



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Lois Easton, Principal Planner

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Subject: Summary of Natural Hazards and Variation 2 Coastal Hazards Hearings Recommendations Report for Information

SUMMARY

This report contains a brief summary of the key changes recommended to the Natural Hazards recommendation report from the Te Tai o Poutini Plan Hearings Panel.

RECOMMENDATIONS

1. That the information is received.
2. That the contents of this report are noted.

INTRODUCTION

1. The Independent Hearing Panel has heard submissions and provided Recommendations Report to the Committee in relation to Te Tai o Poutini Plan (TTPP), Variation 1 and Variation 2. These reports are comprehensive and include a summary of the information provided by the submitters, the responses of the s42A reporting officer, the rationale of the panel in relation to these matters and their recommendations on the submissions and changes to the TTPP.
2. This report provides a brief summary of the hearing panel's recommendations report in relation to the Natural Hazards topic, including Variation 2.

NATURAL HAZARDS AND VARIATION 2 COASTAL HAZARDS RECOMMENDATION REPORT

3. The Natural Hazards Recommendations Report provides recommendations on 1086 submissions points and 267 further submissions points on the Natural Hazards topic from the notified Plan. In addition it provides recommendations on 641 submissions points and 126 further submissions points on Variation 2.
4. This was a significant topic in terms of public submissions, and one in which, in particular lay submitters were the main participants in the process.
5. The detailed recommendations on this topic are based around some fundamental overall recommendations from the Hearings Panel for the topic.
6. There are a large number of recommended changes to this chapter, which encompass three key aspects:
 - removal of hazard overlays for which there is insufficient technical and planning justification;
 - simplification of the frameworks – including the objectives, policies and rules and particularly as relates to the earthquake hazard overlays; and
 - using consistent terms throughout the chapter in order to assist plan users.

Removal and Reduction in Extent of Some Hazard Overlays

7. In terms of the first of these matters – removal of hazard overlays (and associated reference to them in the objectives, policies and rules) it is recommended that the following overlays are removed:
 - Flood Plain Overlay;
 - Lake Tsunami Overlay
 - Coastal Tsunami Overlay
8. The Hearing Panel recommend a reduction of extent of the Flood Susceptibility Overlay over Haast, Karamea, Inangahua, Ngakawau, Mokihinui, Waimangaroa and Waitakere/Nile Rivers and the Waiho River/Tartare Stream catchments and the replacement of the overlay in these areas with subdivision specific Flood Alert Overlay.
9. The Hearing Panel recommend a reduction of extent of the Land Instability Overlay as affects parts of Buller District. They recommend that the overlay as shown at Granity, Ngakawau, Hector and Punakaiki be amended to reflect the extent of land instability hazard as is currently shown in the operative Buller District Plan.
10. The Hearing Panel recommend a reduction of extent of the Coastal Alert Overlay north of Hector. They also note that with the new LIDAR and modelling available for the coast north of Hector that it would be possible (as has been signalled to the Committee) to introduce a Plan Change that provides accurate coastal hazard mapping for this area.
11. The Hearing Panel recommend a reduction in the Coastal Hazard Inundation Overlay 1 (formerly Coastal Alert) to remove it from 1298 Kumara Junction Highway, Awatuna and a reduction in the extent of the overlay at the Mitre 10 site in Greymouth.
12. All other overlays are recommended to be retained as mapped in the notified TTPP.

Simplification of Framework

13. In terms of the simplification of the frameworks, the major change recommended is to substantially amend the Earthquake Hazard Overlay by altering it from an overlay with 5 different buffer widths to a more simple two tier Earthquake Severe and Earthquake Susceptibility set of overlays.

Consistency of Terminology

14. In terms of the use of consistent terms throughout the chapter, the most significant change is the recommendation for the renaming of the remaining coastal hazard overlays whereby:
 - Coastal Hazard Severe becomes Coastal Erosion and Inundation Hazard Overlay
 - Coastal Hazard Susceptibility becomes Coastal Inundation 1 Hazard Overlay
 - Coastal Hazard Setback becomes Coastal Inundation 2 Hazard Overlay.
15. This change to the naming of the coastal hazard overlays helps the plan user understand the hazard that is being managed by the overlay – as it was clear from submitters that there was significant confusion about the different overlays and which reflect a risk from coastal erosion and which reflect a risk from coastal inundation and flooding.
16. Alongside this change to naming of the overlays are significant changes recommended to the definitions and descriptions of types of activities referred to in the rules. The panel recommend that the following terms be used and defined, and used throughout the rules, rather than the notified Plan approach of having a wide range of descriptions which differ across the different types of hazards:
 - Hazard sensitive activity
 - Potentially hazard sensitive activity
 - Less hazard sensitive activity
17. Alongside the renaming of some hazard overlays, the Hearing Panel recommends that it be more clearly differentiated within the plan that there are some hazards where are severe and that the approach to managing these should be consistent. They recommend the inclusion of a new definition “severe natural hazard overlay” which encompasses the Coastal Erosion and Inundation Overlay (formerly Coastal Severe), the Flood Hazard Severe Overlay and the Earthquake Hazard Severe Overlay (formerly multiple Earthquake Hazard overlays).
18. The Hearing Panel also recommends a change to how the risk of flood and inundation hazards are described in the TTPP. The notified TTPP refers to both ARI (annual recurrence interval) and AEP (annual exceedance probability). The Hearing Panel recommends that this be standardised across the provisions and that only AEP be used. They also recommend a definition for this.

Overall effect of the recommended changes

19. The hearings panel make this following statement in their recommendations report about the changes, as for the lay person it can be difficult to determine their effect when looking at extensive strikethrough and underlined text:

*“In terms of natural justice, when recommending these changes, we have been careful to ensure that the proposed rule framework **maintains or lessens the regulatory burden** on property owners. For the vast majority of the rules, the regulatory burden is the same or less than what was notified. There are instances, where we are of the view that new maps need to be added to the District Plan, particularly in relation to flood hazards and climate change. However, in the interest of natural justice we have not included these maps within our evidence in chief and have rather made a recommendation for a future plan change to address these matters.*

*However, **there is one rule where the regulatory burden has increased.** In the Flood Severe overlay, it is recommended that the activity status for new industrial and commercial activities is elevated from a Restricted Discretionary Activity to Non-Complying Activity. This change is recommended in direct response to the EQC submission which requested that the activity status for these activities be increased. This elevation is consistent with the general risk-based framework.*

20. The Hearing Panel noted that there are a number of areas where they consider that the natural hazards chapter – particularly mapping, could be improved, but in the interests of natural justice they consider these matters should be dealt with via a Plan Change. Staff have previously advised the Committee that further natural hazards plan changes are likely to be required – in light of new national direction coming on this matter, continued technical science work on identifying hazards and how best to manage the risks created from them, and the ongoing improvement to natural hazard mitigations such as the upgrades to the flood protection structures in Hokitika, Greymouth and Westport. These matters will be brought back by staff to future meetings of the TTPP Committee following Decisions on the TTPP.

The recommendations from the Hearings Panel for future Plan Changes will also be able to be considered at that time.

21. The Hearings Panel also note that because of the timing of the WCRPS being produced it does not give effect to RMA requirements around natural hazards. Once the new National Direction for natural hazards is produced this will assist the West Coast Regional Council in its work planning for amendments to the WCRPS and its Regional Plans to reflect RMA requirements.

Recommended Changes to Natural Hazard Objectives and Policies

22. Turning back to the notified TTPP, in terms of the specific recommendations for the objectives, the key changes recommended are:
 - Substantial redrafting of Objective NH – O1 – this retains the risk based approach to managing hazards set out in the notified Plan but provides very specific components in relation to the way in which severe hazards are managed (reduce existing risk and do not increase the risk) and other natural hazards are managed (do not increase the risk).
 - Deletion of Objective NH – O2.
 - Amendment of Objective NH – O3 (now O2) to reflect consistent terminology in the Plan (regionally significant infrastructure, severe natural hazard overlays) and to recognise functional and operational needs.
 - Redrafting of NH – O4 (now O3) so that it refers to green infrastructure and explains the purpose in terms of natural hazard mitigation.
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23. In terms of the natural hazard policies the Hearing Panel recommend:
 - Substantial redrafting and expansion of Policy 1 to explain how a risk-based approach is used in the TTPP
 - Amendment of Policy 3 to specifically reference enabling natural hazard infrastructure where developed by statutory agencies (linking to the suite of rules that provide for this across the TTPP)
 - Amendment of Policy 4 in relation to natural hazard assessments to only refer to matters that relate to the hazards regulated in the TTPP
 - Redrafting of Policy 7 to relate to Less Hazard Sensitive Activities and how these are recommended to be managed through the rules
 - Deletion of policies that relate to overlays no longer recommended to be included in the TTPP
 - Amending Policy 10 (now 6) to provide for circumstances where new coastal erosion mitigation structures are built and outline the requirements these need to meet
 - Amending multiple policies to refer to the new terminology and overlay names used within the recommended amendments.
 - Addition of 4 new policies that
 - Provide a policy framework for hard engineering structures that links to the rules
 - Provide a policy framework for a new rule in relation to development of a dwelling in a severe hazard area where there is no dwelling on site
 - Provide a policy framework for a new rule in relation to building at Punakaiki -recognising that the Scenic Visitor Zone is largely located within the Coastal Erosion and Inundation Overlay
 - Provide the policy framework for the specific rules for building in severe natural hazard overlays (replacing the deleted policies specific to particular overlays)
24. In terms of the natural hazard rules the Hearing Panel recommend:
 - Amending the rules to reflect the changed terminology – this has the visual effect of substantial deletions and additions but as outlined in the beginning of the report makes very little change in terms of actual impact but significantly improves the clarity and ease of use of the Plan

- Redrafting the group of rules that relate to natural hazard mitigation structures to make these consistent with equivalent rules in other chapters of the plan. The main effect of this is the use of the Statutory Agency definition for permitted structures
- Introducing a new Restricted Discretionary rule NH – R5 in relation to development of a dwelling in a severe hazard area where there is no dwelling on site (this is a significant reduction in stringency)
- Introducing a new Restricted Discretionary rule NH – R6 for building in the Scenic Visitor Zone at Punakaiki (this is a significant reduction in stringency)
- Introducing a new rule that affects the Flood Severe Overlay which has the effect that new commercial and industrial activities are non-complying (this is an increase in stringency)

Recommended Changes to the Subdivisions Chapter

25. In terms of the subdivision objectives, policies and rules amending these so they refer to the new terminology (e.g. severe hazard overlays) to be consistent with the changes recommended in the natural hazards chapter.
26. In terms of the subdivisions Rules key specific changes recommended are:
 - Creating a new Controlled Activity Rule for subdivision to create lots of Less Hazard Sensitive Activities. This avoids these activities being unnecessarily caught by the rules and represents a reduction in stringency.
 - Increasing the stringency for subdivision (as affects potentially hazard sensitive and hazard sensitive activities) in the Coastal Erosion and Inundation and Flood Severe Overlays from a Discretionary Activity to Non-complying to be consistent with the approach in the Earthquake Severe Overlay – making all severe hazards treated equal.
 - Deleting the Prohibited Activity for subdivision in the Earthquake Severe Overlay (within 20m of the Faultline).

Summary

27. The TTPP Staff acknowledge the Natural Hazards provisions are some of the most significant in the Plan – they implement national direction around managing the risks of natural hazards, but have a widespread effect across many parts of the West Coast and affect many landowners.
28. Overall TTPP Staff consider that the recommended amendments to the Plan represent a considerable improvement compared with the notified Plan. Key positive changes seen are:
 - a. The deletion of overlays not sufficiently supported by technical assessment.
 - b. Simplification and standardisation of the rules so that the different scales of hazards are dealt with consistently. There is also a considerable reduction in the number of rules which overall helps make the chapter less complex.
 - c. Reducing the complexity of the Earthquake Hazard Overlays, and bringing these more in alignment with the approach for other types of hazards.
29. TTPP staff note that there remain concerns about the approach for hazard management in Greymouth, and north of Hector and that once the TTPP Decisions are made, then priority should move to work on the previously suggested Plan Change, to update the mapping of flood and coastal hazard overlays at Greymouth to reflect the upgrades to the flood control scheme and develop a bespoke Greymouth Hazard Overlay along similar lines to the approach in Westport and Hokitika.
30. TTPP staff also note that the removal of the Flood Susceptibility Overlay at Franz Josef/Tatare also does create some concern about how these matters are managed in an area of well known, but not well quantified risk, and that further work to better quantify and identify the extent of the hazard could be a high priority for future natural hazard assessment.

NEXT STEPS

31. This report provides an overview of the Natural Hazards recommendations report from the Independent Hearings Panel for the TTPP. A separate report on this agenda outlines the process and recommendations around adopting the recommendations from the reports.