

Attachment 4 – Recommended Plan Provisions Clean Version

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

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 exposure of people, property, communities, infrastructure, and the environment to the hazard event.

For some natural hazards the occurrence and severity of the events are increasing due to climate change. District plan provisions are required to manage land use, development, and subdivision in order to limit the exposure of people, property, communities, infrastructure, and the environment to 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 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 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.

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 flood hazard events. 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 identify the likely extent of flooding during or associated with significant rainfall events.

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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 flooding occurring annually. It is possible that in the 10-year areas, flood depths in 100-year events may be very deep with significant flow velocity, meaning the consequences of a hazard event are likely to be 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.
- 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 requires district councils to incorporate the Northland Regional Council 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.

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- 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 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 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 moderate and high susceptibility to [land](#) instability hazards. These maps consider 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.

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.

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

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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 be 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.

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 identified, assessed, and managed.
NH-O2 – Subdivision, Land Use, and Development	Manage, and where appropriate avoid, subdivision, land use and development, particularly vulnerable activities, in areas subject to natural hazards.
NH-O3 – Existing Development	Do not increase natural hazard risk to existing development and encourage measures to reduce risk where appropriate.
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 subject to natural hazard risk where risks are appropriately managed, and infrastructure is appropriately designed.
NH-O5A – Natural Defences	Existing natural systems and features that contribute to reducing the impacts of natural hazards are recognised and maintained, protected, restored, or enhanced.
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 the potential effects of climate change are taken into account when managing subdivision , land use, and development.

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General Policies

These policies apply to all [land](#) subject to [natural hazards](#).

Policies	
NH-P1 – Risk Identification	To identify 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 – 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 . The risk assessment must include consideration of: <ol style="list-style-type: none"> 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.
NH-P3 – Risk Management	To minimise natural hazard risk giving consideration to: <ol style="list-style-type: none"> 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 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. 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 in this location.
NH-P4 – Risk Reduction	To support risk reduction by: <ol style="list-style-type: none"> 1. Directing vulnerable activities to locations which will minimise the risk of natural hazards. 2. Where appropriate, implementing risk reduction measures such as: <ol style="list-style-type: none"> 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. 3. Locating and designing subdivision, use and development so that hazard risk is not transferred to, or increased for other properties. 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: <ol style="list-style-type: none"> 1. The potential effects of climate change over at least 100 years, including sea level rise, rainfall, 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.

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NH-P6A – Wildfire Threat	To ensure that subdivision, use, and development: <ol style="list-style-type: none"> Has regard to the risk of wildfire, including consideration of: <ol style="list-style-type: none"> Topographical features within the site and surrounding area. The extent and location of fire fuels including, but not limited to, vegetation cover on all or part of the site. The water system’s ability to meet firefighting requirements. 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: <ol style="list-style-type: none"> Installation of tsunami sirens in appropriate locations where practicable. 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 new infrastructure and electricity infrastructure on land identified as being susceptible to natural hazards where: <ol style="list-style-type: none"> There is a functional need or operational need to locate in this location; and 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 The infrastructure and electricity infrastructure has been designed with consideration given to its resilience, integrity and function during a natural hazard event; and Risks to people, property, communities, and the environment are reduced to the greatest extent practicable; and 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 considering future capability for climate change adaptation 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: <ol style="list-style-type: none"> 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. Enables tangata whenua to exercise rangatiratanga and kaitiakitanga over their ancestral lands. 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.

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NH-P9 – New Subdivision, Land Use and Development	<p>To ensure that the location and design of new <u>subdivision</u> and development on <u>land</u> subject to flood hazards does not increase the risk of adverse <u>effects</u> on people, property, and the <u>environment</u> including by:</p> <ol style="list-style-type: none"> 1. <u>Subdivision</u> plans identifying <u>building</u> areas that will not be subject to inundation or <u>material damage</u> 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 <u>material damage</u> in a 100-year flood event. 3. New built development containing <u>vulnerable activities</u> achieving a minimum freeboard above a 100-year flood event. 4. Commercial and industrial <u>buildings</u> being of the type/design that are not subject to <u>material damage</u> 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 Development	<p>To minimise flood hazard risk in existing developed areas through redevelopment or changes in <u>land</u> use that reduce the vulnerability to adverse <u>effects</u> from flood hazards including by:</p> <ol style="list-style-type: none"> 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 <u>vulnerable activities</u> by minimising intensification of existing vulnerable activities on land subject to flooding in a 100 year flood event; and encouraging the re-location of <u>vulnerable activities</u> to 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	<p>To recognise that there are some <u>land</u> uses and development, such as, non – habitable buildings, structures, infrastructure, rural, and industrial land uses, that have the ability to be resilient to the adverse <u>effects</u> of flooding events and can be carried out in <u>flood hazard areas</u>.</p>
NH-P12 – Defences	<ol style="list-style-type: none"> 1. To avoid activities that reduce or remove, flood defences or otherwise result in an increase in the extent of flood hazards and; 2. To enable appropriate hazard mitigation measures to be created to protect existing development.

Coastal Flooding and Coastal Erosion policies

Policies	
NH-P13 – New Subdivision, Land Use and Development	<p>To ensure that the location and design of new greenfield <u>subdivision, land use</u> and development within coastal hazard areas does not increase the risk of adverse <u>effects</u> from coastal hazards on people, property, communities, and the <u>environment</u>, and takes into account the potential long term <u>effects</u> of climate change on greenfield <u>subdivision</u> and <u>land</u> use change in areas potentially affected by a high projection scenario including by:</p> <ol style="list-style-type: none"> 1. Requiring <u>subdivision</u> plans to identify and locate <u>building</u> areas outside of coastal hazard areas and provide safe vehicular access. 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 on sea level rise projections.

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NH-P14 – Existing Development	<p>To minimise coastal hazard risk in areas with existing development and <u>land</u> use including by:</p> <ol style="list-style-type: none"> 1. Requiring all <u>subdivision</u> plans to identify <u>building</u> areas 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 <u>activities</u>, within areas at risk from coastal hazards. 3. Providing for <u>setbacks</u> for coastal hazard areas, and require additions to avoid being located closer to the hazard than the existing buildings located in CEHAs. 4. Requiring appropriate finished floor level for new buildings and alterations and modifications to existing buildings to meet minimum standards including an allowance for a 1% AEP flood event plus sea level rise. 5. Designing for relocatable or recoverable structures when altering or modifying existing buildings. 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	<p>To recognise that there are some <u>land</u> uses and development such as infrastructure, non-habitable buildings, and rural <u>land</u> uses that are resilient to the adverse <u>effects</u> of coastal hazards and can be carried out in coastal hazard areas.</p>
NH-P1 – Natural Defences	<p>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.</p>
NH-P17 – Hard Protection Structures	<p>To ensure that new <u>subdivision</u>, <u>land</u> 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 <u>hard protection structures</u>.</p>
NH-P18 – Appropriate Hard Protection Structures	<p>To recognise that hard protection <u>structures</u> located landward of mean high <u>water</u> springs may be the best practicable option to protect existing development against coastal hazards in the following circumstances:</p> <ol style="list-style-type: none"> 1. The level of hazard risk reduction that the proposed <u>structure</u> is seeking to achieve is appropriate and cannot reasonably be achieved through non-structural options; or 2. The structure is the only practical means of protecting existing regionally significant infrastructure or critical infrastructure; or 3. The <u>structure</u> 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 4. It can be demonstrated that the benefits of mitigation outweigh the adverse <u>effects</u> on the <u>environment</u>.
NH-P19 – Hard Protection Structures Location and Design	<p>To ensure that, where <u>hard protection structures</u> are the best practicable option to protect existing development in accordance with NH-P18, they are located and designed to avoid, remedy or mitigate adverse <u>effects</u> on the <u>environment</u>. This includes:</p> <ol style="list-style-type: none"> 1. Locating <u>structures</u> as far landward of mean high-water springs as practicable to retain as much natural beach as possible. 2. Requiring that <u>structures</u> to protect private assets are not located on public <u>land</u> unless there is significant public or environmental benefit in doing so. 3. Ensuring <u>effects</u> on <u>cultural values</u>, are avoided as far as practicable and otherwise mitigated.

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Land Instability policies

Policies	
NH-P20 – Identification of Land Susceptible to Land Instability Hazards	<p>To identify areas with moderate or high susceptibility to land instability hazards based on desktop analysis and relevant site specific assessments where available which assess:</p> <ol style="list-style-type: none"> 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	<p>To ensure that remediation and mitigation works are undertaken when they are necessary to minimise land instability hazard risks.</p>

Mining Subsidence policies

Policies	
NH-P22– Mapping of Mining Subsidence Hazard Areas	<p>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.</p>
NH-P23 – Buildings and Structures	<p>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:</p> <ol style="list-style-type: none"> 1. The design, location and construction of buildings and major structures in relation to: <ol style="list-style-type: none"> 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. 3. The extent to which hazardous substances will be exposed to a mining subsidence hazard.

Notes:

1. *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.*

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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.
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 <i>Compliance Standard:</i> 1. <i>Minor buildings, underground structures, and general public amenities are exempt from compliance with rules NH-R8 – NH-R17A.</i>

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NH-R4	Operation, Maintenance and Repair, and Minor Upgrading of Existing Infrastructure and Electricity Infrastructure	
All Zones and Development Areas	<p>Activity Status: Permitted</p> <p><i>Compliance Standards:</i></p> <ol style="list-style-type: none"> 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-R7	New and More Than Minor Upgrading of Infrastructure and Electricity Infrastructure	
All Zones and Development Areas	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The infrastructure is 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: <ol style="list-style-type: none"> 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. <p><i>Compliance Standards:</i></p> <ol style="list-style-type: none"> 1. Rules NH-R3 – NH-R4 and NH-R7B – NH-R17A do not apply to new and more than minor upgrading of 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Whether there is a functional need and/or operational need to be in this location. 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. 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.

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infrastructure and electricity infrastructure.

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

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.

NH-R7B	Permitted Activities
All Zones and Development Areas	<ol style="list-style-type: none"> 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. <p><i>Explanatory Note:</i></p> <p><i>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.</i></p> <p><i>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.</i></p>

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NH-R8	Alterations and Extensions to Buildings and Major Structures within 10 and 100-year Flood Hazard Area	
<p>All Zones and Development Areas</p>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The alteration or extension is located entirely within a building area that has been approved as part of a subdivision consent approved after 1 December 2021. <p>OR</p> <ol style="list-style-type: none"> 2. The gross floor area does not increase by more than 30m² from what existed at [operative date] and; <ol style="list-style-type: none"> a. A minimum freeboard of 500mm above the 100-year flood event is achieved for the alteration or extension to an existing building containing a vulnerable activity. b. The alteration or extension does not create a new vulnerable activity. c. No part of the <u>building</u> or <u>major structure</u> is enclosed in a manner that alters or diverts an <u>overland flow path</u> and causes flooding of another property <p>OR</p> <ol style="list-style-type: none"> 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 110m²; or 4. The alteration or extension is an artificial crop protection structure, crop support structure or a frost protection fan. <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> 1. <i>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.</i> 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The risk of adverse <u>effects</u> on people, property and the <u>environment</u> including risk to public health and safety and any cumulative <u>effects</u>. 2. Any exacerbation of the flood hazard or creation of a new hazard as a result of the <u>alteration</u> to the <u>building</u> or major <u>structure</u>. 3. For <u>buildings</u> that contain <u>vulnerable activities</u>, the provision of direct, safe <u>access</u> above flood levels from the <u>building</u> to <u>land</u> that is clear of the flood hazard. 4. Whether there is a functional need or operational need for the building or major structure to be in this location. 5. The adverse effects of earthworks associated with the activity. 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. <p><i>Notes:</i></p> <ol style="list-style-type: none"> 1. <i>Non-notification rule in NH-R1 applies.</i> 2. <i>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.</i>

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NH-R9	Fences and Walls in Flood Hazard Areas	
<p>All Zones and Development Areas</p>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. A fence or wall is constructed with materials to allow for the passage of flood <u>waters</u> by using: <ol style="list-style-type: none"> 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 that can convey the 1% <u>annual exceedance probability</u> (AEP) flood flow without diversion or impedance. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The design of the fence or wall. 2. The <u>effects</u> on flood depth and velocity from the blocking or channelling of <u>water</u>. 3. The <u>effects</u> of the flood hazard within the <u>site</u> and on other properties upstream or downstream of the <u>site</u>. 4. The level of detail required to assess natural hazard risk. <p>Note:</p> <ol style="list-style-type: none"> 1. <i>Non-notification rule in NH-R1 applies.</i>

NH-R9A	New Buildings and Major Structures in 100 year flood hazard areas	
<p>All Zones and Development Areas</p>	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 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. <p>OR</p> <ol style="list-style-type: none"> 2. The building or major structure does not accommodate a vulnerable activity and: <ol style="list-style-type: none"> a. Has a gross floor area less than 30m²; or b. Is associated with farming and located within the Rural 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 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. <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects. 2. The extent to which the building or major structure will be subject to material damage. 3. The nature of the activity being undertaken and its vulnerability to the potential effects of flooding. 4. 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.

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- Production Zone or the Fonterra Kauri Milk Processing Site SRIZ – Ancillary Irrigation Farms, with a gross floor area less than 110m²; 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.

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;
7. 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.
8. Whether there is a functional need or operational need for the building or major structure to be in this location.
9. The adverse effects of earthworks associated with the activity.
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.

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-R11	New Buildings or Major Structures 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. <i>Compliance Standard:</i>	Activity Status when compliance not achieved: Restricted Discretionary Where: 1. The building or major structure does not accommodate a vulnerable activity. Matters of discretion: 1. The risk to people and property from the flood hazard.

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<p>1. <i>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.</i></p>	<p>2. The extent to which the building or major structure will be subject to material damage.</p> <p>3. The nature of the activity being undertaken and its vulnerability to the potential effects of flooding.</p> <p>4. 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.</p> <p>5. Whether there is a functional need or operational need for the building, major structure or activity to be in this location.</p> <p>6. The proposed use of, necessity for and design of engineering solutions (soft or hard) to mitigate the hazard.</p> <p>7. The use of the building, including the storage and use of hazardous substances, and any management/ mitigation requirements associated with that use.</p> <p>8. The adverse effects of earthworks associated with the activity.</p> <p>9. The level of detail required to assess natural hazard risk.</p> <p>Activity Status when compliance not achieved and the activity is not a Restricted Discretionary activity: Non-complying</p> <p><i>Note:</i></p> <p>1. <i>Non-notification rule in NH-R1 applies.</i></p>
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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

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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.

NH- R12B	Permitted Activities
All Zones and Development Areas	<p>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</p> <p>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.</p> <p><i>Explanatory Note:</i></p> <p><i>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.</i></p> <p><i>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.</i></p>

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	<p>Activity Status: Permitted</p> <p>Where:</p> <p>Clearance of exotic and indigenous vegetation:</p> <p>Either:</p> <p>1. Is within a single urban environment allotment;</p> <p>OR</p>	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <p>1. The extent to which the vegetation serves to mitigate natural hazards.</p>

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2. Does not exceed a total area of 150m² 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;
 - h. Earthworks related to rural production activities in the Rural Production Zone; or
 - i. Plantation forestry activities provided for and approved under the National Environmental Standards for Commercial Forestry.

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 functional need or operational need for the activity to be in this location.
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.

Note:

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

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NH-R13	Alterations and extensions to Buildings and Major Structures in Areas of Moderate or High Susceptibility to Land Instability Hazards	
All Zones and Development Areas	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The 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. <p>OR</p> <ol style="list-style-type: none"> The gross floor area does not increase by more than 30m² from what existed at [operative date]; and The alteration or extension does not create a new vulnerable activity. <p><i>Compliance Standards:</i></p> <ol style="list-style-type: none"> <i>Crop support structures and artificial crop protection structures are exempt from compliance with NH-R13.</i> <i>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-R13.1.</i> 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> Effects on the stability of land and structures, and the potential to create new or exacerbate existing land instability hazards. 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. Whether there is a functional need or operational need for the building or major structure to be in this location. The design, location, construction, and maintenance of buildings and major structures so that they are resilient to land instability hazards. The extent to which hazardous substances will be exposed to land instability hazards. The level of detail required to assess natural hazard risk. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process. <p><i>Note:</i></p> <ol style="list-style-type: none"> <i>Non-notification rule in NH-R1 applies.</i>

NH-R13A	Buildings and Major Structures in Areas of Moderate or High Susceptibility to Land Instability Hazards	
All Zones and Development Areas	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 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 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> Effects on the stability of land and structures, and the potential to create new or exacerbate existing land instability hazards.

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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, with a gross floor area less than 110m²; or
 - c. Is an artificial crop protection structure, crop support structure or a frost protection fan.
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 functional need or operational need for the building or major structure to be in this location.
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.

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.*

Note:

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

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	<p>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.</p> <p><i>Explanatory Note</i> <i>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.</i></p>

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NH-R15	Alterations and extensions to Existing Buildings and Major Structures in Mining Subsidence Hazard Areas 1-3	
All Zones and Development Areas	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The alteration or extension is located entirely within a building area that has been approved as part of an approved subdivision consent. <p>OR</p> <ol style="list-style-type: none"> There is no increase to the <u>gross floor area</u> of the <u>building</u> or <u>major structure</u>. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, location and construction of <u>buildings</u> and <u>major structures</u> in relation to: <ol style="list-style-type: none"> The potential to create new or exacerbate existing mining subsidence hazards. The risk of subsidence within the <u>site</u> and surrounding <u>sites</u>, with consideration given to the <u>Mining Subsidence Hazard Area</u> category (e.g., <u>Mining Subsidence Hazard Area 1 – 3</u>). The vulnerability of occupants or users of the <u>site</u> where the intended use is a <u>vulnerable activity</u>. Whether there is a functional need or operational need for the activity to be in this location. The extent to which <u>hazardous substances</u> will be exposed to a mining subsidence hazard. The level of detail required to assess natural hazard risk. Recommendations of any site suitability report, engineer’s assessment, or information provided through the consent process. <p><i>Note:</i></p> <p>1. <i>Non-notification rule in NH-R1 applies.</i></p>

NH-R16	New Buildings and Major Structures in Mining Subsidence Hazard Areas 2 and 3	
All Zones and Development Areas	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The building or major structure is located entirely within a building area that has been approved as part of an approved subdivision consent. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> The design, location and use of materials in all proposed buildings and <u>major structures</u> in relation to: <ol style="list-style-type: none"> The potential to create new or exacerbate existing mining subsidence hazards. The risk of subsidence within the <u>site</u> and surrounding <u>sites</u>, with consideration given to the <u>Mining Subsidence Hazard Area</u> category (e.g., Hazard Areas 2 – 3).

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

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	<ol style="list-style-type: none"> 1. Applications for resource consent required under SUB-R2E, and permitted activities under NH-R7B.2, shall provide a site specific assessment of the flood hazard and risk associated with the proposed development 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. iii. Consideration of climate change impacts based on the most recent data and projections including: <ol style="list-style-type: none"> 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, considering (where applicable): <ol style="list-style-type: none"> i. Upstream and downstream flooding. ii. 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.

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- 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. 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.
- f. 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.
- g. Assessment of any residual risks and effects.
- h. 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	<ol style="list-style-type: none"> 1. Applications for resource consent required under SUB-R2A, and permitted activities under NH-R12B.2 and EARTH-R3.2, 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: <ul style="list-style-type: none"> a. Topographic survey (if not already available) or slope profiles. b. A description of the geology and geomorphology of the area, including comment on the areas surrounding the development site. 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). d. Assessment of the relative strength and the sensitivity of the soil in each stratum in which, or interface on which, sliding is possible. e. Assessment of likely groundwater levels and piezometric pressures in the strata during extreme infiltration conditions. 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.

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	<p>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.</p> <p>h. An assessment of land instability hazard risk associated with the proposed development.</p> <p>i. For permitted activities proposed under NH-R12B.2 and EARTH-R3.2, taking into account the overall recommendations, the report must conclude that:</p> <ol style="list-style-type: none"> 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. <p><i>Notes:</i></p> <ol style="list-style-type: none"> 1. <i>Further guidance on land instability hazard assessments can be found in the WDC Engineering Standards.</i> 2. <i>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.</i>
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NH-REQ3	Information Requirement – Site Suitability Report for Activities in Mining Subsidence Hazard Areas
All Zones and Development Areas – Mining Subsidence Hazard Areas	<ol style="list-style-type: none"> 1. Applications for resource consent required under SUB-R2B or SUB-R2C, and permitted activities under NH-R14B.1, 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: <ol style="list-style-type: none"> 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 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

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	<p>differential settlement, including where necessary physical investigation of mine workings (e.g., drilling, ground-penetrating radar).</p> <p>g. For permitted activities proposed under NH-R14B.1 taking into account the overall recommendations, the report must conclude that:</p> <ol style="list-style-type: none"> 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. <p><i>Notes:</i></p> <ol style="list-style-type: none"> 1. Further guidance on mining subsidence hazard assessments can be found in the WDC Engineering Standards. 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.
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NH-REQ4	Information Requirement – Site Specific Hazard Mapping Assessment
All Zones and Development Areas	<ol style="list-style-type: none"> 1. 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: <ol style="list-style-type: none"> a. Where the proposed activity is within an area mapped as flood susceptible within the District Plan, must: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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:

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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

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	<p>engineered standards) and the original underlying natural terrain gradient was greater than or equal to:</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> v. Include a clear statement confirming that: <ol style="list-style-type: none"> 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). <ol style="list-style-type: none"> c. Where the proposed activity is within an area mapped as a coastal flood hazard area within the District Plan, must: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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).
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	<ol style="list-style-type: none"> 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. <p>iii. Include a clear statement confirming that:</p> <ol style="list-style-type: none"> 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).
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Amendments

Amendments to the Definitions Chapter

Insert the following new definitions:

Vulnerable Activity

Means residential activities, care centres, visitor accommodation, educational facilities, places of assembly, emergency services, healthcare facilities, hospitals, and hospital related activities.

Area of High Susceptibility to Land Instability Hazards

means land which 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. 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 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. Damage to the extent that repair or replacement requires a building consent under the Building Act; or
- b. Damage (including effects on structural integrity) to the extent that parts or all of the building are rendered unusable and the building cannot be safely used for its intended purpose.

Coastal Erosion Hazard Areas

means areas susceptible or likely at risk of coastal erosion 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.

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- 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 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 flooding and included in the District Plan maps as follows:

- 1 in 10 Year Flood Hazard Area – the area potentially susceptible to flooding in a 10% [Annual Exceedance Probability](#) (AEP) / 10Yr Average Return Interval (ARI) storm event.
- 1 in 100 Year Flood Hazard Area – the area potentially susceptible to 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.

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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 (additions shown in underline):

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.

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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.~~

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Amendments to the Subdivision Chapter

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

Objectives	
SUB-O6 – Natural Hazards	Natural hazard risks are appropriately assessed and minimised at subdivision stage.

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

Rules

SUB-R1	Any Subdivision
	<ol style="list-style-type: none"> 1. Is subject to all relevant Overlay, <u>Resource Area</u> and District-Wide <u>subdivision</u> and <u>land</u> 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: <ol style="list-style-type: none"> 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): <ol style="list-style-type: none"> 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	Activity Status when compliance not achieved: Restricted Discretionary
	Where: <ol style="list-style-type: none"> 1. No additional sites or allotments are created, or 2. The subdivision is undertaken for: <ol style="list-style-type: none"> a. The creation of esplanade strips or esplanade reserves; or 	Matters of discretion: <ol style="list-style-type: none"> 1. The nature, frequency and scale of the natural hazard(s) present within the site. 2. The effects of remediating any land instability hazards.

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<p>b. The provision for network utilities.</p> <p>OR</p> <p>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.</p> <p>Matters of control:</p> <ol style="list-style-type: none"> 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. 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 potential risks to public health and the environment. 7. Recommendations, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report. 	<ol style="list-style-type: none"> 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. <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. <i>Applications shall comply with information requirement NH-REQ2.</i>
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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	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> The site is geotechnically suitable for the proposed subdivision and potential future uses; and The proposed site works and infrastructure and electricity infrastructure are designed with measures to avoid creating new or exacerbating existing mining subsidence hazards. <p>Matters of control:</p> <ol style="list-style-type: none"> Matters listed in HPW-R9 in the Relationship Between Spatial Layers Chapter. 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). The location of building areas and the effects of cumulative imposed loads on the risk of mining subsidence. 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. Mitigation measures to avoid adverse effects on the stability of the mine workings. The extent to which the subsidence risk of the whole relevant area was taken into account in the subdivision design. Recommendations, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report. <p><i>Note:</i></p> <ol style="list-style-type: none"> <i>Applications shall comply with information requirement NH-REQ3.</i> 	<p>Activity Status when compliance not achieved: Discretionary</p>

SUB-R2C	Subdivision of land within or containing Mining Subsidence Hazard Area 1	
All Zones and Development Areas – Mining Subsidence Hazard Area 1	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> No additional sites or allotments are created; and 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. <p>Matters of control:</p>	<p>Activity Status when compliance not achieved: Discretionary</p>

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	<ol style="list-style-type: none"> Matters listed in HPW-R9 in the Relationship Between Spatial Layers Chapter. 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. <p><i>Note:</i></p> <ol style="list-style-type: none"> <i>Applications shall comply with information requirement NH-REQ3.</i> 	
SUB-R2D	Subdivision of Land within or Containing a Coastal Erosion or Coastal Flooding Hazard Area(s)	
All Coastal Hazard Areas	<p>Activity Status: Controlled</p> <p>Where:</p> <p>Either</p> <ol style="list-style-type: none"> No additional sites or allotments are created, or The subdivision is undertaken for: <ol style="list-style-type: none"> The creation of esplanade strips or esplanade reserves; or The provision for network utilities. <p>OR</p> <ol style="list-style-type: none"> Every site contains a building area identified on the scheme plan of at least 100m² that is located outside of the CEHA0, CEHA1, CEHA2, CFHA0, CFHA1 or CFHA2 identified on the District Plan Maps. <p>Matters of control:</p> <ol style="list-style-type: none"> 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. The extent to which the identified building area and access avoid coastal hazard areas. The provision of setbacks and esplanade areas to avoid high risk coastal erosion hazard areas. The extent to which sea-level rise has been taken into account in the subdivision design. The location of existing infrastructure and electricity infrastructure services and the extent to which the subdivision affects the accessibility of underground services. <p><i>Note:</i></p> <ol style="list-style-type: none"> <i>Applications shall comply with information requirement CH-REQ1.</i> 	<p>Activity Status when compliance not achieved: Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> Building areas are identified on the scheme plan for every proposed site and: <ol style="list-style-type: none"> Are not wholly or partly located within the CFHA0, CFHA1 CEHA0 or CEHA1. In CFHA2 finished floor levels for buildings accommodating a vulnerable activity are located 500mm above the maximum water level in a 1% AEP flood event, with a projected sea-level rise of 1.2m by 2130; or In CFHA2 finished floor levels for buildings not accommodating a vulnerable activity are located 300mm above the maximum water level in a 1% AEP flood event, with a projected sea-level rise of 1.2m by 2130. <p>Activity status when the subdivision is not a Controlled or Discretionary activity: Non-Complying</p>

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SUB-R2E	Subdivision of Land Within or Containing a Flood Hazard Area(s)	
<p>10 and 100 year Flood Hazard Area</p>	<p>Activity Status: Controlled</p> <p>Where:</p> <ol style="list-style-type: none"> 1. No additional sites or allotments are created; or 2. The subdivision is undertaken for: <ol style="list-style-type: none"> a. The creation of esplanade strips or esplanade reserve-; or b. The provision for network utilities. <p>OR</p> <ol style="list-style-type: none"> 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. <p>Matters of control:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 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. <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. Location of suitable and stable building areas, 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. 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.

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extent to which the subdivision affects the accessibility of underground services

Note:

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

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

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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, and onsite risk is minimised.
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Policies

EARTH – P4 Risk Reduction	<p>Manage the risks associated with earthworks in areas subject to land instability or mining subsidence hazards giving consideration to:</p> <ol style="list-style-type: none"> 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.
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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	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 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; <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> 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; 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> a. The potential to create new or exacerbate

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	<p>OR</p> <p>3. The earthworks meet the specified thresholds:</p> <ul style="list-style-type: none"> a. Do not exceed a total volume of 30m³ of cut material disturbed or removed within each 12-month period 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 150m² of material disturbed or removed within each 12-month period 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; <p>OR</p> <p>4. The earthworks are associated with:</p> <ul style="list-style-type: none"> a. The construction of new driveways or impermeable areas where cut or fill depths do not exceed 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 infrastructure or electricity infrastructure; f. Earthworks related to rural production activities in the Rural Production Zone 	<p>existing land instability hazards within the site and surrounding sites.</p> <ul style="list-style-type: none"> b. The degree of risk of land instability within the site and surrounding sites. <p>2. Whether there is a functional need or operational need for activities to be in this location.</p> <p>3. The extent to which hazardous substances will be exposed to land instability hazards.</p> <p>4. The level of detail required to assess natural hazard risk.</p> <p><i>Notes:</i></p> <p>1. <i>Non-notification rule in EARTH-RAA applies.</i></p> <p>2. <i>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.</i></p>
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	<p>and the Fonterra Kauri Milk Processing SRIZ – Ancillary Irrigation Farms;</p> <p>g. Plantation forestry activities provided for and approved under the National Environmental Standards for Commercial Forestry; or</p> <p>h. Lawfully established mineral extraction activities within a Mining Area.</p> <p><i>Explanatory Note:</i></p> <p><i>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.</i></p> <p><i>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.</i></p>
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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 which has been prepared by a <u>suitably qualified and experienced person</u> in accordance with the information requirements in NH-REQ3, is provided to the Council which:	Activity Status when compliance not achieved: Restricted Discretionary Matters of discretion: 1. The timing, location, scale, design, nature, and monitoring of <u>earthworks</u> in relation to:

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<ul style="list-style-type: none"> 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. <p>OR</p> <ul style="list-style-type: none"> 2. The earthworks are associated with: <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> a. The potential to create new or exacerbate existing mining subsidence hazards. <ul style="list-style-type: none"> 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 functional need or operational need for the activity to be in this location. 4. The level of detail required to assess natural hazard risk. 5. Recommendations of any site suitability report, engineer’s assessment, or information provided through the consent process. <p><i>Notes:</i></p> <ul style="list-style-type: none"> 1. <i>Non-notification rule in EARTH-RAA applies.</i> 2. <i>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.</i>
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EARTH-R5	Earthworks in Mining Subsidence Hazard Area 1	
<p>All Zones and Development Areas – Mining Subsidence Hazard Areas 1</p>	<p>Activity Status: Permitted</p> <ul style="list-style-type: none"> 1. The earthworks are associated with: <ul style="list-style-type: none"> 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 	<p>Activity Status: Restricted Discretionary</p> <p>Matters of discretion:</p> <ul style="list-style-type: none"> 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).

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- 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.
4. Whether there is a functional need or operational need for the activity to be in this location.
5. The level of detail required to assess natural hazard risk.
6. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process.

Notes:

1. *Non-notification rule in EARTH-RAA applies.*
2. *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.*

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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

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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. Rules CH-R1 – CH-R15 apply where an area is 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 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	<p>Activity Status: Permitted</p> <p>Compliance Standard:</p> <p>1. Minor buildings, underground structures, and general public amenities are exempt from compliance with rules CH-R7 – CH-R12.</p>

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CH-R4	Operation, Maintenance and Repair, and Minor Upgrading of Existing Infrastructure and Electricity Infrastructure	
All Zones and Development Areas	<p>Activity Status: Permitted</p> <p><i>Compliance Standards:</i></p> <ol style="list-style-type: none"> 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-R5A	Buildings or Major Structures that do not Accommodate a Vulnerable Activity and are Associated with Farming	
Rural Production Zone	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The gross floor area is less than 100m². <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> 1. Activities managed under this rule are exempt from compliance with rules CH-R7 – CH-R12. 	<p>Activity Status where compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 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 functional need or operational need for the activity to be in this location. 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. <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. Non-notification rule in CH-R2 applies.
CH-R5B	Artificial Crop Protection Structures and Frost Protection Fans	
Rural Production Zone	<p>Activity Status: Permitted</p> <p><i>Compliance Standard:</i></p> <ol style="list-style-type: none"> 1. Activities managed under this rule are exempt from compliance with rules CH-R7 – CH-R12. 	

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CH-R6	New and more than minor upgrading of Infrastructure and Electricity Infrastructure	
<p>All zones and Development Areas</p>	<p>Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The new or more than minor upgrading of infrastructure is: <ol style="list-style-type: none"> Electricity and telecommunications poles (including pole supports) and electricity and telecommunications assets mounted on the poles; or Ground mounted electricity transformers and switchgear, and electricity and telecommunications pillars; or Underground electricity and telecommunications assets; or The new or more than minor upgrading of infrastructure is transport infrastructure within an existing road; or 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. <p><i>Compliance Standards:</i></p> <ol style="list-style-type: none"> <i>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.</i> <i>Rule CH-R6 does not apply to any general public amenities.</i> 	<p>Activity Status where compliance is not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> Whether there is a functional need or operational need of the infrastructure to be in this location. The public benefits associated with the <u>infrastructure</u>, particularly in the case of <u>regionally significant infrastructure</u> and critical <u>infrastructure</u>. The risk of adverse <u>effects</u> on people, property and the <u>environment</u> including: <ol style="list-style-type: none"> Risk to public health and safety. Impacts on cultural <u>values</u>. Any cumulative <u>effects</u>. Any increase in risk from the coastal hazard or creation of a new hazard as a result of the <u>infrastructure</u>. 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 <u>infrastructure</u>. The degree to which the <u>infrastructure</u> 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. In the CEHA0 and CEHA1 the extent to which the <u>infrastructure</u> may be able to be relocated or removed from the <u>site</u>. The extent to which <u>hazardous substances</u> will be exposed to a coastal hazard risk. The level of detail required to assess natural hazard risk. <p><i>Note:</i></p> <ol style="list-style-type: none"> <i>Non-notification rule in CH-R2 applies.</i>

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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, and 2. The gross floor area does not exceed 30m ² .	Activity Status where compliance not achieved: Non-Complying
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 30m ² 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
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 30m ² . 2. For alterations and modifications to existing buildings and major structures : a. The existing gross floor area does not increase by more than 30m ² from what existed at [operative date]. b. The alteration is not located further seaward than the existing building or major structure .	Activity Status where compliance not achieved: Restricted Discretionary Matters of discretion: 1. The risk of adverse effects on people, property and the environment including risk to public health and safety, and any cumulative effects . 2. Any increase in the risk from the coastal hazard or creation of a new hazard as a result of the building or major structure . 3. 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 . 4. The extent to which the building or major structure is relocatable considering its

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	<p>c. The <u>alteration</u> or modification does not create a new <u>vulnerable activity</u>.</p>	<p>design and location and <u>access</u> to remove the <u>major structure</u>.</p> <ol style="list-style-type: none"> 5. The degree to which the <u>building</u> or <u>major structure</u> is likely to be subject to damage from erosion and/or inundation including the risk of <u>material damage</u>. 6. The use of the <u>building</u> or <u>major structure</u>, including the <u>storage</u> and use of <u>hazardous substances</u>, and any management/ mitigation requirements associated with that use; 7. The extent to which <u>hazardous substances</u> will be exposed to a coastal hazard risk. 8. The level of detail required to assess natural hazard risk. <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. <i>Non-notification rule in CH-R2 applies.</i>
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CH-R10	New Buildings and Major Structures in the CFHA0 and CFHA1	
All zones and Development Areas	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The <u>building</u> or <u>major structure</u> does not accommodate a vulnerable activity and: <ol style="list-style-type: none"> a. The <u>gross floor area</u> does not exceed 30m²; and b. The finished floor level is 300mm above the maximum <u>water</u> level in a 1% AEP flood event, with a projected sea-level rise of 1.2m by 2130. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The <u>building</u> or <u>major structure</u> accommodates a vulnerable activity and the finished floor level is 500mm above the maximum water level in a 1% AEP flood event, with a projected sea-level rise of 1.2m by 2130; or 2. The <u>building</u> or <u>major structure</u> does not accommodate a vulnerable activity and does not comply with the permitted activity rules. <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The risk of adverse <u>effects</u> on people, property and the <u>environment</u> including risk to public health and safety and any cumulative <u>effects</u>. 2. Any increase in risk from the coastal hazard or creation of a new hazard as a result of the <u>building</u> or <u>major structure</u>. 3. 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

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		<p>location and design of the proposed <u>building</u> or <u>major structure</u>.</p> <ol style="list-style-type: none"> 4. For <u>buildings</u> or <u>major structures</u> that contain vulnerable activities, the provision of direct, safe <u>access</u> above flood levels from the <u>building</u> to <u>land</u> that is clear of the coastal flood hazard. 5. The use of the <u>building</u> or <u>major structure</u>, including the <u>storage</u> and use of <u>hazardous substances</u>, and any management/ mitigation requirements associated with that use; 6. The extent to which <u>hazardous substances</u> will be exposed to a coastal hazard risk. 7. Whether there is a functional need or operational need for the activity to be in this location. 8. The level of detail required to assess natural hazard risk. 9. Recommendations of any site suitability report, engineer’s assessment, or information provided through the consent process. <p>Activity Status when, compliance is not achieved, and the activity is not Restricted Discretionary: Discretionary</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> 1. <i>Non-notification rule in CH-R2 applies to any Restricted Discretionary activity.</i> 2. <i>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.</i>
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CH-R11	Alterations or Modifications to Existing Buildings and Major Structures in the CFHA0, CFHA1, CFHA2	
All zones and Development Areas	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The finished floor level of any <u>alteration</u> or modification accommodating a vulnerable activity is 500mm above the maximum water 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The risk of adverse <u>effects</u> on people, property and the <u>environment</u> including

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level in a 1% AEP flood event, 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 not containing a vulnerable activity is 300mm above the maximum water level in a 1% AEP flood event, 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].

risk to public health and safety and any cumulative effects.

2. 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.
3. The extent to which sea-level rise, including a high projection sea-level rise, and its impacts have been taken into account in the location and design of the alteration or modification.
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 coastal flood hazard.
5. 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;
6. The extent to which hazardous substances will be exposed to a coastal hazard risk.
7. Whether there is a functional need or operational need for the activity to be in this location.
8. The level of detail required to assess natural hazard risk.
9. 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. *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.*

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CH-R12	New Buildings and Major Structures in the CFHA2	
All zones and Development Areas	<p>Activity Status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. For new buildings and major structures, the gross floor area does not exceed 30m² and: <ol style="list-style-type: none"> a. The finished floor level for new buildings or major structures accommodating a vulnerable activity is 500mm above the maximum water level in a 1% AEP flood event, with a projected sea-level rise of 1.2m by 2130 or: b. The finished floor level for new buildings and major structures not accommodating a vulnerable activity is 300mm above the maximum water level in a 1% AEP flood event, with a projected sea-level rise of 1.2m by 2130. 	<p>Activity Status when compliance not achieved: Restricted Discretionary</p> <p>Matters of discretion:</p> <ol style="list-style-type: none"> 1. The risk of adverse effects on people, property and the environment including risk to public health and safety and any cumulative effects. 2. Any increase in risk from the coastal hazard or creation of a new hazard as a result of the building or major structure. 3. 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. 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 coastal flood hazard. 5. The use of the building, including the storage and use of hazardous substances, and any management/ mitigation requirements associated with that use; 6. The extent to which hazardous substances will be exposed to a coastal hazard risk. 7. Whether there is a functional need or operational need for the activity to be in this location. 8. The level of detail required to assess natural hazard risk. 9. Recommendations of any site suitability report, engineer's assessment, or information provided through the consent process. <p>Notes:</p> <ol style="list-style-type: none"> 1. <i>Non-notification rule in CH-R2 applies.</i> 2. <i>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.</i>

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CH-R13	Changes in use to Accommodate a Vulnerable Activity within Existing Buildings	
All Zones and Development Areas	Activity Status: Permitted Where: 1. The building is not located in either: a. CEHA0; or b. CEHA1; or c. CFHA0; or d. CFHA1;	Activity status when compliance not achieved: Non-complying

CH-R14	New Hard Protection Structures	
All zones and Development Areas	Activity Status: Discretionary	

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	

Information Requirements

CH-REQ1	Information Rule Requirement – Coastal Hazard Areas	
All Coastal Hazard Areas	<ol style="list-style-type: none"> 1. All applications for resource consent required under 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 prepared within the last 12 months and shall include (but are not limited to): <ol style="list-style-type: none"> 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). b. Identification and assessment of the projected coastal hazards over a 100-year timeframe, 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: <ol style="list-style-type: none"> i. Inundation. ii. Erosion. iii. Storm surge. iv. Wave run-up. v. Tsunami hazards. 	

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- 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.
- 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.
- e. Assessment of any residual risks and effects.

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 – CH-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 Pātāua 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 (additions shown in underline and deletions shown in ~~strikethrough~~):

Objectives

DGD-O10 – Natural Hazards	Minimise the risks and impacts of natural hazards, including the influence of climate change, on people, <u>communities</u> , property, the environment, infrastructure, <u>and electricity infrastructure</u> .
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Policies

DGD-P3 – Natural Hazards	<p>To manage the risks <u>and impacts</u> of natural hazards to people, property, <u>infrastructure, and electricity infrastructure</u> by:</p> <ol style="list-style-type: none"> 1. Assessing the risk of coastal and flood <u>natural</u> hazards on subdivision, use and development over a 100-year timeframe. 2. Ensuring <u>Avoiding inappropriate</u> new subdivision, use and development <u>in areas subject to natural hazards</u>. does not increase the risk from coastal and flood 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 <u>are</u> is assessed when zoning new areas of land for more intensive development. 5. Avoiding locating <u>Encouraging</u> regionally significant <u>infrastructure</u> and critical infrastructure <u>within to locate outside of natural hazard zones areas</u> unless there is a functional or operational need for its location.
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Policy	Amendment
DGD-P23 – Rural Lifestyle Zone DGD-P25 – Settlement Zone	Replace the words “hazard prone area” with “a natural hazard area”.
DGD-P26 – Future Urban Zone	Replace the words “significantly hazard prone” with “a natural hazard 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 “a natural hazard area”.
UFD-P13 – Residential Zones – clause 3b and 4c	Replace the words “significantly hazard prone” with “a natural hazard area”.

Natural Hazards

Amendments to the Port Nikau Development Area Chapter

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

PNDA-R1	Any Activity
	<ol style="list-style-type: none"> 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, <u>except for the general subdivision rules in SUB-R2A – SUB-R2E.</u> 3. The following rules and appendices of the district wide Transport Chapter do not apply to the Port Nikau Development Area: <ol style="list-style-type: none"> 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 (additions shown in underline):

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 <u>and electricity infrastructure</u> 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. <i>Any application shall comply with information requirements PREC17-REQ1 – REQ2.</i> 2. <i>All relevant District Wide and Overlay subdivision objectives, policies and rules apply in addition to PREC17-R2 <u>except for SUB-R2A which does not apply within PREC17.</u></i>	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.
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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.
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Rules

PREC24-R1	Application of Natural Hazards Chapter and Coastal Hazards Rules
PREC24	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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.