

## **The removal of coastal hazards from the District Plan Review process**

**On September 29 2015, the Government announced that it would remove the proposed coastal hazards provisions from the Christchurch City Council's proposed District Plan Review Process. The Government is suggesting both legislative change and national policy guidance on such hazards as part of its Resource Management Act reform programme.**

**The cabinet decision now requires the drafting of an Order in Council. This will be subject to consideration by the Canterbury Earthquake Recovery Review Panel.**

**So what are the implications of this decision?**

### **Coastal hazards risk**

The risk from coastal hazards remains. The change is in the planning response to these hazards through Resource Management Act processes, given that central government is looking at a National Policy Statement for natural hazards and is updating its guidance on adaptation to climate change.

The Council welcomes more time to work with the community on how we respond to coastal hazards. We know how difficult this is for coastal communities.

The information in the Coastal Hazards Assessment Report (Tonkin & Taylor 2015) has not changed. The report defines coastal erosion and coastal inundation zones over a 50-year and 100-year timeframe. The Council is required to make these assessments under The New Zealand Coastal Policy Statement, which requires local authorities to identify areas potentially affected by coastal hazards over at least 100 years.

Although the report was the basis for the notification of the proposed changes to the District Plan, removing the coastal hazard provisions from the District Plan process does not change the information in the report.

The information in the report will still inform Council processes and our statutory obligations, including LIM notations and issuing building consents.

While we are looking at the risk 50 to 100 years out, we are not talking about hazards that emerge after 50 or 100 years. We are talking about what is expected to happen during those 50 and 100 years - coastal inundation due to storm events and the extent of shoreline retreat due to coastal erosion.

These risks are with us today. A major storm event tomorrow would see areas of Christchurch impacted by coastal inundation and could result in coastal erosion. This risk has been exacerbated due to widespread subsidence of land, as the result of the earthquakes, and is predicted to increase with ongoing climate change and sea level rise.

For coastal inundation, we are talking about random events - storms that could come along next week, or not occur for several years. We have assessed the risk of a storm event that has the probability has a 2% chance of occurring in any one year, or once every 50 years, or 1% chance of happening each year, or once every 100 years, with sea level-rise built in to the modelling.

These are probability based - we could have two 1/50 year flood events in one year.

## **LIMs**

Hazard information identified in the Coastal Hazard Assessment Report (2015) will remain on the LIMs of properties in the relevant areas. The Council is required by the Local Government Official Information and Meetings Act to include this information in a LIM if it is known to us.

It was confirmed in both the 2013 and 2015 High Court decisions in *Weir v Kapiti Coast District Council* that a Council has no discretion over including such information in its LIMs, only discretion in the wording that it uses.

The LIM notations will be changed to remove the reference to the District Plan Review process, once the appropriate legal changes have been made.

## **Building consents**

Under the Building Act (2004), where there is construction on land subject to natural hazards, a building consent application must take natural hazards into account for building work to comply with the building code.

The Council is required to consider the information in the Coastal Hazard Assessment Report (Tonkin & Taylor 2015) for building consent applications.

If someone wanted to rebuild, or do a major alteration (including full foundation repair) in a coastal hazard zone (as identified in the report), they would need to apply for a building consent. In this application, they would need to show that they can adequately protect the land, the building and other property from the hazardous conditions, in this case, coastal inundation or erosion. It's important to note that as the consenting authority, the Council cannot offer design advice. People would need to seek this advice from a designer.

If they can't show there will be adequate protection from the hazard, a building consent could also be issued, with a section 73 notice (hazard notice). If someone chooses to construct a building that complies with the building code but does not (or cannot) mitigate the hazard to the surrounding land, a hazard notice allows an owner to take the risk of building on that land, with the territorial authority (the council) protected against legal liability for this risk. The hazard notice goes on the certificate of title.

For the purposes of the Building Act, which requires the hazard to be 'likely', the Council considers that the hazard is likely in coastal inundation hazard zone 1 and coastal erosion hazard zone 1 (as identified in the Coastal Hazard Assessment Report), and a hazard notice may be required for a building consent to be issued for properties in these areas.

In coastal inundation hazard zone 2 and coastal erosion hazard zone 2 (as per the report) the current stance is that there is not enough information for the hazard to be considered 'likely'.

## **More detail to come**

There is still detail to be worked through with the Government and the Order in Council process. We will continue to keep people updated, through community networks, and the Council's coastal hazard webpages [www.ccc.govt.nz/coastalhazards](http://www.ccc.govt.nz/coastalhazards)