Attachment 3 – Recommended Plan Provisions Track Changed Version

This attachment contains a track change version of the recommended PC1 provisions as part of the Hearing Panel's Recommendation Report.

Where additions or deletions were recommended to existing operative provisions as part of the Section 32 Report the additions are marked in **green with underlining and in bold**, and the deletions are marked in ~~**blue and with strikethrough**~~.

Where additions or deletions were recommended to any of the PC1 provisions as part of the Section 42A Report the additions are marked in **green with underlining, in bold, and yellow highlight**, and the deletions are marked in ~~**blue with strikethrough, in bold, and yellow highlight**~~.

Where additions or deletions were recommended to any of the PC1 provisions as part of the Right of Reply the additions are marked in **purple with underlining, in bold, and grey highlight**, and the deletions are marked in ~~**purple with strikethrough, in bold, and grey highlight**~~. Where additions from the Section 42A Report are now proposed to be deleted they are marked in ~~**purple with underline, strikethrough, in bold, and grey highlight**~~.

Where additions or deletions have been made by the Hearing Panel subsequent to the Right of Reply being published the additions are marked in **black with underlining, in bold, and green highlight**, and the deletions are marked in ~~**black with strikethrough, in bold, and green highlight**~~.

The red underlined words are the existing defined terms in the district plan. Any defined terms within the text that have been added as part of the recommendations of the Hearing Panel's Recommendation Report have not yet been identified with the red underlining.

Natural Hazards

Amendments to the Natural Hazards Chapter

Delete the operative Natural Hazards Chapter and insert into Part 2: District Wide Matters, under the Hazards and Risks section, a new Natural Hazards chapter as follows.

Issues

Much of Whangārei District is subject to various natural hazards. **In the context of natural hazards, "risk" not only represents the possibility that a hazard event could occur, but also its likelihood, severity, and consequences. The consequences of a natural hazard event can be influenced by the level of** ~~**The actual impact of any natural hazard event is dependent on the level of risk and**~~ exposure of **people, property, communities, infrastructure, and the environment** ~~**the local community**~~ to the hazard **event**~~**, and the way this risk influences development and settlement patterns in a geographical area**~~.

For some ~~**N**~~**n**atural hazard**s the occurrence and severity of the events are increasing** ~~**risk is accelerating**~~ due to climate change. District plan provisions are required to manage **land use, development, and subdivision** ~~**activities**~~ in order to limit the exposure of people, property**, communities, infrastructure,** and the environment to ~~**significant**~~ risk from natural hazards.

The overarching resource management issues for natural hazard risk management are:

- The district plan must adopt a risk-based approach to managing natural hazards to enable better risk-informed decisions.
- The need to lay the foundations for a range of adaptation options including managed retreat.
- The need to protect and enhance natural defences ~~**and buffers**~~ such as dune systems and riparian margins in recognition of their important role in reducing the impacts from natural hazards.
- The need to provide for regionally significant **infrastructure** and critical infrastructure within natural hazard zones without compromising the infrastructure's resilience.

The natural hazard maps identify land that is potentially susceptible to the following natural hazards:

- **Flooding**
- **Coastal flooding**
- **Coastal erosion**
- **Land instability**
- **Mining subsidence**

Natural hazards may also include hazard types such as acid sulphate soils, liquefaction, fire, and drought. Although ~~**These**~~**these hazard types are not specifically managed through the provisions within this chapter, there are alternative mechanisms outside the district plan that help to manage the risk of these hazards.**

The natural hazard maps do not guarantee that an area will be subject to a hazard event. Rather they identify potential susceptibility and are a mechanism to require more detailed site-specific assessments. An overview of each natural hazard identified on the planning maps is provided below.

~~**In addition to general land that may be subject to hazards, the Natural Hazards chapter specifically distinguishes land subject to high-risk natural hazards. In these areas a higher level of scrutiny and site assessment is required by the plan.**~~
~~**High-risk natural hazards in this plan include:**~~

- ~~**Coastal Erosion Hazard Areas 0 and 1 (CEHZ0 and CEHZ1)**~~

- ~~Coastal Flood Hazard Areas 0 and 1 (CFHZ0 and CFHZ1)~~
- ~~High-risk Flood Hazard (1 in 10-year flood areas)~~
- ~~Mining Subsidence Hazard Area 1~~

~~River~~ Flooding

Flooding occurs when natural and artificial drainage systems cannot cope with a particular rainfall event. Flooding is generally accepted as having the highest risk potential within the Whangārei District.

The high rainfall intensities and the occurrence of tropical storms in the District expose many areas to floodi~~ng~~ hazard event**s**. Traditional residential development has centred around the alluvial plains and the coastal foreshore, where the probability of flooding is high. Development in the district should seek to minimise exposure to flood hazards.

In November 2021 the Northland Regional Council published maps that ~~show parts of the district that are at risk from flooding.~~ **identify the likely extent of ~~river~~ flooding during or associated with significant ~~flood scenarios~~ rainfall events.**

~~The flooding maps set out two scenarios:~~

- ~~The "High-risk Flood Hazard" area refers to land mapped as susceptible to flooding in a 1 in 10-year flood event.~~

The District Plan incorporates two flood scenarios:

- **1 in 10 year Flood Hazard Area.**

  The 1 in 10 year Flood Hazard Area is considered to have a higher level of risk. This land has at least a ten percent chance of ~~river~~ flooding occurring annually ~~so is considered high risk~~. **It is possible that** in the 10-year areas, flood depths in 100-year events ~~can~~ **may** be very deep with significant flow velocity, meaning **the consequences of a hazard event are likely to be high** ~~risks are very high~~. Most types of built development in the 10-year flood hazard areas are therefore **generally** not sustainable due to repeated risk to life, health and property from both floodwater and debris.

- ~~The "Flood Hazard Area" refers to the land mapped as susceptible to flooding a 1 in 100-year flood event.~~

- **1 in 100 year Flood Hazard Area.**

  This land has at least a one percent chance in any year of being inundated due to **significant rainfall events and/or** high river flows so is **generally** considered to have a lower level of risk than the 1 in 10-year Flood Hazard Area. This land would require a larger flood event to cause flooding to the area identified. **Climate change impacts, such as increased rainfall intensity, have been included in the 100 year flood scenario.**

The Northland Regional Policy Statement ~~(NRPS)~~ requires district councils to incorporate the **Northland Regional Council** ~~new November 2021~~ flood hazard maps into district plans and to include provisions which manage land use and subdivision in the 10-year and 100-year Flood Hazard Areas.

Coastal Hazards (Erosion and Flooding)

Coastal erosion is a natural process that occurs when waves, wind and water currents wear away the shoreline. Coastal flooding results from inundation caused by storm tides and wave setup. The interaction of these natural coastal processes with human activities, buildings, structures and other aspects of the environment can result in coastal hazards. These hazards pose a significant risk to a

number of communities and settlements within the district's coastal environment, adversely affecting the health, wellbeing and safety of people and communities, as well as the local economy and natural environment values. As sea level rises coastal hazards will increasingly impact the district's coastal margins.

In April 2021 the Northland Regional Council published new maps of areas subject to coastal erosion and coastal flooding under the 50-year sea level rise projection, the 100-year medium sea level rise projection and 100-year high projection sea level rise. These areas have been identified in the District Plan Hazard Maps as Coastal Erosion Hazard Areas (CEHA) or Coastal Flood Hazard Areas (CFHA).

The coastal erosion maps set out the following four scenarios:

- Current day (CEHA0): areas currently susceptible to coastal erosion following the failure of an erosion protection structure, with no allowance for sea level rise; this zone is only mapped where erosion protection structures are in place.
- 50-year projection (CEHA1): areas likely at risk of coastal erosion over the next 50 years, with a projected sea-level rise of 0.6m by 2080.
- 100-year medium projection (CEHA2): areas potentially at risk of coastal erosion over the next 100 years, with a projected sea-level rise of 1.2m by 2130.
- 100-year high projection (CEHA3): areas potentially at risk of coastal erosion over the next 100 years, with a projected sea-level rise of 1.5m by 2130.

The coastal flooding maps set out the following four scenarios:

- Current day (CFHA0): areas currently susceptible to coastal flooding in a 1-in-100-year storm event with no allowance for sea level rise.
- 50-year projection (CFHA1): areas susceptible to coastal flooding in a 1-in-50-year storm event, with a projected sea-level rise of 0.6m by 2080.
- 100-year medium projection (CFHA2): areas susceptible to coastal flooding in a 1-in-100-year storm event, with a projected sea-level rise of 1.2m by 2130.
- 100-year high projection (CFHA3): areas susceptible to coastal flooding in a 1-in 100-year storm event, with a projected sea-level rise of 1.5m by 2130.

The Northland Regional Policy Statement ~~(NRPS)~~ requires district councils to incorporate the Northland Regional Council's coastal hazard maps into district plans and to include district plan provisions which manage land use and subdivision in the 10-year and 100-year medium projection sea-level rise scenarios. No coastal hazards rules are included in this district plan for land affected by the 100-year high projection sea level rise (CFHA3 and CEHA3). Instead, those high projection sea level rise areas provide a useful contribution to an understanding of the potential long-term effects of climate change within the ~~Whangarei~~ district that may impact on resource consent applications in coastal hazard areas. As the science of climate change and sea level projections is a constantly changing area, in the future the Northland Regional Council's maps for coastal hazards may change which would lead to the updating of the district plan coastal hazard maps through a plan change process.

Land Instability

Due to its climatic conditions, geology, soil type, and ground water levels Whangārei District has widespread areas of land instability throughout the district. Landslides can have significant consequences on people, property, the environment and infrastructure, and their likelihood depends on existing land conditions, activities which weaken slope stability, and triggering events.

The relevant resource management issues for managing land instability risk are:

- Susceptibility to instability hazard events can be exacerbated by land use activities such as earthworks, excessive weight loading, excavation, and vegetation clearance. Due to the level of risk and uncertainty, robust geotechnical investigation is essential prior to subdivision and development.
- Decisions on how to manage the risks of land instability hazard events can affect not only the subject site but also neighbouring properties and the wider environment. Risk assessment is a key means of identifying and understanding risks.
- The stability of historically stable slopes may be affected by natural factors, such as water saturation, natural weathering, and erosion. The main trigger for these has often been intense or prolonged rainfall, being one of the effects of climate change already being experienced in Northland. Consideration of long-term effects of climate change on land instability is critical for managing the risks to people, property and the environment.

The Planning Maps identify areas of ~~low,~~ moderate~~,~~ and high susceptibility to land instability hazards. These maps consider ~~different~~ factors **such as geology, topography, and historic landslide activity** which can contribute to land instability hazard events to give an indication of where landslides are more likely to occur. ~~The identified areas of low, moderate, and high susceptibility to land instability hazards correspond to the defined characteristics of each zone and the recommended level of geotechnical assessment required to support the development of a site within each zone.~~

Identifying areas **potentially** susceptible to land instability through the district plan provides a basis to require geotechnical investigation and risk assessments **through the resource consent process**.

~~Areas susceptible to land instability are defined as:~~

> ~~Area of moderate susceptibility to land instability hazards~~
> ~~means land which exhibits evidence of past slippage or erosion and could be subject to inundation from landslide debris and slope deformation. These areas are identified in an overlay to the Planning Maps.~~
> ~~Area of high susceptibility to land instability hazards~~
> ~~means land which appears to be either subject to erosion or slippage or is likely to be subject to erosion or slippage within the next 100 years, based on geomorphic evidence and/or the combination of geology and slope angle. These areas are identified in an overlay to the Planning Maps.~~

Mining Subsidence Hazards

Coal mining was formerly a major industry in Northland with major coalfields being located at Kamo and Hikurangi. The Planning Maps identify areas in Kamo and Hikurangi that are susceptible to subsidence due to past coal mining activities undertaken in the area. The Mining Hazard Areas have been mapped and split into different categories (Mining Subsidence Hazard Areas 1, 2 and 3) based on the level of risk, with Mining Hazard Area 1 having the highest level of risk.

The relevant resource management issues for managing mining subsidence hazard risk are:

- Hazards such as subsidence and sink holes can arise from the existence of old mines. Identification of Mining Subsidence Hazard Areas on planning maps is needed to identify known areas of risk.
- The effects of mining subsidence hazards can result in property damage, risk to human health and safety, and adverse effects on the environment. Subdivision, land use and development in Mining Subsidence Hazard Areas must approached with caution to avoid further increasing risk.
- Mining Subsidence Hazard Area 1 is considered high risk. Proposals for any further development in this area must undergo full and robust assessment.

Natural Hazards

Objectives

Objectives	
NH-O1 – Hazard Risk	The risks associated with natural hazards and their impacts on people, property, communities, infrastructure, electricity infrastructure, and the environment are ~~appropriately~~ identified, assessed, and managed.
NH-O2 – ~~New~~ Subdivision, Land Use, and Development	~~Avoid inappropriate~~ Manage, and where appropriate avoid, subdivision, land use and development, particularly vulnerable activities, in areas subject to natural hazard~~s risk~~.
NH-O3 – Existing Develop~~ed~~ment~~ed Areas~~	~~In existing developed areas, b~~Build resilience to potential impacts from ~~natural hazards~~ and reduce natural hazard risk to existing development. ~~and avoid locating vulnerable activities in areas of high hazard risk.~~ Do not increase natural hazard risk to existing development and encourage measures to reduce risk where appropriate.
~~NH-O4 – Regionally Significant Infrastructure and Critical Infrastructure~~	~~Infrastructure, particularly regionally significant infrastructure and critical infrastructure, is only provided for in areas that may be susceptible to natural hazards where there is a functional need or operational need to locate in the area and where risks to people, property and the environment are mitigated as far as practicable.~~
NH-O4A – Existing Infrastructure	The operation, maintenance and repair, and minor upgrading of existing infrastructure and electricity infrastructure in areas subject to natural hazard risk is enabled.
NH-O4B – New or Modified Infrastructure	Enable new or modified infrastructure and electricity infrastructure, particularly regionally significant infrastructure and critical infrastructure, in areas ~~identified as susceptible~~ subject to natural hazard~~s~~ risk where risks are appropriately managed, and infrastructure is appropriately designed.
NH-O5A – Natural ~~Buffers and~~ Defences	Existing ~~natural buffers and~~ natural systems and features that contribute to reducing the impacts of ~~defences against~~ natural hazards are recognised and maintained, protected, restored, or ~~and~~ enhanced~~, and new development does not compromise existing natural buffers and natural defences (natural and man-made)~~.
NH-O5B – Existing Defences	New development does not impede access to or compromise existing natural or man-made defences or natural hazard structural mitigation assets.
NH-O6 – Climate Change	Positive contributions towards climate change outcomes and ~~T~~the potential effects~~, including long-term effects,~~ of climate change are taken into account when managing subdivision, land use, and development.

Natural Hazards

General Policies

These policies apply to all land subject to natural hazards.

Policies	
NH-P1 – Risk Identification	To identify ~~and manage~~ land that may be subject to natural hazards over the foreseeable future, including flooding, coastal inundation/flooding, coastal erosion, land instability, and mining subsidence hazards.
NH-~~P2~~P3 – Risk Management	To ~~manage~~ minimise natural hazard risk ~~to a~~an appropriate ~~tolerable level~~ giving consideration to: 1. The nature, frequency, and scale of the natural hazard event(s) present within the site. 2. The existing and potential risks and adverse effects of natural hazard event(s) on ~~to~~ people, property, communities, infrastructure, electricity infrastructure, and the environment within and beyond the site. 3. The location and design of land use and development, including vehicular access routes ~~safe access to building platforms~~. 4. The nature, scale, location, and design of earthworks and vegetation clearance activities. 5. The proposed use of the site, including location of vulnerable activities. 6. The ability to adapt to long term changes in natural hazards. 7. The operational need or functional need for the activity to be ~~located~~ in this location ~~the hazard area~~.
NH-~~P3~~P2 – Risk Assessment	To require assessment of natural hazard risk by a suitably qualified and experienced person prior to subdivision and where appropriate prior to use and development of land ~~to an appropriate level of detail to inform decision making on the appropriateness of the proposed activity~~. The risk assessment must include consideration of: 1. The likelihood and consequences of a natural hazard event. 2. Uncertain or dynamic nature of natural hazards present within the site. 3. The type of activity being undertaken and the consequences of a natural hazard event in relation to the activity. 4. Any increase of natural hazard risk within the site and surrounding area, transfer of risk to other sites, or creation of new natural hazard risk. 5. Any measures to avoid, mitigate or reduce risk. ~~A higher level of scrutiny and site assessment by a suitably qualified and experienced person is required where activities and development are proposed to be located on land subject to high risk natural hazards.~~
NH-P4 – Risk Reduction	To support risk reduction by: 1. Directing vulnerable ~~Avoiding~~ activities ~~in natural hazard areas where the level of risk is intolerable unless:~~ to locations ~~outside of land subject to high risk natural hazards~~ which will minimise the risk of natural hazards. ~~a. The activity is not a vulnerable activity; and~~ ~~b. There is a functional need or operational need for the activity to be located in this location the natural hazard risk area, and~~ ~~c. There are no reasonably practicable alternative locations for the activity; and~~ d. ~~The risk is reduced to as low as reasonably practicable.~~ 2. Where appropriate, implementing risk reduction measures such as: a. Designing, including engineering design, for relocatable or recoverable structures. b. Providing for setbacks from hazard susceptible areas.

	c. Maintaining, protecting, restoring, or enhancing natural defences against natural hazards. ~~2.~~3. Locating and designing subdivision, use and development so that hazard risk is not transferred to, or increased for other properties. ~~3.~~4. Requiring measures to reduce the risk from natural hazard events to people, property, and the environment at the time of redevelopment or change in land use.
NH-P5 – Climate Change	To ensure that: 1. ~~t~~The potential effects~~, including long-term effects,~~ of climate change over at least 100 years, including sea level rise, rainfall, ~~river~~ flooding, drought and others, are considered when assessing natural hazard risks. 2. The positive effects of proposed activities on climate change outcomes are taken into account when managing subdivision, land use, and development.
NH-P6A – Wildfire Threat	To ensure that subdivision, use, and development: 1. Has regard to the risk of wildfire, including consideration of: a. Topographical features within the site and surrounding area. b. The extent and location of fire fuels including, but not limited to, vegetation cover on all or part of the site. c. The water system's ability to meet firefighting requirements. 2. Incorporates measures to avoid or mitigate the risk of wildfire where appropriate.
NH-P6 – Tsunami Hazards	To require subdivisions in areas at risk of coastal flooding/inundation to be designed to facilitate safe and efficient evacuation in the event of a tsunami, including through: 1. Installation of tsunami sirens in appropriate locations where practicable. 2. Transport network design that accounts for evacuation routes.
NH-P7A – Existing Infrastructure	To enable the operation, maintenance and repair, and minor upgrading of existing infrastructure and electricity infrastructure on land identified as susceptible to natural hazards.
NH-P7 – New Infrastructure	To provide for ~~the establishment of~~ new infrastructure and electricity infrastructure on land identified as being susceptible to natural hazards~~,~~ where: 1. There is a functional need or operational need to locate in this location ~~a hazard susceptible area and there is no reasonable alternative~~; and 2. The proposed location within the identified hazard area is the most appropriate (taking into account social, cultural, and economic costs and benefits) to service the needs of the community; and ~~2.~~3. The infrastructure and electricity infrastructure has been designed with consideration given to its resilience, integrity and function during a natural hazard event; and ~~3.~~4. Risks to people, property, communities, and the environment are reduced to the greatest extent practicable ~~to the greatest extent reduced to as low as reasonably practicable~~; and ~~4.~~5. Consideration has been given to the ability to respond and adapt to long term effects such as climate change.
NH-P8 – Adaptive planning	To support an adaptive planning approach to managing the risks from natural hazards~~,~~ by ~~ensuring that~~ considering future capability for climate change adaptation ~~is considered~~ at the resource consenting stage, including by ensuring that development does not restrict future adaptation options.
NH-P9A – Whenua Māori	To manage natural hazard risk in a way that: 1. Recognises the need for some land uses and activities to occur within whenua Māori (Māori land) to support the cultural, social, and economic wellbeing of tangata whenua.

	2. **Enables tangata whenua to exercise rangatiratanga and kaitiakitanga over their ancestral lands.** 3. **Provides opportunities for the use and incorporation of mātauranga Māori and tikanga Māori in decision making.**

Flooding Policies

Policies	
NH-P9A - Identification of Land Susceptible to Flooding	**To identify land that is susceptible to inundation in 10 and 100 year flood events using the best available flood modelling information.**
NH-P9 – New Subdivision, Land Use and Development	To ensure that the location and design of new subdivision and development on land subject to flood hazards does not ~~increase the~~ **increase the** ~~result in an intolerable level of~~ risk of adverse effects on people, property, and the environment including by: 1. Subdivision plans identifying building **areas** ~~platforms~~ that will not be subject to inundation or material damage in a 100-year flood event. 2. Built development within the 10-year flood hazard area being of the type and design that is not subject to material damage in a 100-year flood event. 3. New built development containing vulnerable activities achieving a minimum freeboard above a 100-year flood event. 4. Commercial and industrial buildings being of the type/design that are not subject to material damage in a 100-year flood event. **5. Not exacerbating or creating a flood hazard for other properties.** **6. Ensuring adequate vehicular access is available to serve development.**
NH-P10 – Existing Develop**ment**~~ed~~ **Areas**	To minimise flood hazard risk in existing developed areas through redevelopment or changes in land use that reduce the vulnerability to adverse effects from flood hazards including by: 1. Requiring alterations to existing buildings **containing vulnerable activities** to achieve a minimum freeboard above a 100 year flood event. 2. Redevelopment incorporating flood resilient design. 3. Managing the risk for vulnerable activities by ~~avoiding~~ **minimising** intensification of existing vulnerable activities on ~~sites~~ **land** subject to flooding in a 100 year flood event; and encouraging the re-location of vulnerable activities to ~~locations~~ **land** outside of areas subject to flooding in 10 and 100 year flood events. **4. Remedying or mitigating flood hazards risk where practicable.**
NH-P11 – Vulnerability	To recognise that there are some land uses and development, such as, non – habitable buildings, **structures**, ~~and~~ **infrastructure,** rural**, and industrial** land uses, that ~~are~~ **have the ability to be** resilient to the adverse effects of flooding events and can be carried out in flood hazard areas.
NH-P12 – Defences	**1.** To avoid activities that ~~modify,~~ reduce **or** remove~~,~~ **flood defences** or otherwise **result in an increase in** ~~compromise existing defences against~~ **the extent of** flood hazards and; **2. To** enable appropriate hazard mitigation measures to be created to protect existing development.

Natural Hazards

Coastal Flooding and Coastal Erosion policies

Policies	
NH-P13 – New Subdivision, Land Use and Development	To ensure that the location and design of new greenfield subdivision, land use and development within coastal hazard areas does not increase the risk of adverse effects from coastal hazards on people, property**, communities,** and the environment, and takes into account the potential long term effects of climate change on greenfield subdivision and land use change in areas potentially affected by a high projection scenario **including** by: 1. Requiring subdivision plans to identify and locate building **areas** ~~**platforms, access and services**~~ outside of coastal hazard areas **and provide safe vehicular access** ~~**routes**~~**.** 2. Limiting new uses and development within CEHA0, CEHA1, CFHA0 and CFHA1. 3. **Requiring appropriate finished floor levels to meet minimum standards, including an allowance for a 1% AEP flood event and sea level rise.** 4. **Assessing new development against the most recent data and projections** ~~**latest government guidance**~~ **on sea level rise** ~~**projections**~~.
NH-P14– Existing Develop~~ed~~**ment** ~~**Areas**~~	To minimise coastal hazard risk in areas with existing development and land use **including** by: 1. Requiring all subdivision plans to identify building **areas** ~~**platforms, with safe access, that are located**~~ outside coastal hazard areas **and assess the location and design of vehicular access routes.** 2. Managing the intensification of existing development, in particular residential and other vulnerable activities, within areas at risk from coastal hazards. 3. Providing for setbacks for coastal hazard areas, ~~**including increased setbacks when doing additions**~~ **and require additions to avoid being located closer to the hazard than the** existing buildings located in CEHAs. 4. Requiring **appropriate** ~~**the**~~ finished floor level for new ~~**habitable**~~ buildings and alterations and modifications to existing ~~**habitable**~~ buildings to **meet minimum standards including an allowance for** ~~**to be 500mm above the maximum water level in**~~ a 1% AEP flood event plus ~~**a 1.2m**~~ sea level rise. ~~**5. Requiring the finished floor level for new non-habitable buildings or major structures to meet minimum standards including an allowance for be 300mm above the maximum water level in a 1% AEP flood event plus a 1.2m sea rise**~~. ~~**6.**~~**5.** Designing for relocatable or recoverable structures when altering or modifying existing buildings. ~~**7.**~~**6.** Encouraging managed retreat by relocation, removal or abandonment of structures in CEHAs. **7. Assessing new development against the most recent data and projections on sea level rise.**
NH-P15 – Vulnerability	To recognise that there are some land uses and development such as **infrastructure**, non-habitable buildings, and rural land uses that are resilient to the adverse effects of coastal hazards and can be carried out in coastal hazard areas.
NH-P1 – Natural Defences	To provide for the protection, restoration, and enhancement of natural defences against coastal hazards including planting and dune restoration projects, and beach replenishment and nourishment.
NH-P17 – Hard Protection Structures	To ensure that new subdivision, land use, development, and redevelopment, **excluding regionally significant infrastructure and critical infrastructure,** are

	located and designed in a way that avoids the need for new or upgraded hard protection structures.
NH-P18 – Appropriate Hard Protection Structures	To recognise that hard protection structures located landward of mean high water springs may be the best practicable option to protect existing development against coastal hazards in the following circumstances: 1. The level of hazard risk reduction that the proposed structure is seeking to achieve is appropriate and cannot reasonably be achieved through non-structural options; or **1A. The structure is the only practical means of protecting existing regionally significant infrastructure or critical infrastructure; or** 2. The structure is the most appropriate method having regard to the entire area potentially affected by the hazard, and the work forms part of a long-term hazard management strategy that represents the best practicable option for the future; and 3. It can be demonstrated that the benefits of mitigation outweigh the adverse effects on the environment.
NH-P19 – Hard Protection Structures Location and Design	To ensure that, where hard protection structures are the best practicable option to protect existing development in accordance with **NH-P18~~CH-P6~~**, they are located and designed to avoid, remedy or mitigate adverse effects on the environment. This includes: 1. Locating structures as far landward of mean high-water springs as practicable to retain as much natural beach **buffer** as possible. 2. Requiring that structures to protect private assets are not located on public land unless there is significant public or environmental benefit in doing so. **~~3. Ensuring structures are designed to minimise adverse effects on the environment including effects on natural character, ecology, landscape, cultural values, and amenity values.~~** **~~4.~~3.** Ensuring effects on **~~public access,~~** cultural values, **~~and recreational values~~** are avoided as far as practicable and otherwise mitigated.

Land Instability **~~Risk~~** policies

Policies	
NH-P20 – **~~Mapping~~ Identification of Land Susceptible to Land Instability Hazards**	To identify **~~the degree of susceptibility to land instability hazard events across the District by mapping~~** areas with moderate or high susceptibility to land instability hazards based on **desktop analysis and relevant site specific assessments where available which assess**: 1. Topography and slope; 2. Underlying geological characteristics; and 3. Historical landslide events**~~.~~; and** **4. Site specific characteristics and features.**
NH-P21 – Remediation and Mitigation Works	To ensure that remediation and mitigation works are undertaken when they are necessary to minimise **~~current and potential~~** land instability hazard**~~s risks to a tolerable level~~**.

Natural Hazards

Mining Subsidence ~~Risk~~ policies

Policies	
NH-P22– Mapping of Mining Subsidence Hazard Areas	To identify areas as Mining Subsidence Hazard Areas where the land is susceptible to subsidence based on the existing geology and extent of past coal mining activities.
NH-P23– Buildings and Structures	To ensure that any buildings and structures are suitable to the Mining Hazard Area category and do not increase the likelihood of subsidence by giving consideration to: 1. The design, location and construction of buildings and major structures in relation to: a. The potential to create new or exacerbate existing mining subsidence hazards. b. The risk of subsidence within the site and surrounding sites. c. The vulnerability of occupants or users of the site where the intended use is a vulnerable activity. 2. The functional need or operational need for the activity to **be in this location** ~~**locate within Mining Subsidence Hazard Area 1**~~. 3. The extent to which hazardous substances will be exposed to a mining subsidence hazard.

Notes:

1. ~~**Any application for a land use resource consent in relation to a site that is potentially affected by natural hazards must be accompanied by a report prepared by a suitably qualified and experienced person that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control/discretion.**~~ **For any application for resource consent under NH-R1 – NH-R17A supporting information to an appropriate level of detail may be required to assess hazard risk (e.g. a site suitability report, engineer's assessment, or other further information). Information Requirement Rules NH-REQ1 – NH-REQ3 inform the level of detail that may be required.**

2. *Coastal hazard rules are located in the Coastal Environment Chapter.*

3. ***Rules for subdivision of land in natural hazard areas are located in the Subdivision Chapter.***

General Rules

NH-R1	Any activity requiring a restricted discretionary activity consent in this chapter
All Zones and Development Areas	1. Any restricted discretionary activity in this chapter shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

NH-R1A	Application of General Rules
All Zones and Development Areas	1. Rules NH-R2 – NH-R7 apply to any land identified and mapped as a flood hazard area, a mining subsidence hazard area, or an area of moderate or high susceptibility to land instability hazards. ~~2. Rule NH-R7 does not apply where a report has been prepared in accordance with NH-REQ4 and provided to council at least 20 working days prior to commencement of any applicable works.~~

NH-R1B	Permitted Activities
All Zones and Development Areas	1. Activities are permitted under Rule NH-R7 where a report has been prepared in accordance with NH-REQ4 and provided to Council at least 20 working days prior to commencement of any applicable works.

NH-R2	Any Activity Not Otherwise Listed in This Chapter
All Zones and Development Areas	Activity Status: Permitted Where: 1. Resource consent is not required under any rule of the District Plan; and 2. The activity is not prohibited under any rule of the District Plan.

NH-R3	Minor Buildings, Underground Structures, and General Public Amenities
All Zones and Development Areas	Activity Status: Permitted ~~*Note*~~ *Compliance Standard*: *1. Minor buildings, underground structures, and general public amenities are exempt from compliance with rules NH-R~~5~~8 – NH-R17A~~8~~.*

NH-R4	Operation, Maintenance and Repair, and Minor Upgrading of Existing Infrastructure and Electricity Infrastructure
All Zones and Development Areas	Activity Status: Permitted ~~*Note*~~ *Compliance Standards*: *1. This rule includes any earthworks associated with the above activities.* 2. Operation, maintenance and repair, and minor upgrading of existing infrastructure and electricity infrastructure are exempt from compliance with rules NH-R8 – NH-R17A.

NH-R5	Non habitable Buildings and Major Structures in 100 year flood hazard areas and areas moderate or high susceptibility to land instability hazards

All Zones and Development Areas

Activity Status: Permitted

Where:

1. The building or major structure is non-habitable and:
   a. Has a gross floor area less than 30m²; or
   b. Is associated with farming and located within the Rural Production Zone, with a gross floor area less than 100m²; or
   c. Is an artificial crop protection structure, crop support structure or a frost protection fan.

Activity Status when compliance not achieved: Restricted Discretionary

Matters of discretion in 100 year flood hazard area:

1. The scale, bulk, location and form of the building or structure.
2. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects.
3. Any exacerbation of the flood hazard or creation of a new hazard as a result of the building or structure.

Matters of discretion in areas of moderate or high susceptibility to land instability hazards:

1. Effects on the stability of land and structures, and the potential to create new or exacerbate existing land instability hazards.
2. The functional need or operational need for infrastructure to locate within areas of high susceptibility to land instability hazards.
3. The extent to which hazardous substances will be exposed to land instability hazards.
4. Recommendations, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report.

Note:

1. Non-notification rule in NH-R2 applies

2. Applications shall comply with relevant information requirements.

NH-R6	Changes in use to accommodate a vulnerable activity within existing buildings

Natural Hazards

~~All Zones and Development Areas~~	~~Activity Status: Permitted~~ ~~Where:~~ ~~1. A building is not located in either:~~ ~~a. 10 year flood areas; or~~ ~~b. Mining Subsidence Hazard Area 1~~	~~Activity Status when compliance not achieved: Discretionary~~

NH-R7	New and More Than Minor Upgrading of Infrastructure and Electricity Infrastructure	
All Zones and Development Areas	Activity status: Permitted ~~Restricted discretionary~~ Where: 1. The infrastructure is ~~entirely~~ underground and is not in or partly in a mining subsidence hazard area, or an area of moderate or high susceptibility to land instability hazards~~.~~; or 2. The new or more than minor upgrading of infrastructure is: a. Electricity and telecommunications poles (including pole supports) and electricity and telecommunications assets mounted on the poles; or b. Ground mounted electricity transformers and switchgear, and electricity and telecommunications pillars; or c. Underground electricity and telecommunications assets; or 3. The new or more than minor upgrading of infrastructure is transport infrastructure within an existing road; or 4. Buildings and major structures that are necessary for the construction of activities permitted under NH-R7 and that are in place only during the construction of the new and more than minor infrastructure. ~~1. A report which has been prepared by a suitably qualified and experienced person, is provided to the Council which confirms and demonstrates that:~~ ~~a. The infrastructure has been designed to maintain its integrity and~~	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. Whether there is a ~~The~~ functional need and/or operational need to be in this location ~~locate within a hazard area~~. 2. Other practicable alternative locations, including financial considerations. 3. Any exacerbation of the hazard or creation of a new land instability hazard as a result of the infrastructure. 4. The degree to which the infrastructure can maintain its integrity and function during a natural hazard event. 5. Evacuation routes and the ability to maintain emergency access. 6. The extent to which hazardous substances will be exposed to risk from natural hazards and any measures proposed to manage that risk. 7. The public benefits associated with the infrastructure, particularly in the case of regionally significant infrastructure and critical infrastructure. 8. The extent to which hazard remediation or mitigation measures would adversely impact the safety of the ongoing operation and maintenance of existing infrastructure and electricity infrastructure. 9. Impacts on cultural values.

~~functionality in a natural hazard event; and~~

~~b. The infrastructure will not exacerbate natural hazards onsite or on other properties~~

~~Matters of discretion:~~

~~1. The functional and/or operational need to locate within a hazard area.~~
~~2. Other practicable alternative locations.~~
~~3. Any exacerbation of the hazard or creation of a new land instability hazard as a result of the infrastructure.~~
~~4. The degree to which the infrastructure can maintain its integrity and function during a natural hazard event.~~
~~5. Evacuation routes and the ability to maintain emergency access.~~
~~6. The extent to which hazardous substances will be exposed to risk from natural hazards.~~
~~7. Impacts on landscape and cultural values, and on public access.~~
~~8. Recommendations of the site suitability report prepared by a suitably qualified and experienced person in accordance with the information requirements NH-RQ1-3~~

~~Note~~ Compliance Standards:

1. Rules NH-R3 – ***NH-R4 and NH-R7B –*** NH-R17A do not apply to ~~***Non-notification rule in NH-R2 applies.***~~ Nnew and more than minor upgrading of infrastructure and electricity infrastructure ~~are exempt from rules NH-R3 – NH-R17A~~.

2. Rule NH-R7 does not apply to any general public amenities.

~~2. *Applications shall comply with relevant information requirements.*~~

10. The level of detail required to assess natural hazard risk.
11. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process.

Note:

1. ***Non-notification rule in NH-R1 applies***

Flooding Rules

NH-R7A	Application of Flooding Rules
All Zones and Development Areas	1. Rules NH-R8 – NH-R11A apply to land identified and mapped as a 10 and/or 100-year Flood Hazard Area as specified within each rule.

	~~2. Rules NH-R8 – NH-R11A do not apply where a report has been prepared in accordance with NH-REQ4 and provided to council at least 20 working days prior to commencement of any applicable works.~~

NH-R7B	Permitted Activities
All Zones and Development Areas	1. Activities are permitted under Rules NH-R8 – NH-R11A where a report has been prepared in accordance with NH-REQ4.1(a) and provided to Council at least 20 working days prior to commencement of any applicable works. 2. Activities are permitted under Rules NH-R8, NH-R9A, and NH-R11 where a report has been prepared in accordance with NH-REQ1 and provided to Council at least 20 working days prior to commencement of any applicable works. ***Explanatory Note:*** ***The purpose of the assessment required by NH-REQ4.1(a) is to confirm whether or not the area of land where the building / activity is to be located is correctly mapped as susceptible to flooding. If a report is prepared in accordance with NH-REQ4.1(a) which concludes that it is not susceptible to flooding as defined in the information requirements of that rule, then the activity is permitted by Rule NH-R7B.1 and Rule NH-R7B.2 does not apply.*** ***The purpose of the assessment required by NH-REQ1 is to assess if the proposed activity that is within an area that is identified as susceptible to flooding will acceptably avoid or mitigate the risks associated with the flood hazard. A building / activity may still be a permitted activity under Rule NH-R7B.2 if a report is prepared in accordance with NH-REQ1 which concludes the proposed activity is highly unlikely to result in increased flooding risk or material damage on the subject site or immediately adjoining sites.***

NH-R8	Alterations and ~~Modification of~~ Extensions to Buildings and Major Structures within 10-and 100-year Flood Hazard Area	
All Zones and Development Areas	Activity Status: Permitted Where: ~~1. There is no increase to the gross floor area.~~ 1. The alteration or ~~modification~~ extension is located entirely within a building area that has been approved as part of a subdivision consent approved after 1 December 2021.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: ~~1. The scale, bulk, location and form of the building or major structure.~~ 2. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects.

	OR **2. The gross floor area does not increase by more than 30m² from what existed at [operative date] and;** **a. A minimum freeboard of 500mm above the 100-year flood event is achieved for the alteration or ~~modification~~ extension to an existing building containing a vulnerable activity.** **b. The alteration or ~~modification~~ extension does not create a new vulnerable activity.** **~~2.~~c.** No part of the building or major structure is enclosed in a manner that alters or diverts an overland flow path and causes flooding of another property **OR** **3. The alteration or extension is associated with farming and located within the Rural Production Zone or the Fonterra Kauri Milk Processing Site SRIZ – Ancillary Irrigation Farms, with a gross floor area less than 1~~1~~20m²; or** 4. **The alteration or extension is an artificial crop protection structure, crop support structure or a frost protection fan.** ***Compliance Standard:*** **1. *The decision date of an application to change or cancel conditions made under Section 127 of the Resource Management Act 1991 cannot be used for compliance with rule NH-R8.1.***	3. Any exacerbation of the flood hazard or creation of a new hazard as a result of the alteration to the building or major structure. 4. For buildings that contain vulnerable activities, the provision of direct, safe access above flood levels from the building to land that is clear of the flood hazard. **5. Whether there is a functional need or operational need for the building or major structure to be in this location ~~located within the Flood Hazard Area~~.** **6. The adverse effects of earthworks associated with the activity.** **7. The level of detail required to assess natural hazard risk.** **8. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process.** *Note~~s~~s:* 1. *Non-notification rule in NH-R1~~1~~2 applies* ***~~2. Applications shall comply with information requirement NH-REQ1~~*** ***2. Indicative flood depth information from the flood model can be provided on request from the Whangarei District Council or the Northland Regional Council. Alternatively, a site-specific report prepared by a suitably qualified and experienced person can be used to confirm and demonstrate flood depths.***

NH-R9	Fences and Walls in Flood Hazard Areas

Natural Hazards

All Zones and Development Areas	Activity Status: Permitted Where: 1. A fence or wall is constructed with materials to allow for the passage of flood waters by using: a. Post and wire; or b. Wire mesh fences; or c. Railings where at least 70% of the surface area of the fence is not solid; or d. Solid fences and walls with an opening of sufficient size ~~at flood level~~ that can convey the 1% annual exceedance probability (AEP) flood flow without diversion or impedance.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. The design of the fence or wall. 2. The effects on flood depth and velocity from the blocking or channelling of water. 3. The effects of the flood hazard within the site and on other properties upstream or downstream of the site. 4. The level of detail required to assess natural hazard risk. *Note~~s~~:* *1. Non-notification rule in NH-R12 applies* ~~*2. Applications shall comply with information requirement NH-REQ1*~~

NH-R9A	New Buildings and Major Structures in 100 year flood hazard areas	
All Zones and Development Areas	Activity Status: Permitted Where: 1. The building or major structure is located entirely within a building area that has been approved as part of a subdivision consent approved after 1 December 2021. OR ~~1.~~ 2. The building or major structure does not accommodate a vulnerable activity and: a. Has a gross floor area less than 30m²; or b. Is associated with farming and located within the Rural Production Zone or the Fonterra Kauri Milk Processing Site SRIZ – Ancillary Irrigation Farms,	Activity Status when compliance not achieved: Restricted Discretionary Where: 1. The building or major structure accommodates a vulnerable activity and achieves a minimum freeboard of 500mm above the 100-year flood event. 2. The building or major structure does not accommodate a vulnerable activity and does not comply with the permitted rules. Matters of discretion: ~~1. The scale, bulk, location and form of the building or major structure.~~ 2. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects. 3. The extent to which the building or major structure will be subject to material damage.

with a gross floor area less than 1~~1~~20m²; or

c. Is an artificial crop protection structure, crop support structure or a frost protection fan.

Compliance Standard:

1. The decision date of an application to change or cancel conditions made under Section 127 of the Resource Management Act 1991 cannot be used for compliance with rule NH-R9A.1.

4. The nature of the activity being undertaken and its vulnerability to the potential effects of flooding.
5. Diversion of overland flow paths and any exacerbation of the flood hazard or creation of a new hazard as a result of the building or structure.
6. The proposed use of, necessity for, and design of engineering solutions (soft or hard) to mitigate the hazard.
7. The use of the building or major structure, including the storage and use of hazardous substances, and any management/mitigation requirements associated with that use;
8. For buildings or major structures that contain vulnerable activities, the provision of direct, safe vehicular access from the building to land that is clear of the flood hazard.
9. Whether there is a ~~The~~ functional need or operational need for the building or major structure to be in this location ~~locate within the Flood Hazard Area~~.
10. The adverse effects of earthworks associated with the activity.
11. The level of detail required to assess natural hazard risk.
12. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process.

Activity status where compliance is not achieved and the activity is not a restricted discretionary activity: Discretionary

Notes:

1. Non-notification rule in NH-R1 applies.

2. Indicative flood depth information from the flood model can be provided on request from the Whangarei District Council or the Northland Regional Council. Alternatively, a site-specific report prepared by a suitably qualified and experienced person can be used to confirm and demonstrate flood depths.

NH-R10	New Buildings or Major Structures and extensions or alterations that increase the GFA of existing buildings in 100-year Flood Hazard Area	
All Zones and Development Areas	Activity Status: Restricted Discretionary Where: 1. For buildings or major structures that accommodate a vulnerable activity: a. A achieve a minimum freeboard of 500mm above the 100-year flood event is achieved. b. There is safe access from the building to land that is clear of the flood hazard where the depth of flood waters in a 1 in 100-year flood event does not exceed 200mm above ground level. 2. For buildings or major structures that will not accommodate a vulnerable activity: a. A are not subject to material damage in a 100-year flood event. 3. The building or major structure does not alter or divert an overland flow path and cause flooding of another property. Matters of discretion: 1. The scale, bulk, location and form of the building or major structure. 2. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects. 3. The nature of the activity being undertaken and its vulnerability to the potential effects of flooding. 4. Whether there is a functional need or operational need for the building, major structure or activity to be located within the Flood Hazard Area. 5. The proposed use of, necessity for, and design of engineering solutions (soft or hard) to mitigate the hazard. 6. The use of the building or major structure, including the storage and use of hazardous substances, and any management/ mitigation requirements associated with that use; *Notes:* *1. Non-notification rule in NH-R12 applies* *2. Applications shall comply with information requirement NH-REQ1*	Activity Status when compliance not achieved: Discretionary

NH-R11	**New** Buildings or Major Structures ~~or extensions or alterations that increase the GFA of existing buildings~~ in 10 year Flood Hazard Area.	
All Zones and Development Areas	**Activity Status: Permitted** **1. The building or major structure is located entirely within a building area that has been approved as part of a subdivision consent approved after 1 December 2021.** ***Compliance Standard:*** ***1. The decision date of an application to change or cancel conditions made under Section 127 of the Resource Management Act 1991 cannot be used for compliance with rule NH-R11.1.***	Activity Status **when compliance not achieved**: Restricted Discretionary Where: 1. The building or major structure does not accommodate a vulnerable activity. ~~**2. The building or major structure does not alter or divert an overland flow path and cause flooding of another property.**~~ ~~**3. The building will not be subject to material damage in a 100-year flood event.**~~ ~~**4. The major structure will not be subject to damage in a 100-year flood event that would render it unusable or unable to be used safely for its intended purpose.**~~ Matters of discretion: ~~**1. The scale, bulk, location and form of the building or major structure.**~~ 2. The risk to people and property from the flood hazard. **3. The extent to which the building or major structure will be subject to material damage.** ~~3.~~4 The nature of the activity being undertaken and its vulnerability to the potential effects of flooding. **5. Diversion of overland flow paths and any exacerbation of the flood hazard or creation of a new hazard as a result of the building or structure.** ~~4.~~ 6. Whether there is a functional need or operational need for the building, major structure or activity to be **in this location** ~~**located within the Flood Hazard Area**~~.

	~~5.~~ 7. The proposed use of, necessity for and design of engineering solutions (soft or hard) to mitigate the hazard. ~~6.~~ 8. The use of the building, including the storage and use of hazardous substances, and any management/ mitigation requirements associated with that use. **9. The adverse effects of earthworks associated with the activity.** **10. The level of detail required to assess natural hazard risk.** Activity Status when compliance not achieved **and the activity is not a Restricted Discretionary activity**: Non-complying *Note~~s~~:* *1. Non-notification rule in NH-R**12** applies ***~~2. Applications shall comply with information requirement NH-REQ1~~***

NH-R11A	**Changes in Use to Accommodate a Vulnerable Activity Within Existing Buildings in a 10 year Flood Hazard Area**
All Zones and Development Areas	**Activity Status: Discretionary**

Natural Hazards

Land Instability Rules

NH-R12A	Application of Land Instability Rules
All Zones and Development Areas	1. Rules NH-R12 – NH-R13A apply to land identified and mapped as an area of moderate or high susceptibility to land instability hazards. ~~2. Rul es NH-R12 – NH-R13A, and EARTH-R3 do not apply where a report has been prepared in accordance with NH-REQ4 and provided to council at least 20 working days prior to commencement of any applicable works.~~

NH- R12B	Permitted Activities
All Zones and Development Areas	1. Activities are permitted under Rules NH-R12 – NH-R13A where a report has been prepared in accordance with NH-REQ4.1(b) and provided to Council at least 20 working days prior to commencement of any applicable works 2. Activities are permitted under Rules NH-R13 and NH-R13A where a report has been prepared in accordance with NH-REQ2 and provided to Council at least 20 working days prior to commencement of any applicable works. *Explanatory Note:* *The purpose of the assessment required by NH-REQ4.1(b) is to confirm whether or not the area of land where the building / activity is to be located is correctly mapped as susceptible to land instability. If a report is prepared in accordance with NH-REQ4.1(b) which concludes that it is not susceptible to land instability as defined in the information requirements of that rule, then the activity is permitted by Rule NH-R12B.1 and Rule NH-R12B.2 does not apply.* *The purpose of the assessment required by NH-REQ2 is to assess if the land that is within an area that is identified as susceptible to land instability is geotechnically suitable for the proposed activity. A building / activity may still be a permitted activity under Rule NH-R12B.2 if a report is prepared in accordance with NH-REQ2 which concludes the land is geotechnically suitable for the proposed activity and the proposed activity will be highly unlikely to exacerbate instability risks on immediately adjoining sites.*

NH-R12	Clearance of Exotic and Indigenous Vegetation (excluding pasture) in Areas of Moderate or High Susceptibility to Land Instability Hazards.	
All Zones and Development Areas ~~– Areas of Moderate or High Susceptibility to Land Instability Hazards~~	Activity Status: Permitted Where: Clearance of exotic and indigenous vegetation: Either: 1. Is within a single urban environment allotment; OR 2. Does not exceed a total area of 150m^2 within each 10-year period from [operative date] within a contiguous area of high or moderate susceptibility to land instability hazards in a site; OR 3. Is associated with: a. Routine maintenance within 7.5m of the eaves of existing buildings: i. Including the removal of any tree where any part of the trunk is within the 7.5m distance. ii. Excluding damage to the roots or removal of any tree where the trunk is outside the 7.5m distance. b. Operation, maintenance and repair of existing tracks, lawns, gardens, sports fields and playgrounds, fences, drains and other lawfully established activities; c. Pest plant removal and biosecurity works; d. Vegetation removal for customary rights; e. Conservation planting, including planting for ecological restoration purposes; f. The provision of walking or cycling tracks 4m or less wide and the maximum face height of any cut and/or fill faces does not exceed 0.5m from ground; g. The operation, maintenance **and repair**, minor upgrading or replacement of existing lawfully established infrastructure **or electricity infrastructure**;	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. The extent to which the vegetation serves to mitigate natural hazards. 2. The timing, location, area, scale and nature of vegetation clearance in relation to: a. The effects on the stability of land and structures. b. The potential to create new or exacerbate existing land instability hazards. c. The degree of risk of land instability within the site and surrounding sites. 3. The need for any replanting or other mitigation. 4. **Whether there is a ~~The~~** functional need or operational need for **the activity ~~infrastructure~~** to **be in this location ~~locate within areas of moderate or high susceptibility to land instability hazards~~**. 5. The extent to which hazardous substances will be exposed to land instability hazards. **6. The level of detail required to assess natural hazard risk.**

	h. Earthworks related to rural production activities in the Rural Production Zone; or i. Plantation Fforestry activities ~~in accordance with~~ provided for and approved under the National Environmental Standards for ~~Plantation Forestry~~ Commercial Forestry. ~~j. Emergency works as defined by section 330 of the Resource Management Act 1991.~~	*Note~~s~~:* *1. Non-notification rule in NH-R12 applies* ~~*2. Applications shall comply with information requirement NH-REQ2*~~

NH-R13	~~Extensions and~~ Alterations and extensions to Buildings and Major Structures in Areas of Moderate or High Susceptibility to Land Instability Hazards	
All Zones and Development Areas ~~– Areas of Moderate or High Susceptibility to Instability Hazards~~	Activity Status: Permitted Where: 1. The ~~extension or~~ alteration or extension is located entirely within a building area that has been approved as part of a subdivision consent approved after 24 October 2022. OR ~~1.~~ 2. The gross floor area does not increase by more than 30m² from what existed at [operative date]; and 3. The alteration or ~~modification~~ extension does not create a new vulnerable activity. **Compliance Standards:** **1. Crop support structures and artificial crop protection structures are exempt from compliance with NH-R13.** ***2. The decision date of an application to change or cancel conditions made under Section 127 of the Resource Management Act***	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. Effects on the stability of land and structures, and the potential to create new or exacerbate existing land instability hazards. 2. The degree of risk of land instability within the site and surrounding sites, including the increased vulnerability to occupants or users of the site where the intended use is a vulnerable activity. 3. Whether there is a ~~The~~ functional need or operational need for the building or major structure ~~infrastructure~~ to be in this location ~~locate within areas of moderate or high susceptibility to land instability hazards~~. 4. The design, location, construction, and maintenance of buildings and major structures so that they are resilient to land instability hazards. 5. The extent to which hazardous substances will be exposed to land instability hazards. **6. The level of detail required to assess natural hazard risk.** **~~6.~~7.** Recommendations~~, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site~~

	1991 cannot be used for compliance with rule NH-R13.1.	~~suitability report.~~ of any site suitability report, engineer's assessment, or information provided through the consent process. *Note~~s~~:* *1. Non-notification rule in NH-R12 applies.* ~~*2. Applications shall comply with information requirement NH-REQ2.*~~

NH-R13A	Buildings and Major Structures in Areas of Moderate or High Susceptibility to Land Instability Hazards	
All Zones and Development Areas	Activity Status: Permitted Where: 1. The building or major structure is located entirely within a building area that has been approved as part of a subdivision consent approved after 24 October 2022; or ~~1.~~ 2. The building or major structure does not accommodate a vulnerable activity and: a. Has a gross floor area less than 30m²; or b. Is associated with farming and located within the Rural Production Zone~~, Rural Lifestyle Zone,~~ or the Fonterra Kauri Milk Processing Site SRIZ – Ancillary Irrigation Farms, with a gross floor area less than 1~~1~~20m²; or c. Is an artificial crop protection structure, crop support structure or a frost protection fan. *Compliance Standard:* *1. The decision date of an application to change or cancel conditions made under Section 127 of the Resource Management Act 1991 cannot be used for compliance with rule NH-R13A.1.*	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. Effects on the stability of land and structures, and the potential to create new or exacerbate existing land instability hazards. 2. The degree of risk of land instability within the site and surrounding sites, including the increased vulnerability to occupants or users of the site where the intended use is a vulnerable activity. 3. Whether there is a ~~The~~ functional need or operational need for the building or major structure to be in this location ~~locate within areas of moderate or high susceptibility to land instability hazards~~. 4. The design, location, construction, and maintenance of buildings and major structures so that they are resilient to land instability hazards. 5. The extent to which hazardous substances will be exposed to land instability hazards. 6. The level of detail required to assess natural hazard risk. 7. Recommendations of any site suitability report, engineer's

	assessment, or information provided through the consent process. *Note:* 1. *Non-notification rule in NH-R1 applies.*

NH-R14	New habitable buildings in Areas of Moderate or High Susceptibility to Land Instability Hazards
All Zones and Development Areas – Areas of Moderate or High Susceptibility to Instability Hazards	Activity Status: Restricted Discretionary Where: 1. A report or certificate, which has been prepared by a suitably qualified and person, is provided to the Council in accordance with the information requirements in NH-REQ2. Matters of discretion: 1. Effects on the stability of land and structures, and the potential to create new or exacerbate existing land instability hazards. 2. The degree of risk of land instability within the site and surrounding sites, including the increased vulnerability to occupants or users of the site where the intended use is a vulnerable activity. 3. The functional need or operational need for infrastructure to locate within areas of high susceptibility to land instability hazards. 4. The design, location, construction, and maintenance of buildings and major structures so that they are resilient to land instability hazards. 5. The extent to which hazardous substances will be exposed to land instability hazards. 6. Recommendations, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report. *Note:* *1. Non-notification rule in NH-R2 applies.* *2. Applications shall comply with information requirement NH-REQ2.*

Mining Subsidence Rules

NH-R14A	Application of Mining Subsidence Rules
All Zones and Development Areas	1. Rules NH-R15 – NH-R17A apply to land identified and mapped as a Mining Subsidence Hazard Areas 1 – 3 as specified within each rule.

NH-R14B	Permitted Activities
All Zones and Development Areas	1. Activities are permitted under Rules NH-R15 and NH-R16 where a report has been prepared in accordance with NH-REQ3 and provided to Council at least 20 working days prior to commencement of any applicable works. Explanatory Note The purpose of the assessment required by NH-REQ3 is to assess if the land that is within a mine subsidence hazard area is geotechnically suitable for the proposed activity. A building / activity will be a permitted activity under Rule NH-R142B if a report is prepared in accordance with NH-REQ3 which concludes the land is geotechnically suitable for the proposed activity and the proposed activity will be highly unlikely to exacerbate mining subsidence hazard risk on immediately adjoining sites.

NH-R15	~~Extensions and~~ Alterations and extensions to Existing Buildings and Major Structures in Mining Subsidence Hazard Areas 1-3	
All Zones and Development Areas ~~– Mining Subsidence Hazard Areas 1- 3~~	Activity Status: Permitted Where: 1. The ~~extension or~~ alteration or extension is located entirely within a building area that has been approved as part of an approved subdivision consent. OR ~~1.~~ 2. There is no increase to the gross floor area of the building or major structure.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. The design, location and construction of buildings and major structures in relation to: a. The potential to create new or exacerbate existing mining subsidence hazards. b. The risk of subsidence within the site and surrounding sites, with consideration given to the Mining Subsidence Hazard Area category (e.g., Mining Subsidence Hazard Area 1 – 3). c. The vulnerability of occupants or users of the site where the intended use is a vulnerable activity. 2. Whether there is a ~~The~~ functional need or operational need for the activity to be in this location ~~locate within Mining Subsidence Hazard Areas.~~ 3. The extent to which hazardous substances will be exposed to a mining subsidence hazard. 4. The level of detail required to assess natural hazard risk.

		4.5. Recommendations~~, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report~~ of any site suitability report, engineer's assessment, or information provided through the consent process. *Note:* *1. Non-notification rule in NH-R12 applies.* ~~*2. Applications shall comply with information requirement NH-REQ3.*~~

NH-R16	New Buildings and Major Structures in Mining Subsidence Hazard Areas 2 and 3	
All Zones and Development Areas ~~– Mining Subsidence Hazard Areas 2 and 3~~	Activity Status: Permitted Where: 1. The building or major structure is located entirely within a building area that has been approved as part of an approved subdivision consent.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. The design, location and use of materials in all proposed buildings and major structures in relation to: a. The potential to create new or exacerbate existing mining subsidence hazards. b. The risk of subsidence within the site and surrounding sites, with consideration given to the Mining Subsidence Hazard Area category (e.g., Hazard Areas 2 – 3). 2. Recommendations~~, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report.~~ of any site suitability report, engineer's assessment, or information provided through the consent process. *Note:* *1. Non-notification rule in NH-R12 applies.* ~~*2. Applications shall comply with information requirement NH-REQ3.*~~

NH-R17	New Buildings and Major Structures in Mining Subsidence Hazard Area 1
All Zones and Development	Activity Status: Discretionary

Areas ~~– Mining Subsidence Hazard Area 1~~	

NH-R17A	**Changes in use to Accommodate a Vulnerable Activity within Existing Buildings in Mining Subsidence Hazard Area 1**
All Zones and Development Areas	**Activity Status: Discretionary**

Information requirements

NH-REQ1	Information Requirement - Flood Hazard Areas
All Flood Hazard Areas	1. **Applications for resource consent required under SUB-R2E, and permitted activities under NH-R7B.2, ~~For all sites subject to, or potentially subject to flood hazard(s), the applicant~~** shall **provide a site specific assessment of the flood hazard and risk associated with the proposed development prepared within the last 12 months by ~~engage~~** a suitably qualified and experienced person **(e.g., Chartered Professional Engineer) ~~I to undertake site specific assessment of the flood hazard and risk associated with the proposed development, and to report on the following~~ which includes (but is not limited to) the following**: a. Desktop review of flood hazard data available (e.g., from Council(s) **(including the most recent relevant flood hazard model results)**, survey data**, LiDAR data,** and owners or witnesses). **b. Identification and assessment of flood hazards within the area including:** **i. Determination of pre- and post-development flood extent and level in a 1% AEP event (+20%).** **ii. Use of an appropriate flood modelling technique or methodology ~~(e.g., hydraulic modelling software for larger developments)~~.** **iii. Consideration of climate change impacts based on the most recent data and projections including:** **1. Increased rainfall intensity over a 100-year timeframe.** **2. Where receiving waters are tidally influenced relative sea level rise including vertical land movement over a 100-year timeframe.** c. Assessment **of** the **post-development** flood **hazard ~~risk associated with the proposed development~~**, considering (where applicable): i. Upstream and downstream flooding. ii. **~~Loss of floodplain storage,~~ The proportion of floodplain volume that is displaced, the direct impact on flood hazard in the vicinity, and the potential for cumulative reduction in floodplain volume.** iii. Peak flow **and velocities.** iv. Flood extents**, depths, frequency,** and elevations. v. Accessibility/escape during inundation. **d. Assessment of the risks and potential effects of post-development flood hazards considering (where applicable):** **i. The nature of the activity being undertaken and its vulnerability to flood hazards.**

ii. The potential consequences of a flood hazard on people, property, communities, infrastructure, and the environment.
iii. The potential for hazardous substances to be impacted by flooding.
iv. Whether the proposal exacerbates existing flood hazards and/or risks, including on neighbouring properties and the wider area.

~~e. Recommendations for mitigation of the identified risk, e.g., minimum floor levels.~~

~~f. Determination of flood extent and level in 1% Annual Exceedance Probability (AEP) event (+20%)~~

~~g. What effect it will have on the development and mitigating measures taken to minimise/eliminate effect.~~

~~h. What effect the development will have on the flooding (displacement/redirection of flooding etc)~~

i. Identification and assessment of overland flow paths and whether and how development will alter or divert surface stormwater flows, and any increase in risk associated with changes in overland flow paths.

~~j. Assessment of the potential to exacerbate flood hazard risk on neighbouring properties, and where the assessment shows that risk will be exacerbated; the assessment must outline ways this risk can be minimised.~~

k. Description and assessment of any proposed mitigation measures **in clear and measurable terms**, including how buildings and structures are designed to mitigate the effects of the hazards, e.g., minimum floor levels.

l. Assessment of any residual risks and effects.

m. **For permitted activities proposed under NH-R7B.2, taking into account the overall recommendations, the report must conclude that the proposed activity is highly unlikely to result in increased flooding risk or material damage on the subject site or immediately adjoining sites.**

Note:
1. Information Requirement Rule NH-REQ1 informs the level of detail* that may be *required for applications for resource consent required under NH-R7 – NH-R11A.

NH-REQ2	Information Requirement – Site Suitability Report for Activities in Areas of Moderate or High Susceptibility to Land Instability Hazards
All Zones and Development Areas – Areas of Moderate or High Susceptibility to Land Instability Hazards	1. Applications for resource consent **required under SUB-R2A, and permitted activities under NH-R12B.2 and EARTH-R3.2,** ~~in areas of moderate or high susceptibility to land instability~~ shall provide a site suitability report prepared **within the last 12 months** by a suitably qualified and experienced person (e.g., Chartered Professional Engineer) which includes (but is not limited to) the following: ~~1.~~a. Topographic survey (if not already available) or slope profiles. ~~2.~~b. A description of the geology and geomorphology of the area, including comment on the areas surrounding the development site. ~~3.~~c. Definition of the nature and continuity of the strata over the whole area of susceptibility to land instability hazards which is proposed to be developed (buildings, access and services) and to a depth below which slipping is most unlikely, by means of test pit and/or drilling and/or augering (unless existing exposures are adequate). ~~4.~~d. Assessment of the relative strength and the sensitivity of the soil in each stratum in which, or interface on which, sliding is possible.

	~~5.~~e. Assessment of likely groundwater levels and piezometric pressures in the strata during extreme infiltration conditions. ~~6.~~f. The geotechnical professional's analysis, calculations and opinion as to the stability and suitability of the land for development, including the stability of the whole slope (upon which the site may only form a part of) and the effects of the development (such as excavation, filling, removal of vegetation, disposal of stormwater or effluent wastewater into or over the area) on the whole slope. ~~7.~~g. Definite conclusions and recommendations **in clear and measurable terms** on any development restrictions and the preventative (or remedial) measures to be incorporated in the development. ~~8.~~h. An assessment of land instability hazard risk associated with the proposed development. **i. For permitted activities proposed under NH-R12B.2 and EARTH-R3.2, taking into account the overall recommendations, the report must conclude that:** **i. the land is geotechnically suitable for the proposed activity; and** **ii. the activity is highly unlikely to exacerbate instability risks on immediately adjoining sites.** *Notes*: *1. Further guidance on land instability hazard assessments can be found in ~~The report should be informed by the requirements set out by~~ the WDC Engineering Standards ~~for assessments specifically in areas of medium and high susceptibility to land instability hazards~~.* *2. Information Requirement Rule NH-REQ2 informs the level of detail* that may be *required for applications for resource consent required under NH-R7, NH-R12 – NH-R13A, or EARTH-R3.*

NH-REQ3	Information Requirement – Site Suitability Report for Activities in Mining Subsidence Hazard Areas
All Zones and Development Areas – Mining Subsidence Hazard Areas	1. Applications for resource consent **required under SUB-R2B or SUB-R2C, and permitted activities under NH-R14B.1,** ~~in mining subsidence hazard areas~~ shall provide a site suitability report prepared within the last 12 months by a suitably qualified and experienced person **(e.g., Chartered Professional Engineer)** which includes (but are not limited to) the following: a. A review of the mine subsidence hazard data available, e.g., from Council mapping, third party reports, etc. b. The risk of subsidence within the site and surrounding sites, with consideration given to the Mining Subsidence Hazard Area category (e.g., Mining Subsidence Hazard Areas 1 – 3). c. An assessment of the extent to which the proposed activity and proposed ~~or future~~ structures are geotechnically appropriate to the relevant Mining Subsidence Hazard Area.

	d. The geotechnical professional's opinion as to the subsidence risk of the whole relevant area (upon which the development site may form only part of) and the effects of the development (such as excavation, filling, weight loading of existing and future structure, disposal of stormwater or effluent wastewater into or over the area). e. Clear **conclusions and** recommendations **in clear and measurable terms** for the proposed development, including mitigation measures for the subsidence hazard (where applicable). f. Within Mining Subsidence Hazard Area 1, an evaluation of the ground conditions, the potential severity of subsidence, and the potential for differential settlement, including where necessary physical investigation of mine workings (e.g., drilling, ground-penetrating radar). **g. For permitted activities proposed under NH-R14B.1 taking into account the overall recommendations, the report must conclude that:** **i. the land is geotechnically suitable for the proposed activity; and** **ii. the activity is highly unlikely to exacerbate mining subsidence hazard risk on immediately adjoining sites.** *Notes:* ***1. Further guidance on mining subsidence hazard assessments can be found in ~~The report should be informed by the requirements set out by~~ the WDC Engineering Standards ~~for assessments specifically for Mine Subsidence Hazards~~.*** ***2. Information Requirement Rule NH-REQ3 informs the level of detail that may be required for applications for resource consent required under NH-R7, NH-R15 – NH-R17A, EARTH-R4, or EARTH-R5.***
NH-REQ4	**Information Requirement – Site Specific Hazard Mapping Assessment**
All Zones and Development Areas	**1. ~~Where rule NH-R1A.2, NH-R7A.2, NH-R12A.2, or CH-R1.3 are to apply,~~ For permitted activities under NH-R1B.1, NH-R7B.1, NH-R12B.1, EARTH-R3.1, or CH-R1.3 a site-specific assessment must be prepared within the last 2 years and:** **a. Where the proposed activity is within an area mapped as flood susceptible within the District Plan, must:** **i. Be prepared by a Chartered Professional Engineer in the practice field of Civil Engineering, Environmental Engineering, or Water Engineering or scientist with recognised qualifications and experience in environmental science, physical geography, or flood modelling.** **ii. Include an assessment of the flood hazard on the area of land where the proposed activity is to occur, including:** **1. A desktop review of flood hazard data available (e.g., the most recent and relevant flood hazard model results from Council(s), survey data, LiDAR data, and landowners) detailing the study objectives, scenarios,**

	data sources, technical methodology, limitations, and assumptions. 2. Identification and assessment of flood hazards within the area of land including: a. A determination of the flood extents, depths, and velocity on the area of land during a 1% AEP flood event, allowing for impacts of a high emission climate change scenario over a 100-year timeframe based on the most recent data and projections including increased rainfall intensity, sea level rise, and vertical land movement where relevant. b. Identification and assessment of overland flow paths. iii. Include a clear statement confirming that: 1. The report has been prepared in accordance with NH-REQ4.1(a). 2. The author is qualified in accordance with NH-REQ4.1(a)(i). 3. The proposed activity is entirely within the area of land assessed under NH-REQ4.1(a)(ii). 4. The 1% AEP flood level on the area of land where the activity is proposed will not be to a depth equal to or greater than 100mm, accounting for impacts of climate change in accordance with NH-REQ4.1(a)(ii)(2)(a). b. Where the proposed activity is within an area mapped as susceptible to land instability within the District Plan, must: i. Be prepared by a Chartered Professional Engineer (CPEng) in the practice field of Geotechnical Engineering or an Engineering Geologist (PEngGeol). ii. Include an assessment of any relevant past geotechnical reports or council records for the area of land where the proposed activity is to occur. iii. Include an assessment of the instability hazard risk on the area of land where the proposed activity is to occur and comment on the surrounding areas, including, where appropriate, physical investigations such as test pits and/or continuous recovery core drilling. iv. Assess and determine whether the area of land where the proposed activity is to occur displays any of the following characteristics: 1. The land is underlain by Northland Allochthon (including Tangihua) soil or rock.

2. The land is underlain by Te Kuiti Group, Kerikeri Volcanics, or Waitemata Group and has a slope angle greater than or equal to 1 vertical to 5 horizontal (i.e., an angle of 11 degrees).
3. The land is underlain by Holocene or Pleistocene sediments (including Tauranga Group) which has a slope angle greater than or equal to 1 vertical to 5 horizontal (i.e., an angle of 11 degrees).
4. The land is underlain by Waipapa Group geology which has a slope angle greater than or equal to 1 vertical to 4 horizontal (i.e., an angle of 14 degrees);
5. The land is underlain by Coromandel Group, Kariotahi Group, or any other geology type not specifically named in the above and has a slope angle greater than or equal to 1 vertical to 3 horizontal (i.e., an angle of 18 degrees);
6. The land is sloping and fill greater than 600 mm depth has been placed in uncontrolled conditions (e.g., not to engineered standards) and the original underlying natural terrain gradient was greater than or equal to:
    a. 1 vertical to 5 horizontal for slopes comprising Te Kuiti Group, Kerikeri Volcanics, or Waitemata Group soil or rock; or
    b. 1 vertical to 5 horizontal for slopes comprising Holocene or Pleistocene soils (including Tauranga Group); or
    c. 1 vertical to 4 horizontal for slopes comprising Waipapa Group soil or rock; or
    d. 1 vertical or 3 horizontal for slopes comprising Coromandel Group or Kariotahi Group soil or rock; or
    e. Any modified land underlain by Northland Allochthon.
7. The land is within 15m of a slope which has a slope angle greater than 1 vertical to 3 horizontal.
8. The land is within a horizontal distance of 2.5 times the cliff vertical height behind the crest of any natural cliff.
9. The land is within a horizontal distance of 2 times the cliff vertical height in front of the base of any natural cliff.
10. The land is overlain by boulders and is any distance downslope of any natural cliff.

v. Include a clear statement confirming that:

1. The report has been prepared in accordance with NH-REQ4.1(b).
2. The author is qualified in accordance with NH-REQ4.1(b)(i).
3. The proposed activity is entirely within the area of land assessed under NH-REQ4.1(b)(ii) – (iv).
4. The area of land where the proposed activity is to occur does not display any of the characteristics listed in NH-REQ4.1(b)(iv).

c. Where the proposed activity is within an area mapped as a coastal flood hazard area within the District Plan, must:

i. Be prepared by a Chartered Professional Engineer in the practice field of Civil Engineering, Environmental Engineering, or Water Engineering or scientist with recognised qualifications and experience in environmental science, physical geography, or coastal flood modelling.

ii. Include an assessment of the coastal flood hazard on the area of land where the proposed activity is to occur, including:

1. A desktop review of coastal flood hazard data available (e.g., the most recent and relevant coastal hazard model results from Council(s), survey data, LiDAR data, and landowners).
2. A determination of the flood extents, depths and velocity on the area of land in a 1% AEP flood event, considering the effects of climate change using at least a 1.2m sea level rise scenario over a 100-year timeframe.
3. Take into account the impact of the most recent climate change data and projections, including the long-term effects under a high projection sea level rise and vertical land movement and its effects on coastal flood levels in a 1% AEP flood event.

iii. Include a clear statement confirming that:

1. The report has been prepared in accordance with NH-REQ4.1(c).
2. The author is qualified in accordance with NH-REQ4.1(c)(i).
3. The proposed activity is entirely within the area of land assessed under NH-REQ4.1(c)(ii).
4. The 1% AEP flood level on the area of land where the activity is proposed will not be to a depth equal to or greater than 100mm, accounting for sea level rise in accordance with NH-REQ4.1(c)(ii)(2) – (3).

Natural Hazards

Natural Hazards

Amendments

Amendments to the Definitions Chapter

New definitions

Insert the following new definitions:

Vulnerable Activity
means~~:~~

- residential activities, care centres, ~~**retirement villages,**~~ visitor accommodation, **educational facilities, places of assembly, ~~and~~ emergency services, healthcare facilities, hospitals, and hospital related activities. ~~marae; and~~**
- ~~**medical hospitals and other health care** facilities where patients and/or staff stay overnight.~~

Area of High Susceptibility to Land Instability Hazards
means land which ~~**appears to be either subject to erosion or slippage or is likely to be subject to erosion or slippage within the next 100 years**~~ **exhibits evidence of recent or present slippage or erosion and/or is subject to processes where slippage or erosion is considered likely to occur within the next 100 years,** based on geomorphic evidence and/or the combination of geology and slope angle. These areas are identified in an overlay to the Planning Maps.

Area of Moderate Susceptibility to Land Instability Hazards
means land which **displays 'relic' landslide geomorphology and/or is potentially subject to instability hazards based on geomorphic evidence and/or the combination of geology and slope angle.** ~~**exhibits evidence of past slippage or erosion and could be subject to inundation from landslide debris and slope deformation.**~~ These areas are identified in an overlay to the Planning Maps.

Boundary Adjustment
means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments.

Suitably Qualified and Experienced Person
means a professional who is working within their level of competency~~**, does not have an actual or perceived conflict of interest,**~~ and whose level of competency and qualifications corresponds with the scale and type of the project and the overall risk.

Instability Hazard Mitigation Works
means engineering works to prevent and**/or** control existing land instability hazards and includes the building of rockfall protection structures, the mechanical fixing of rocks in-situ, the re-contouring of slopes and/or land and any necessary on-site geotechnical investigations required as part of the works. Retaining walls, other structures and re-contouring that are associated with a proposed development and are not required to mitigate an existing instability hazard are excluded from this definition.

Material damage
means**:**
a. ~~**situations where d**~~**D**amage ~~**has occurred**~~ to the extent that repair or replacement requires a building consent under the Building Act~~**; or**~~
b. Damage ~~**which would affect the**~~ **(including effects on** structural integrity**)** ~~**of the building is likely to be regarded as material. If the building or significant**~~ **to the extent that** parts **or all of the building** ~~**of it were**~~ **are** rendered unusable ~~**by the damage or could**~~ **and the building can**not be safely used for its intended purpose~~**, then such damage would be material**~~.

Natural Hazards

Coastal Erosion Hazard Areas
means areas susceptible or likely at risk of coastal erosion ~~mapped by the Northland Regional Council in April 2021~~ and included in the District Plan maps as follows:

- Coastal Erosion Area 0 (CEHA0)
  means areas currently susceptible to coastal erosion following the failure of an erosion protection structure, with no allowance for sea level rise; this zone is only mapped where erosion protection structures are in place.

- Coastal Erosion Hazard Area 1 (CEHA1)
  means areas likely at risk of coastal erosion over the next 50 years, with a projected sea-level rise of 0.6m by 2080.

- Coastal Erosion Hazard Area 2 (CEHA2)
  means areas potentially at risk of coastal erosion over the next 100 years, with a projected medium sea-level rise of 1.2m by 2130.

- Coastal Erosion Hazard Area 3 (CEHA3)
  means areas potentially at risk of coastal erosion over the next 100 years, with a projected high sea-level rise of 1.5m by 2130.

Coastal Flooding Hazard Areas
means areas susceptible or likely at risk of coastal flooding ~~mapped by the Northland Regional Council in April 2021~~ and included in the District Plan maps as follows.

- Coastal Flooding Hazard Area 0 (CFHA0)
  means areas currently susceptible to coastal flooding in a 1-in-100-year storm event with no allowance for sea level rise.

- Coastal Flooding Hazard Area 1 (CFHA1)
  means areas susceptible to coastal flooding in a 1-in-50-year storm event, with a projected sea-level rise of 0.6m by 2080.

- Coastal Flooding Hazard Area 2 (CFHA2)
  means areas susceptible to coastal flooding in a 1-in-100-year storm event, with a projected medium sea-level rise of 1.2m by 2130.

- Coastal Flooding Hazard Area 3 (CFHA3)
  means areas susceptible to coastal flooding in a 1-in-100-year storm event, with a projected high sea-level rise of 1.5m by 2130.

Hard Protection Structure
means a seawall, rock revetment, groyne, breakwater, stop-bank, retaining wall or comparable structure or modification to the seabed, foreshore or coastal land that has the primary purpose of protecting an activity from a coastal hazard, including erosion.

Flood Hazard Area
means areas potentially susceptible to ~~of~~ ~~river~~ flooding ~~mapped by the Northland Regional Council in November 2021~~ and included in the District Plan maps as follows:

- 1 in 10 Year ~~River~~ Flood Hazard Area – the area potentially susceptible to ~~river~~ flooding in a 10% Annual Exceedance Probability (AER) / 10Yr Average Return Interval (ARI) storm event.
- 1 in 100 Year ~~River~~ Flood Hazard Area – the area potentially susceptible to ~~river~~ flooding in a 1% AEP / 100Yr ARI storm event plus climate change.

Overland Flow Path
The path taken by surface stormwater crossing a property comprising low points in the terrain (not including rivers and identified water courses), which will accommodate flood flows in a one percent annual exceedance probability rainfall event.

Critical Infrastructure

has the same meaning as lifeline utilities in Schedule 1 of the Civil Defence Emergency Management Act 2002 and includes public healthcare institutions and emergency services which are vital to respond to a hazard event and ensure community recovery after a hazard event.

Functional Need
This definition only applies to the Natural Hazards chapter and the natural hazards provisions of the Earthworks and Coastal Environment chapters of the District Plan.
means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment.

Operational Need
This definition only applies to the Natural Hazards chapter and the natural hazards provisions of the Earthworks and Coastal Environment chapters of the District Plan.
means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints.

Amended definitions:

Amend the following operative definitions as shown below:

Minor Upgrading

means an increase in the carrying capacity, efficiency or security of any network utility operation utilising the existing support structures or **additional ancillary** structures with the effects of a similar scale, character, bulk and form. It includes, in regard to electricity, telecommunication and radio-communication services:

- the addition of circuits and conductors;
- the reconductoring of the line with higher capacity conductors;
- the resagging of conductors;
- the addition of longer and more efficient insulators;
- the addition of earth wires (which may contain telecommunications lines), earth peaks and lightning rods;
- additional telecommunication lines;
- the replacement of existing cross arms with cross arms of an alternative design;
- the replacement or alteration of existing antennas;
- the replacement or alteration of existing masts, poles and associated structures in the same or similar location and in accordance with the relevant New Zealand Standard.

minor upgrading shall not include:

- additional structures or the replacement of structures with the effects that are not of a similar scale, character, bulk and form.

Mining Subsidence Hazard Area

means an area which is subject to possible subsidence due to past coal mining activities undertaken on the land.

Mining Subsidence Hazard Area 1

indicates the area where there is a possibility of crown-holing and major subsidence due to there being less than 10.t cover (t being seam thickness).

Mining Subsidence Hazard Area 2

indicates: a. areas where there is up to 100m of cover and "medium" subsidence is possible; and b. areas where there has been 2 seam pillaring and greater than 100m of cover exists.

Mining Subsidence Hazard Area 3

indicates areas where there is greater than 100m of cover. Although this is a low risk zone, it is possible for buildings to be affected by mining.

Sensitive Environments and Areas

Sensitive Environments and Areas means:

a. High Natural Character Areas.
b. Outstanding Natural Character Areas.
c. Outstanding Natural Landscapes.
d. Outstanding Natural Features.
e. Flood Hazard Areas.
f. Coastal Hazard Areas.
g. Mining Subsidence Hazard Areas.
h. Sites and Areas of Significance to Māori.
i. Heritage Buildings, Sites and Objects.
j. Northpower Critical Electricity Lines.
k. Areas of High and Moderate Susceptibility to Land Instability Hazards.

Deleted definitions:

Delete the following operative definitions:

~~**Coastal Hazard Area means an area of coastal land that is or is likely to be, subject to the effects of natural coastal hazards such as erosion, landslip and flooding over a defined planning horizon.**~~

~~**Coastal Hazard Area 1 means an area of coastal land bounded by the coastline and Coastal Hazard Area 2 that is at relatively high to extreme risk from the effects of coastal hazards, over a planning horizon of 50 years.**~~

~~**Coastal Hazard Area 2 means an area of coastal land, landward and adjacent to Coastal Hazard Area 1, that is at relatively low to moderate risk from the effects of coastal hazards over a planning horizon of 100 years.**~~

~~**Flood Susceptible Area**~~

~~**means an area which has been assessed as being likely to experience water covering the surface of the land in a 1 in 50 year stormwater flood event. A flood susceptible area does not imply any particular duration or level of flood water but is generally part of a contiguous area of flood susceptibility. It includes areas likely to experience surface water, either ponding or flowing, from heavy rainfall and overflows from rivers, streams, and drainage channels. In areas adjacent to the coast, the flood susceptible area relates to areas which are or are likely to be, subject to permanent or temporary inundation from sea water due to sea level rise, storm tides or tsunami over a planning horizon of 100 years. In the coastal areas there is also the potential for inundation to occur as a result of the combination of stormwater and sea water flood events.**~~

Natural Hazards

Amendments to the Subdivision Chapter

Insert an objective, a policy, and rules into the Subdivision Chapter as per below.

Objectives	
SUB-O6 – Natural Hazards	~~Avoid inappropriate subdivision in areas subject to n~~Natural hazard risk~~s~~ are appropriately assessed and minimised at subdivision stage.

Policies	
SUB-P6 – Natural Hazards	To ensure that the location and design of new subdivision does not increase the risk from, ~~occurrence of,~~ or the adverse effects of natural hazards on people, property and the environment and takes into account the potential long term effects of climate change.

Rules

SUB-R1	Any Subdivision
	1. Is subject to all relevant Overlay, Resource Area and District-Wide subdivision and land use rules. 2. Is subject to all relevant Matters of Control and Matters of Discretion detailed in the Relationship Between Spatial Layers Chapter. 3. In the Ruakaka Equine Zone and Port Nikau Development Area refer to the following for subdivision rules: a. The relevant zone chapter subdivision rules; and b. General subdivision rules in SUB-R2 – SUB-R2F. ~~3. In the following Zones, shall refer to the relevant zone chapter for subdivision rules (except for SUB-R2 below):~~ ~~a. Ruakaka Equine Zone.~~ ~~b. Marsden Primary Centre.~~

SUB-R2A	Subdivision of Land Within or Containing an Area of Moderate or High Susceptibility to Land Instability Hazards	
All Zones and Development Areas - Areas of moderate or high susceptibility to land instability hazards except Precinct 17	Activity Status: Controlled Where: 1. No ~~new~~ additional sites or allotments are created, or ~~1.~~2. The ~~S~~subdivision is undertaken for: ~~a. Boundary adjustment; or~~	Activity Status when compliance not achieved: Restricted Discretionary ~~Where:~~ ~~1. A site suitability report prepared by a suitably qualified and experienced person which confirms and demonstrates that:~~ ~~a. A minimum 100m^2 building area within each site is~~

~~b.~~a. The creation of esplanade strips or esplanade reserves; or

~~c.~~b. The provision for network utilities.

OR

3. Every site contains a building area of at least 100m² and legal vehicular access to the building area identified on the scheme plan that are located at least 10m away from all areas of moderate and high susceptibility to land instability hazards identified on the District Plan Hazard Maps.

Matters of control:

1. Matters listed in HPW-R9 in the Relationship Between Spatial Layers Chapter.
2. The effects of remediating any land instability hazards.
3. The potential effects of land instability hazard events on the intended use.
4. The potential for the intended use and any works (including earthworks) required as part of the subdivision to create new or exacerbate existing land instability hazards.

5. The extent to which the identified building area and legal vehicular access avoid areas susceptible to land instability hazards.

~~5.~~6. The design and location of any infrastructure **and electricity infrastructure** and on-site services and their susceptibility to adverse effects from land instability hazard events and ~~suitable to construct a building either:~~

~~i. In accordance with NZS 3604/2011; or~~

~~ii. With specific engineering design of foundations.~~

~~b. Access to the building area within each site is suitable to construct.~~

Matters of discretion:

1. The nature, frequency and scale of the natural hazard(s) present within the site.
2. The effects of remediating any land instability hazards.
3. The potential effects of land instability hazard events on the intended use.
4. The potential for the intended use and any works (including earthworks) required as part of the subdivision to create new or exacerbate existing land instability hazards.
5. The location and design of building areas and access.
6. The ability to adapt to long term changes in natural hazards.
7. Safe and efficient evacuation in the event of a tsunami
8. The design and location of any infrastructure **and electricity infrastructure** and on-site services and their susceptibility to adverse effects from land instability hazard events and potential risks to public health and the environment.
9. Recommendations, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report.

Note:

1. Applications shall comply with information requirement NH-REQ2.

	potential risks to public health and the environment. ~~6.~~7. Recommendations, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report.	

SUB-R2B	Subdivision of Land Within or Containing Mining Subsidence Hazard Areas 2 or 3	
All Zones and Development Areas – Mining Subsidence Hazard Areas 2 and 3	Activity Status: Controlled Where: 1. The site is geotechnically suitable for the proposed subdivision and potential future uses; and 2. The proposed site works and infrastructure **and electricity infrastructure** are designed with measures to avoid creating new or exacerbating existing mining subsidence hazards. Matters of control: 1. Matters listed in HPW-R9 in the Relationship Between Spatial Layers Chapter. 2. The risk of subsidence within the site and surrounding sites, with consideration given to the Mining Subsidence Hazard Area category (e.g. Hazard Areas 2 – 3). 3. The location of building **areas** ~~**platforms**~~ and the effects of cumulative imposed loads on the risk of mining subsidence. 4. The design and location of any infrastructure **and electricity infrastructure** and on-site services and their susceptibility to adverse effects from mining subsidence hazards and potential risks to public health and the environment. 5. Mitigation measures to avoid adverse effects on the stability of the mine workings. 6. The extent to which the subsidence risk of the whole relevant area was taken into account in the subdivision design. 7. Recommendations, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report. *Note:* *1. Applications shall comply with information requirement NH-REQ3.*	Activity Status when compliance not achieved: Discretionary

SUB-R2C	Subdivision of land within or containing Mining Subsidence Hazard Area 1	
All Zones and Development Areas – Mining Subsidence Hazard Area 1	Activity Status: Controlled Where: 1. No ~~new~~ additional sites or allotments are created ~~Subdivision is undertaken for boundary adjustment~~; and 2. No additional capacity is created for residential units that could be constructed as a permitted activity on the site in accordance with the underlying zone provisions. Matters of control: 1. Matters listed in HPW-R9 in the Relationship Between Spatial Layers Chapter. 2. The potential for the intended use and any works (including earthworks) required as part of the subdivision to create new or exacerbate existing mining subsidence hazards. *Note:* *1. Applications shall comply with information requirement NH-REQ3.*	Activity Status when compliance not achieved: Discretionary

SUB-R2D	Subdivision of Land within or Containing a Coastal Erosion or Coastal Flooding Hazard Area(s)	
All Coastal Hazard Areas	Activity Status: Controlled Where: Either 1. No ~~new~~ additional sites or allotments are created, or ~~1.~~2. The ~~S~~subdivision is undertaken for: ~~a. Boundary adjustment; or~~ ~~b.~~a. The creation of esplanade strips or esplanade reserves; or ~~c.~~b. The provision for network utilities. OR ~~2.~~3. Every site contains a building area identified on the scheme plan of at least 100m² that is located outside of ~~Building platforms are not proposed to be located within~~ the	Activity Status when compliance not achieved: Discretionary Where: 1. Building areas ~~platforms~~ are identified on the scheme plan for ~~on~~ every proposed site and: a. Are not wholly or partly located within the CFHA0, CFHA1 CEHA0 or CEHA1. b. In CFHA2 finished floor levels for ~~habitable~~ buildings accommodating a vulnerable activity are located 500mm above the

	CEHA0, CEHA1, CEHA2, CFHA0, CFHA1 or CFHA2 identified on the District Plan Maps. Matters of control: 1. The design and layout of the subdivision, including infrastructure and electricity infrastructure, servicing and the facilitation of safe and efficient evacuation in the event of a tsunami. 2. ~~The location of building platforms, and accessways.~~ The extent to which the identified building area and access avoid coastal hazard areas. 3. The provision of setbacks and esplanade areas to avoid high risk coastal erosion hazard areas. 4. The extent to which sea-level rise has been taken into account in the subdivision design. **5. The location of existing infrastructure and electricity infrastructure services and the extent to which the subdivision affects the accessibility of underground services.** *Note:* *1. Applications shall comply with information requirement CH-REQ1.*	maximum water level in a 1% AEP flood event ~~plus a 1.2 m sea level rise,~~ with a projected sea-level rise of 1.2m by 2130; or c. In CFHA2 finished floor levels for ~~non-habitable~~ buildings not accommodating a vulnerable activity are located 300mm above the maximum water level in a 1% AEP flood event ~~plus a 1.2 m sea level rise,~~ with a projected sea-level rise of 1.2m by 2130. Activity status when the subdivision is not a Controlled or Discretionary activity: Non-Complying

SUB-R2E	Subdivision of Land Within or Containing a Flood Hazard Area(s)	
10 and 100 year Flood Hazard Area	Activity Status: Controlled Where: 1. No ~~additional~~ ~~new~~ additional sites or allotments are created; or 2. The subdivision is undertaken for: ~~No additional capacity is created for residential units that could be constructed as a permitted activity on the site in accordance with the underlying zone provisions; or~~ ~~3.~~a. ~~Undertaken for the purpose of t~~The creation of esplanade strips or esplanade reserve~~.~~; or b. The provision for network utilities. OR	~~Activity Status when compliance is not achieved: Refer to SUB-R2F~~ Activity Status when compliance not achieved: Restricted Discretionary Where: 1. A site suitability report prepared by a suitably qualified and experienced person confirms and demonstrates that all proposed sites are capable of containing a 100m² building area identified on the scheme plan that will not be inundated or subject to material damage in a 100 year flood event. Matters of discretion: 1. Location of suitable and stable building areas, access, and servicing, including

3. **Every site contains a building area of at least 100m² and legal vehicular access to the building area identified on the scheme plan that is located outside of all 10 and 100 year Flood Hazard Areas identified on the District Plan Maps.**

Matters of control:

1. Matters listed in HPW-R9 in the Relationship Between Spatial Layers Chapter.
2. Where risks of flooding are identified through the site suitability report:
   a. The potential effects of flood hazard events on the intended use.
   b. The potential for the intended use and any works required as part of the subdivision to create new or exacerbate existing flood hazards.
   c. The design and location of any infrastructure **and electricity infrastructure** and on-site services and their susceptibility to adverse effects from flood hazard events and potential risks to public health and the environment.
   d. The location and design of building areas and access.
3. Recommendations and proposed conditions and remediation or mitigation measures of the site suitability report and any further information provided through the consent process.
4. **The location of existing infrastructure and electricity infrastructure services and the extent to which the subdivision affects the accessibility of underground services**

Note:

1. Applications shall comply with information requirement NH-REQ1.

on-site wastewater/ stormwater disposal where applicable.

2. **The effects of the hazard on the intended use of the site or sites created by the subdivision and the range of uses permitted under the relevant zone, and the vulnerability of the uses to flood hazard events.**
3. **The degree to which there may be material damage, through inundation or erosion, in a 1 in 100-year flood event.**
4. **The provision of safe access and egress to and within the created sites during a flood event, including consideration of depth and velocity of flood water over private roads and accessways.**
5. **Effects on the functions of floodplains and overland flow paths.**
6. **The effects of potential changes in flood depth, velocity, and frequency on other properties, including upstream and downstream from the site.**
7. **The proposed use of, necessity for, and design of engineering solutions (soft or hard) to mitigate the hazard.**
8. **The location of existing infrastructure and electricity infrastructure services and the extent to which the subdivision affects the accessibility of underground services.**
9. **The adverse effects of earthworks associated with the activity.**

Activity Status when compliance not achieved, and the activity is not a Restricted Discretionary activity: Non-complying

~~SUB-R2F~~	~~Subdivision of Land within or containing a Flood Hazard Area(s)~~

All Zones	Activity Status: Restricted Discretionary Where: 1. A site suitability report prepared by a suitably qualified and experienced professional confirms and demonstrates that: a. All proposed sites are capable of containing a complying 100m² building platform that will not be inundated in a 100-year flood event or subject to material damage; and b. Newly created sites are located and designed so that they do not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site; and c. Any private road, right of way or accessway must be located where the depth of flood waters in a 1 in 100-year flood event do not exceed 200mm above ground level. Matters of discretion: 1. Location of suitable and stable building platforms, access and servicing, including on-site wastewater/ stormwater disposal where applicable; 2. The effects of the hazard on the intended use of the site or sites created by the subdivision and the range of uses permitted under the relevant zone, and the vulnerability of the uses to flood hazard events; 3. The degree to which there may be material damage, through inundation or erosion, in a 1 in 100-year flood event; 4. The provision of safe access and egress to and within the created sites during a flood event, including consideration of depth and velocity of flood water over private roads and accessways; 5. Effects on the functions of floodplains and overland flow paths; 6. The effects of potential changes in flood depth, velocity and frequency on other properties, including upstream and downstream from the site; and 7. The proposed use of, necessity for, and design of engineering solutions (soft or hard) to mitigate the hazard. *Note:* *1. Applications shall comply with information requirement NH-REQ1.*	Activity Status when compliance not achieved with: Non-complying

Natural Hazards

Natural Hazards

Amendments to the Earthworks Chapter

Insert a new objective, policy, and rules into the Earthworks Chapter as per below.

Objectives	
EARTH – O3 Earthworks in Areas Subject to Land Instability and Mining Subsidence	Earthworks do not create, contribute to or exacerbate land instability or mining subsidence risk **beyond the site boundary** ~~**onsite or on other property.**~~**, and onsite risk is minimised** ~~**managed to a tolerable level**~~.

Policies	
EARTH – P4 Risk Reduction	Manage the risks associated with earthworks in areas subject to land instability or mining subsidence hazards giving consideration to: 1. The nature, frequency and scale of the natural hazard(s) present within the site. 2. The nature, scale, location and design of earthworks. 3. Any increase of natural hazard risk within the site and surrounding area, transfer of risk to other sites, or creation of new natural hazard risk. 4. Any measures to avoid, mitigate or reduce risk.

Rules

EARTH-RAA	Any Activity Requiring a Restricted Discretionary Activity Consent in this Chapter
All Zones and Development Areas	Any restricted discretionary activity under EARTH-R3 - R5 shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

EARTH-R3	Earthworks (Other than Earthworks Associated with Subdivision) in Areas of Moderate or High Susceptibility to Land Instability Hazards	
All Zones and Development Areas – areas of moderate or high susceptibility to land instability hazards	Activity Status: Permitted Where: **1. A report has been prepared in accordance with NH-REQ4.1(b) and provided to Council at least 20 working days prior to commencement of any applicable works;** **OR** **2. A report has been prepared in accordance with NH-REQ2 and provided to Council at least 20 working days prior to commencement of any applicable works;**	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. The timing, location, volume, area, scale, design, nature, and monitoring of earthworks in relation to the effects on the stability of land**, infrastructure,** and structures. a. The potential to create new or exacerbate

OR

~~1.~~**3.** The earthworks meet the specified thresholds:

a. Do not exceed a total volume of 30m^3 of **cut** material disturbed or removed within each **12-month period** ~~10-year period from [operative date]~~ within a contiguous area of moderate or high susceptibility to land instability hazards in a site; and

b. Do not exceed a total area of 150m^2 of material disturbed or removed within each **12-month period** ~~10-year period from [operative date]~~ within a contiguous area of moderate or high susceptibility to land instability hazards in a site; and

c. The maximum face height of any cut and/or fill faces does not exceed 0.5m from ground level within an area of moderate or high susceptibility to land instability hazards;

OR

~~2.~~**4.** The earthworks are associated with:

a. The construction of new driveways or impermeable areas where cut or fill depths do not exceed ~~0.3m~~ **0.5m**;

b. The repair and maintenance of existing roads, fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, sports fields and playgrounds, walking or cycling tracks, farm tracks;

c. A dune restoration project;

d. The provision of walking or cycling tracks 4m or less wide and the maximum face height of any cut and/or fill faces does not exceed 0.5m from ground level;

e. The operation, maintenance **and repair**, minor upgrading or replacement of existing lawfully established existing land instability hazards within the site and surrounding sites.

b. The degree of risk of land instability within the site and surrounding sites.

2. **Whether there is a** ~~**The**~~ functional **need** or operational need for **activities** ~~**infrastructure**~~ to **be in this location** ~~**locate within area of moderate or high susceptibility to land instability hazards**~~.

3. The extent to which hazardous substances will be exposed to land instability hazards.

4. The level of detail required to assess natural hazard risk.

Notes:

1. Non-notification rule in EARTH-RAA *applies.*

2. ~~***Applications shall comply with information requirement NH-REQ2.***~~ **For any application under EARTH-R3 a site suitability report, engineer's assessment, or other further information to an appropriate level of detail may be required to assess hazard risk. Information Requirement Rule NH-REQ2 informs the level of detail that may be required.**

infrastructure **or electricity infrastructure**;

f. Earthworks related to rural production activities in the Rural Production Zone~~,~~ ~~**Rural Lifestyle Zone,**~~ and the **Fonterra Kauri Milk Processing SRIZ – Ancillary Irrigation Farms**;

g. **Plantation** ~~**F**~~forestry activities ~~**in accordance with**~~ **provided for and approved under the** National Environmental Standards for ~~**Plantation Forestry**~~ **Commercial Forestry; or**

h. Lawfully established mineral extraction activities within a Mining Area~~**.; or**~~

~~**i. Emergency works as defined by section 330 of the Resource Management Act 1991.**~~

Explanatory Note:

The purpose of the assessment required by NH-REQ4.1(b) is to confirm whether or not the area of land where the earthworks are to be located is correctly mapped as susceptible to land instability. If a report is prepared in accordance with NH-REQ4.1(b) which concludes that it is not susceptible to land instability as defined in the information requirements of that rule, then the activity is permitted by EARTH-R3.1 and EARTH-R3.2 does not apply.

The purpose of the assessment required by NH-REQ2 is to assess if the land that is within an area that is identified as susceptible to land instability is geotechnically suitable for the proposed activity and if the proposed activity will be highly unlikely to exacerbate instability risks on immediately adjoining sites. Earthworks may still be a permitted activity under EARTH-R3.2 if a report is prepared in accordance with NH-REQ2 which concludes the land is geotechnically suitable for the proposed activity and the proposed activity will be highly unlikely to exacerbate instability risks on immediately adjoining sites.

EARTH-R4	Earthworks in Mining Subsidence Hazard Areas 2 and 3	
All Zones and Development Areas – Mining Subsidence Hazard Areas 2 and 3	Activity Status: Permitted Where: 1. A report ~~or certificate,~~ which has been prepared by a suitably qualified and experienced person in accordance with the information requirements in NH-REQ3, is provided to the Council which: a. Confirms and demonstrates the site is geotechnically suitable for the proposed earthworks; and b. Identifies measures to be put in place to mitigate the risk to the stability of the mine workings. OR 2. The earthworks are associated with: a. The construction of new driveways or impermeable areas where cut or fill depths do not exceed 0.3m; b. The repair and maintenance of existing roads, fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, sports fields and playgrounds, walking or cycling tracks, farm tracks; c. The provision of walking or cycling tracks 4m or less wide and the maximum face height of any cut and/or fill faces does not exceed 0.5m from ground level; or d. The operation, maintenance, minor upgrading or replacement of existing lawfully established infrastructure **or electricity infrastructure**.	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. The timing, location, scale, design, nature, and monitoring of earthworks in relation to: a. The potential to create new or exacerbate existing mining subsidence hazards. 2. The risk of subsidence within the site and surrounding sites, with consideration given to the Mining Subsidence Hazard Area category (e.g., Mining Subsidence Hazard Area 1 – 3). 3. **Whether there is a ~~The~~** functional need or operational need for **the activity ~~infrastructure~~** to be **in this location ~~located within Mining Hazard Areas~~**. **4. The level of detail required to assess natural hazard risk.** **4.5.** Recommendations**~~, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report.~~ of any site suitability report, engineer's assessment, or information provided through the consent process.** *Note**s**:* *1. Non-notification rule in* EARTH-RAA *applies.* *2.* ***~~Applications shall comply with information requirement NH-REQ3.~~ For any application under EARTH-R4 a site suitability report, engineer's assessment, or other further information to an appropriate level of detail may be required to assess hazard risk. Information Requirement***

		Rule NH-REQ3 informs the level of detail that may be required.

EARTH-R5	Earthworks in Mining Subsidence Hazard Area 1	
All Zones and Development Areas – Mining Subsidence Hazard Areas 1	Activity Status: Permitted 1. The earthworks are associated with: a. The construction of new driveways or impermeable areas where cut or fill depths do not exceed 0.3m; b. The repair and maintenance of existing roads, fences, utility connections, driveways, parking areas, effluent disposal systems, swimming pools, sports fields and playgrounds, walking or cycling tracks, farm tracks; c. The provision of walking or cycling tracks 4m or less wide and the maximum face height of any cut and/or fill faces does not exceed 0.5m from ground level; or d. The operation, maintenance, minor upgrading or replacement of existing lawfully established infrastructure **or electricity infrastructure**.	Activity Status: Restricted Discretionary Matters of discretion: 1. The timing, location, scale, design, nature, and monitoring of earthworks in relation to: 2. The potential to create new or exacerbate existing mining subsidence hazards. 3. The risk of subsidence within the site and surrounding sites, with consideration given to the Mining Subsidence Hazard Area category (e.g., 1-3). 4. **Whether there is a ~~The~~** functional need or operational need for **the activity ~~infrastructure~~** to be **in this location ~~located within Mining Subsidence Hazard Areas~~**. **5. The level of detail required to assess natural hazard risk.** **~~5.~~6.** Recommendations**~~, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report.~~ of any site suitability report, engineer's assessment, or information provided through the consent process.** *Note**s**:* *1. Non-notification rule in* EARTH-RAA *applies.* *2.* ***~~Applications shall comply with information requirement NH-REQ3.~~ For any application under EARTH-R5 a site suitability report, engineer's assessment, or other further information to an appropriate level of detail may be required to assess hazard risk. Information Requirement Rule NH-REQ3 informs the level of detail that may be required.***

Natural Hazards

Amendments to Coastal Environment Chapter

Amend the Coastal Environment Chapter by

1. Inserting the following new paragraph in the Issues section after the paragraph beginning with "undeveloped parts…"
   An additional consideration for development in the coastal environment is that it runs the risk of being adversely affected by coastal hazards such as erosion or flooding. Coastal erosion is a natural process that occurs when waves, wind and water currents wear away the shoreline. Coastal flooding results from inundation caused by storm tides and wave setup. The interaction of these natural coastal processes with human activities, buildings, structures and other aspects of the environment can result in coastal hazards. These hazards pose a significant risk to a number of communities and settlements within the district's coastal environment, adversely affecting the health, wellbeing and safety of people and communities, as well as the local economy and natural environment values. As sea level rises coastal hazards will increasingly impact the district's coastal margins.

2. Amending the following paragraph in the Issues section by inserting the words shown in italics.

   "Land within the coastal environment requires some additional controls to manage the effects of land use and development on the coastal environment, and to manage the risk of coastal hazards. The Coastal Environment has been identified and is an 'overlay' that applies to land where the coast has a significant influence, and where land use activities can have effects on the coastal marine area. *Coastal hazard areas (Coastal Flooding and Coastal Erosion) have also been identified and are overlays that apply to land in some parts of the Coastal Environment* ***as well as some land outside of the Coastal Environment***. The objectives, policies and rules for the Coastal Environment, *and the rules for Coastal Hazards,* as set out below, apply in addition to the rules for the underlying zone unless otherwise stated (e.g., Rural Production Zone, Settlement Zone and General Residential Zones)*. The objectives and policies for Coastal Hazards are found in the Natural Hazards Chapter which consolidates all of the objectives and policies relating to natural hazards. Those objectives and policies are applicable when assessing applications for sites subject to a Coastal Hazard Overlay."*

3. Deleting objectives CE-O7 and CE-O8 and policy CE-P20.

4. Inserting the following as CE-R1.9 into CE-R1 Application of the Coastal Environment Land Use Rules

   Coastal Erosion and Coastal Flooding Hazard Areas

   9. The CE-CEHA and the CE-CFHA rules of this chapter apply to any site or portion of a site subject to a Coastal Erosion Hazard Overlay or a Coastal Flooding Hazard Overlay**, respectively**.

5. Inserting the following new rules at the end of the Coastal Environments chapter

Natural Hazards

CH – Coastal Hazard Area Rules

Note:
1. For any application for resource consent under CH-R1 – CH-R15 a site suitability report, engineer's assessment, or other further information to an appropriate level of detail may be required to assess hazard risk. Information Requirement Rule CH-REQ1 informs the level of detail that may be required.

Rules

CH-R1
1. ~~The rules below~~ Rules CH-R1 – CH-R15 apply where **an area ~~site~~** is **~~subject to~~ identified and mapped as** a coastal hazard area (CEHA0, CEHA1, CEHA2, CFHA0, CFHA1, and CFHA2) and are in addition to the other rules in the Coastal Environment Chapter, the Natural Hazards Chapter and underlying zone, unless otherwise stated. In the event of any conflict between activity classification rules then the most restrictive activity classification rule shall apply. No rules apply to that part of a site affected by CEHA3 or CFHA 3. **2. Rules CE-R1.2 – R1.4 do not apply to the Coastal Hazard Area Rules.** **3. Activities are permitted under Rules CH-R5A – CH-R6 and CH-R10 – CH-R13 ~~do not apply~~ within an area identified and mapped as a coastal flood hazard area (CFHA0, CFHA1, or CFHA2) where a report has been prepared in accordance with NH-REQ4.1(c) and provided to council at least 20 working days prior to commencement of any applicable works.** **Explanatory Note** ***The purpose of the assessment required by NH-REQ4.1(c) is to confirm whether the flood level on the land area where the activity is proposed will not be to a depth equal to or greater than 100mm, accounting for sea level rise in accordance with the specific matters listed in NH-REQ4.1(c).***

CH-R2	Any Activity Requiring a Restricted Discretionary Activity Consent in this Chapter
All Zones and Development Areas	Any restricted discretionary activity in this chapter shall not require the written consent of affected persons and shall not be notified or limited-notified unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

CH-R3	Minor Buildings**, Underground Structures,** and General Public Amenities
All Zones and Development Areas	Activity Status: Permitted ***~~Note~~ Compliance Standard***: 1. *Minor buildings**, underground structures,** and general public amenities are exempt from **compliance with** rules CH-R7 – CH-R12.*

CH-R4	Operation, Maintenance and Repair, and Minor Upgrading of Existing Infrastructure and Electricity Infrastructure
All Zones and Development Areas	Activity Status: Permitted ~~*Note*~~ *Compliance Standards*: *1. This rule includes any earthworks associated with the above activities.* **2. Operation, maintenance and repair, and minor upgrading of existing infrastructure and electricity infrastructure are exempt from compliance with rules CH-R5A – CH-R15.**

~~CH-R5~~	~~Non habitable Buildings and Major Structures~~	
~~Rural Production Zone~~	~~Activity Status: Permitted~~ ~~Where:~~ ~~1. The building or major structure is non-habitable and:~~ ~~a. Has a gross floor area less than 30m² or:~~ ~~b. Is associated with farming and located within the Rural Production Zone, with a gross floor area less than 100m² or~~ ~~c. Is an artificial crop protection structure or frost protection fans.~~	~~Activity Status where compliance not achieved: Restricted Discretionary~~ ~~Matters of discretion:~~ ~~1. The scale, bulk, location and form of the building or structure.~~ ~~2. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects.~~ ~~3. Any exacerbation of the coastal hazard or creation of a new hazard as a result of the building or structure.~~ ~~4. The extent to which hazardous substances will be exposed to a coastal hazard risk.~~ ~~*Notes:*~~ ~~*1. Non-notification rule in CH-R2 applies*~~ ~~*2. Applications shall comply with information requirement CH-REQ1*~~

CH-R5A	Buildings or Major Structures that do not Accommodate a Vulnerable Activity and are Associated with Farming	
Rural Production Zone	Activity Status: Permitted Where: 1. The gross floor area is less than 100m². ~~*Note*~~ *Compliance Standard*: *1. Activities managed under this rule are exempt from compliance with rules CH-R7 – CH-R12.*	Activity Status where compliance not achieved: Restricted Discretionary Matters of discretion: 1. The scale, bulk, location and form of the building or structure. 2. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects. 3. Any exacerbation of the coastal hazard or creation of a new hazard as a result of the building or structure. 4. The extent to which hazardous substances will be exposed to a coastal hazard event. 5. Whether there is a ~~The~~ functional need or operational need for the activity to be in this location ~~locate within the coastal hazard area~~. 6. The level of detail required to assess natural hazard risk. 7. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process. *Note:* *1. Non-notification rule in CH-R2 applies.*

CH-R5B	Artificial Crop Protection Structures and Frost Protection Fans
Rural Production Zone	Activity Status: Permitted ~~*Note*~~ *Compliance Standard*: *1. Activities managed under this rule are exempt from compliance with rules CH-R7 – CH-R12.*

CH-R6	New and more than minor upgrading of Infrastructure and Electricity Infrastructure	
All zones and	Activity status: Permitted Where:	Activity Status where compliance is not achieved: Restricted Discretionary Matters of discretion:

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Development Areas	1. The new or more than minor upgrading of infrastructure is: a. Electricity and telecommunications poles (including pole supports) and electricity and telecommunications assets mounted on the poles; or b. Ground mounted electricity transformers and switchgear, and electricity and telecommunications pillars; or c. Underground electricity and telecommunications assets; or 2. The new or more than minor upgrading of infrastructure is transport infrastructure within an existing road; or 3. Buildings and major structures that are necessary for the construction of activities permitted under CH-R6 and that are in place only during the construction of the new and more than minor infrastructure. Compliance Standards: 1. Rules CH-R3 – CH-R5B and CH-R7 – CH-R15 do not apply to new and more than minor upgrading of infrastructure and electricity infrastructure. 2. Rule CH-R6 does not apply to any general public amenities.	1. Whether there is a ~~The~~ functional need or operational need of the infrastructure to be in this location ~~locate on land subject to the coastal hazard~~. ~~2. The scale, bulk, location and form of the infrastructure.~~ 3. The public benefits associated with the infrastructure, particularly in the case of regionally significant infrastructure and critical infrastructure. ~~4. Any reverse sensitivity issues.~~ 5. The risk of adverse effects on people, property and the environment including: a. Risk to public health and safety. b. Impacts on ~~landscape and~~ cultural values~~, and on public access~~. c. Any cumulative effects. 6. Any increase in risk from the coastal hazard or creation of a new hazard as a result of the infrastructure. 7. The extent to which future, long term sea-level rise, including a high projection sea-level rise, and its potential impacts have been considered in the location and design of the proposed infrastructure. 8. The degree to which the infrastructure is likely to be subject to damage from erosion and/or inundation and the degree to which it maintains its integrity and function during a hazard event, particularly in the case of lifeline utilities. 9. In the CEHA0 and CEHA1 the extent to which the infrastructure may be able to be relocated or removed from the site. ~~10. Where relevant, and particularly in the case of roading infrastructure, natural hazard risk to vehicular access and evacuation routes and the ability to maintain emergency access.~~ ~~11.~~10. The extent to which hazardous substances will be exposed to a coastal hazard risk. 11. The level of detail required to assess natural hazard risk. *Note~~s~~:*

	1. *Non-notification rule in CH-R2 applies.* ~~2. *Applications shall comply with information requirement CH-REQ1*~~ ~~2. New and more than minor upgrading of infrastructure are exempt from rules CH-R3 – CH-R15.~~

CH-R7	New Buildings and Major Structures in the CEHA1	
All zones and Development Areas	Activity Status: Permitted Where: 1. The building or major structure **does not accommodate a vulnerable activity** ~~**is non-habitable**~~, and 2. The gross floor area does not exceed 30m².	Activity Status where compliance not achieved: Non-Complying ~~***Note:***~~ ~~***1.Applications shall comply with information requirement CH-REQ1***~~

CH-R8	Alterations and Modifications to Existing Buildings and Major Structures in the CEHA1	
All zones and Development Areas	Activity Status: Permitted Where: 1. The existing gross floor area does not increase by more than 30m² from what existed at [operative date] and: a. The alteration is not located further seaward than the existing building or major structure. b. The alteration or modification does not create a new vulnerable activity.	Activity Status where compliance not achieved: Non-Complying ~~***Note:***~~ ~~***1.Applications shall comply with information requirement CH-REQ1***~~

CH-R9	New Buildings and Major Structures, and Alterations and Modifications to Existing Buildings and Major Structures in the CEHA2	
All zones and Development Areas	Activity Status: Permitted Where: 1. For new buildings and major structures the gross floor area does not exceed 30m².	Activity Status where compliance not achieved: Restricted Discretionary Matters of discretion: ~~**1. The scale, bulk, location and form of the building or major structure.**~~ 2. The risk of adverse effects on people, property and the environment including

	2. For alterations and modifications to existing buildings and major structures: a. The existing gross floor area does not increase by more than 30m² from what existed at [operative date]. b. The alteration is not located further seaward than the existing building or major structure. c. The alteration or modification does not create a new vulnerable activity.	risk to public health and safety, and any cumulative effects. 3. Any increase in the risk from the coastal hazard or creation of a new hazard as a result of the building or major structure. 4. The extent to which sea-level rise, including a high projection sea-level rise, and its potential impact have been considered in the location and design of the proposed building or major structure. 5. The extent to which the building or major structure is relocatable considering its design and location and access to remove the major structure. 6. The degree to which the building or major structure is likely to be subject to damage from erosion and/or inundation including the risk of material damage. 7. The use of the building or major structure, including the storage and use of hazardous substances, and any management/ mitigation requirements associated with that use; 8. The extent to which hazardous substances will be exposed to a coastal hazard risk. **9. The level of detail required to assess natural hazard risk.** *Note~~s~~:* *1.Non-notification rule in CH-R2 applies.* ***~~2. Applications shall comply with information requirement CH-REQ1~~***

CH-R10	New Buildings and Major Structures in the CFHA0 and CFHA1	
All zones and Development Areas	Activity Status: Permitted Where: 1. The building or major structure **does not accommodate a vulnerable activity and ~~is non-habitable~~**:	Activity Status when compliance not achieved: Restricted Discretionary Where: 1. The building or major structure **accommodates a vulnerable activity ~~is habitable~~** and the finished floor level is 500mm above the maximum water level in a 1% AEP flood event **~~plus a 1.2 m sea level~~**

a. The gross floor area does not exceed 30m²; and

b. The finished floor level is 300mm above the maximum water level in a 1% AEP flood event ~~plus a 1.2 m sea level rise~~, with a projected sea-level rise of 1.2m by 2130.

~~rise~~, with a projected sea-level rise of 1.2m by 2130; or

2. The building or major structure does not accommodate a vulnerable activity ~~is non-habitable~~ and does not comply with the permitted activity rules.

Matters of discretion:

~~1. The scale, bulk, location and form of the building or major structure.~~

2. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects.

3. Any increase in risk from the coastal hazard or creation of a new hazard as a result of the building or major structure.

4. The extent to which sea-level rise, including a high projection sea-level rise, and it's potential impacts have been taken into account in the location and design of the proposed building or major structure.

5. For buildings or major structures that contain vulnerable activities, the provision of direct, safe access above flood levels from the building to land that is clear of the coastal flood hazard.

6. The use of the building or major structure, including the storage and use of hazardous substances, and any management/ mitigation requirements associated with that use;

7. The extent to which hazardous substances will be exposed to a coastal hazard risk.

8. Whether there is a ~~The~~ functional need or operational need for the activity to be in this location ~~locate within the coastal hazard area~~.

9. The level of detail required to assess natural hazard risk.

10. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process.

		Activity Status when, compliance is not achieved, and the activity is not Restricted Discretionary: ~~Non-complying~~ Discretionary *Notes:* *1. Non-notification rule in CH-R2 applies to any Restricted Discretionary activity.* ~~*2. Applications shall comply with information requirement CH-REQ1.*~~ ***2. Indicative flood depth information from the coastal flood model can be provided on request from the Whangarei District Council or the Northland Regional Council. Alternatively, a site-specific report prepared by a suitably qualified and experienced person can be used to confirm and demonstrate flood depths.***

CH-R11	Alterations or Modifications to Existing Buildings and Major Structures in the CFHA0, CFHA1, CFHA2	
All zones and Development Areas	Activity Status: Permitted Where: 1. The finished floor level of any alteration or modification ~~for existing~~ accommodating a vulnerable activity ~~habitable buildings~~ is 500mm above the maximum water level in a 1% AEP flood event ~~plus a 1.2 m sea level rise~~, with a projected sea-level rise of 1.2m by 2130 and: a. The alteration or modification does not increase the existing gross floor area of an existing vulnerable activity by more than 30m² from what existed at [operative date]; and b. The alteration or modification does not create a new vulnerable activity. OR 2. The finished floor level of any alteration or modification ~~for existing non-habitable buildings and major~~	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: ~~1. The scale, bulk, location and form of the alteration or modification to the existing building or major structure.~~ 2. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects. 3. Any increase in risk from the coastal hazard or creation of a new hazard as a result of the alteration or modification to the existing building or major structure. 4. The extent to which sea-level rise, including a high projection sea-level rise, and it's impacts have been taken into account in the location and design of the alteration or modification. 5. For buildings that contain vulnerable activities, the provision of direct, safe

	~~structures~~ not containing a vulnerable activity is 300mm above the maximum water level in a 1% AEP flood event ~~plus a 1.2 m sea level rise~~, with a projected sea-level rise of 1.2m by 2130 and: a. The existing gross floor area does not increase by more than 30m² from what existed at [operative date]. ~~b. The alteration or modification does not create a new vulnerable activity.~~	access above flood levels from the building to land that is clear of the coastal flood hazard. 6. The use of the building or major structure, including the storage and use of hazardous substances, and any management/ mitigation requirements associated with that use; 7. The extent to which hazardous substances will be exposed to a coastal hazard risk. 8. Whether there is a ~~The~~ functional need or operational need for the activity to be in this location ~~locate within the coastal hazard area~~. 9. The level of detail required to assess natural hazard risk. 10. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process. *Notes:* *1. Non-notification rule in CH-R2 applies* ~~2. Applications shall comply with information requirement CH-REQ1~~ *2. Indicative flood depth information from the coastal flood model can be provided on request from the Whangarei District Council or the Northland Regional Council. Alternatively, a site-specific report prepared by a suitably qualified and experienced person can be used to confirm and demonstrate flood depths.*

CH-R12	New Buildings and Major Structures in the CFHA2	
All zones and Development Areas	Activity Status: Permitted Where:	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion:

1. For new buildings and major structures, the gross floor area does not exceed 30m² and:

   a. The finished floor level for new ~~habitable~~ buildings or major structures **accommodating a vulnerable activity** is 500mm above the maximum water level in a 1% AEP flood event ~~plus a 1.2 m sea level rise~~, **with a projected sea-level rise of 1.2m by 2130** or:

   b. The finished floor level for new ~~non-habitable~~ buildings and major structures **not accommodating a vulnerable activity** is 300mm above the maximum water level in a 1% AEP flood event ~~plus a 1.2 m sea level rise~~, **with a projected sea-level rise of 1.2m by 2130**.

~~1. The scale, bulk, location and form of the building or major structure.~~

2. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects.

3. Any increase in risk from the coastal hazard or creation of a new hazard as a result of the building or major structure.

4. The extent to which sea-level rise, including a high projection sea-level rise, and it's potential impacts have been taken into account in the location and design of the proposed building or major structure.

5. For buildings that contain vulnerable activities, the provision of direct, safe access above flood levels from the building to land that is clear of the coastal flood hazard.

6. The use of the building, including the storage and use of hazardous substances, and any management/ mitigation requirements associated with that use;

7. The extent to which hazardous substances will be exposed to a coastal hazard risk.

8. **Whether there is a ~~The~~ functional need or operational need for the activity to be in this location ~~locate within the coastal hazard area~~.**

9. **The level of detail required to assess natural hazard risk.**

10. **Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process.**

Notes:

1. *Non-notification rule in CH-R2 applies.*
2. ~~*Applications shall comply with information requirement CH-REQ1*~~
3. ***Indicative flood depth information from the coastal flood model can be provided on request from the Whangarei District Council or the Northland Regional Council. Alternatively, a site-specific report***

		prepared by a suitably qualified and experienced person can be used to confirm and demonstrate flood depths.

CH-R13	Changes in use to Accommodate a Vulnerable Activity within Existing Buildings	
All Zones and Development Areas	Activity Status: Permitted Where: 1. ~~A~~ The building is not located in either: a. CEHA0; or b. CEHA1; or c. CFHA0; or d. CFHA1;	Activity status when compliance not achieved: ~~*Discretionary*~~ **Non-complying** ~~***Note:***~~ ~~***1.Applications shall comply with information requirement CH-REQ1***~~

CH-R14	New Hard Protection Structures	
All zones and Development Areas	Activity Status: Discretionary ~~**Where:**~~ ~~**1. The hard protection structure is for the purpose of protecting subdivision, infrastructure, or development existing on [operative date].**~~ ~~***Notes:***~~ *1.* ~~***Applications shall comply with information requirement CH-REQ1***~~	~~**Activity Status when compliance is not achieved: Non-Complying**~~

CH-R15	New Buildings and Major Structures and Additions to Existing Buildings and major Structures in CEHA0
All zones and Development Areas	Activity Status: Non-complying ~~***Notes:***~~ ~~***1. Applications shall comply with information requirement CH-REQ1***~~

Information Requirements

CH-REQ1	Information Rule Requirement – Coastal Hazard Areas
All Coastal Hazard Areas	1. All applications for resource consent required under ~~**CH-R6 – R15**~~ **SUB-R2D** shall provide a site suitability report prepared by a suitably qualified and experienced person. 2. All reports required under CH-REQ1.1 shall have been ~~**be**~~ prepared within the last 12 months and shall include (but are not limited to):

a. Desktop review of coastal hazard data available (e.g., from Council(s) (including the most recent relevant flood hazard model results), survey data, LiDAR data, and owners or witnesses).

~~a.~~b. Identification and assessment of the ~~relevant~~ projected coastal hazards over a 100-year timeframe, ~~within the site~~ considering the effects of climate change and sea level rise over at least a 100-year timeframe based on the most recent data and projections, including the long-term effects under a high projection sea level rise and vertical land movement. Coastal hazards to be identified and assessed include:

~~b. Assessment of the risks and effects of coastal hazards including:~~

i. Inundation.
ii. Erosion.
iii. Storm surge.
iv. Wave run-up.
v. Tsunami hazards.
~~vi. Potential material damage.~~

c. Assessment of the risks and effects of post-development coastal hazards considering (where applicable):

i. The type, frequency, probability, and scale of the hazard, and whether impacts on the proposal will be temporary or permanent.
ii. The activity being undertaken and its sensitivity to coastal hazards.
iii. The potential consequences of a coastal hazard on people, property, communities, infrastructure, and the environment.
iv. Accessibility/escape routes during hazard events.
v. The potential for hazardous substances to be impacted by a coastal hazard.
vi. Whether the proposal exacerbates existing hazards and/or risks.

~~c.~~d. Description and assessment of any proposed mitigation measures~~.~~, including:

i. How buildings and structures are designed to mitigate the effects of coastal hazards.
ii. The ability for structures or buildings to be relocated in the case of rapid coastal erosion or inundation.
iii. Whether soft, nature-based or non-structural solutions can mitigate the effect of coastal hazards, rather than hard engineering solutions.

~~d.~~e. Assessment of any residual risks and effects.

~~e. Consideration of the effects of climate change and sea level rise over at least a 100-year timeframe, including the long term effects under a high projection sea level rise (Note: CEHA3 and CFHA3 areas provide a potential indication of that long term effect).~~

Note:
1. Information Requirement Rule CH-REQ1 informs the level of detail that may be required for applications for resource consent required under CH-R1 – ~~NC~~H-R15.

Natural Hazards

Amendments to the Referenced Documents Chapter

Amend the Referenced Documents Chapter by deleting the following:

~~**a. Coastal Hazard Identification, and the following referenced documents**~~

- ~~**NRC 1988: Coastal Hazard Identification. Whangārei County. Technical Publication No.1988/1, March 1988, held by Northland Regional Council.**~~
- ~~**Gibb, J.G. 1998a: Review of Coastal Hazard Zones for Eleven Selected Beaches in Whangārei District, Northland Region. Consultancy Report C.R. 98/4 prepared for and held by Northland Regional Council. July 1998.**~~
- ~~**Gibb, J.G. 1998b: Coastal Hazard Zone Assessment for the One Tree Point - Marsden Bay Area, Whangārei Harbour, Whangārei District. Consultancy Report C.R. 98/3 prepared for and held by Whangārei District Council.**~~
- ~~**Gibb, J.G. 1999: Coastal Hazard Risk Zone Assessment for Pātaua and Matapouri Bay, Whangārei District. Consultancy Report C.R. 99/7 prepared for and held by Whangārei District Council. December 1999.**~~
- ~~**IPCC 1996: Climate Change 1995. The Science of Climate Change. Summary for Policy Makers and Technical Summary of the Working Group 1. Report. Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge. Held by Northland Regional Council.**~~

Natural Hazards

Amendments to the District Growth and Development Chapter

Amend existing DGD-O10, DGD-P3, DGD-P23, DGD-P25, and DGD-P26 as per below:

Objectives	
DGD-O10 – Natural Hazards	~~Avoid inappropriate new subdivision, land use and development in areas subject to natural hazard risk, and~~ ~~In existing developed areas m~~Minimise the risks and impacts of natural hazards ~~risk~~ (including the influence of climate change), on people, communities, property, the environment, ~~and~~ infrastructure, and electricity infrastructure.

Policies	
DGD-P3 – Natural Hazards	To manage the risks and impacts of natural hazards to people, property, ~~and~~ infrastructure, and electricity infrastructure by: 1. Assessing the risk of ~~coastal and flood~~ natural hazards on subdivision, use and development over a 100-year timeframe. 2. Avoiding inappropriate new subdivision, use and development in areas subject to natural hazards. 3. Ensuring measures to mitigate and adapt to the effects of climate change are provided for in development, growth and transport planning. 4. Ensuring that the risks from natural hazards are assessed when zoning new areas of land for more intensive development. ~~5. Ensuring all proposals to subdivide or develop land that is subject to natural hazard risk include an assessment that is commensurate with the level of natural hazard risk.~~ ~~6.~~5. ~~Avoiding~~ ~~locating~~ Encouraging regionally significant infrastructure and critical infrastructure ~~within areas subject~~ to locate outside of natural hazard ~~zones~~ areas ~~unless there is a functional or operational need for its location~~.

Policy	Amendment
DGD-P23 – Rural Lifestyle Zone DGD-P25 – Settlement Zone	Replace the words “hazard prone area” with “~~areas subject to~~ a natural hazard area ~~risk~~”.
DGD-P26 – Future Urban Zone	Replace the words “significantly hazard prone” with “~~areas at high risk from~~ a natural hazard~~s~~ area”.

Natural Hazards

Amendments to the Urban Form and Development Chapter

Amend existing UFD-P10 and UFD-P13 as per below:

Policy	Amendment
UFD-P10 – Local Centre Zone; UFD-P13 – Residential Zones – clause 1c	Replace the words “hazard prone area” with “~~areas subject to~~ a natural hazard area ~~risk~~”.
UFD-P13 – Residential Zones – clause 3b and 4c	Replace the words “significantly hazard prone” with “~~areas at high risk from~~ a natural hazard~~s~~ area”.

Natural Hazards

Amendments to the Port Nikau Development Area Chapter

Amend existing rule PNDA-R1(2) as shown below:

PNDA-R1	Any Activity
	1. Except for (2) and (3) below, the relevant rules of the district wide chapters apply unless otherwise stated in the PNDA rules. 2. The rules of the district wide Subdivision chapter do not apply to the PNDA, **except for the general subdivision rules in SUB-R2A – SUB-R2E.** 3. The following rules and appendices of the district wide Transport Chapter do not apply to the Port Nikau Development Area: a. TRA-R5.2. b. TRA-R12. c. TRA-R14.4. d. TRA-R15. e. TRA-R16. f. TRA-R17. g. TRA-R18. h. TRA Appendix 2D and 2E.

Natural Hazards

Amendments to the Low Density Residential Zone Chapter Precinct 17

Amend the Issues section and PREC17-R2 within Precinct 17 in the Low Density Residential Zone Chapter as shown below:

PREC17 – O'Shea Road Environmental Benefit Precinct (OEBP)

Issues
The O'Shea Road Environmental Benefit Precinct enables development consistent with the Low Density Residential Zone where: • Development is designed to minimise the risks of land instability natural hazards; and • Positive ecological outcomes are achieved. All relevant district wide and underlying Low Density Residential Zone provisions apply in addition to the PREC17 provisions **except for SUB-R2A which does not apply within PREC17**.

PREC17-R2	Subdivision	
	Activity Status: Controlled Where: 1. The areas of indigenous vegetation identified on PREC17 Map 1 are: a. Proposed to be legally protected in perpetuity in their entirety. b. Managed on an on-going basis in accordance with an Ecological Management Plan. Matters of control: 1. The matters over which control is reserved in SUB-R4. 2. Effects on the ecological and biodiversity values within the site. 3. Effects on the stability of land or any existing or future structures, and the potential to create new or exacerbate existing land instability hazards. 4. Effects of remediating the land instability hazard. 5. The intended use of the land and its vulnerability to the potential effects of land instability. 6. The design and location of any infrastructure **and electricity infrastructure** and on-site services and their susceptibility to adverse effects from land instability hazards and potential risks to public health and the environment. 7. Recommendations and proposed conditions and remediation or mitigation measures of the site suitability report and any further information provided through the consent process. 8. The extent to which site boundaries take account of natural and physical boundaries, including mapped district wide resources and overlays. *Notes:* 1. *Any application shall comply with information requirements PREC17-REQ1 – REQ2.* 2. *All relevant District Wide and Overlay subdivision objectives, policies and rules apply in addition to PREC17-R2* **except for SUB-R2A which does not apply within PREC17**.	Activity Status when compliance is not achieved: Discretionary

Natural Hazards

Amendments to the Light Industrial Zone

Insert new precinct 24

Issues
The Marsden Point Road Industrial Precinct (MPRIP) applies to an area of light industrial land in the Marsden / Ruakaka area. The MPRIP acknowledges that recent and ongoing earthworks and subdivision consents seek to address potential flood hazard risks. The district wide rules within the Natural Hazards Chapter and the Coastal Hazards section of the Coastal Environment Chapter do not apply within the MPRIP where activities are undertaken in accordance with conditions of recent earthworks and subdivision consents.

Objectives	
PREC24-O1 – Natural Hazards	Acknowledge recent subdivision and earthworks consents which seek to address natural hazard risks.

Policies	
PREC24-P1 – Natural Hazards	To enable activities within areas identified on the planning maps as susceptible to natural hazards where the activities are undertaken in accordance with recent earthworks and subdivision consents.

Rules

PREC24-R1	Application of Natural Hazards Chapter and Coastal Hazards Rules
PREC24	1. Rules NH-R1 – NH-R17A in the Natural Hazards Chapter and rules CH-R1 – CH-R15 in the Coastal Environment Chapter do not apply within PREC24 where: a. The activity is undertaken within a site that was created by a subdivision consent that was approved after 1 June 2022; and b. The activity is undertaken in accordance with any consent notices and conditions of consent containing specific design or location requirements for buildings and earthworks.