recommendation to remove the term ‘*major dam*’ from the definition of “*CRF*”

- “*less sensitive activities*” is discussed at *paragraph 8.15* of my previous evidence and ultimately seeks that,

“This could be achieved with an amendment to proposed clause “*k*” of the “*less sensitive activities*” definition, ie.

- k. Buildings and structures associated with any other activity that is not identified as a Hazard Sensitive Activity or Potentially Hazard Sensitive Activity”*

FS222.0366 (Appendix 1, page 13)

8.5 The s42A Report recommends “*rejecting*” this further submission on the basis that it will assist in consistency of terms and assist implementation. I agree that consistency of terms is essential for implementation of the plan but do note that there will need to be some care given that other natural hazards will occur in the “*coastal environment*”. In terms of the further submission made the issue raised was that the committee, in promoting the variation, was in a position to insert the terms where it considered was required to enable submitters to consider the proposals and submit accordingly. Whereas in reality submission *S171.027* seeks a replacement of terms but leaves discretion as to where this occurs. Further the s42A Report recommends that changes be made “*where necessary*”. Having reviewed the proposed amendments it seems that the terms only arise in relation to; amended layer references, a potential *new policy NH-P11*, and newly proposed coastal hazard rules. What is not known is whether the committee agree with those amendments or consider other amendments are necessary, and accordingly it is not possible to provide further evidence than would normally be the case where proposed amendments were included in the notified variation.

FS222.0372 (Appendix 1, page 13)

8.6 The s42A Report recommends “*rejecting*” this further submission on the basis that a less “*alarmist*” approach be adopted for describing the layers. The further submission raised a similar issue to that in *paragraph 8.4* above, ie the committee in promoting the variation had the opportunity to provide the proposed amendments to enable submissions. In actuality the matter was promoted through a submission without providing details of the outcome sought to enable comment. Again it is not known whether the amendments are acceptable so no further comment can be made at this point. Having said that I do note that the terms “*severe*” will remain on other hazard overlays and I am unsure whether a flood “*alert*” layer may have been proposed through the s42A report at the previous hearing. There may be some value, if the current proposal is adopted and scope allows, in reviewing/amending those descriptions to more accurately define (but not change) what they depict (see pages 1 and 2 of *Appendix 2 NH Chapter* of the s42A Report for reference).

## **9. Submissions on the Objectives (pages 82-90)**

### **9.2 Objective NH-O1 (page 84)**

*S547.0516 (Appendix 1, page 1)*

8.7 The s42A Report recommends to “*accept in part*” this submission on the basis that it relates to amendments already heard and discussed through the “*Natural Hazards*” hearing. I agree that the matter was canvassed at that hearing but highlight discussion of the amendments sought at *paragraph 8.8* of my evidence to that hearing, this included the removal of reference to “*regionally significant infrastructure*” for the reasons outlined. I presume the part of the submission recommended to not be accepted is that part seeking removal of the reference to RSI and I reiterate my reasoning and the outcome sought from that hearing in relation to this matter, ie;

*NH-O1 Subdivision, use and development within the Severe Natural Hazard and the Coastal Hazard Erosion and Inundation Overlays reduces or does not increase the existing risk from natural hazards to people **and buildings,** ~~**and regionally significant infrastructure.**~~*

### **9.3 Objective NH-O2 (pages 85-86)**

*S547.0517 (Appendix 1, page 12)*

8.8 The s42A Report recommends (*paragraph 229*) “*accepting*” the addition of “*buildings*” to the Objective, however I note that the summary of recommendations (*Appendix 1 to the s42A Report*) recommends “*rejecting*” the submission. In summary I think the recommendation is to “*accept in part*” the submission as the same issue arises as for *NH-O1* above. Again, I have previously canvassed these matters through evidence (*paragraph 8.8*) to the “*Natural Hazards*” hearing and my evidence and amendments sought still remains as for *NH-O1* above in this regard, ie;

*NH-O2 Subdivision, use and development within all other Natural Hazard Overlays minimises the risk from natural hazards to people; **and buildings,** ~~**and regionally significant infrastructure.**~~*

### **9.4 Objective NH-O3 (pages 86-88)**

*S547.018 (Appendix 1, page 1)*

8.9 The s42A Report recommends “*accepting in part*” the submission. From reviewing the proposed amendments to *NH-O3* it would seem that the reference to “*other*” people and buildings is not agreed. I addressed this matter in my evidence (*paragraph 8.7*) to the “*Natural Hazards*” hearing and my opinion remains as set out in that evidence. Accordingly, whilst I agree in general with



the proposed amendments, the last part of the now proposed *NH-O3* should read,

*NH-O3 To only locate ... increase the risk to **other** people and buildings.*

9.5 Objective NH-O4 (pages 88-89)

*FS222.0373 (Appendix 1, page 3)*

8.10 The s42A Report recommends “*rejecting*” the further submission, although Appendix 1 to that report shows the recommendation as “*accept*”. The grounds are that there are no recommended changes arising from submission S620.428 and that amendments proposed through s42A Report to the “*Natural Hazards*” hearing be retained. Accordingly I presume the recommendation is to “*accept in part*” the submission of Westpower. As no changes in recommendation from the previous hearing are proposed I would accept that outcome.

9.6 Objective NH-O6 (pages 89-90)

*FS222.0373 (Appendix 1, page 3)*

8.11 The s42A Report recommends “*accepting*” the further submission and there be no change from the recommendations made through the s42A Report to the “*Natural Hazards*” hearing. I note that I have provided evidence to that hearing in regard to this Objective which is not reflected in the provision shown in the current s42A Report, accordingly I reiterate my previous evidence (*paragraph 8.9*) in that regard.

**10. Submissions on the Policies (pages 91-111)**

10.1 Submissions on the Policies in General (pages 91-95)

*FS222.0369 (Appendix 1, pages 14-15)*

8.12 The s42A Report does not record the further submission of Westpower in regard to submission *S171.031*, although it does list the same submission (and the accompanying further submission) under the rules section (see *Appendix 1, pages 14-15* attached to this evidence). I am very concerned by this omission and presume the recommendation is to “*reject*” the further submission however it is difficult to comment further without the reasons for such a recommendation or an assessment of the issues raised. As discussed above I have concerns where the proposer of the variation leaves out what I would consider to be fundamental components of the proposal, ie overall the submitter (Te Tai o Poutini Plan Committee) has sought either amendment, or new provisions, related to Definitions/Terms, Objectives, Policies and Rules. I would have thought these matters were fundamental elements in enabling both an

understanding of the proposed variation, and appropriate time to submit and, as required, further submit on issues arising. The opportunity to submit has been negated in this part, and indeed Westpowers further submission, as far as it could be has been overlooked. It also raises issues of concern where the notification of the proposal set out the proposed objectives and policies, although did omit the rules, which were apparently lacking fundamental provisions proposed through the variation.

8.13 In reviewing the proposed new policy I note that it only proposes to allow for activities related to existing RSI. It is unclear what the proposal is in relation to protecting new or upgraded RSI? It is also unclear how this policy interacts with other policies, ie does it override all other policies, or rules in this and other chapters of the plan (see for example the coastal environment). In my opinion the proposed provision fails to recognise and provide for the servicing of communities along the West Coast in an appropriate manner.

*FS222.0328 (Appendix 1, page 13)*

8.14 The s42A Report recommends “*rejecting*” the further submission but provides no discussion regarding this further submission or the submission *S602.00242* on which it is based. I presume this is on the basis that the policy above is proposed and hard structures are limited only to existing *RSI*. I note that the summary of submissions did not set out any detail as to provisions proposed by the submitter for further submission and I have provided my opinion in regard to the proposed new policy above.

10.2 Policy NH-P1 (pages 95-96)

*S547.0520 (Appendix 1, page 1)*

8.15 The s42A Report recommends “*accepting in part*” this submission on the basis that the policy is to be amended following the s42A Report recommendations at the “*Natural Hazards*” hearing. Having reviewed the proposed provision I note that it differs to the outcome sought through my evidence (*paragraph 8.11*) to that hearing. Whilst I accept that there is only a minor “*administrative*” change proposed to the policy through this current hearing I reiterate my opinion and amendment sought through evidence to the “*Natural Hazards*” hearing. I consider this is in line with the amendment sought by the s42A Officer through this hearing, ie sensitive activities are provided for through proposed “a.” and risk is both provided for in the first part of the policy and through the last part of

clause “b.”. As sought at the previous hearing clause “b.” should be amended to read,

- 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

10.7 Policy NH-P10 (pages 102-107)

*FS222.0369* (Appendix 1, pages 3-4)

8.16 The s42A Report recommends that this further submission be “*accepted*” and the original submission *S171.029* is “*rejected*”. I agree with that outcome.

*S547.0521* (Appendix 1, page 1)

8.17 The s42A Report recommends this submission be “*accepted*” in part. The report also includes a reference to *S547.532* but there is no commentary in that regard, presumably as they both relate to the same matter, ie *sensitive activities*. I accept the proposed change of terms to refer to “*potentially hazard sensitive*” and “*hazard sensitive*” activities in the policy, with amendment sought both through this and the previous evidence I have provided in regard to the proposed new “*sensitivity*” categories” (see for example *paragraph 8.4* above).

8.18 Having said that I note that I provided evidence related to *NH-P10* at the “*Natural Hazards*” hearing which is not reflected in the proposed provision and reiterate that those amendments are still sought. The matters can be found at *paragraph 8.16* of my previous evidence and in essence sought a rewording of clauses “b.” And “c.”, ie;

- b. ~~That~~~~The activity subdivision, use or development incorporates mitigation measures that minimise the of risk to life, property and the environment, and there is significant public or environmental benefit in doing so people;~~ and buildings~~and regionally significant infrastructure;~~ and

- c. In the Flood Severe Overlay the risk to people, ~~and~~ buildings and regionally significant infrastructure on adjacent sites is not increased as a result of the activity proceeding.

10.9 Policy NH-P12 (pages 108-111)

*FS222.0278* (Appendix 1, pages 4-5)

8.19 The s42A Report recommends to “*accept in part*” the further submission on the basis of amendments already proposed through the s42A Report to the “*Natural Hazards*” hearing. I note that I have provided evidence in regard to this policy at that hearing and recommended amendments. I would reiterate that my evidence in regard to this policy stands, see *paragraph 8.17* of that evidence, and included amendments to proposed clauses “a.” and “c.”, ie;

- a. ~~The effects of level of risk posed by natural hazards on to people, property and the environment and buildings and regionally significant infrastructure;~~
- c. ~~The location and design of proposed sites, buildings, vehicle access, earthworks and regionally significant infrastructure on-site or ancillary infrastructure/services in relation to the natural hazard risk;~~

FS222.0384 (Appendix 1, page 5)

8.20 The s42A Report recommends “accepting” this further submission on the basis of assessments made through the “Natural Hazards” hearing. It does go on to refer to the proposed new policy which I have discussed above at paragraphs 8.12-8.14 above. Whilst I do not accept the proposed new policy above I do agree with the outcome of this further submission point in not amending policy NH-P12.

## **11. Submissions on the Coastal Hazard Rules (pages 112 - 184)**

### 11.3 Rules for Natural Hazard Mitigation Structures (pages 122-131)

#### General

FS222.0370 (appendix 1, pages 14-15)

8.21 The s42A Report recommends “rejecting” this further submission on the basis, as far as I can determine, that there are already appropriate rules in place. I am concerned with this process for reasons discussed in paragraphs 8.12-8.14 above. I also note the s42A Report advises that changes to the natural hazard provisions are recommended to align provisions more closely with provisions in the coastal environment chapter, whilst noting that there are still issues with activities related to existing natural hazard mitigation structures which should be resolved through a future plan change. The s42A Report does not set out what changes are being referred to enable an understanding of the matters and potential impacts on the activities of Westpower. Westpower has been actively involved in both the “Natural Hazards” and “Coastal Environment” hearing process and in my opinion the process and unclear outcomes are cause for concern that remains.

#### NH-R2

FS222.0385 (Appendix 1, pages 5-6)

8.22 The s42A Report recommends “accepting” this further submission on the basis that the clause sought to be amended by the submission S602.00248 was recommended to be removed through the s42A Report to the “Natural Hazards” hearing. Whilst I agree with that outcome I note that I have provided evidence, including amendments, in regard to NH-R2 at that hearing and those matters

remain (see *paragraph 8.20* of that evidence). Finally I note that *NH-R2* is not limited to coastal areas and some care needs to be taken in making any amendments to these provisions on the basis of purpose of *Variation 2*.

### *NH-R3*

*FS222.0386 (Appendix 1, pages 6-7)*

8.23 The s42A Report recommends “*accepting*” this further submission on the basis that the clause sought to be amended by the submission *S602.00249* was recommended to be removed through the s42A Report to the “*Natural Hazards*” hearing. Whilst I agree with that outcome I note that I have provided evidence, including amendments, in regard to *NH-R3* at that hearing and those matters remain (see *paragraph 8.20* of that evidence). I further note, from *Appendix 2 – Amended NH Chapter* of the s42A Report shows proposed *NH-R2* and *NH-R3* as combined. Again, I note that *NH-R3* is not limited to coastal areas and some care needs to be taken in making any amendments to these provisions on the basis of purpose of *Variation 2*. Finally, I note there are differences between the provision shown at *paragraph 342* of the s42A Report and that shown in *Appendix 2 – Amended NH Chapter* to that report. Presumably that shown in appendix two is the correct version?

### *NH-R4*

*FS222.0387 (Appendix 1, pages 7-8)*

8.24 The s42A Report recommends “*accepting*” this further submission on the basis that the amendments sought would inappropriately impact activities, would conflict with rules in other Chapters, including the Coastal Environment Chapter. Whilst I agree with this reasoning I note that the further submission also raised that *NH-R4* is not solely related to the Coastal Overlays covered by *Variation 2* and would have wider impacts than the overlays proposed in *Variation 2*. Hazard mitigation rules in both the “*Natural Hazards*” chapter and “*Coastal Environment*” chapter have been subject of evidence and hearings, although it is not yet known what the outcomes of these are. In my opinion it is not appropriate to provide for the outcome sought and accordingly I agree with the recommendation of the s42A Report in this regard.

#### 11.4 Rule NH-R38 (pages 131-144)

*FS222.040 (Appendix 1, page 8), FS222.0379 (Appendix 1, page 9), S547.160 (Appendix 1, page 12), FS222.0389 (Appendix 1, pages 15-17), FS222.082 (Appendix 1, pages 17-18)*

8.25 The s42A Report recommends; “accepting” *FS222.0379*, “accepting in part” *FS222.040*, and “rejecting” *S547.160, FS222.0389 and FS222.082*. As I understand it this is on the basis that *NH-R38* is proposed to be removed and overlays included in *NH-R1*. The report does not highlight or recommend any other changes arising out of the submission and further submissions (or the submissions to which they relate). If the outcome is the removal of *NH-R38* and the amendments to *NH-R1* shown in *Appendix 2 – Amended NH Chapter* to the s42A Report I would generally be in agreement with that outcome. Having said that I highlight my evidence in relation to *NH-R1* at the “*Natural Hazards*” hearing (see *paragraph 8.19* of my evidence to that hearing) in which I discussed timing issues and applicability of the rule. Those matters and the amendment sought to *NH-R1* remain, ie.

*NH-R1 Reconstruction and Replacement of Lawfully Established Buildings for Hazard Sensitive and Potentially Hazard Sensitive Activities in all Natural Hazard Overlays*

#### 11.5 Rule NH-R39 (pages 145-148)

*FS222.041 (Appendix 1, page 9), S547.161 (Appendix 1, page 2)*

8.26 The s42A Report recommends “accepting” *FS222.041*, and “accepting in part” *S547.161*. I have reviewed the proposed amendment to *NH-39* shown in *Appendix 2 – Amended NH Chapter* to the s42A Report and generally agree with that outcome. Having said that, I presented evidence (including amendment to the definition of “*Less Sensitive Activities*”) at the “*Natural Hazards*” hearing which are related to the proposed s42A amendment to this rule. These matters are also discussed at *paragraph 8.3 and 8.4* above. Those matters, and the amendments sought, remain and are required to ensure the outcomes are achieved as proposed.

#### 11.6 Rule NH-R40 (pages 148-153)

*S547.162 (Appendix 1, page 12), FS222.0353 (Appendix 1, page 18)*

8.27 The s42A Report recommends “rejecting” both *S547.162* and *FS222.0353*. As I understand it this is on the grounds that the rule is now proposed to relate to “*Potentially Hazard Sensitive Activities*” as proposed and defined through the s42A Report to the “*Natural Hazards*” hearing. This then removes

originally proposed clause 1 in reference to any “*sensitive activity*”. Based on the proposed amendment it now no longer references “*Critical Response Facilities*” as these are to be defined as “*Hazard Sensitive Activities*”. Based on these outcomes and the proposed amendments shown in *Appendix 2 – Amended NH Chapter* to the s42A Report I would agree with the outcome in this regard provided the amendments sought to the definitions of “*Critical Response Facilities*” and “*Less Sensitive Activities*” discussed at *paragraphs 8.3 and 8.4* above, and in my previous evidence to the “*Natural Hazards*” hearing, are made.

#### 11.7 Rule NH-R41 (pages 153-153)

*FS222.054 (Appendix 1, page 18), S547.0522 (Appendix 1, page 2)*

8.28 The s42A Report recommends “*rejecting*” *FS222.054* and “*accepting in part*” *S547.0522*. As I understand it this is on the basis that the rule has been amended to make it more clear what activities it relates to and uses the newly proposed definition of “*Hazard Sensitive Activities*”. As I understand it from the revised definitions shown in *Appendix 2 – Definitions for CH* to the s42A report “*Hazard Sensitive Activities*” includes “*Critical Response Facilities*” although the reference to “*major dams*” in the definition of *CRF* is proposed to be removed as recommended through the s42A Report to the “*Natural Hazards*” hearing. Provided these amendments and the amendments sought to the definitions of “*Critical Response Facilities*” and “*Less Sensitive Activities*” discussed at *paragraphs 8.3 and 8.4* above, and in my previous evidence to the “*Natural Hazards*” hearing, are made I would agree with the proposed amendments to *NH-R41* as set out in *Appendix 2 – Amended NH Chapter* to the s42A Report.

8.29 Notwithstanding the matters discussed in *paragraph 8.28* I note that the proposed rule is a “*Restricted Discretionary Activity*” with a limited range of matters to be considered. Proposed matter “*c.*” relates to potential effects on “*neighbouring properties*”, which presumably is intended to be a reference to “*people and buildings*” but does not appear to require consideration of effects on “*regionally significant infrastructure*”. In my opinion the intent of *NH-O6* which is discussed above in *paragraph 8.11*, and my corresponding evidence (*paragraph 8.9*) to the “*Natural Hazards*” hearing, is to ensure proposals do not adversely impact “*other*” people, buildings and RSI. I note that I have

also made comment and requested amendments to policies *NH-P10* and *NH-P11* both through this evidence and evidence to the “*Natural Hazards*” hearing specifically in regard to potential effects on RSI and those matters remain. Accordingly clause “c.” should be amended to;

- c. *The potential for ... to neighbouring properties or regionally significant infrastructure from either ...*

#### 11.8 Rule NH-R42 (pages 159-163)

*S547.164 (Appendix 1, page 12), FS222.0354 (Appendix 1, page 18)*

8.30 The s42A Report recommends “*rejecting*” both the submission and further submission. As I understand it this is on the basis that the rule has been amended to make it more clear what activities it relates to and uses the newly proposed definition of “*Potentially Hazard Sensitive Activities*”. I note that the s42A Report in discussing *S547.164 (paragraph 423)* refers to the matter having been addressed through the s42A Report to the “*Natural Hazards*” hearing and the proposed amendment to the definition of “*Regionally Significant Infrastructure*”. I presume this is meant to refer to the now proposed definition of “*Critical Response facility*” which, based on *Appendix 2 - Definitions for CH* to the current s42A Report, now excludes the reference to “*major dams*”. Provided my understanding is correct I have essentially discussed these matters above at *paragraph 8.27* and for those same reasons, and provided those same amendments were made, would agree with the amended *NH-R42* shown in *Appendix 2 – Amended NH Chapter* to the s42A Report.

8.31 Notwithstanding the matters discussed in *paragraph 8.30* I note that the proposed rule is a “*Restricted Discretionary Activity*” with a limited range of matters to be considered. Proposed matter “c.” relates to potential effects on “*neighbouring properties*”, which presumably is intended to be a reference to “*people and buildings*” but does not appear to require consideration of effects on “*regionally significant infrastructure*”. In my opinion the intent of *NH-O6* which is discussed above in *paragraph 8.11*, and my corresponding evidence (*paragraph 8.9*) to the “*Natural Hazards*” hearing, is to ensure proposals do not adversely impact “*other*” people, buildings and RSI. I note that I have also made comment and requested amendments to policies *NH-P10* and *NH-P11* both through this evidence and evidence to the “*Natural Hazards*”



hearing specifically in regard to potential effects on RSI and those matters remain. Accordingly clause “c.” should be amended to;

- c. *The potential for ... to neighbouring properties **or regionally significant infrastructure** from either ...*

#### 11.9 Rule NH-R43 (pages 163-170)

*S547.0523 (Appendix 1, page 2)*

8.32 The s42A Report recommends “*accepting in part*” the submission. As I understand it this is on the basis that the rule has been amended to make it more clear what activities it relates to and uses the newly proposed definition of “*Hazard Sensitive Activities*”. I note the now proposed definition of “*Hazard Sensitive Activities*” includes reference to “*Critical Response Facilities*” but the proposed definition of “*Critical Response facility*”, based on *Appendix 2 - Definitions for CH* to the current s42A Report, now excludes the reference to “*major dams*”. Provided my understanding is correct I have essentially discussed these matters above at *paragraph 8.28* and for those same reasons, and provided those same amendments were made, would agree with the amended *NH-R43* shown in *Appendix 2 – Amended NH Chapter* to the s42A Report.

8.33 Notwithstanding the matters discussed in *paragraph 8.32* I note that the proposed rule is a “*Restricted Discretionary Activity*” with a limited range of matters to be considered. Proposed matter “c.” relates to potential effects on “*neighbouring properties*”, which presumably is intended to be a reference to “*people and buildings*” but does not appear to require consideration of effects on “*regionally significant infrastructure*”. In my opinion the intent of *NH-O6* which is discussed above in *paragraph 8.11*, and my corresponding evidence (*paragraph 8.9*) to the “*Natural Hazards*” hearing, is to ensure proposals do not adversely impact “*other*” people, buildings and RSI. I note that I have also made comment and requested amendments to policies *NH-P10* and *NH-P11* both through this evidence and evidence to the “*Natural Hazards*” hearing specifically in regard to potential effects on RSI and those matters remain. Accordingly clause “c.” should be amended to;

- c. *The potential for ... to neighbouring properties **or regionally significant infrastructure** from either ...*

11.10 Rule NH-R44 (pages 171-175)

*S547.0524 (Appendix 1, page 2)*

8.34 The s42A Report recommends “*accepting in part*” the submission. As I understand it this is on the basis that the rule has been amended to make it more clear what activities it relates to and uses the newly proposed definition of “*Hazard Sensitive Activities*”. I note the now proposed definition of “*Hazard Sensitive Activities*” includes reference to “*Critical Response Facilities*” but the proposed definition of “*Critical Response facility*”, based on *Appendix 2 - Definitions for CH* to the current s42A Report, now excludes the reference to “*major dams*”. Provided my understanding is correct I have essentially discussed these matters above at *paragraph 8.28* and for those same reasons, and provided those same amendments were made, would agree with the amended *NH-R44* shown in *Appendix 2 – Amended NH Chapter* to the s42A Report.

11.11 Rule NH-R45 (pages 175-178)

*FS222.0371 (Appendix 1, page 15), FS222.052 (Appendix 1, page 18), FS222.055 (Appendix 1, page 18), S547.0525 (Appendix 1, page 2)*

8.35 The s42A Report recommends “*accepting in part*” *S547.0525*, and “*rejecting*” *FS222.0371, FS222.052* and *FS222.055*. As I understand it this is on the basis that two new permitted activity rules are proposed for; additions to existing buildings and new buildings for “*Potentially Hazard Sensitive Activities*” and “*Less Hazard Sensitive Activities*”, and additions to existing buildings containing “*Hazard Sensitive Activities*”. As a consequence *NH-R45* is then amended to provide for “*new buildings*” for “*Hazard Sensitive Activities*” as a “*restricted discretionary activity*”. I have discussed matters related to the definitions and amendments sought through both this evidence, above, and evidence to the “*Natural Hazards*” hearing and would generally agree with the proposals provided the amendments discuss above at *paragraph 8.4* are made.

8.36 Notwithstanding the matters discussed in *paragraph 8.35* I note that the now proposed *NH-R45* is a “*Restricted Discretionary Activity*” with a limited range of matters to be considered. Proposed matter “*c.*” relates to potential effects on “*neighbouring properties*”, which presumably is intended to be a reference to “*people and buildings*” but does not appear to require consideration of effects on “*regionally significant infrastructure*”. In my

opinion the intent of *NH-O6* which is discussed above in *paragraph 8.11*, and my corresponding evidence (*paragraph 8.9*) to the “*Natural Hazards*” hearing, is to ensure proposals do not adversely impact “*other*” people, buildings and RSI. I note that I have also made comment and requested amendments to policies *NH-P10* and *NH-P11* both through this evidence and evidence to the “*Natural Hazards*” hearing specifically in regard to potential effects on RSI and those matters remain. Accordingly clause “*c.*” should be amended to;

- c. The potential for ... to neighbouring properties or regionally significant infrastructure from either ...*

#### 11.12 Rule NH-R46 (pages 179-180)

*S547.0526 (Appendix 1, page 2)*

8.37 The s42A Report recommends “*accepting in part*” this submission on the grounds that the rule is recommended to be deleted as it reduces the number of rules, and is not required due to proposed reworking of previous rules. I have provided my opinion on the revised rules in the preceding paragraphs and based on the comments in the s42A Report in regard to this rule, and provided the amendments sought above are made, I agree with the proposed outcome in regard to this rule

#### 11.13 Rule NH-R50 (pages 180-183)

*FS222.0390 (Appendix 1, pages 9)*

8.38 The s42A Report recommends “*accepting*” this further submission on the basis that submission *S602.00255* is the same as that made and considered through the “*Natural Hazard*” hearing. The Report considers that the matter has been provided for through amendments to the then proposed rule *NH-R14*, now proposed to be *NH-R24*, and that no further amendment is required. I have reviewed my evidence (*paragraph 8.25*) to proposed rule *NH-R14* and note that I was in agreement with the amended rule. On the basis that there is no change proposed as a result of this submission I am in agreement with that outcome.

## **9.0 PART II OF THE ACT**

9.1 Part 2 of the Act, and more particularly Section 5, requires an assessment of the proposal and its ability to achieve the Acts overriding principal of sustainable management to be undertaken.

9.2 It is my opinion that the amendments suggested above will assist in ensuring the TTPP achieves the purpose and principals of the Act for the reasons discussed above.

**Martin Kennedy**  
**Planning Consultant**  
**(West Coast Planning Ltd)**

**3 March 2025**

## Appendix 1: Summary of S42A Recommendations – Coastal Hazards (including Definitions) (Variation 2)

### Submissions & Further Submissions Accepted

#### Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.0538	Westpower Limited	Natural Hazards	Not Stated	That Westpower's previous submission points in the overall Plan submission and previous notification of Variation 2 be retained. (Those of relevance in terms of the first plus those in regards to the second are included as Appendix 1 and Appendix 2 respectively).	Accept
S547.0515	Westpower Limited	Coastal Hazards Variation Maps	Neutral	That original submission points presented on TTPP itself and previously on Coastal Hazards be retained. (Such provisions of relevance are appended, with 11 further points noted below)	Accept
S547.0516	Westpower Limited	NHO1	Support In Part	Amend Objective NH-O1 to read: "To use a regionally consistent, risk-based approach to natural hazard management with respect to people and buildings".	Accept In Part
S547.0518	Westpower Limited	NHO3	Amend	Amend Objective NH-O3 to read: To only locate regionally significant infrastructure within areas of significant natural hazard risk where there is a functional or operational need to be located in these areas, and to design infrastructure so as not to exacerbate natural hazard risk to other people and property	Accept In Part
S547.0519	Westpower Limited	NHO5	Support	That Objective NH-O5 be retained	Accept In Part
S547.0520	Westpower Limited	NHP1	Support	That Policy NH-P1 be retained	Accept In Part
S547.0521	Westpower Limited	NHP10	Support In Part	Confirm that reference to "sensitive activities" is as proposed at page 46 of the notified pTTPP: Definitions - Sensitive Activities	Accept In Part
S547.0514	Westpower Limited	Natural Hazards Rules	Neutral	That notwithstanding any Changes to Overlays resulting from Variation 2: Coastal natural Hazards mapping, the TTPP continue to encourage and provide for the continued distribution of electricity to the community and Westpower's	Accept

				other activities associated with this as "Regionally Significant Infrastructure".	
<b>S547.161</b>	Westpower Limited	NHR39	Amend	Where submission to NH-R38 is not adopted provide for activities related to existing unoccupied buildings and structures as permitted activities.	Accept In Part
<b>S547.0522</b>	Westpower Limited	NHR41	Support In Part	Confirm that reference to "sensitive activities" is as proposed at page 46 of the notified pTTPP: Definitions - Sensitive Activities	Accept In Part
<b>S547.0523</b>	Westpower Limited	NHR43	Support In Part	Confirm that reference to "sensitive activities" is as proposed at page 46 of the notified pTTPP: Definitions - Sensitive Activities	Accept In Part
<b>S547.0524</b>	Westpower Limited	NHR44	Support In Part	Confirm that reference to "sensitive activities" is as proposed at page 46 of the notified pTTPP: Definitions - Sensitive Activities	Accept In Part
<b>S547.0525</b>	Westpower Limited	NHR45	Support In Part	Confirm that reference to "sensitive activities" is as proposed at page 46 of the notified pTTPP: Definitions - Sensitive Activities	Accept In Part
<b>S547.0526</b>	Westpower Limited	NHR46	Support In Part	Confirm that reference to "sensitive activities" is as proposed at page 46 of the notified pTTPP: Definitions - Sensitive Activities	Accept In Part

### ***Further Submissions***

<b>Submission Point</b>	<b>Submitter/Further Submitter</b>	<b>Provision</b>	<b>Position</b>	<b>Summary of Decision Requested</b>	<b>Officer Recommendation</b>
<b>S171.028</b>	Te Tai o Poutini Plan Committee	Natural Hazards Objectives	Amend	Introduce the following Coastal Hazards Objectives:  CH-01 - 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.  CH-02 - Subdivision, use and development within the Coastal Alert and Coastal Setback Overlays minimises the risk from coastal hazards to people, buildings and regionally significant infrastructure.	Reject
<b>FS222.0368</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S602.00243</b>	Department Of Conservation	Natural Hazards Objectives	Amend	Add new objective: <b>NH-07 Subdivision, use and development does not create or exacerbate adverse natural hazard effects</b>	Reject

				<b>on other people, property, infrastructure and the environment.</b>	
<b>FS222.0383</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S620.428</b>	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	NHO4	Support In Part	Reword the objective as follows: NH - 04 <del>To ensure the role of hazard mitigation played by natural features that minimise impacts of hazards including wetlands and dunes is recognised and protected.</del> <b>Recognise that Green Infrastructure may reduce the susceptibility of people, buildings, and regionally significant infrastructure to damage from natural hazards and can result in environmental benefits that should be enabled, enhanced, or protected.</b>	Reject
<b>FS222.0373</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S483.021</b>	Scenic Hotel Group	NHO6	Oppose	Amend Objective NH-O6 as follows: NH - 06 Measures taken to mitigate natural hazards do not create or exacerbate significant adverse effects on other people, property, infrastructure and the environment.	Reject
<b>FS222.0377</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S171.029</b>	Te Tai o Poutini Plan Committee	NHP10	Amend	Introduce a new policy to address subdivision, use and development within the Coastal Severe Overlay. The suggested wording is as follows:  Avoid subdivision, use and development for Hazard Sensitive Activities in the Coastal Severe Overlay unless:  a. For activities that have an operational or functional need to locate or occur within the Coastal Severe Overlay and locating or occurring outside these areas is not a practicable option: i. Mitigation measures are incorporated to minimise the risk of damage to buildings and loss of life to people associated with the activity; or  b. For any other activities: i. The new building does not increase the risk to life when	Reject

				<p>compared to the existing situation as determined by a quantified risk assessment which assesses the coastal hazard, and the nature and use of the proposed building;</p> <p>ii. The new building incorporates measures that avoid increasing the existing risk to the building from the coastal hazard;</p> <p>iii. The new development does not involve or require the removal or modification of a natural system or feature that provides protection to other properties from the natural hazard.</p>	
<b>FS222.0369</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S483.026</b>	Scenic Hotel Group	NHP12	Oppose	<p>Amend Policy NH-P12 as follows:</p> <p>NH - P12 When assessing the effects of activities in natural hazard overlays consider:</p> <p>a. The <b>significance of any adverse</b> effects of natural hazards on people, property <b>and the environment and whether these effects can be appropriately managed</b>;</p> <p>b. Technological and engineering mitigation measures and other non-engineered options;</p> <p>c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;</p> <p>d. The clearance or retention 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.;</p> <p>g. <b>The intent of the underlying zone and the functional or operational need to locate in these areas in relation to the availability of suitable alternative zoned land</b>; and</p> <p>h. Any significant adverse effects on the environment of any proposed mitigation measures.</p>	Accept In Part



FS222.0378	Westpower Limited		Oppose	Disallow	Accept In Part
S602.00247	Department Of Conservation	NHP12	Support	Amend Policy NH-P12: When assessing the effects of activities in natural hazard overlays consider: a. The effects of natural hazards on people, property and the environment; b. technological and engineering mitigation measures and other non-engineered options; c. <b>Discouraging hard protection structures and avoiding hard protection structures in the Coastal Environment;</b> d. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk; e. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk; 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. The functional or operational need to locate in these areas; and i. Any significant adverse effects on the environment of any proposed mitigation measures.	Reject
FS222.0384	Westpower Limited		Oppose	Disallow	Accept
S620.439	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	NHP14	Support In Part	Amend: <b>New Activities</b> , Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive and Hazard Sensitive Activities in the Hokitika Coastal Hazard Overlay	Reject
FS222.0374	Westpower Limited		Oppose	Disallow	Accept
S602.00248	Department Of Conservation	NHR2	Support	Amend Rule NH- R2: Activity Status Permitted	Reject

				<p>Where: The structure has been lawfully established;</p> <p>Earthworks and land disturbance <del>is the minimum required to undertake the activity</del> <b>contained wholly within the footprint of the mitigation structure;</b></p> <p>There is no change to the design, texture, or form of the structure;</p> <p>The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; and</p> <p>There is no reduction in public access....</p>	
<b>FS222.0385</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S602.00249</b>	Department Of Conservation	NHR3	Support	<p>Amend Rule NH- R3: Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. The structure has been lawfully established;</li> <li>2. Earthworks and land disturbance <del>is the minimum required to undertake the activity</del> <b>wholly contained within the footprint of the structure, or is otherwise no more than 100m3 and 200m2 in area in any 12 month period;</b></li> <li>3. There is no reduction in public access;</li> <li>4. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from that originally consented structure; and</li> <li>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</li> </ol>	Reject

				assessment is provided to the relevant District Council 10 working days prior to works commencing....	
<b>FS222.0386</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S602.00251</b>	Department Of Conservation	NHR4	Amend	<p>Amend Rule NH- R4:</p> <p>Activity Status <del>Permitted</del> <b>Restricted Discretionary</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></li> <li>3. There is no reduction in public access;</li> <li>4. It is accompanied by an assessment undertaken by a Chartered Professional Engineer confirming that the natural hazard mitigation structure does not increase the natural hazard risk to other properties or any other lawfully established natural hazard mitigation structure, and this assessment is provided to the relevant District Council 10 working days prior to works commencing...</li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <b>The effects of natural hazards on people and property;</b></li> <li>2. <b>Considering whether the proposed earthworks and land disturbance is the minimum required to undertake the activity;</b></li> <li>3. <b>Technological and engineering mitigation measures and other non-engineered options;</b></li> <li>4. <b>Discouraging hard protection structures;</b></li> <li>5. <b>The location and design of the natural hazard mitigation structure;</b></li> <li>6. <b>Any freeboard requirements to be included;</b></li> <li>7. <b>The management of vegetation or other natural features to mitigate natural hazard risk;</b></li> <li>8. <b>The timing, location, scale and nature of any earthworks</b></li> </ol>	Reject

				<p>in relation to the natural hazard structure;</p> <p>9. Adverse effects on ecosystems and indigenous biodiversity;</p> <p>10. Any other adverse effects on the environment of the proposed natural hazard mitigation structure; and</p> <p>11. Alternative methods to avoid or mitigate the identified hazard risks....</p>	
FS222.0387	Westpower Limited		Oppose	Disallow	Accept
S602.00252	Department Of Conservation	NHR5	Amend	Amend Rule NH-R5:  NH - R5 Repairs, Maintenance, Operation, Upgrade of Existing Natural Hazard Mitigation Structures and New Natural Hazard Mitigation Structures not meeting Permitted or <b>Restricted Discretionary</b> Activity Standards	Reject
FS222.0388	Westpower Limited		Oppose	Disallow	Accept
S620.440	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	NHR15	Support In Part	Amend: <b>New Activities</b> , Additions to Existing Buildings and New Buildings containing Less Hazard Sensitive Activities in the Westport Hazard Overlay	Reject
FS222.0375	Westpower Limited		Oppose	Disallow	Accept
S620.441	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	NHR16	Support In Part	Amend: <b>New Activities</b> , Additions to Existing Buildings and New Buildings containing Potentially Hazard Sensitive Activities and Hazard Sensitive Activities in the Westport Hazard Overlay	Reject
FS222.0376	Westpower Limited		Oppose	Disallow	Accept
S181.011	Westland District Council	NHR38	Oppose	Where a building has not been re-established under the 12 months allowed under existing use rights, change the activity status for Reconstruction, Repairs and Maintenance to Existing Buildings in the Coastal Severe and Coastal Alert Overlays to Discretionary.	Accept In Part
FS222.040	Westpower Limited		Oppose	Disallow	Accept In Part

<b>S483.030</b>	Scenic Hotel Group	NHR38	Oppose	Amend Rule NH-R38 as follows:  Rule  NH-R38 Repairs and maintenance to, <b>or reconstruction that does not increase the net footprint of sensitive activities of</b> , existing Buildings in the Coastal Severe and Coastal Alert Overlays  Activity Status Permitted  Where:  1. For repairs and maintenance there is no increase in the area of the building;  2. For reconstruction of a building lawfully established at the time of notification of the Plan where: a. <del>The building has been destroyed or substantially damaged due to fire, natural disaster or Act of God;</del> b. <del>The destroyed/damaged building is reconstructed within 5 years in the Coastal Alert overlay and 2 years in the Coastal Severe overlay;</del> c. The reconstructed building is similar in character, intensity and scale to the building it replaces.	Reject
<b>FS222.0379</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S181.012</b>	Westland District Council	NHR39	Oppose	Change the status for New Unoccupied Buildings in the Coastal Severe Overlay to a Controlled or Restricted Discretionary Activity with controls or restrictions including: - Assessment of risk to building - Consideration of mitigation measures to reduce/manage potential surge of coastal erosion - Consideration of likelihood or potential of complete loss of the building in a surge or coastal erosion situation	Reject
<b>FS222.041</b>	Westpower Limited		Oppose	Disallow	Accept
<b>S602.00255</b>	Department Of	NHR50	Amend	Amend Rule NH - R50:	Reject

	Conservation			<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. All new buildings are protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event, as certified by the West Coast Regional Council.</li> <li><del>2. Where new buildings are not protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event:</del> <ol style="list-style-type: none"> <li><del>a. Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event;</del></li> <li><del>b. Commercial and industrial buildings have a finished floor level of 300mm above the 100-year ARI plus 1m sea level rise coastal event.</del></li> </ol> </li> </ol> <p>Activity status where compliance not achieved: Discretionary</p> <p>Add new Restricted Discretionary Rule and Non-Complying Rules:</p> <p><b>NH-RXX New Buildings in the Hokitika Coastal Overlay3.</b></p> <p><b>Where new buildings are not protected by the Hokitika Flood and Coastal Erosion Protection Scheme from a 100-year Annual Recurrence Interval (ARI) plus 1m sea level rise coastal event:</b></p> <ol style="list-style-type: none"> <li><b>a. Buildings for sensitive activities have a finished floor level of 500mm above the 100-year ARI plus 1m sea level rise coastal event;</b></li> <li><b>b. Commercial and industrial buildings have a finished floor level of 300mm above the 100-year ARI plus 1m sea level rise coastal event.</b></li> </ol> <p><b>Discretion is restricted to:</b></p>	
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				<p>4. An assessment and consideration of coastal erosion risk;</p> <p>5. The effects of natural hazards on people and property;</p> <p>6. The location and design of proposed buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;</p> <p>7. The management of vegetation or other natural features to mitigate natural hazard risk;</p> <p>8. The timing, location, scale and nature of any earthworks in relation to natural hazard risk;</p> <p>9. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site and adjacent properties;</p> <p>10. Adverse effects on ecosystems and indigenous biodiversity;</p> <p>11. Any other adverse effects on the environment of any proposed natural hazard mitigation measures; and</p> <p>12. Alternative methods to avoid or mitigate the identified hazard risks.</p> <p>Activity status where compliance not achieved: Discretionary</p> <p>NH-RXX New Buildings in the Hokitika Coastal Overlay not meeting Restricted Activity Standards</p> <p>Activity Status Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>	
<b>FS222.0390</b>	Westpower Limited		Oppose	Disallow	Accept

## Submissions & Further Submissions Rejected

### Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
S547.0517	Westpower Limited	NHO2	Amend	Amend Objective NH-O2 to read:  To reduce the risk to people and buildings from natural hazards, thereby promoting the wellbeing of the community and buildings	Reject
S547.160	Westpower Limited	NHR38	Amend	Amend heading of NH-R38: Reconstruction, Repairs and ... to existing <b>Occupied</b> Buildings in the Coastal....	Reject
S547.162	Westpower Limited	NHR40	Amend	(a) Amend the heading of NH-R40: Additions ... for <b>Occupied</b> Commercial ...  (2) Define "major dam" as previously submitted.  (2) Add a note to the rule, "(note: <b>in reference to major dams it is the dam itself and not other buildings and structures related to, or associated with, the dam that is being referred to in this rule.</b> )"	Reject
S547.164	Westpower Limited	NHR42	Amend	(1) Define "major dam" as previously submitted.  (2) Add a note to the rule, "(note: <b>in reference to major dams it is the dam itself and not other buildings and structures related to, or associated with, the dam that is being referred to in this rule.</b> )"  (3) Add a new discretion matter h., " <b>h. Whether there is a locational, technical, functional or operational constraint or requirement for the facility needing to locate in the coastal severe or coastal alert overlay.</b> "  (4) Add a new discretion matter i., " <b>i. The benefits to the community of the activity occurring.</b> "	Reject



### Further Submissions

Submission Point	Submitter/Further Submitter	Provision	Position	Summary of Decision Requested	Officer Recommendation
<b>S171.027</b>	Te Tai o Poutini Plan Committee	Natural Hazards	Amend	Where District Plan provisions relate specifically to coastal hazards, the term "natural hazards" is replaced with "coastal hazards".	Accept
<b>FS222.0366</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S775.002</b>	Natural Hazards Commission Toka Tu Ake	Natural Hazards	Support	That the specific amendments, additions or retentions which are sought as specifically outlined in Appendix 1, are accepted and adopted into TTPP Variation 2 - Coastal Hazards, including such further, alternative, additional, or consequential relief as may be necessary to fully achieve the relief sought in this submission.	Accept
<b>FS222.0380</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S602.00242</b>	Department Of Conservation	Natural Hazards	Amend	Amend the policies, and matters of discretion to include the consideration of alternatives, and to require the consideration of alternatives for hard protection structures.	Accept
<b>FS222.0382</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S171.033</b>	Te Tai o Poutini Plan Committee	Coastal Hazards Variation Maps	Amend	Change the naming convention of the coastal hazard overlays so that the name reflects the coastal hazard and the severity of the risk presented by the hazard.	Accept
<b>FS222.0372</b>	Westpower Limited		Oppose		Reject
<b>S775.001</b>	Natural Hazards Commission Toka Tu Ake	Coastal Hazards Variation Maps	Support	That the specific amendments, additions or retentions which are sought as specifically outlined in Appendix 1, are accepted and adopted into TTPP Variation 2 - Coastal Hazards, including such further, alternative, additional, or consequential relief as may be necessary to fully achieve the relief sought in this submission.	Accept
<b>FS222.0381</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S602.00241</b>	Department Of Conservation	Coastal Hazards Variation Maps	Amend	a. That the particular provisions of Te Tai Poutini Plan Variation 2 that I support, as identified in Attachments 1 and 2, are retained;	Accept

				<p>b. That the particular provisions of Te Tai Poutini Plan Variation 2 that I support with amendments, as identified in Attachments 1 and 2, are amended;</p> <p>c. That the particular provisions of Te Tai Poutini Plan Variation 2 that I oppose, as identified in Attachments 1 and 2, are amended or deleted;</p> <p>d. That the additions to Te Tai Poutini Plan Variation 2 sought in Attachments 1 and 2 are made; and</p> <p>e. Further or alternative relief to like effect to that sought in 5.a-d. above.</p>	
<b>FS222.0391</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S171.026</b>	Te Tai o Poutini Plan Committee	Overview	Amend	That terms such as "residential", "commercial", non-habitable", etc. are used in relation to coastal hazards, replace these with "Hazard Sensitive", "Potentially Hazard Sensitive" and 'Less Hazard Sensitive (re: Activities)	Accept
<b>FS222.0367</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S171.031</b>	Te Tai o Poutini Plan Committee	Natural Hazards Rules	Amend	<p>Create a rule framework that allows for maintenance and repair of existing natural mitigation structures as upgrades that do not increase the footprint or height of the structure by more than 10% as a permitted activity. Any works that do not meet this requirement would be a discretionary activity. This rule would need to be supported by a policy. Suggested wording would be:</p> <p>Hard engineering natural hazard mitigation works</p> <p>Only allow for hard engineering natural hazards mitigation works for the reduction of the risk from coastal hazards where:</p> <ol style="list-style-type: none"> <li>1 The engineering measures are needed to protect existing nationally and regionally significant infrastructure and it can be demonstrated that there is no practicable alternative;</li> <li>2. There is a demonstrable risk to existing nationally and regionally significant infrastructure, life or private property from the coastal hazard;</li> <li>3. The construction of the hard engineering measures will not</li> </ol>	Accept

				<p>increase the risk from Coastal Hazards on adjacent properties that are not protected by the hard engineering measures;</p> <p>4. Hard engineering structures are designed to minimise adverse effects on the coastal environment</p> <p>5. Adverse effects on significant natural features and systems and their function as natural defences are avoided, remedied or mitigated; and</p> <p>6. It can be demonstrated that green infrastructure measures would not provide an appropriate level of protection in relation to the significance of the risk.</p>	
<b>FS222.0370</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S171.032</b>	Te Tai o Poutini Plan Committee	Permitted Activities	Amend	Have a rule that makes it clear that new buildings containing potentially hazard sensitive activities and less hazard sensitive activities are permitted [in the Coastal Setback Overlay].	Accept
<b>FS222.0371</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S602.00253</b>	Department Of Conservation	NHR38	Amend	<p>Amend Rule NHR38:</p> <p>Where:</p> <p>1. For repairs and maintenance there is no increase in the area of the building;</p> <p>2. <del>For reconstruction of a building lawfully established at the time of notification of the Plan where:</del></p> <p style="padding-left: 20px;"><del>a. The building has been destroyed or substantially damaged due to fire, natural disaster or Act of God;</del></p> <p style="padding-left: 20px;"><del>b. The destroyed/damaged building is reconstructed within 5 years in the Coastal Alert overlay and 2 years in the Coastal Severe overlay;</del></p> <p style="padding-left: 20px;"><del>c. The reconstructed building is similar in character, intensity and scale to the building it replaces.</del></p> <p>Activity status where compliance not achieved: NA</p> <p>Add new Restricted Discretionary Rule and Non-Complying</p>	Accept In Part

				<p>Rules:</p> <p><b>NH-RXX Reconstruction of a lawfully established building</b></p> <p>For reconstruction of a building lawfully established at the time of notification of the Plan where:</p> <ol style="list-style-type: none"> <li>1. The building has been destroyed or substantially damaged due to fire, natural disaster or Act of God;</li> <li>2. The destroyed/damaged building is reconstructed within 5 years in the Coastal Alert overlay and 2 years in the Coastal Severe overlay;</li> <li>3. The reconstructed building is similar in character, intensity and scale to the building it replaces.</li> </ol> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>a. The effects of natural hazards on people and property;</li> <li>b. The location and design of proposed buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;</li> <li>c. Any freeboard requirements to be included;</li> <li>d. The management 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 and adjacent properties;</li> <li>g. Any adverse effects on the environment of any proposed natural hazard mitigation measures; and</li> <li>h. Alternative methods to avoid or mitigate the identified hazard risks.</li> </ol> <p>Activity status where compliance not achieved: Discretionary</p> <p><b>NH-RXX Reconstruction of a lawfully established building not</b></p>	
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				<b>meeting Restricted Activity Standards</b> <b>Activity Status Discretionary</b> <b>Activity status where compliance not achieved: N/A</b>	
<b>FS222.0389</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S602.00238</b>	Department Of Conservation	NHR38	Amend	Add new Restricted Discretionary Rule and Non-Complying Rules: <b>NH-RXX Reconstruction of a lawfully established building</b> <b>For reconstruction of a building lawfully established at the time of notification of the Plan where:</b> <b>The building has been destroyed or substantially damaged due to fire, natural disaster or Act of God;</b> <b>The destroyed/damaged building is reconstructed within 5 years in the Coastal Alert overlay and 2 years in the Coastal Severe overlay;</b> <b>The reconstructed building is similar in character, intensity and scale to the building it replaces.</b> <b>Discretion is restricted to:</b> <b>The effects of natural hazards on people and property;</b> <b>The location and design of proposed buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;</b> <b>Any freeboard requirements to be included;</b> <b>The management of vegetation or other natural features to mitigate natural hazard risk;</b> <b>The timing, location, scale and nature of any earthworks in relation to natural hazard risk;</b> <b>The potential for the proposal to exacerbate natural hazard</b>	Accept In Part

				<p>risk, including transferring risk to any other site and adjacent properties;</p> <p>Any adverse effects on the environment of any proposed natural hazard mitigation measures; and</p> <p>Alternative methods to avoid or mitigate the identified hazard risks.</p> <p>Activity status where compliance not achieved: Discretionary</p> <p>NH-RXX Reconstruction of a lawfully established building not meeting Restricted Activity Standards</p> <p>Activity Status Discretionary</p> <p>Activity status where compliance not achieved: N/A</p>	
<b>FS222.082</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S612.127</b>	Toka Tu Ake EQC	NHR40	Oppose	Exclude Critical Response Facilities in the coastal severe overlay, and preferably the coastal alert overlay.	Accept
<b>FS222.0353</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S538.154</b>	Buller District Council	NHR41	Support In Part	Rewrite of the rule to clarify permitted intent.	Accept
<b>FS222.051</b>	Westpower Limited		Oppose	Disallow	Reject
<b>FS222.054</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S612.128</b>	Toka Tu Ake EQC	NHR42	Oppose	Amend to state that Critical Response Facilities be relocated out of the coastal severe overlay, and preferably the coastal alert overlay.	Accept
<b>FS222.0354</b>	Westpower Limited		Oppose	Disallow	Reject
<b>S538.158</b>	Buller District Council	NHR45	Support In Part		Accept In Part
<b>FS222.052</b>	Westpower Limited		Oppose	Disallow	Reject
<b>FS222.055</b>	Westpower Limited		Oppose	Disallow	Reject