

**SUBMISSION ON VARIATION 2 – COASTAL HAZARDS OF THE TE TAI O POUTINI PLAN
RESOURCE MANAGEMENT ACT 1991**

To: Te Tai o Poutini Submissions

Address: Te Tai o Poutini Plan Submissions
PO Box 66
Greymouth 7840
info@tpp.nz

Name of submitter: Scenic Hotel Group Limited ("**Scenic**")

1. INTRODUCTION

- 1.1 This is a submission on behalf of Scenic on the Coastal Hazards Chapter (Variation 2) of the Te Tai o Poutini Plan (TTPP) as renotified on 12 November 2024.
- 1.2 Scenic have chosen to write a new submission on the updated maps plus coastal hazard provisions and seek that this is added to its existing submission (ref: Submission #483) that was lodged earlier on the balance on the TTPP provisions.
- 1.3 Scenic could not gain an advantage in trade competition through this submission.

2. SCENIC HOTELS' OPERATIONS

- 2.1 Scenic owns and operates 18 hotels in New Zealand and is New Zealand's largest locally owned chain of hotels. Scenic has operated in New Zealand for 40 years and owned and operated businesses on the West Coast of the South Island throughout this period.
- 2.2 Scenic is a committed long-term operator promoting and marketing the West Coast region. Scenic's hotels and business add significant economic benefit and vitality to the communities their hotels are located in and provide sustainable employment for locals. During a normal operating year, Scenic's hotels host in the order of 145,000 people in the West Coast region.
- 2.3 In their earlier submission, Scenic noted their primary concern being the ability for their hospitality businesses and hotels to be able to face the future with clarity and confidence to ensure they can grow, adapt, and evolve. This includes planning for climate change, enhancing and expanding their facilities and creating new markets for economic contribution.
- 2.4 Scenic is a significant contributor to the West Coast regional economy, and in relation to this submission in particular, the tourism and visitor accommodation industry including Punakaiki.
- 2.5 Its facilities in Punakaiki, which are the focus of this submission given the extent of the coastal hazard overlays in this area, include:
 - Punakaiki Beachfront Motels, State Highway 6 and Mabel Street, Punakaiki
 - Punakaiki Rocks Hotel and Garden Bar, Owen Street, Punakaiki
 - Ocean View Resort, 4327 State Highway 6, Punakaiki

- Sec 21 Mabel Street, Punakaiki
- Sec 23 Mabel Street, Punakaiki
- Sec 24 Mabel Street, Punakaiki
- Sec 25 Mabel Street, Punakaiki

3. REASONS FOR SUBMISSION

- 3.1 Scenic's original submission (ref: 483) was broadly framed and voiced general concern with what they saw as poorly justified and unworkable regulation in the proposed TTPP. Scenic opposed all the proposed rules and zone changes as they felt they were unnecessary, unduly restrictive and have the potential to affect funding of development and the insurability of their properties.
- 3.2 Scenic's submission was very broad and was in general opposition to all the proposed natural hazards rules and zoning. However, due to some queries on the previous submission from the hearing panel with regard to scope, this submission is more targeted and provides specific reasoning along with suggested amendments to provisions in the Coastal Hazards chapter.
- 3.3 Overall, Scenic agree that the management of significant risks from natural hazards (Section 6 RMA) is an important function of any District Plan. However, the primary concern and general theme that Scenic has with the TTPP in relation to the numerous premises it owns and operates within the West Coast is the complex layering of constraints and overlays. This includes those within the Coastal Hazards Chapter, particularly when considered against the backdrop of zoning that has been provided to enable much needed growth and development to support tourism, particularly for a recognised tourism-centric area like Punakaiki.
- 3.4 The recognition of the critical role that tourism plays in Punakaiki is set out in the Overview to the Scenic Visitor Zone of the TTPP as follows:
- In the case of the glacier towns of Franz Josef/Waiau and Fox Glacier/Weheka, tourism numbers have reached as high as 750,000 per annum (6000 people per day), with 450,000 people per annum visiting Punakaiki. The communities themselves, however, are home to a few hundred people, so the main focus of the commercial areas is supporting visitor activity.*
- 3.5 The Settlement Zone including Coastal Settlement Precinct, and the Special Purpose Scenic Visitor Zone (SVZ), contain both general and directive objectives and policies (RURZ – P10, SETZ-PREC-P3, SVZ-P1, SVZ-P3, SVZ-P4) that seek to support and enable growth and development, including that which supports tourism. On its face, the zone outcomes, particularly the SVZ, seek to provide a framework that appropriately enables the key business/employment activity in these townships to be able to continue to operate and grow. Equally however, there are objectives and policies that seek to prevent growth and development in these same areas where they are subject to identified constraints or overlays e.g. coastal hazards.
- 3.6 The geographically limited private (non-conservation) landholdings, combined with the layering of thematic controls, means that in effect it is virtually impossible to avoid a complex resource consenting process in Punakaiki for any new development that would seek to support visitor and worker accommodation. Therefore, the critical role that tourism plays in Punakaiki is fundamentally undermined by the various thematic overlays.

- 3.7 As an example of this complexity, when considering the Scenic Visitor Zone (SVZ) in Punakaiki, this comprises two main land areas to the south of Punakaiki, one on the coastal (western) side of SH6 and the other on the landward (eastern) side. The coastal land is entirely covered by a combination of the Coastal Setback, Coastal Alert and Coastal Severe Hazard overlays which as outlined in this submission will place considerable constraint on the ability to actually further develop this land for its zoned purpose in the future.
- 3.8 On the landward side of SH6, the SVZ land is primarily covered by Outstanding Natural Landscape and Outstanding Coastal Natural Character/High Coastal Natural Character Overlays.
- 3.9 In addition, the entire SVZ area on both sides of the road is covered by a Site of Significance to Māori, Pounamu Management Area, and Coastal Environment Overlay.
- 3.10 Even putting aside the overlays, the underlying SVZ permitted provisions are also limited by zone-based rules which are similar to the existing Buller District Plan rules including, for Punakaiki specifically, a maximum clearance of indigenous vegetation of 50m², and maximum building height of 7m (despite the likely need to build higher to mitigate against the hazard overlays).
- 3.11 It is therefore submitted that there is a considerable lack of balance between recognising the impact of these new overlay constraints (including Coastal Overlays) against the increasing demand for growth and development to support the considerable tourism demand that is recognised in this area, most recently recognised by the significant investment and development of a large new visitor information centre. Consequently, the regulatory framework that is proposed for Punakaiki will not actively achieve key policy direction sought by this zone, particularly the following:

SVZ-P3 Recognise the significance of the three townships to the wider visitor economy of the West Coast/Te Tai o Poutini and enable the further development of these areas as world class visitor destinations.

SVZ-P4 Support the development of appropriate tourism and visitor businesses such as accommodation, visitor attractions and tourism support facilities that relate to the scenic environment in which they are located.

- 3.12 Given the scope of this Coastal Hazards chapter, the amendments proposed in this submission cannot fully resolve this tension as part of this hearing topic, but they are proposed to provide a more balanced approach in the TTPP with a view to achieving a more workable regulatory pathway for the types of activities anticipated by the underlying zoning. It is therefore requested that consideration of these amendments is considered in the context of other relevant chapters in relation to the matters raised via the earlier submission and subsequent information and evidence provided in relation to those.
- 3.13 General comments are provided with regard to the Coastal Hazard Overlays, objectives, policies and rules below while specific amendments and the reasoning for these are set out in **Appendix 1** to this submission.

Overlays

- 3.14 Under the Buller District Plan, coastal hazards are currently identified on the Planning Maps in limited areas e.g. at the mouth of Mokihiui River. There are no Coastal Hazard overlays that apply to any part of the Punakaiki area.

- 3.15 As a result of the TPP, significant portions of the coastal area will now be subject to proposed coastal overlays with a combination of the Coastal Hazard Severe, Coastal Hazard Alert and Coastal Setback Overlays now applicable to large portions of Punakaiki, where it (as it applies to the interests of Scenic) comprises a mixture of Settlement and Special Purpose Visitor Zones.
- 3.16 Given the scientific information and analysis that has gone into the most recent mapping, Scenic are not challenging this aspect with the exception of one minor query in relation to the Coastal Hazard Setback overlay noting that this setback overlay has not been modelled so there is uncertainty as to how it has been determined.
- 3.17 Scenic's concerns, as set out in the balance of this submission, are primarily around the objectives, policies and rules that relate to these Coastal Hazard overlays and whether they provide a reasonable pathway that aligns with the direction of other chapters regarding the purpose and outcomes sought in the underlying zones. It is not considered that simply subjecting all new development to a resource consent process is an enabling, or useful approach. For example, it would be far more efficient if Council were in a position to be able to provide minimum floor levels (where applicable) than require a site by site assessment or modelling work to be undertaken. This is particularly relevant when considering the costs, benefits, efficiency, and effectiveness of these new provisions.

Objectives and Policies

- 3.18 Amendments are sought by Scenic to a number of the objectives and policies of the Coastal Hazards Chapter. Generally, the relief sought is focussed on the following:
- Recognising that some development is still anticipated within these overlays, and this is to enabled subject to managing and mitigating any risk appropriately.
 - Recognising that the functional need for an activity includes consideration of the availability (or not) of suitably zoned alternative land that can accommodate the level of development required.
 - 'Limiting' rather than 'avoiding' development within these overlays, particularly as the more directive policies all still theoretically provide a pathway for development subject to meeting natural hazard-based criteria.
 - Enabling development where mitigation measures appropriately manage the risk to life and property and the environment. This is ultimately expected to be determined through the provision of a natural hazards risk assessment (prepared by a SQEP) via the inevitable consenting processes that will be required.
 - A new Punakaiki specific policy which specifically addresses the unique challenges faced by the Scenic Visitor Zone in this area due to considerable tourism demand and geographical constraints meaning it is much more likely that mitigation and management of risk will need to occur in this area rather than complete avoidance of development in hazard overlay areas.

Rules

- 3.19 Amendments are sought by Scenic to applicable rules of the Coastal Hazards Chapter. Generally, the relief sought is focussed on the following:
- Coastal Hazard Setback

- Allowing for the reconstruction of like for like buildings as a permitted activity (PA) rather than restricted discretionary activity (RDA).
- Coastal Hazard Alert Overlay
 - Allowing for the reconstruction of like for like buildings as a PA rather than discretionary activity (DA).
 - Allowing for additions and alterations as a PA provided there is no increase in net floor area of habitable areas.
 - Providing for any new buildings that increase the net floor area as an RDA rather than DA.
 - Providing an exemption from the underlying zone maximum height limit and recession plane rules (allowing for a maximum height of 10m within this overlay), given the constrained nature of the Special Purpose Visitor Zone is almost certainly likely to result in the need to raise levels to mitigate inundation or flood risk.
- Coastal Hazard Severe Overlay
 - Allowing for the reconstruction of like for like buildings as a PA rather than DA.
 - Allowing for additions and alterations as a PA provided there is no increase in net floor area of habitable areas.
 - Providing for any new buildings that increase the net floor area as a DA rather than NCA.
 - Providing an exemption from the underlying zone maximum height limit and recession plane rules (allowing for a maximum height of 10m within this overlay), given the constrained nature of the Special Purpose Visitor Zone is almost certainly likely to result in the need to raise levels to mitigate inundation or flood risk.

4. GENERAL REASONS FOR SUBMISSION

- 4.1 Overall, Scenic does not currently support the proposed Coastal Hazards Chapter of the TTPP and considers that they will not promote the sustainable management of the natural and physical resources in Punakaiki, and are therefore contrary to or inconsistent with Part 2 of the Resource Management Act 1991.

5. RELIEF SOUGHT

- 5.1 Scenic seeks amendments to the Coastal Hazards Chapter of the pTTPP as set out in **Appendix 1** to this submission.
- 5.2 Scenic **wishes to be heard** in support of its submission.

Date: 19 December 2024



Signature:

Sam Flewellen

On behalf of **SCENIC HOTEL GROUP LIMITED**

Address for Service:

C/- Sam Flewellen
Planz Consultants Limited
PO Box 8
CHRISTCHURCH

Email:

sam@planzconsultants.co.nz

Phone:

+64 21 178 9427

APPENDIX 1

Table of Relief Sought

Current TPP Provision	Comment	Requested Relief Deletions shown with strikethrough and additions shown with <u>underline</u>
Objective NH – O2	Comment <p>Of the objectives that relate to Coastal Hazards, with the exception of critical infrastructure, there are none that have any sort of enabling wording to reflect the underlying zoning, the need for growth and development in areas such as Punakaiki to support tourism (as reflected in other chapters), or to reflect the pathways that are present for development on some level in the policy and rule framework.</p> <p>Therefore, amendments are suggested to reflect that development is still anticipated, on some level, within these areas provided the risk from natural hazards is managed appropriately.</p>	<p>Amend Objective NH-O2 as follows:</p> <p>NH – O2 To <u>enable anticipated development in accordance with underlying zoning provided</u> reduce the risk to life, property and the environment from natural hazards <u>is managed appropriately</u>, thereby promoting the well-being of the community and environment.</p>
Objective NH – O6	Comment <p>Presently this objective reads that any adverse effect, no matter how minor, should not be created or exacerbated which would make it very hard to install any natural hazard mitigation in reality.</p>	<p>Amend Objective NH-O6 as follows:</p> <p>NH – O6 Measures taken to mitigate natural hazards do not create or exacerbate <u>significant</u> adverse effects on other people, property, infrastructure and the environment.</p>
Policy NH – P3	Comment <p>Amendments made to align with NH-O2 and recognise that there are many examples of engineering solutions to help enable development and protect communities e.g. rock walls, retaining walls etc. Without accepting that there are circumstances that require</p>	<p>Amend Policy NH-P3 as follows:</p> <p>NH – P3 When managing natural hazards:</p>

	<p>these types of approaches, both anticipated development, as well as protecting existing communities and infrastructure will be severely constrained in areas like Punakaiki.</p> <p>Any development in these areas is expected to be managed in line with recommendations of a natural hazards assessment against recognised guidance in terms of the appropriate level of acceptable risk rather than simply ‘avoiding’ any increase in risk.</p>	<ul style="list-style-type: none"> a. <i>Promote the use of natural features and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks; and</i> b. <i>Avoid increasing</i> <i>Appropriately managing</i> <i>risk to people, property and the environment; while</i> c. <i>Recognising that in some circumstances hard engineering solutions may be the only practical means of <u>enabling anticipated development in accordance with underlying zoning, as well as</u> protecting existing communities and critical infrastructure.</i>
<p>Policy</p> <p>NH – P5</p>	<p>Comment</p> <p>There is a need to ensure that any alternative for managed retreat (which hasn’t been identified in the TTPP as being the expectation in areas such as Punakaiki) also has the necessary capacity to accommodate like for like relocation of development and communities.</p> <p>This places further emphasis on the need to enable a workable balance in the TTPP for areas like Punakaiki given the very high demand for people, communities and development to exist in the area vs the significant land constraints (with no additional</p>	<p>Amend Policy NH-P5 as follows:</p> <p>NH – P5 <i>When assessing areas suitable for managed retreat, the following matters will be considered:</i></p> <ul style="list-style-type: none"> a. <i>That the natural hazard risk of the area is less than the existing location, and</i>

	land being zoned by Council under the TTPP) vs the increased regulatory burden being placed on existing zoned land through multiple constraining overlays such as the coastal hazard overlays.	<p>b. <u>The alternative area has sufficient capacity to accommodate the equivalent level of development, and</u></p> <p>c. <i>The potential future need to protect the community and associated infrastructure by hazard mitigation works.</i></p>
<p>Policy</p> <p>NH – P10</p>	<p>Comment</p> <p>Given this policy sets outs a pathway for activities and development to occur in the Coastal Hazard Severe overlay, it is not considered appropriate for the policy to be so directive as to be an ‘avoid’ policy. Similarly, while the operational and functional need ‘test’ is understood, it is of limited benefit if there is no alternative zoned land (or increased density or flexibility in other existing zones) available in the area. Therefore, it is considered that this should be recognised more specifically.</p> <p>In the case of Punakaiki, no additional zoned land has been made available (and realistically there isn’t any that could be made available given the extent of the public conservation estate surrounding the township). In addition, of the existing zones outside of the coastal hazard zones in Punakaiki, none of these have been provided with a more flexible planning framework to help address this issue. This could have been better achieved through allowing for an increased range of permitted activities in the coastal settlement zone and scenic visitor zones, increasing height limits (as opposed to lowering</p>	<p>Amend Policy NH-P10 as follows:</p> <p>NH – P10 Avoid Limit <i>development of sensitive activities within the Coastal Severe Hazard and Flood Severe Hazard overlays unless it can be demonstrated that:</i></p> <p>a. <i>The activity has an operational and functional need to locate within the hazard area <u>including a lack of suitable alternative zoned land in the area</u>; and</i></p> <p>b. <i>That the activity incorporates mitigation of risk to life, property and the environment, and there is significant public or environmental benefit in doing so.</i></p>

	<p>height limits as proposed in the settlement zone), or increasing site coverage or building density.</p> <p>If Council had been more proactive to provide alternative land to enable appropriate development in Punakaiki, then the ability to avoid development in the severe overlay, as set out in this policy, would be more achievable. Given this is not the case, a more appropriate word to 'Avoid' is therefore considered to be 'Limit' which better reflects that any development is limited unless it meets the required criteria.</p>	
<p>Policy NH – P11</p>	<p>Comment</p> <p>This policy relates to the Coastal Alert overlay area and is slightly more enabling than Policy 10 reflecting what is assumed to be a lower risk in this overlay area.</p> <p>Generally speaking, the use of the word 'avoid' in this policy is not considered appropriate for an enabling policy or in relation to the implementation of hazard mitigation measures. The only way to completely 'avoid' risk to life in a natural hazard area, as set out in the current wording, is to not allow anyone in there, or not allow any future change or intensification of people in this area. This is not considered practicable or realistic. Rather, any development in these areas is expected to be managed in line with recommendations of a natural hazards assessment against recognised guidance in terms of the appropriate level of acceptable risk. The amendments proposed are to recognise how this is expected to work in reality.</p>	<p>Amend Policy NH-P11 as follows:</p> <p><i>NH – P11 Allow development in the Land Instability Alert, Coastal Alert and Flood Susceptibility overlays where:</i></p> <ul style="list-style-type: none"> <i>a. Mitigation measures avoidappropriately manage risk to life and minimise risk to property and the environment; and</i> <i>b. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.</i>
<p>Policy NH – P12</p>	<p>Comment</p>	<p>Amend Policy NH-P12 as follows:</p>

	<p>There will always be a degree of effect or risk from natural hazards but it is the significance of this, and the ability to manage it, that requires attention which will likely be determined as part of a natural hazard risk assessment. Amendments are therefore sought to emphasis this.</p> <p>Amendments are also sought to reflect the land and regulatory constraints proposed in Punakaiki vs the lack of any new zoned land in the area vs the direction (of other chapters) to grow and develop tourism support facilities.</p>	<p><i>NH – P12</i> When assessing the effects of activities in natural hazard overlays consider:</p> <ul style="list-style-type: none"> a. The <u>significance of any adverse</u> effects of natural hazards on people, property and the environment <u>and whether these effects can be appropriately managed;</u> b. Technological and engineering mitigation measures and other non-engineered options; c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk; d. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk; e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk; f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site.; g. The <u>intent of the underlying zone and the</u> functional or operational need to locate in
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

		<p>these areas <i>in relation to the availability of suitable alternative zoned land</i>; and</p> <p>h. Any significant adverse effects on the environment of any proposed mitigation measures.</p>
<p>New Policy</p> <p>NH-PXX</p>	<p>Given the Punakaiki specific nature of this submission, it is recognised that a number of the amendments proposed, particularly to Policies 10 and 11, are driven by the specific circumstances at Punakaiki which are considered relatively unique in the context of the Coastal Hazard overlays. These are that there is considerable demand for tourism and supporting facilities such as visitor accommodation in Punakaiki, which is evident in the existing number of visitor accommodation premises within the area, and that there is virtually no privately owned rural zoned land on the edge of the township that could be rezoned to enable tourism demands to be met in less hazard-prone locations.</p>	<p><u>PXX Allow development in the Coastal Alert and Coastal Severe overlays within the Punakaiki Scenic Visitor Zone to recognise its unique demands for both tourism related activities such as visitor accommodation as well as significant geographical constraints, provided:</u></p> <p><u>a. Mitigation measures appropriately manage risk to life and minimise risk to property and the environment; and</u></p> <p><u>b. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.</u></p>
<p>Coastal Hazard Setback - Overlay</p>	<p>The updated coastal Hazard Setback overlay is shown in purple below. The previous version of this mapping did not contain this overlay in this location on any part of the Scenic Visitor Zone in Punakaiki.</p> <p>It is sought that this overlay is removed from the Scenic Visitor Zoned land in this location unless further technical and scientific evidence can be provided (noting that it has not been modelled) to confirm its accuracy and necessity.</p>	<p>Amend Overlay map as follows:</p> <p>Remove the Coastal Hazard Setback overlay from the Scenic Visitor zoned land in Punakaiki (shown in red outline).</p>

This overlay does not appear to be shown in a logical area as it covers an area that is already zoned, and contains existing buildings on relatively flat and developed land which is largely the same as the land immediately outside this overlay but which is not included i.e. there does not appear to be any physically defining feature that would suggest why this area of land should be included in this overlay. Further north (immediately outside the Scenic Visitor Zone) the overlay covers a much more obvious and defined area of raised rocky coastline which would make more sense as being a defined part within this overlay.



<p>Coastal Hazard Setback - Rule NH-R45</p>	<p>This rules as proposed applies to all new buildings, or extensions to existing buildings, and would require consent as an RDA subject to a natural hazard risk assessment prepared by a SQEP. If this assessment is not provided, the activity would default to NCA status.</p> <p>On the basis that the Coastal Hazard Setback Overlay continues to apply over the Scenic Visitor Zone land identified in the submission point above, it is considered appropriate that a like for like replacement i.e. same or similar footprint, should also be allowed as a permitted activity given the existing use rights/established development baseline that exists. This is considered to be best addressed as part of the proposed amendments to Rule NH-R38 in conjunction with the submission point below. However, there is an amendment required to the scope of Rule NH-R45 to ensure it only applies where the footprint for sensitive activities is proposed to be increased within this overlay area.</p> <p>The use of the term ‘footprint’ as opposed to ‘floor area’ is deliberate as this implies that building up rather than out could be a viable and suitable alternative to help mitigate the risk of natural hazards and should not be limited by a floor area constraint noting there are already underlying bulk and location zone provisions that control these matters.</p>	<p>Amend Rule NH-R45 as follows:</p> <p><i>NH-R45 New Buildings <u>that increase the footprint for Sensitive Activities in the Coastal Setback Overlay</u></i></p> <p><i>Activity Status Restricted Discretionary</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>This is accompanied by a natural hazard risk assessment prepared by a suitably qualified and experienced person.</i> <p><i>Discretion is restricted to:</i></p> <ol style="list-style-type: none"> <i>...</i>
<p>Coastal Hazard Alert and Severe Overlay – Rule NH-R38</p>	<p>This rule currently provides for repairs and maintenance to existing buildings as a permitted activity. It also provides for existing buildings to be rebuilt within a 5 year timeframe (Alert Overlay) or 2 year timeframe (Severe Overlay) but <u>only</u> if the buildings have been destroyed in a natural disaster type event. It does not allow for rebuilding of like for like buildings in other circumstances despite these holding existing use rights and an established and legally authorised development baseline.</p>	<p>Amend Rule NH-R38 as follows:</p> <p><i>Rule</i></p> <p><i>NH-R38 Repairs and maintenance to, <u>or reconstruction that does not increase the net footprint of sensitive activities of, existing</u></i></p>

	<p>Consequently, the rebuilding of buildings are not currently permitted and falls to DA status (Alter Overlay – Rule 43) or NCA status (Sever Overlay – Rule 44) respectively.</p> <p>It is considered appropriate that a like for like replacement i.e. same or similar footprint, should also be allowed as a permitted activity given the existing use rights/established development baseline that exists and amendments to this effect are therefore sought. Scenic would also be open to considering a potential minimum floor level criteria based on an appropriate AEP event (similar to that set out in Rule NH-40 for Commercial or Industrial buildings) that could be condition of this permitted activity.</p> <p>It is also considered that the status for new or extended buildings under Rule 43 and 44 should be amended to RDA and DA respectively to better reflect the policy direction and intent of the underlying zoning i.e. Plan direction for Punakaiki in terms of growth and development. These rules are addressed in specific submission points further below.</p>	<p>Buildings in the Coastal Severe and Coastal Alert Overlays</p> <p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> For repairs and maintenance there is no increase in the area of the building; For reconstruction of a building lawfully established at the time of notification of the Plan where: <ul style="list-style-type: none"> a.—The building has been destroyed or substantially damaged due to fire, natural disaster or Act of God; b.—The destroyed/damaged building is reconstructed within 5 years in the Coastal Alert overlay and 2 years in the Coastal Severe overlay; c.— The reconstructed building is similar in character, intensity and scale to the building it replaces.
Coastal Hazard Alert and Severe	<p>This rule provides for unoccupied buildings within the coastal overlays as a permitted activity. These will be subject to underlying zone provisions in terms of controlling bulk and location while the status of the rule recognises that the risk to people as a result of</p>	<p>Retain Rule NH-R39 with its currently proposed wording as follows:</p>

<p>Overlay - Rule NH-R39</p>	<p>these activities is low. This rule is therefore supported and sought to be retained in its current wording.</p>	<p>NH-R39 - New Unoccupied buildings and structure in the coastal severe and coastal alert overlays</p> <p><i>Activity status: Permitted</i></p>
<p>Coastal Hazard Alert and Severe Overlay - Rule NH-R41</p>	<p>This rule applies to additions and alterations to existing buildings where those additions would be used for sensitive activities e.g. residential or visitor accommodation. It would not apply to any increase where sensitive activities are not undertaken e.g. garages.</p> <p>It is difficult to envisage many permitted extensions that would actually benefit from this rule as presently worded, noting that unoccupied buildings such as garages and sheds are already permitted under Rule R39. As a minimum, the rule should only reference specific habitable spaces such as bedrooms or living areas so that minor extensions for buildings such as decks, hallways, amenities etc are not captured which is understood (from the summary on the TTPP Variation 2 web page) to be the intent.</p>	<p>Amend Rule NH-R41 as follows:</p> <p>NH-R41 - Additions and alterations of existing buildings used for sensitive activities</p> <p>Activity Status Permitted</p> <p>Where:</p> <p>1. <i>There is no increase in net floor area used for a sensitive activity</i> <u>habitable area such as bedroom, or living room.</u></p> <p><u>Note: This rule does not apply to non-habitable spaces such as decks, hallways, bathrooms and kitchens.</u></p>
<p>Coastal Hazard Alert Overlay - Rule NH-R43</p>	<p>This rule applies to the Coastal Hazard Alert overlay only and to any new building (or additions) that are going to be larger than the existing building footprint.</p> <p>Policy P11 allows for new buildings in the alert overlay subject to meeting criteria around managing and mitigating the risk from natural hazards. This is therefore an enabling policy that anticipates development within these areas with the only caveat being in relation to</p>	<p>Amend Rule NH-R43 as follows:</p> <p>NH-R43 – Coastal Alert Overlay – New buildings for sensitive activities and alterations of existing buildings that increase the net floor area for sensitive activities.</p>

	<p>natural hazard risk. Given this, the status of activities that fall under this rule are considered to more appropriately fall under RDA rather than broad DA. Any matters of discretion are in effect limited to consideration and mitigation of natural hazard risk only (similar to Rule NH-R45) while other consequential effects will continue to be controlled by bulk and location-based controls in the underlying zone provisions.</p>	<p>Activity Status <u>Restricted Discretionary</u></p> <p>Where:</p> <p>1. These are located in the Coastal Alert Overlay</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>The level of risk as assessed by a suitably qualified and experienced person;</u></p> <p>b. <u>The location and design of proposed sites, building, structures, vehicle access in relation to natural hazard risk</u></p> <p>c. <u>The modification or retention of vegetation or other natural features to mitigate natural hazard risk;</u></p> <p>d. <u>The impact of underlying geology and topography of the site on hazard risk;</u></p> <p>e. <u>The potential of the proposal to exacerbate natural hazard risk, including transferring risk to another site;</u></p> <p>f. <u>Any adverse effects on the environment of any proposed natural hazard mitigation structures.</u></p>
Coastal Hazard	<p>This rule applies to the Coastal Hazard Severe overlay only and to any new building (or additions) that are going to be larger than the existing building footprint.</p>	<p>Amend Rule NH-R44 as follows:</p>

<p>Severe Overlay - Rule NH-R44</p>	<p>Policy P10 allows for new buildings in the severe overlay. While more directive than Policy P11, it still provides a specific pathway for consenting subject to meeting criteria around managing and mitigating the risk from natural hazards subject to proving the functional need of the activity in its location.</p> <p>As a result, Policy 10, while somewhat limiting, still broadly anticipates development within these overlay areas. Given this, the status of activities that fall under this rule are considered to more appropriately fall under DA rather than NCA.</p> <p>A NCA status does not broadly anticipate a stated activity to occur unless there are very unique circumstances that would not establish a precedent. This is not considered to be the case here with consents expected to be applied for in these locations and natural hazard risk assessments, and functional need assessments, to form the basis of those consents.</p> <p>For areas, such as Punakaiki for which large areas of Scenic Visitor Zoning are affected by this overlay, a NCA status would be overly constraining and also fail to provide for an appropriate balance between enabling activities anticipated by the underlying zone and managing and mitigating the risk of natural hazards, particularly given the constraints on alternative land in Punakaiki.</p>	<p><i>NH-R44 – Coastal Severe Overlay – New buildings for sensitive activities and alterations of existing buildings that increase the net floor area for sensitive activities.</i></p> <p><i>Activity Status Non-complying Discretionary</i></p> <p><i>Where:</i></p> <p><i>These are located in the Coastal Severe Overlay</i></p>
<p>Coastal Hazard Alert</p>	<p>Given the very limited land available in Punakaiki, coupled with the considerable number of restrictive overlays and rule standards including the coastal hazard zone overlays, very little of the Scenic Visitor zone can be developed as a permitted activity and it is expected</p>	<p><i><u>NH-RXX – Coastal Setback, Coastal Alert, and Coastal Severe Overlay in Punakaiki – Building Height and Recession Planes</u></i></p>

<p>and Severe Overlay - New Rule NH-RXX</p>	<p>that even with a complex resource consent process, much of this land will remain constrained.</p> <p>A height limit of 10m for the Special Purpose Visitor Zone in Punakaiki was requested via Scenic as part of their original submission on the Scenic Visitor Zone. However, there remains uncertainty around the scope of that request and whether it will therefore be adopted by the TTPP decision making panel.</p> <p>It is therefore sought in this submission that an exemption be provided for new buildings that would otherwise be required meet a maximum building height or recession plane rule. This exemption would alternatively provide for a maximum 10m height limit which would provide for slightly increased, but not inappropriate, density of development in a location with considerable demand for visitor and worker accommodation but very limited alternative zoned land available for such activities.</p> <p>This will ultimately have the added effect of better achieving the related objectives and policies of this Chapter.</p>	<p><u>Activity Status Permitted</u></p> <p><u>Where:</u></p> <p><u>Any new buildings required to achieve a building height and/or recession plane in accordance with underlying zone rules shall be exempt from those rules for the purpose of meeting the minimum floor level specified on a minimum floor level certificate (or equivalent) provided a maximum height of 10m is not exceeded.</u></p> <p><u>Advice note:</u></p> <p><u>Building height and recession planes shall be measured from existing ground level or where subject to a coastal hazard overlay, shall be measured from the level specified on a minimum floor level certificate (or equivalent), whichever is higher.</u></p>
----------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------