



Coastal hazards

Your repair, rebuild and build questions answered

Since the Government's announcement in September 2015 to remove the proposed coastal hazards provisions from the Christchurch City Council's District Plan review process, we continue to receive questions from residents on what this decision means for them and their property.

If you're not sure if your property may be affected by coastal hazards, you can find out using the property search tool at ccc.govt.nz/coastalhazards and clicking on 'is my property affected?'

We have already received extensive community feedback through our submission process and we will be considering the points raised in these submissions as we continue our conversation with the community on this issue. The submission period closed on 16 October 2015.

LIMs and building consents

Much of the residential land in Christchurch is subject to some sort of categorisation, giving people general information about the property or surrounding area, such as susceptibility to flooding, rockfall and CERA technical categories around liquefaction. These categories help anyone who is thinking about buying, building, repairing or investing in property to make well informed decisions. As well as homeowners and private developers, public bodies like the Council use this information to make sound decisions about building and rebuilding community facilities and infrastructure.

The Council has a legal obligation to respond to the risk from natural hazards and tools to do this include the provision of information, planning rules and guidelines. New planning rules and guidelines for building are already in place to respond to the increased risk of flooding, cliff collapse, rockfall, and mass movement in some parts of the city since the earthquakes. The risk from coastal hazards has also changed as a result of the earthquakes and the widespread subsidence of land close to the coast.

The law requires information about natural hazards to be included on LIMs. Councils, who are responsible for applying the law around building standards, must also take note of hazards when assessing applications for building consents. 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. This was also confirmed in peer-reviewed legal advice sought by the Christchurch City Council. So the hazard information identified in the Coastal Hazard Assessment Report (2015) will remain on the LIMs of properties in the relevant areas.

The LIM notations have been changed to remove the reference to the District Plan Review process.

So what difference has it made to remove coastal hazards from the District Plan Review process?

The proposed planning rules for new subdivision and development in the areas at risk from coastal hazards have been removed from Christchurch's Replacement District Plan. Central Government has made a commitment to develop a national approach addressing coastal hazards around the country. The Ministry for the Environment is updating its guidance to local government on adapting to the challenge of climate change, sea level rise and coastal hazards. Because the risk remains, as outlined in the hazard assessment report, the information needs to stay on LIMs and will be considered if a building consent is required. However, removing the issue from the fast-tracked District Plan review process gives communities more time to consider and discuss how we address coastal hazards through planning rules, infrastructure design and long term land use decisions.

In the table below we've answered some of the most commonly asked questions about property repairs, rebuilds and new builds in coastal hazard areas.

I want to repair my house – my repairs are minor and don't include foundation work

My repair includes a partial foundation replacement or repair

**In Coastal Erosion hazard area 1
In Coastal Inundation hazard area 1**

- Your work needs to comply with the building code. If the floor level is lower than minimum levels set out to manage flood risk, any work you carry out at that lower level will need to address the risk.
- Work above the foundation level doesn't usually require a hazard notice to be placed on the property title.

- This work may require a building consent. The consent application would need to show that the work will comply with the building code.
- The Building Act requires a hazard to be 'likely' before it needs to be addressed. In coastal inundation/erosion hazard area 1, the Council considers there is enough information in the report for the hazard to be considered 'likely'.
- Your designer would need to consider how the coastal hazards could affect the foundation - looking at things like erosion of the foundation or the effect of salt water on the foundation. This would require:
 - A report from an expert in coastal hazards, detailing the conditions that apply to your particular site.
 - The building design (in particular, the foundation) being able to cope with the conditions identified.
- Because the Council is a consenting authority, it cannot offer design advice. However, foundation designs for building in these areas are being developed by engineers, and design solutions are likely to be more widely available in the near future.
- In most cases, a hazard notice will not be required to be placed on the certificate of title when you get a building consent for this work.
- If the work is exempt from a building consent, the owner is responsible for making sure the work complies with the building code. Your designer would need to design to the same standards whether a consent is obtained or not.

**In Coastal Erosion hazard area 2
In Coastal Inundation hazard area 2**

- At this stage, for minor repairs to your house, you do not need to do anything differently than you would have prior to the release of the report.
- If more information on coastal hazards becomes available, this may change.

- The Building Act requires a hazard to be 'likely' before it needs to be addressed. In properties in coastal inundation/erosion hazard area 2, the level of risk does not meet the threshold to be considered 'likely'.
- The information in the report will not influence your ability to get a building consent in these areas. However, it is a good idea to get your designer to review the findings in the Coastal Hazard Assessment Report and consider how this information may impact on the design for your foundation.
- Because the Council is a consenting authority, it cannot offer design advice.
- The majority of properties affected by coastal inundation are also within flood management areas due to the flooding risk from rainfall events. Check with your designer and/or insurer whether they need to take floor levels into account for your foundation design.

My repair includes a full foundation replacement

In Coastal erosion hazard area 1 In Coastal inundation hazard area 1

- A building consent is required for this work as it is considered a major alteration.
- The consent application would need to show that the work will comply with the building code.
- The Building Act requires a hazard to be 'likely' before it needs to be addressed. In coastal inundation/erosion hazard area 1, the Council considers there is enough information in the report for the hazard to be considered 'likely'.
- Because a hazard is considered 'likely', your designer would need to consider how the coastal hazards could affect the foundation - looking at things like erosion of the foundation or the effect of salt water on the foundation. This would require:
 - A report from an expert in coastal hazards detailing the conditions that apply to your particular site.
 - The building design (in particular, the foundation) being able to cope with the conditions the coastal hazard could bring.
- The majority of these properties are in areas already prone to flooding from rainfall events, so in most cases, a hazard notice would already be required to be added to the certificate of title with a major alteration. Now that hazard notice may also include coastal inundation and/or erosion.
- Although mitigating the hazard to the land may be an option, it is unlikely this could be achieved on an individual site without affecting neighbouring properties. It would be a good idea to discuss any potential mitigation options with your designer.

In Coastal erosion hazard area 2 In Coastal inundation hazard area 2

- Please see the above information for 'a partial foundation replacement or repair' - the same rules and advice applies for a full foundation replacement in these areas.

*I want to rebuild
my house*

In Coastal erosion hazard area 1 In Coastal inundation hazard area 1

For planning requirements:

- If you rebuild your house on the same footprint within 12 months of demolition of your original house, existing use rights will apply under the Resource Management Act.
- This means that you would not need a resource consent to rebuild, provided that:
 - The original house, and any alterations complied with the operative District Plan rules that applied when it was built or altered.
 - The new house cannot breach the operative District Plan rules by more than the house it is replacing, or cause a worse environmental effect than the original house.

For building consent:

- Your building consent application would need to show that the work will comply with the building code.
- The Building Act requires a hazard to be 'likely' before it needs to be addressed. In coastal inundation/erosion hazard area 1, the Council considers there is enough information in the report for the hazard to be considered 'likely'.
- Because a hazard is considered 'likely', your designer would need to consider how the coastal hazards could affect the foundation - looking at things like erosion of the foundation or the effect of salt water on the foundation. This would require:
 - A report from an expert in coastal hazards, detailing the conditions that apply to your particular site.
 - The building design (in particular, the foundation) being able to cope with the conditions identified.
- Because the Council is a consenting authority, it cannot offer design advice. However, foundation designs for building in these areas are being developed by engineers and design solutions are likely to be more widely available in the near future.
- The majority of these properties are in areas already prone to flooding from rainfall events, so in most cases, a hazard notice would already be required to be added to the certificate of title with a new build. Now that hazard notice may also include coastal inundation and/or erosion.
- Although mitigating the hazard to the land may be an option, it is unlikely this could be achieved on an individual site without affecting neighbouring properties. It would be a good idea to discuss any potential mitigation options with your designer.

In Coastal erosion hazard area 2 In Coastal inundation hazard area 2

- Please see above information for 'a partial foundation replacement or repair' – the same rules and advice applies for rebuilding a house in these areas.

I have bare land I want to build on

In Coastal erosion hazard area 1 In Coastal inundation hazard area 1

- Your building consent application would need to show that the work will comply with the building code.
- The Building Act requires a hazard to be 'likely' before it needs to be addressed. In coastal inundation/erosion hazard area 1, the Council considers there is enough information in the report for the hazard to be considered 'likely'.
- Because a hazard is considered 'likely', your designer would need to consider how the coastal hazards could affect the foundation - looking at things like erosion of the foundation or the effect of salt water on the foundation. This would require:
 - A report from an expert in coastal hazards, detailing the conditions that apply to your particular site.
 - The building design (in particular, the foundation) being able to cope with the conditions identified.
- The majority of these properties are already in areas prone to flooding from rainfall events, so in most cases, a hazard notice would already be required to be added to the certificate of title with a new build in any case. Now that hazard notice may also include coastal inundation and/or erosion.
- Although mitigating the hazard to the land may be an option, it is unlikely this could be achieved on an individual site without affecting neighbouring properties. It would be a good idea to discuss any potential mitigation options with your designer.
- If the land is zoned residential then no resource consents would be required for coastal hazards. All other standards and conditions in the operative District Plan would apply and may trigger a resource consent requirement.

I want to subdivide my property

- A resource consent is always required to subdivide land. When assessing your application to subdivide, the Council will consider the Coastal Hazard Assessment Report and may grant consent with some conditions (such as raising the ground level or determining the location of buildings on the site) or the application may be declined.

I want to sell my property

- If you are selling through a property agent, you might want to make sure your agent has a good understanding about what it means to be in a coastal hazard area in order to pass this information on to potential purchasers.
- The Coastal Hazard Assessment Report and more information about coastal hazards can be found at ccc.govt/coastalhazards

In Coastal erosion hazard area 2 In Coastal inundation hazard area 2

- Please see the above information for 'a full foundation repair' - the same rules and advice applies for building on bare land in these areas.
- If the land is zoned residential then no resource consents would be required for coastal hazards. All other standards and conditions in the operative District Plan would apply and these may trigger a resource consent requirement.

- A resource consent is always required to subdivide land. The activity status remains as it would be in the operative District Plan.
- When assessing your application to subdivide, the Council will consider the Coastal Hazard Assessment Report and may grant consent with some conditions (such as raising the ground level or determining the location of buildings on the site) or it may decline the application.

- If you are selling through a property agent, you might want to make sure your agent has a good understanding about what it means to be in a coastal hazard area in order to pass this information on to potential purchasers.
- The Coastal Hazard Assessment Report and more information about coastal hazards can be found at ccc.govt/coastalhazards

I want to buy a property

In Coastal erosion hazard area 1 In Coastal inundation hazard area 1

- A LIM report will provide you with information about the property, including whether it is affected by coastal hazards.
- You can check if a property is affected by coastal hazards by carrying out a property search at ccc.govt.nz/coastalhazards
- It is a good idea to get professional advice about what the information on the LIM means for your proposed use of the property.
- The Coastal Hazard Assessment Report and more information about coastal hazards can be found at ccc.govt.nz/coastalhazards

In Coastal erosion hazard area 2 In Coastal inundation hazard area 2

- A LIM report will provide you with information about the property, including whether it is affected by coastal hazards.
- You can check if your property is affected by coastal hazards by carrying out a property search at ccc.govt.nz/coastalhazards
- It is a good idea to get professional advice about what the information on the LIM means for your proposed use of the property.
- The Coastal Hazard Assessment Report and more information about coastal hazards can be found at ccc.govt.nz/coastalhazards

- All references to “the report” in this table refer to the Coastal Hazard Assessment Report (Tonkin & Taylor 2015)
- Areas are referred to as “zones” in the report

Useful website links

- Christchurch City Council Coastal Hazards: ccc.govt.nz/coastalhazards
- Building Act: building.govt.nz/blc-building-act
- Land Information Memorandum: ccc.govt.nz/consents-and-licences/property-information-and-lims/land-information-memorandum-lim/
- Resource consents: ccc.govt.nz/consents-and-licences/resource-consents