

Variation 2 to Proposed Te Tai o Poutini Plan (TTPP) – Coastal Hazards

Submission form

Clause 6 of Schedule 1, Resource Management Act 1991 (RMA)

Please note:

Following public concern expressed over the initial notification of this Variation in June 2024, the TTPP Committee has agreed to the Variation being renotified. Importantly, it is now possible for submitters to submit on BOTH the mapping changes AND provisions of relevance in the TTPP's Natural Hazards Chapter.

- The Variation is a publicly notified one – so anyone is welcome to lodge a submission.
- All submissions received following the initial notification in June 2024 will still be considered.
- Submissions initially lodged can be added to, should the submitter desire to do so.
- Submissions close at **5.00pm on Thursday 19 December 2024.**

Your details:

Are you submitting as an individual, or on behalf of an organisation?

☐ Individual ☒ Organisation

Did you previously submit on Variation 2 when it was notified in June 2024?

☐ Yes ☒ No

If yes, do you wish to have this particular submission: N/A

☐ Added to your initial submission ☐ Considered an entirely new submission

First Name: Doug surname: Bray

Senior Policy Planner (TTPP), West Coast Regional Council - for and on behalf of

Organisation (if applicable): Te Tai o Poutini Plan Committee

Would you gain an advantage in trade competition through this submission ☐ Yes ☐ No

If you could gain an advantage in trade competition through this submission please complete the following:

I am/am not directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Postal Address: PO Box 66 Greymouth 7840

Email Address: doug.bray@wrc.govt.nz

Phone Number: (03) 768-0466 Ext 9109 Mob (027) 241-6771

Signature: Doug Bray

Date: 13 December 2024

My submission:

(Include whether you support or oppose the specific provisions or wish to have them amended, and the reasons for your views.)

This is a submission lodged by the Te Tai o Poutini Plan (TTPP) Committee.

It has been lodged following agreement at the Committee's meeting of 13 December 2024.

The submission focusses on:

1. Recommendations on those provisions applying to Variation 2 - so as to ensure that consistency is retained with recommendations made on the Plan's Natural Hazards Provisions

2. Ensuring that provisions relating to Variation 2 align with the New Zealand Coastal Policy Statement

3. Changing the naming convention of the Coastal Hazard Overlays

It should be noted that the Committee itself includes representatives of the Buller, Grey and Westland District Councils, the West Coast Regional Council and Poutini Ngai Tahu. Such organisations may, of course, lodge their own submissions. Such individual submissions if lodged have not, to this point, been discussed with the organisations themselves. This submission is, therefore, solely that of the TTPP Committee itself.

The Committee's submission in full is attached. This includes 9 specific submission points.

The relief sought is detailed under each submission point

(Please feel free to use additional sheets)

I would like the following decision(s) to be made with respect to this Variation:

The Full written submission is attached.

The relief sought under each submission point is detailed under headings "Relief Sought"

(Please feel free to use additional sheets)

All submitters have the opportunity to present their submission to Commissioners during the hearing process. Please indicate if you wish to speak to your submission

☒ I wish to speak to my submission

☐ I do not wish to speak to my submission

(please note that with this option you will receive less correspondence in relation to the hearings but you can keep up to date on the TTPP website)

If any others making similar submissions wish to be heard:

☒ Yes, I would consider presenting a joint case with them

☐ No, I would prefer to present my own individual case

Enquiries

All enquiries regarding this Variation or the TTPP in general can be addressed to Doug Bray, Senior Policy Planner, TTPP Team, West Coast Regional Council, Ph (03) 768-0466 Ext 9109 or 0508 800 118 or info@tppp.nz.

Public information

All information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information. The content provided in your submission form will be published on the Te Tai o Poutini Plan website and available to the public.

Validity of Submissions

Please note that submissions may be struck out in whole or in part if authorities (including Council staff, Independent Commissioners or Legal authorities delegated jurisdiction with respect to such decision-making) deem any submission partially or entirely:

- Is frivolous or vexatious in its content;
- Discloses no reasonable or relevant case for a position taken;
- Contains offensive language; and/or
- Is supported only by material that *purports* to be independent expert evidence, but has in fact been prepared by a person who is not independent and/or does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Those hearing submissions may also refuse to take a submission further in whole or in part if believing that there allowing otherwise would be an abuse of the hearing process.

Submission on Te Tai o Poutini Plan – Variation 2

From Te Tai o Poutini Plan Committee

1. Introduction

This submission comes from the Te Tai o Poutini Plan Committee. It focuses on matters that are:

1. Recommendations on the provisions providing to Variation 2 to ensure consistency with the recommendations made on the natural hazards provisions; and
2. To ensure alignment of the provisions with the New Zealand Coastal Policy Statement.
3. Changes to the naming convention of the coastal hazard overlays

It is noted that there are some matters that the individual Councils (Westland District Council, Grey District Council, Buller District Council and West Coast Regional Council) and Poutini Ngāi Tahu may also submit on. These have not been discussed with or endorsed by the Te Tai o Poutini Plan Committee. This document is its sole submission.

2. Submission

2.1.1 Recommended Changes to the provisions to align with the recommendations on the natural hazards chapter.

2.1.2 Within the natural hazards hearing topic, the terms Hazard Sensitive, Potentially Hazard Sensitive and Less Hazard Sensitive Activities were introduced. These terms describe different land use activities and for the purposes of consistency it is requested that these same terms are used in the coastal hazard policies and rules.

Relief Sought

Where the Proposed District Plan references terms such as residential, commercial, industrial, non-habitable in relation to coastal hazards, replace these with the terms Hazard Sensitive, Potentially Hazard Sensitive and Less Hazard Sensitive Activities

2.1.3 To assist plan users, it is recommended that where District Plan provisions relate to coastal hazards, the term natural hazards, is replaced with the term coastal hazards. This is to assist plan users with understanding what provisions relate to natural hazards and what provisions relate to coastal hazards.

Relief sought

Where District Plan provisions relate to coastal hazards, the term natural hazards, is replaced with the term coastal hazards.

2.1.4 As part of the natural hazard hearing topic, a number of recommendations were made to change the objectives. It is recommended that Coastal Hazards have similar objectives. These revised objectives would improve the usability of the District Plan to plan users as it provides clear directive on how development needs to be managed in respect to each overlay. The suggested wording for each of the proposed Coastal Hazard objectives is as follows:

Relief sought

Introduce Objectives to address coastal hazards with the following or similar wording.

CH-O1 - 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 – O2 - 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

2.1.5 Under the proposed District Plan, the Coastal Severe Overlay is located within NH-Policy 10. It is submitted that given the direction under the New Zealand Coastal Policy Statement, the Coastal Severe Overlay is removed from this policy and has its own standalone policy that gives better effect to the New Zealand Coastal Policy Statement, in that it recognises that the risk in this overlay does not increase. The suggested wording for this policy is as follows:

Relief sought

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 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;

ii. The new building incorporates measures that avoid increasing the existing risk to the building from the coastal hazard;

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.

2.1.6 The rule framework sets a discretionary activity status for both additions and new buildings that contain hazard sensitive activities in the coastal alert overlay. It is considered that this activity status is too restrictive and could be changed to the restricted discretionary activity.

Relief sought

Change the rule framework for both additions and new buildings that contain hazard sensitive activities in the coastal alert overlay from discretionary activity to restricted discretionary activity with the potential matter of discretion being:

a. The risk from coastal hazards on people and property and any measures to reduce or mitigate this risk;

b. The management of vegetation or other natural features to mitigate natural hazard risk;

c. The potential for there to be an increase in the risk of coastal erosion to neighbouring properties from either the design of the proposed development or any mitigation measures to reduce the risk to future occupants or buildings.

e. Any potential impacts on the natural environment or changes in natural processes as a result of any natural hazard mitigation measures use to reduce the risk to the building in the Coastal Alert Overlay.

These changes to the Matters of Discretion are a refinement of what was in the notified version of the rules pertaining to additions to Potentially Hazard Sensitive Activities and ensure that the matters of discretion are directly related to coastal hazard risks associated with the development.

2.1.7 The New Zealand Coastal Policy Statement discourages hard engineering measures within the Coastal Environment. The Natural Hazards chapter currently has a permissive framework for both additions to, and new hazard engineering structures for both natural hazards and coastal hazards. Given the direction under the New Zealand Coastal Policy Statement, additions to, and new hard engineering structures within the coastal environment needs to be considered differently to those required for non-coastal hazards. This can be done in two ways. Either:

- The hard engineering measures for coastal hazards are addressed within the Coastal Environment chapter and not the natural hazards chapter; or

- Have 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 would need to be supported by a policy.

Relief sought

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:

Hard engineering natural hazard mitigation works

Only allow for hard engineering natural hazards mitigation works for the reduction of the risk from coastal hazards where:

- 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;*
- 2. There is a demonstrable risk to existing nationally and regionally significant infrastructure, life or private property from the coastal hazard;*
- 3. The construction of the hard engineering measures will not increase the risk from Coastal Hazards on adjacent properties that are not protected by the hard engineering measures;*
- 4. Hard engineering structures are designed to minimise adverse effects on the coastal environment*
- 5. Adverse effects on significant natural features and systems and their function as natural defences are avoided, remedied or mitigated; and*
- 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.*

2.1.8 The Coastal Setback Overlay has a rule framework for new buildings associated with Hazard Sensitive Activities. To assist plan users, there needs to be a permitted activity condition that makes it clear that less hazard sensitive activities and potentially hazard sensitive activities are permitted in this overlay.

Relief sought

Have a rule that makes it clear that new buildings containing potentially hazard sensitive activities and less hazard sensitive activities are permitted.

2.1.9 The Coastal Hazard Overlay naming convention uses the terms

- Coastal Severe Overlay
- Coastal Alert Overlay and
- Coastal Setback Overlay.

There has been suggestion from the community that this naming convention is not helpful and can be seen as alarmist. As such, it is sought that the name of these overlays are changed to reflect the risk or the coastal hazard process, as opposed to using terms like severe.

Relief sought

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.