

## Appendix 1.2 – Amendments to the coastal hazard rules

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text). Recommendations made throughout the Reporting Officer's right of reply are shown in red underline for new text and red ~~strikethrough~~ for deleted text.

### Rules in coastal hazard areas

#### Notes:

- i. A land use activity or subdivision may be subject to more than one hazard. Where this occurs, the most stringent activity status applies. Rules relating to other natural hazards, are located in the Natural Hazards chapter.
- ii. Any application for a resource consent in relation to an ~~area-site~~<sup>1</sup> that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced engineer or technical expert that addresses the matters identified in the relevant ~~objectives, policies,~~<sup>2</sup> performance standards and matters of control/discretion.
- iii. A land use activity or subdivision undertaken within a coastal hazard area may also be subject to other rules in the Coastal Environment chapter. When this occurs, the most stringent activity status applies and a site specific assessment of matters relating to the coastal environment and coastal hazard areas are required.

<b>CE-R10</b>	<b><u>External Extensions and alterations to existing buildings and structures (excluding infrastructure)</u><sup>3</sup></b>	
<b>Coastal hazard area</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> There is no increase <del>into</del> the GFA of the building <u>or footprint of the structure</u> <sup>4</sup> that results <u>in the building or structure exceeding the limits for new buildings or structures in CE-R12 PER 1 or for new buildings or structures ancillary to farming activities in CE-R13 PER 1.</u> <sup>5</sup>  <b>PER-2</b> The external alteration, including any associated earthworks, does not direct coastal inundation onto other properties.	<b>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary refer to Rule CE-R14</b>  <b>Matters of discretion are restricted to:</b>  a. the matters outlined in Rule CE-R14.
<b>CE-R11</b>	<b>Maintenance, repair or upgrading of infrastructure, including structural mitigation assets</b>	

<sup>1</sup> Setar Thirty Six (S168.080), The Shooting Box (S187.071), Wendover Two (S222.074) and others.

<sup>2</sup> Clause 10(2)(b), Schedule 1, RMA.

<sup>3</sup> New Zealand Maritime Parks (S251.009) and Paihia Properties and UP Management (S344.019).

<sup>4</sup> Clause 16, Schedule 1, RMA.

<sup>5</sup> New Zealand Maritime Parks (S251.009) and Paihia Properties and UP Management (S344.019).

Coastal hazard area	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> There is no increase to the footprint of any above ground infrastructure.</p> <p><b>PER-2</b> Any works to maintain, repair or upgrade infrastructure does not direct coastal inundation onto other properties</p> <p><b>PER-3</b> The ground is reinstated to the equivalent state that existed prior to the works.</p>	<p><b>Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary where it meets Rule CE-R16.</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters outlined in Rule CE-R16.</p>
<b>CE-R12</b>	<b>New buildings or structures</b>	
Coastal hazard area	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The building or structure is one of the following: i. above ground buildings and structures with a GFA or<sup>6</sup> footprint of 10m<sup>2</sup> or less and are not used for a vulnerable activity. ii. decks less than 30m<sup>2</sup> and less than 1m in height.</p> <p><b>PER 2</b> The building or structure including any associated earthworks, does not direct coastal inundation onto other properties.</p> <p><b>PER 3</b> <del>All standards of the relevant zone applying to the activity are met.<sup>7</sup></del></p> <p><b><u>PER-3</u></b> <u>The structure is a telecommunications pole, including any attached antennas, ancillary equipment or line.<sup>8</sup></u></p>	<p><b>Activity status where compliance not achieved with PER-1, <u>or</u> PER-2 <del>or</del> PER-3: Restricted Discretionary refer to Rule CE-R14 (buildings) or CE-R16 (structures)</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters outlined in Rule CE-R14 or CE-R16</p>
<b>CE-R13</b>	<b>Building or structures ancillary to farming activities</b>	
Coastal hazard area	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p>	<p><b>Activity status where compliance not achieved with PER-1, PER-2, PER-3, <u>or</u> PER-4 <del>or</del> PER-5: Restricted Discretionary refer to Rule CE-R14 (buildings) or CE-R16 (structures)</b></p>

<sup>6</sup> Clause 16, Schedule 1, RMA.<sup>7</sup> Northland Planning and Development (S502.021) and Waitangi Limited (S503.019).<sup>8</sup> Telco Companies (S282.007, S282.009).

	<p>The accessory building or structure has a <u>GFA</u> or<sup>9</sup> footprint that is less than 100m<sup>2</sup></p> <p><b>PER-2</b> The accessory building or structure is not located within a High Risk Coastal Hazard area.</p> <p><b>PER-3</b> The accessory building or structure does not contain a vulnerable activity.</p> <p><b>PER 4</b> The accessory building or structure, including any associated earthworks, does not direct coastal inundation onto other properties.</p> <p><b>PER-5</b> <del>All standards of the relevant rural zone applying to the activity are met.</del><sup>10</sup></p>	<p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters outlined in Rule CE-R14 or CE-R16</p>
<b>CE-R14</b>	<b>New buildings, and extension or alterations that increase the GFA of existing buildings</b>	
<b>Coastal hazard area</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> New buildings or extension or alterations of existing buildings, including any associated earthworks, does not direct coastal inundation onto other properties.</p> <p><b>RDIS-2</b> The new building (other than for a vulnerable activity) or extension or alteration to an existing building is not located in a High Risk Coastal Hazard Area.</p> <p><b>RDIS-3</b> A new building for a vulnerable activity is not located in a High Risk Coastal Hazard Area.</p> <p><b>RDIS-4</b> The activity complies with standards: CE-S4 Minimum floor levels CE-S5 Information requirements</p> <p><b>Matters of discretion are restricted to:</b></p> <p>i. the nature and likelihood of the natural hazard event and effects on integrity of the building and</p>	<p><b>Activity status where compliance with RDIS-1, RDIS-2 or RDIS-4 not achieved: Discretionary</b></p> <p><b>Activity status where compliance with RDIS-3 not achieved: non-complying</b></p>

<sup>9</sup> Clause 16, Schedule 1, RMA.

<sup>10</sup>Northland Planning and Development (S502.021) and Waitangi Limited (S503.019).

	<p>associated structures or infrastructure to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</p> <p>ii. the vulnerability and resilience of the building and associated structures or infrastructure to natural hazard events;</p> <p>iii. provision of safe access and egress during a hazard event;</p> <p>iv. the ability to relocate or adapt to the coastal hazard over time or in response to direct effects of the hazard;</p> <p>v. whether the building and associated structures or infrastructure is likely to accelerate, worsen or result in material damage or increased inundation to that land, other land or any other building, structure or infrastructure;</p> <p>vi. the proposed duration of the activity within a hazard area;</p> <p>vii. any proposed hazard mitigation works and associated effects including on public access, landscape and other values; and</p> <p>viii. the effects of any vegetation planting or removal.</p>	
<b>CE-R15</b>	<b>Change in use to accommodate vulnerable activities within existing buildings</b>	
<b>Coastal hazard area</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> The activity is accommodated within a building that complies with standards: CE-S4 Minimum floor levels CE-S5 Information requirements</p> <p><b>RDIS-2</b> The activity is not in a High Risk Coastal Hazard Area.</p> <p><b>Matters of discretion are restricted to:</b></p> <p>i. the nature and likelihood of the natural hazard event and effects on integrity of the building to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</p> <p>ii. the vulnerability and resilience of the activity, including people and property, to natural hazard events;</p> <p>iii. provision of safe access and egress to the building during a hazard event;</p> <p>iv. the ability to relocate or adapt to the</p>	<b>Activity status where compliance not achieved: Discretionary</b>

	<p>coastal hazard over time or in response to direct effects of the hazard;</p> <p>v. the proposed duration of the activity within a hazard area;</p> <p>vi. any proposed hazard mitigation works and associated effects including on public access, landscape and other values.</p>	
<b>CE-R16</b>	<b>New structures (excluding buildings) and infrastructure, and extensions or alterations to existing structures (excluding buildings and infrastructure)</b>	
<b>Coastal hazard area</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> The structure or infrastructure is not a structural mitigation asset.</p> <p><b>RDIS-2</b> The new structure, infrastructure, extension or alteration, including any associated earthworks, does not increase coastal inundation on other properties.</p> <p><b>RDIS-3</b> The new structure, infrastructure, extension or alteration is not located in a High Risk Coastal Hazard Area.</p> <p><b>RDIS-4</b> The activity complies with standard: CE-S5 Information requirements</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>i. the nature and likelihood of the natural hazard event and effects on integrity of the structure or infrastructure to the extent that such effects are not appropriately managed by the building consent process under the Building Act 2004;</li> <li>ii. the vulnerability and resilience of the structure or infrastructure to natural hazard events;</li> <li>iii. provision of safe access and egress where necessary during a hazard event;</li> <li>iv. the ability to relocate or adapt to the coastal hazard over time or in response to direct effects of the hazard;</li> <li>v. whether the structure or infrastructure is likely to accelerate, worsen or result in material damage or increased inundation to that land, other land or any building, structure or infrastructure;</li> </ul>	<p><b>Activity status where compliance not achieved: Discretionary</b></p>

	<ul style="list-style-type: none"> <li>vi. the proposed duration of the activity within a hazard area;</li> <li>vii. any proposed hazard mitigation works and associated effects including on public access, landscape and other values;</li> <li>viii. the effects of any vegetation planting or removal; and</li> <li>ix. for infrastructure, whether there is a functional or operational need to be located within the hazard area.</li> </ul>	
<b>CE-R17</b>	<b>Hazardous facility<sup>11</sup></b>	
<b>Coastal hazard area</b>	<b>Activity status: Discretionary</b> - <b>Where:-</b> - <b>DIS-1</b> The facility is not located in a High Risk Coastal Hazard Area.	<b>Activity status where compliance not achieved: Non-complying</b>
<b>CE-R18</b>	<b>Hazardous facility<sup>12</sup></b>	
<b>Coastal hazard area</b>	<b>Activity status: Discretionary</b> - <b>Where:-</b> - <b>DIS-1</b> The facility is not located in a High Risk Coastal Hazard area.	<b>Activity status where compliance not achieved: Non-complying activity</b>
<b>CE-R19</b>	<b>Activities not otherwise listed as a permitted or restricted discretionary activity within a coastal hazard area in the coastal hazard area provisions<sup>13</sup></b>	
<b>Coastal hazard area</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>Standards in coastal hazard areas</b>		
<b>CE-S4</b>	<b>Minimum floor levels</b>	
<b>Coastal hazard area</b>	All activities occurring within buildings are designed so they will not be subject to inundation and/or material damage (including erosion) over a 100-year timeframe, and either: <ul style="list-style-type: none"> <li>i. the finished floor level of any building accommodating a vulnerable activity must be at least 500mm above the maximum water level in a 1 percent AEP flood event plus 1m sea level rise; or</li> <li>ii. the finished floor level of any other building must be at least 300mm above</li> </ul>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>

<sup>11</sup>Ngā Tai Ora – Public Health Northland (S516.062).

<sup>12</sup> Ngā Tai Ora – Public Health Northland (S516.062) and Northland Planning and Development (S502.023).

<sup>13</sup>Paihia Properties and UP Management (S344.024).

	the maximum water level in a 1 percent AEP flood event plus 1m sea level rise.	
<b>CE-S5</b>	<b>Information requirements</b>	
<b>Coastal hazard area</b>	Any application for a resource consent in relation to an <u>area-site</u> <sup>14</sup> that is <del>potentially affected by a coastal hazard</del> <u>located within a mapped Coastal Hazard Area</u> <sup>15</sup> must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant <del>objectives, policies,</del> <sup>16</sup> performance standards and matters of control/discretion.	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>

<sup>14</sup> Setar Thirty Six (S168.080), The Shooting Box (S187.071), Wendover Two (S222.074) and others.

<sup>15</sup> Clause 10(2)(b), Schedule 1, RMA.

<sup>16</sup> Clause 10(2)(b), Schedule 1, RMA.