

In The Environment Court of New Zealand  
At Christchurch

I mua i te Kōti Taiao o Aotearoa  
I te rohe o Ōtautahi

ENV-2025-

Under: The Resource Management Act 1991

In the matter of: An appeal under clause 14 of Schedule 1 of the  
Resource Management Act 1991

Between: **Scenic Hotel Group Limited**  
Appellant

Between: **Te Tai o Poutini Plan Committee**  
Respondent

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Notice of Appeal by Scenic Hotel Group Limited against Te Tai o Poutini Plan  
Committee on Proposed Te Tai o Poutini Plan (TTPP)

Dated: 27 November 2025

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**NOTICE OF APPEAL BY SCENIC HOTEL GROUP LIMITED AGAINST TE TAI O POUTINI  
PLAN COMMITTEE'S DECISION ON PROPOSED TE TAI O POUTINI PLAN**

*Clause 14(1) of Schedule 1, Resource Management Act 1991*

**To:** The Registrar  
Environment Court  
Christchurch

**Introduction**

1. Scenic Hotel Group Limited (the *Appellant*) appeals against Te Tai o Poutini Plan Committee, on parts of the recommendations of the Proposed District Plan Hearing Panel, adopted by the Buller, Grey and Westland Councils (*Council*) on the Proposed Te Tai o Poutini Plan (TTPP) (*Proposed Plan*) (*Decision*).

**The Appellant's interests in these proceedings**

2. The Appellant made submissions and further submissions on the Proposed Plan and the Coastal Hazards Chapter (Variation 2) as renotified on 12 November 2024.<sup>1</sup>
3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (*RMA*).
4. The Appellant is directly affected by an effect of the subject of the appeal that:
  - 4.1 adversely affects the environment; and
  - 4.2 does not relate to trade competition or the effects of trade competition.
5. The Appellant received notice of the Council's decision on or around 10 October 2025.
6. The parts of the Decision that the appellant is appealing against are:
  - 6.1 Settlement Zone in Punakaiki ("SZ") (the Punakaiki village north of the pancake rocks).

Those rules and parts of the Decision relating to the application of building heights (7m) and the rules relating to recession planes.

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<sup>1</sup> Submissions of Scenic Hotel Group Limited dated 11 November 2022 and 19 December 2024 (refer to Appendices A and B).

6.2 Scenic Visitor Zone in Punakaiki (“SVZ”) (the area south of the pancake rocks, which includes the location of the resort hotel).

Those rules and parts of the Decision relating to the building heights (7m) and the rules relating to recession planes

6.3 The rules that require heights to be measured from ground level. The Appellant seeks the relief that the height and recession planes be measured from the minimum floor levels as determined by natural hazard assessment for the respective property.

7. The reasons for the Appellant’s appeal are set out below.

**Reasons for the appeal**

8. The reasons for the appeal are as follows:

8.1 Parts of the Decision referred to above do not accord with the relevant requirements of the RMA, and are contrary to Part 2 of the RMA.

8.2 In particular, those parts of the Decision:

- (a) Do not promote the sustainable management of natural and physical resources of the West Coast region, particularly the Punakaiki area;
- (b) Do not appropriately enable people and communities to provide for their social, economic and cultural well-being;
- (c) Do not promote the efficient use and development of natural and physical resources, especially those within the West Coast region;
- (d) Are inconsistent with other Objectives, Policies and Rules in the Proposed Plan that seek to promote and encourage tourism in the West Coast Region, including providing new accommodation for tourists and travellers and workers accommodation for those working in tourism, hospitality and related industries.
- (e) Do not result in the most appropriate plan provisions in terms of section 32 of the RMA;
- (f) Do not implement Council’s functions under section 31 of the RMA; and
- (g) Unless the changes the Appellant is seeking are made to the rules of the Proposed Plan, it will become a lot more difficult

to build new tourist accommodation and workers accommodation in Punakaiki.

(h) Are contrary to best resource management practice.

9. Without limiting the generality of the reasons above, the Appellant's specific reasons for its appeal points are set out below.

**Settlement Zone Punakaiki (SZ) (refer to 6.1 above).**

10. 10.1 The Coastal inundation overlays relating to the SZ are expected to result in the need to raise minimum floor levels of all new habitable and other buildings and all extensions/additions to existing habitable and other buildings.
- 10.2 The maximum building heights in the SZ in the Buller District area have been reduced from 10m to 7m and recession plane angles have also become slightly tighter. Between the expected need to raise minimum floor levels as a result of the natural hazard assessments that are now required and the reduced 7m maximum building height and tighter recession plane angles, there will be a reduction in the potential for two story buildings to be constructed in this zone. There is very limited zoned land available. The zone is already highly constrained by natural features and other regulatory overlays and these further constraints will make it even more difficult to build dwellings and other buildings and provide essential travellers and workers accommodation in the zone.
- 10.3 The application of recession planes and building heights should be measured from the top of the minimum floor level (as determined by natural hazard assessments for the respective property) and not from ground level.

**Scenic Visitor Zone Punakaiki (SVZ) (refer to 6.2 above)**

11. 11.1 The Coastal Inundation Overlays relating to SVZ are expected to result in the need to raise minimum floor levels of all new habitable and other buildings and all extensions/additions to habitable and other buildings.
- 11.2 The maximum building heights in the SVZ have not been increased and remain at 7m and recession plane angles have also become tighter. Between the expected need to raise minimum floor levels as a result of the natural hazard assessments that are now required and maximum building heights being maintained at 7m and the tighter recession plane angles, there will be a reduction in the potential for two story buildings to be constructed in this zone. There is very limited zoned land available. The zone is already highly constrained by natural features and other regulatory overlays and these further constraints will make it even more difficult to build travellers and workers accommodation and other buildings in the zone.

11.3 The application of recession planes and building heights should be measured from the top of the minimum floor level and not from ground level.

12. In relation to the SZ and SVZ at Punakaiki (refer to 6.1, 6.2, 10 and 11 above), the maximum height limits of 7m and operation of the restrictive recession planes are contrary to other Objectives, Policies and Rules of the plan which recognize the importance of and encourage tourism and development in the West Coast region and in particular, the need for residential accommodation (including worker accommodation) and further tourist accommodation in Punakaiki.

**Relief sought**

13. The Appellant seeks the following relief:

13.1 In relation to the appeals relating to the SZ and the SVZ at Punakaiki;

(a) The maximum height for all buildings is increased from 7m to 10m, with the height as set out in Appendix E being measured from the top of the minimum floor level; and

(b) The new rule is provided within Part 2 – District Wide Matters – Hazards and Risks – Natural Hazards by way of an exemption to selected building height and recession plane rules that apply in Punakaiki Coastal and Flood Hazard overlay areas as set out in Appendix E. This exemption requires the application of these height and recession plane rules from minimum floor level set by a natural hazard assessment as opposed to existing ground level.

**Documents**

14. The following documents are attached to this notice:

14.1 a copy of the Appellant’s submissions (**Appendix A**);

14.2 a copy of Appellant’s submission on the Coastal Hazards Chapter (Variation 2) (**Appendix B**);

14.3 a copy of the relevant parts of the Decision (other decision parts are at: <https://westcoast.isoplan.co.nz/eplan> (**Appendix C**); and

14.4 a list of names and addresses of persons to be served with a copy of this notice (**Appendix D**).

14.5 The new height and recession plane angles relief sought referred to in 13.1(b) above (**Appendix E**).

**Signed** for and on behalf of Scenic Hotel Group Limited by it's solicitors and authorised agents Meares Williams



Simon Johnston

Partner

27. November 2025

Address for service of Scenic Hotel Group Limited:

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Meares Williams  
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**Advice to recipients of copy of notice of appeal**

*How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must –

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

*How to obtain copies of documents relating to appeal*

If the copy of this notice served on you does not attach a copies of the Appellant's submissions, the Decision (or part of the Decision) appealed, these documents may be obtained, on request, from the Appellant.

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.

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# Te Tai o Poutini Plan Proposed Plan

# Submission form



We need your feedback. We want to hear from you on the proposed Te Tai o Poutini Plan. What do you support and what would you like changed? And why? It is just as important to understand what you like in the Proposed Plan as what you don't. Understanding everyone's perspectives is essential for developing a balanced plan.

## Your details:

First name: KARL Surname: LUXON

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

Organisation (if applicable): SCENIC HOTEL GROUP

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 31-328  
CHRISTCHURCH

Email: Karl@scenicgroup.co.nz Phone: 03 357 1909

Signature:  Date: 11 NOVEMBER 2022

## Your submission:

The specific provisions of the proposal that my submission relates to are:

- Strategic Direction
- Historical and Cultural Values
- General District Wide Matters
- Appendices
- Energy Infrastructure and Transport
- Natural Environment Values
- Zones
- General Feedback
- Hazards and Risks
- Subdivision
- Schedules

All submitters have the opportunity to present their feedback to Commissioners during the hearings process. Hearings are anticipated to be held in the middle of 2023. Please indicate your preferred option below:

I wish to speak to my submission  I do not wish to speak to my submission

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes, I would consider presenting a joint case  No, I would not consider presenting a joint case

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 to the Te Tai o Poutini Plan website and available to the public. It is your responsibility to ensure that your submission does not include any personal information that you do not want published.



## Proposed Te Tai o Poutini Plan Submission

11 November 2022

We understand it is proposed that Te Tai o Poutini Plan will be the new combined District Plan for the Westland, Grey and Buller District Councils. It will replace the current individual district plans and provide objectives, policies, rules and maps for how activities and resources are managed across the three districts.

The proposed TTPP is extensive and there are significant changes proposed. We believe there needs to be more time, education, and consultation to ensure the plan is fair and workable.

### Background

This submission is submitted by Scenic Hotel Group Limited ("Scenic") that owns and operates 18 hotels in New Zealand. Scenic is New Zealand's largest locally owned chain of hotels and has operated in New Zealand for 40 years. More relevant is that Scenic has owned and operated businesses on the West Coast for approximately 40 years.

Scenic is a committed long-term operator promoting and marketing the West Coast Region. We know our hotels and businesses add significant economic benefit and vitality to the communities our hotels are located. We provide sustainable employment for locals and host over 145,000 people to the region in a normal year at our hotels. Our business plan, policies and strategies carefully balance volume versus productivity, efficiencies, and quality guest experience.

The proposed TTPP has significant and hugely fundamental changes that we have had to carefully consider and balance against the way we operate our businesses and assets.

It is critical that our hospitality businesses and hotels, can face the future with clarity and confidence to ensure we grow, adapt and evolve. This includes planning for, climate change and climate change mitigation, enhancing, expanding our properties to facilitate and create new markets and economic contribution. At Scenic people come first and this is true of our community ethos. Our hotels are at the core of these communities not just as hospitality venues but informal places of resources and shelter in extreme events.

Scenic Hotel Group and its entities are a significant contributor to the West Coast economy, with further upside potential if the proposed TTPP is amended to empower Scenic and other landowners.

This submission is on behalf of all properties owned and operated by Scenic Hotel Group which will be affected by the Te Tai O Poutini Plan.

Those being;

- Te Waonui Forest Retreat, 3 Wallace Street, Franz Josef Glacier.
- Scenic Hotel Franz Josef Glacier, 45 State Highway 6, Franz Josef Glacier.
- Kea Staff Village, 93 Cron Street, Franz Josef Glacier.
- Heartland Hotel Glacier Country, 39 - 45 State Highway 6, Fox Glacier.
- Heartland Hotel Fox Glacier, 11 Cook Flat Road, Fox Glacier.
- Heartland Hotel Haast, Jackson Bay Road, Haast.
- Punakaiki Beachfront Motels, Mabel Street, Punakaiki
- Punakaiki Rocks Hotel & Garden Bar, Owen Street, Punakaiki.
- Ocean View Resort, 4327 State Highway 6, Punakaiki



Residential Properties at;

- 24 Cowan Street, Franz Josef Glacier.
- 26 Cron Street, Franz Josef Glacier.
- 2 Condon Street, Franz Josef Glacier.
- 27 – 31 Sullivan Road, Fox Glacier.
- 31 Pekanga Drive, Fox Glacier.
- 35 Pekanga Drive, Fox Glacier.
- Sec 21 Mabel Street, Punakaiki.
- Sec 23 Mabel Street, Punakaiki.
- Sec 24 Mabel Street, Punakaiki.
- Sec 25 Mabel Street, Punakaiki.

Scenic's submission addresses the concerns with the key issues as follows.

1. The consultation process.
2. Where and how future development is allowed.
3. Natural hazards management.
4. How the community grows and changes over time.
5. Bureaucratic compliance costs and unworkable regulations.

1. Consultation Process.

- a. Scenic believes the information provided by WCRC has been substantial and at times a lot to comprehend and absorb. A lot of detail needs to be provided and further explained.
- b. There needs to be more time and deeper engagement with ratepayers, business and residents covered by the TTPP.
- c. There needs to be funding provided to assist the above groups to do full research and discovery on the proposed policies and changes.
- d. We support ongoing open consultation by the WCRC with affected parties and landowners, rate payers including accurately addressed and timely communications.

2. Where and how future development is allowed.

- a. Scenic opposes all the proposed rules and zone changes.
- b. Scenic is extremely concerned the proposed changes limit the ability to develop future projects such as Hotel extensions, Conference Centre, Auditorium or Community Centre all of which would benefit the town and region economically.
- c. Scenic is concerned that the proposed changes could negatively impact valuations, raise property owners' costs thus reducing the likely hood of important future development that will bring economic growth to the region. We question what studies the council have undertaken to understand the future economic impact attributing to the proposed changes.
- d. Should any of these changes that restrict development be adopted then financial assistance or compensation, in conjunction with central government agencies, needs to be investigated as appropriate.
- e. We support long term environmental and economic sustainability and see little reference to this in the exposure draft.

- f. Scenic will oppose the proposed planning to rezone from Tourist Commercial Zone to General Rural Zone.
- g. We support the idea that Air BnB properties should be classified as a business in terms of rating and land-use.
- h. We see the recent Government investment funding the development the Paparoa Track as a positive investment. We reserve our rights to enhance and provide activities to encourage visitors to stay longer in the region. Through this we support remediation, maintaining and protecting the use of rights.
- i. Sites and areas significant to Maori cannot allow future developments and enhancements of private businesses to be restricted or delayed by onerous consent processing requirements. To allow privately owned land to be restricted from development would render private land to be a liability and essentially worthless.
- j. TTPP should include respect for property rights and focus on supporting their communities to care for the environmental, historical and cultural features.
- k. The process establishing Sites significant to Maori and the management of such site is not adequately provided for or explained within the TTPP. Steps or procedures need to be made public to ensure landowners and rate payers can be informed of the process.
- l. The raft of ill-conceived regulations is considered to be unworkable, causing considerable stress and anxiety for countless people caught up in the requirements of local councils.
- m. It is critically important that in either extreme weather we can quickly protect property and people without breaking the law. Many of the proposed policy and regulation don't allow for this to be possible without being in breach. The same applies to protecting property and land where environmental change occurs over a gradual period.

### 3. Natural Hazards Management

- a. Scenic opposes the proposed rules and zones as they are unnecessary, unduly restrictive and may affect funding of development as well as the insurability of property.
- b. In relation to **earthquake**, we specifically oppose the proposed Fault Avoidance Zone. We have previously submitted on this 21 September 2012 and reconfirm our submission as follows:
  - i. The Christchurch earthquake rebuild has shown that certain types of buildings and building materials can withstand even large earthquakes with little or moderate damage and that such buildings do not present a risk to life or unacceptable property damage.
  - ii. Lives and property can be protected by rules that permit new development and buildings within the fault rupture zone using modern materials and building techniques which are designed to withstand earthquakes. Council should adopt that approach rather than prohibiting buildings and redevelopment within the fault rupture zone.
  - iii. New rules should be adopted to permit modern buildings and techniques compliant with relevant building codes and standards that can withstand earthquakes without risk to life or unacceptable damage.

- iv. The Draft Natural Hazards Provisions companion document to the TTPP exposure draft plan includes a provision not to affect the ability to continue existing lawfully established activities, effectively to ensure existing use rights be maintained. Should a building be destroyed or damaged it can only be replaced with a building of the same or similar in character, intensity and scale. It is imperative existing rights in their entirety are preserved.
  - v. The plan change in its current form will significantly affect rate payer's ability to change the activities undertaken within established buildings and will prevent construction of any new building that might include a differing or larger footprint.
  - vi. Is the plan change and zone changes the TTPP intent to bring to an end the occupation of residential and commercial titles within the Natural Hazard zones? If this is the intent, then Council need, to provide support to landowners and rate payers who wish to participate in formal negotiations for compensation and or other suitable financial relief.
  - vii. Councils have an obligation to assist and guide rate payers through the resource consent process in regard to seismic strengthening of earthquake prone buildings. Preventative works such as earthquake or seismic strengthening do not seem to be adequately provided for in this TTPP.
  - viii. Whilst Coastal Hazards exist along the Punakaiki coastline it is important landowners and rate payer's adjoining the Tasman Sea be able to retain existing use rights and able to work with Council to develop and or construct sea wall protection structures. This would extend to the rights to dredge and clear storm water drainage infrastructure.
- c. **Safe evacuation in the event of a natural hazard event.** An emergency management plan for the village and surrounds should be material to the planning of this area.

For example:

- i. A modern Helicopter facility in a safe place could be included in future planning.
- ii. The development of a multi-purpose building housing Emergency Services for Police, Fire and Ambulance could be associated with this location.
- iii. This safe place could house the Civil Defense headquarters in the event of a disaster.
- iv. Residents could assemble to this building in the event of a disaster and the helicopters would be employed to get people out with ease should they need to evacuate the town.

4. How the community grows and changes over time.

- a. We support the idea of creating appropriately placed zones for further development of the town.
- b. The use of these zones should be compatible with those adjacent to them and therefore Scenic does not support light industrial land being developed alongside the proposed Settlement Zone near Cron Street Franz Josef

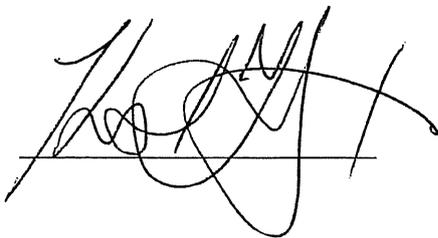
5. Cost and unworkable policy.

- a. In the current proposed format, many of the regulations are not workable adding lost time and cost.

We seek the following decisions from Council

1. Council should withdraw changes which restrict the development existing property rights and use of rights.
2. Council should withdraw the proposal to re-zone Tourist Commercial Zone in Franz Josef glacier to General Rural Zone.
3. Council should withdraw Sites and Areas significant to Māori where restrictions to private businesses and developments are imposed with these restrictions.
4. Council should withdraw Natural Hazards Provisions where the ability to continue existing lawfully established activities are hindered or restricted to do so.
5. Consult further with the various communities to adopt new rules for the land situated within the Fault Rupture Zones which will enable new buildings and developments using modern building techniques, materials and designs which can withstand a range of moderate to serious earthquakes.

Please can you confirm receipt of our submission and we request you involve us in all future communications on these very significant proposed changes.



Mr. Karl Luxon  
Chief Executive Officer  
Scenic Hotel Group Limited

" B "

**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@tppp.nz](mailto:info@tppp.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 50m<sup>2</sup>, 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 Mokihinui River. There are no Coastal Hazard overlays that apply to any party of the Punakaiki area.

- 3.15 As a result of the TTPP, 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 be 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**

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**APPENDIX 1**

**Table of Relief Sought**

Current TIPP Provision	Comment	Requested Relief Deletions shown with <del>strikethrough</del> and additions shown with <u>underline</u>
<p><b>Objective</b> <b>NH – O2</b></p>	<p><b>Comment</b> 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. 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:  <b><i>NH – O2 To enable anticipated development in accordance with underlying zoning provided reduce the risk to life, property and the environment from natural hazards is managed appropriately, thereby promoting the well-being of the community and environment.</i></b></p>
<p><b>Objective</b> <b>NH – O6</b></p>	<p><b>Comment</b> 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:  <b><i>NH – O6 Measures taken to mitigate natural hazards do not create or exacerbate significant adverse effects on other people, property, infrastructure and the environment.</i></b></p>
<p><b>Policy</b> <b>NH – P3</b></p>	<p><b>Comment</b> 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:  <b><i>NH – P3 When managing natural hazards:</i></b></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>	<p>a. Promote the use of natural features and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks; and</p> <p>b. Avoid increasing <b>Appropriately managing</b> risk to people, property and the environment; while</p> <p>c. Recognising that in some circumstances hard engineering solutions may be the only practical means of <b>enabling anticipated development in accordance with underlying zoning, as well as protecting existing communities and critical infrastructure.</b></p>
<p><b>Policy</b> <b>NH – P5</b></p>	<p><b>Comment</b></p> <p>There is a need to ensure that any alternative for managed retreat (which hasn't been identified in the TPPP 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 TPPP 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><b>NH – P5</b> When assessing areas suitable for managed retreat, the following matters will be considered:</p> <p>a. That the natural hazard risk of the area is less than the existing location, and</p>

	<p>land being zoned by Council under the TPP) vs the increased regulatory burden being placed on existing zoned land through multiple constraining overlays such as the coastal hazard overlays.</p>	<p><b>b. The alternative area has sufficient capacity to accommodate the equivalent level of development, and</b></p> <p>c. The potential future need to protect the community and associated infrastructure by hazard mitigation works.</p>
<p><b>Policy</b> <b>NH – P10</b></p>	<p><b>Comment</b></p> <p>Given this policy sets out 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><b>NH – P10 Avoid Limit</b> development of sensitive activities within the Coastal Severe Hazard and Flood Severe Hazard overlays unless it can be demonstrated that:</p> <p>a. 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</p> <p>b. That the activity incorporates mitigation of risk to life, property and the environment, and there is significant public or environmental benefit in doing so.</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><b>Policy</b> <b>NH – P11</b></p>	<p><b>Comment</b></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><b>NH – P11</b> Allow development in the Land Instability Alert, Coastal Alert and Flood Susceptibility overlays where:</p> <ol style="list-style-type: none"> <li>a. Mitigation measures <del>avoid</del> <b>appropriately manage</b> risk to life and <del>minimise</del> risk to property and the environment; and</li> <li>b. The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.</li> </ol>
<p><b>Policy</b> <b>NH – P12</b></p>	<p><b>Comment</b></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 emphasize 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><b>NH – P12</b> When assessing the effects of activities in natural hazard overlays consider:</p> <ol style="list-style-type: none"> <li>a. The <b>significance of any adverse effects</b> of natural hazards on people, property and the environment <b>and whether these effects can be appropriately managed;</b></li> <li>b. Technological and engineering mitigation measures and other non-engineered options;</li> <li>c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;</li> <li>d. The clearance or retention 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.;</li> <li>g. The <b>intent of the underlying zone and the</b> functional or operational need to locate in</li> </ol>
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		<p>these areas <u>in relation to the availability of suitable alternative zoned land</u>; and</p> <p>h. Any significant adverse effects on the environment of any proposed mitigation measures.</p>
<p><b>New Policy NH-PXX</b></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><b>PXX</b> <u>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>a. <u>Mitigation measures appropriately manage risk to life and minimise risk to property and the environment; and</u></p> <p>b. <u>The risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.</u></p>
<p><b>Coastal Hazard Setback - Overlay</b></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><b>Coastal Hazard Setback - Rule NH-R45</b></p>	<p>This rule 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><b>NH-R45 New Buildings that increase the footprint for Sensitive Activities in the Coastal Setback Overlay</b></p> <p><b>Activity Status Restricted Discretionary</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li><i>This is accompanied by a natural hazard risk assessment prepared by a suitably qualified and experienced person.</i></li> </ol> <p><b>Discretion is restricted to:</b></p> <ol style="list-style-type: none"> <li>...</li> </ol>
<p><b>Coastal Hazard Alert and Severe Overlay - Rule NH-R38</b></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 only 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><b>Rule NH-R38 Repairs and maintenance to, or reconstruction that does not increase the net footprint of sensitive activities of, existing</b></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><b>Buildings in the Coastal Severe and Coastal Alert Overlays</b></p> <p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. For repairs and maintenance there is no increase in the area of the building;</li> <li>2. For reconstruction of a building lawfully established at the time of notification of the Plan where: <ul style="list-style-type: none"> <li>a. <del>The building has been destroyed or substantially damaged due to fire; natural disaster or Act of God;</del></li> <li>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></li> <li>c. The reconstructed building is similar in character, intensity and scale to the building it replaces.</li> </ul> </li> </ol>
<p><b>Coastal Hazard Alert and Severe</b></p>	<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><b>Overlay - Rule NH-R39</b></p>	<p>these activities is low. This rule is therefore supported and sought to be retained in its current wording.</p>	<p><b>NH-R39 - New Unoccupied buildings and structure in the coastal severe and coastal alert overlays</b> Activity status: Permitted</p>
<p><b>Coastal Hazard Alert and Severe Overlay - Rule NH-R41</b></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 TPP Variation 2 web page) to be the intent.</p>	<p>Amend Rule NH-R41 as follows:</p> <p><b>NH-R41 - Additions and alterations of existing buildings used for sensitive activities</b> <b>Activity Status Permitted</b></p> <p><b>Where:</b></p> <p>1. There is no increase in net floor area used for a sensitive activity <u>habitable area such as bedroom, or living room.</u> <b>Note: This rule does not apply to non-habitable spaces such as decks, hallways, bathrooms and kitchens.</b></p>
<p><b>Coastal Hazard Alert Overlay - Rule NH-R43</b></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><b>NH-R43 – Coastal Alert Overlay – New buildings for sensitive activities and alterations of existing buildings that increase the net floor area for sensitive activities.</b></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><b>Activity Status Restricted Discretionary</b></p> <p>Where:</p> <p>1. <i>These are located in the Coastal Alert Overlay</i></p> <p><b>Discretion is restricted to:</b></p> <p>a. <i>The level of risk as assessed by a suitably qualified and experienced person;</i></p> <p>b. <i>The location and design of proposed sites, building structures, vehicle access in relation to natural hazard risk</i></p> <p>c. <i>The modification or retention of vegetation or other natural features to mitigate natural hazard risk;</i></p> <p>d. <i>The impact of underlying geology and topography of the site on hazard risk;</i></p> <p>e. <i>The potential of the proposal to exacerbate natural hazard risk, including transferring risk to another site;</i></p> <p>f. <i>Any adverse effects on the environment of any proposed natural hazard mitigation structures.</i></p>
<p><b>Coastal Hazard</b></p>	<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><b>Severe Overlay - Rule NH-R44</b></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><b>NH-R44 – Coastal Severe Overlay – New buildings for sensitive activities and alterations of existing buildings that increase the net floor area for sensitive activities.</b></p> <p><b>Activity Status Non-complying Discretionary</b></p> <p><b>Where:</b> These are located in the Coastal Severe Overlay</p>
<p><b>Coastal Hazard Alert</b></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><b>NH-RXX – Coastal Setback, Coastal Alert, and Coastal Severe Overlay in Punakaiki – Building Height and Recession Planes</b></p>

<p><b>and Severe Overlay - New Rule NH-RXX</b></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><b>Activity Status Permitted</b></p> <p><b>Where:</b></p> <p><b><i>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.</i></b></p> <p><b>Advice note:</b></p> <p><b><i>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.</i></b></p>
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a permitted activity in all NH overlays on the basis that the EIT chapters provide the necessary relief.

707. As part of Variation 2, a number of submissions<sup>124</sup> sought general amendments to the rule package including (but not limited to) more enabling rules, changed activity status, provision for existing use rights and more nuanced rules. The Reporting Officers advised that the various submissions are effectively addressed by the risk-based approach. They highlighted that the new rules cannot apply retrospectively and will not change what is lawfully established. The Reporting Officers recommend that these submissions be variably accepted, accepted in part or rejected.
708. The Reporting Officers recommended that the submission by Scenic Hotel Group (S483.035) requesting a new rule (to address the tension between height limits / recession planes and minimum FFL) are rejected because there is no analysis to support such a rule.
709. Paparoa Track Services Ltd et al. (S605.006) made a submission seeking a new rule be included that allows for relocatable buildings as permitted activities in the Coastal Alert Overlay. The Reporting Officers considered that it was appropriate that such buildings are subject to a resource consent process (as a restricted discretionary activity) so that the mitigation measure could be appropriately assessed.
710. A new rule was sought by the Neils Beach Special Rating District Committee (S669.002), Alison Sutton (S672.003) and John Sutton (S704.002) to enable realignment of river mouths in special rating districts (specifically Neils Beach). The Reporting Officer advised *'this is a matter that would require evaluation of the proposal and the agreement of local authorities, which the submitters have not provided evidence of. Therefore, we recommend that these submissions be rejected'*.

### Hearing Panel's Evaluation

711. The Panel agree with the recommendations of the Reporting Officer, specifically:
- Liquefaction has not been identified as a NH requiring managing within the region, therefore no rules relating to liquefaction are necessary.
  - The risk-based approach provides for a more enabling framework where appropriate, otherwise activities are restricted in recognition of the identified risk. In almost all circumstances, a resource consent can be applied for which provides an avenue for considering mitigation options.
  - Removal of the Flood Plan Overlay on the basis that there is a lack of scientific data supporting such an overlay.
  - The NH Chapter does not need to address activities that are provided for in other parts of the pTTPP.

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<sup>124</sup> Forest Habitats Limited (S186.005), Jane Whyte & Jeff Page (S467.051), Scenic (S483.035), Michael Snowden (S492.015), Martin & Co (S543.041 and S543.042), Paparoa Track Services et al (S605.006), Neils Beach Special Rating District Committee (S669.002), Allison Sutton (S672.003), Barbara Clark (S673.002), Biggles Limited (S685.002 and S685.011), Finn Lindqvist (S694.001), John Sutton (S704.002), MTP Limited (S711.002 and S711.011), P & A Horrell (S715.002 and S715.011), Rod Thornton (S724.001), James McElrea (S768.001)

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the statutory requirement to consider a 100 year SLR risk, and in the absence of any technical modelling or evidence to support a reduction or deletion in the mapping extent, we agree with the recommendation of the Reporting Officers that the coastal hazard mapping in the Carters Beach/Cape Foulwind area should be retained as proposed so as to help manage development to avoid further increasing risk in areas where such risk is already high.

#### **Hearing Panel's Recommendation**

310. Retain the coastal hazard mapping for the Carters Beach/Cape Foulwind area as proposed.

#### **4.15. Pahautane (Variation 2)**

##### **Submissions and Further Submissions**

311. Two submission points were received seeking amendments to the coastal hazard overlays in the Pahautane area, both related to a specific site. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

##### **Section 42A Report**

312. The Reporting Officers confirmed that, by virtue of the amended mapping notified as part of Variation 2, the overlay has been removed from Mr van Mierlo's property (S570.002 and S570.003).

##### **Hearing Panel's Evaluation**

313. Given the statutory requirement to consider a 100 year SLR risk, and in the absence of any technical modelling or evidence to support a reduction or deletion in the mapping extent, the Panel agrees with the recommendation of the Reporting Officers that the coastal hazard mapping in the Pahautane area should be retained.

314. The Panel notes the revised mapping no longer includes Mr van Mierlo's property which will address his concerns.

##### **Hearing Panel's Recommendation**

315. Retain the coastal hazard mapping for the Pahautane area as proposed.

#### **4.16. Punakaiki (Variation 2)**

##### **Submissions and Further Submissions**

316. Twenty submission points were received seeking deletion of or amendments to the coastal hazard overlays (and provisions) in Punakaiki, including 10 site specific amendments. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

##### **Section 42A Report**

317. The Reporting Officers confirmed that the remodelling of overlays for inclusion in Variation 2 has addressed the submissions (entirely or in part) of Jane Whyte and Jeff Page (S467.018 and S467.019), Scenic Hotel Group (S483.016) and Neil Mouat (S535.080).

318. With respect to the submissions (Jane Whyte and Jeff Page (S467.017) and Punakaiki Farm Ltd (S721.004)) seeking changes to the provisions to better provide for the management and development of Punakaiki as a key tourism location on the West Coast, the Reporting Officers confirmed that the amended provisions strike the appropriate balance between the NZCPS and existing protections. Further to this point, the Reporting Officers advised that *'we have checked with the modeller, Mr Bosserelle, on this matter, and they have confirmed that...the modelling does account for these structures'*.
319. With respect to the large number of submissions<sup>42</sup> seeking deletion or amendment to the coastal hazard overlays in Punakaiki, the Reporting Officers confirmed that *'we have no reason to believe that the coastal hazard modelling that has been undertaken is incorrect or contains significant errors. There has been no evidence presented through the submission process which demonstrates the need for these reports to be disregarded as there are incorrect assumptions or approach applied to the modelling...to give effect to s6(h) of the RMA it would be inappropriate to remove the Coastal Hazard Overlay from the TTPP and it is our position that these hazard overlays should be retained'*.

#### **Hearing and Submitter Evidence/Statements**

320. Mr Sam Flewelling (for Scenic Hotel Group) raised concerns with the rule framework applying to additions to existing buildings or new buildings containing hazard sensitive activities in the Coastal Severe Overlay which require resource consent as non-complying activities and are subject to an avoid policy framework unless an operational or functional need exists to locate there. Mr Flewelling identified that overly restrictive development controls conflicts with the need to support Punakaiki as a tourist destination. To address these concerns, Mr Flewelling recommended that property specific mapping be completed.
321. Further to this, Mr Flewelling noted that the mapped Coastal Setback Overlay over Scenic Hotel Group's property at 4237 State Highway 6, Punakaiki had not taken into account the elevated nature of this piece of land and is not consistent with the explanation for the overlay set out in the chapter overview. Mr Flewelling considered that the Coastal Setback Overlay should be removed from the site due to inadequate justification.
322. Mr Neil Mouat (Punakaiki Farm Limited) presented information as part of both hearing streams. Given that his evidence relates to his property at Punakaiki, we have captured his evidence given as part of the NH Chapter process under this heading for ease of reference. Mr Mouat provided information to the Panel regarding the development (and related cost) of his property in Punakaiki (including providing a copy of subdivision consent RC100043 following the hearing). He provided detail about the already completed seawall along the front of the property and advised that its design (to manage a 1m sea level rise over 100 years) meant that his property should not be subject to the coastal hazard overlays. Mr Mouat advised that suitable relief would be for a 'tag' to be included on his land to indicate the presence of the coastal protection structure.

#### **Reporting Officer Reply Evidence**

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<sup>42</sup> Jane Whyte & Jeff Page (S467.016, S467.018, S467.030), Scenic Hotel Group (S483.016, S483.028), Neil Mouat (S535.080), Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd (S605.040, S605.042, S605.044), Andrew & Shirley Nolan (S765.001)

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323. The Reporting Officers considered that any amendment to the Overview to recognise the specific provisions that are proposed to apply to the Scenic Visitor Zone at Punakaiki (as suggested by the Panel) was an unnecessary addition.
324. In their May Right of Reply, the Reporting Officers canvassed the opportunity to recognise the role of private coastal hazard mitigation structures, including at Punakaiki. As their recommendation relates to NH-P6, the Panel have left the discussion until that section of this Recommendation Report.

**Hearing Panel's Evaluation**

325. In terms of Mr Mouat's property, the Panel notes that the revised mapping reduces the extent of the Coastal Severe Overlay, with some now being covered by the Coastal Alert Overlay and a portion of the site now being clear of any coastal hazards overlay. We note that the mapping extent on Mr Mouat's land has accounted for the presence of the protection structure.
326. The Panel also note that the revised mapping addresses the submission of Jane Whyte & Jeff Page and partially addressed that of Scenic Hotel Group.
327. Overall, however, given the statutory requirement to consider a 100 year SLR risk, and in the absence of any technical modelling or evidence to support a reduction or deletion in the mapping extent, the Panel agrees with the recommendation of the Reporting Officers that the coastal hazard mapping in the Punakaiki area should be retained.
328. We discuss the evidence of Mr Flewellen and the rule framework applying to Punakaiki in later sections in the Report.

**Hearing Panel's Recommendation**

329. Retain the coastal hazard mapping for the Punakaiki area.

**4.17. Rapahoe (Variation 2)**

**Submissions and Further Submissions**

330. Four submission points were received seeking deletion of or amendments to the coastal hazard overlays in the Rapahoe area, including three site specific amendments. One further submission point was received. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

**Section 42A Report**

331. The Reporting Officers recommended that all submissions seeking deletion or amendment of the overlays (Lee Cummings (S554.002), Brette and Irene-Sharel Kokshoorn (S671.001), Colman Creagh (S688.001) and Irene and Ken Tiller (S706.001)) be rejected as *'no evidence has been presented that contradicts the science that the Council is relying on for this plan change'*.

**Hearing Panel's Evaluation**

332. Again, given the statutory requirement to consider a 100 year SLR risk, and in the absence of any technical modelling or evidence to support a reduction or deletion in the mapping

"D"

Appendix D

The Appellant is not aware of any other persons who are required to be served with a copy of this notice.

Te Tai o Poutini Plan (Decisions version) - Requested Relief

All requested deletions are shown with ~~strike through~~ and additions with underline.

*Part 2 – District Wide Matters – Hazards and Risks – Natural Hazards*

*Add New Rule NH-R38 as follows:*

NH-R38 – Exemptions to Rules NH-R1, NH-R5, NH-R6, NH-R9, NH-R10, NH-R11, NH-R12, NH-R13, NH-R22, NH-R23, NH-R24, NH-R25, NH-R26, NH-R27, NH-R28, NH-R29, NH-R30, NH-R31

Exemptions for building height and daylight recession planes in Coastal Hazard Erosion and Inundation Overlay, Coastal Hazard Inundation Overlay 1, Coastal Hazard Inundation Overlay 2, Flood Severe Overlay, and Flood Susceptibility Management Areas, within Punakaiki

1. The applicable building height and daylight recession plane for any Settlement Zone (PREC 3 – Coastal Settlement Precinct) and Special Purpose Scenic Visitor Zone within Punakaiki shall be determined as if the ground level at the relevant boundary was the minimum floor level set by:
  - a. the applicable natural hazard rule, or
  - b. a natural hazard assessment where a minimum floor level requirement is not already set under a., or
  - c. natural ground level where this is higher than the levels specified in a or b.

*Amend Rule SETZ-R2 in Part 3 – Area Specific Matters – Zones – Rural Zones – Settlement Zone as follows:*

SETZ-R2 – Building and Sites

Activity Status Permitted

Where:

1. The maximum height above ground level for buildings is:
  - i. 10m for residential buildings and Emergency Service Facilities and 7m for accessory buildings; except
  - ii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
  - iii. 10m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct within Punakaiki;
  - iv. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct; and
  - v. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct in the Grey and Westland Districts and 10m in the Buller District;
2. ...

*Amend Rule SVZ-R1 in Part 3 – Area Specific Matters – Zones – Special Purpose Zones – SVZ Scenic Visitor Zone as follows:*

SVZ-R1

Activity Status Permitted

Where:

1. Any building or structure is setback a minimum of 3m from any SETZ - Settlement Zone boundary;
2. All external storage and waste management space is screened by landscaping so it is not visible from any adjoining SETZ - Settlement Zone boundary or any adjoining public space;
3. Any residential activity must provide a minimum of 50m<sup>2</sup> outdoor living space for each residential unit which is separate from any parking and manoeuvring areas;
4. In the Punakaiki SVZ - Scenic Visitor Zone:
  - i. A maximum of 50m<sup>2</sup> indigenous vegetation clearance occurs as part of the activity;
  - ii. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
  - iii. Maximum site coverage is 60%;
  - iv. Residential activities are ancillary to a Commercial or Community activity;
5. Maximum building height is:
  - i. ~~7~~10m in the Punakaiki SVZ - Scenic Visitor Zone; and
  - ii. 10m in the Waiiau/Franz Josef and Weheka/Fox Glacier SVZ - Scenic Visitor Zone except that those drying towers associated with Emergency Service Facilities are exempt from this standard;
6. ...