

CL – Contaminated land

Objectives

CL-O1 Contaminated land

- (1) The subdivision, use and development of contaminated land is managed to protect human health and the environment.

Policies

CL-PI Managing the use of contaminated land

- (1) Contaminated land is managed or remediated to ensure that contaminants are at a level acceptable for the proposed land use.
- (2) Disposal of contaminated soil must be carried out in a manner that avoids further adverse effects on human health or on the environment.
- (3) Use or development of contaminated land must not damage or destroy any contaminant containment works, unless comparable or better containment is provided, or monitoring demonstrates that the containment is no longer required.
- (4) Ensure that the use, subdivision and development of contaminated land management approaches include:
 - (a) undertaking a site investigation of any land identified as actually or potentially contaminated, prior to any new subdivision or change of use of land, that could result in an increase in any adverse effects from the contamination of a piece of land;
 - (b) remedial action plans;
 - (c) site validation reports,
 - (d) site management plans as appropriate for identifying, monitoring and managing contaminated land.

Rules

[Drafting note: These objectives and policies have been duplicated here, as per Direction 9 of the District-wide Matters Standard. No rules from the PWDP have been rehomed to this district-wide section]

HAZS – Hazardous substances

Objectives

HAZS-OI Effects of hazardous substances

- (1) Residual risk associated with the storage, use, or disposal of hazardous substances is managed to ensure that the effects on people, property and the environment are acceptable, while recognising the benefits of facilities using hazardous substances.

Policies

HAZS-PI Location of new hazardous facilities

- (1) New hazardous facilities minimise the risk to the environment (including people and property) to acceptable levels by:
 - (a) Siting new hazardous facilities in appropriate locations that are separated from incompatible activities and environment
 - (b) Avoid locating near to sensitive land use activities and infrastructure
 - (c) Designing, constructing and operating hazardous facilities in a manner that ensures the adverse effects of the operation or an accidental event involving hazardous substances can be contained within the site; and
 - (d) Disposing hazardous wastes to authorised disposal or treatment facilities that have appropriate management systems in place

HAZS-P2 Residual risks of hazardous substances

- (1) Facilities for the use, storage or disposal of hazardous substances shall identify and assess potential adverse effects (including cumulative risks and potential effects of identified natural hazards) to prevent unacceptable levels of risk to human health, safety, property and the natural environment.

HAZS-P3 Reverse sensitivity effects

- (1) Separate sensitive land use activities from lawfully-established hazardous facilities;
- (2) Separate new hazardous facilities from existing sensitive land use activities; and
- (3) Avoid the storage, processing or disposal of hazardous waste in sensitive environments.

Rules

Note: For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW – How the Plan Works.

[Drafting note: Given the scope of this exercise to rehome notified PWDP provisions (and not make substantial changes), the below rules have not been fully rationalised. i.e. combined where the rules are similar. This exercise will be undertaken (where appropriate) in the Decisions Version of the Plan]

HAZS-RI	Hazardous substances in any of the following zones:
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	<ul style="list-style-type: none"> • LLRZ – Large lot residential zone; or • GRZ – General residential zone
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The use, storage or disposal of any hazardous substances where:</p> <p>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Residential zone in Table 5.1 contained within APPI7 – Hazardous Substances.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

HAZS-R2	Hazardous substances in the GRUZ – General rural zone
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The use, storage or disposal of any hazardous substances where:</p> <p>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Rural zone in Table 5.1 contained within APPI7 – Hazardous Substances.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

HAZS-R3	Hazardous substances in the GRUZ – Rural lifestyle zone
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The use, storage or disposal of any hazardous substances where:</p> <p>(i) The aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified for the Country Living Zone in Table 6.1 contained within APPI7 – Hazardous Substances; and</p> <p>(ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

HAZS-R4	Hazardous substances in the COMZ – Commercial zone
<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>(a) The use, storage or disposal of any hazardous substances must meet the following conditions:</p> <p>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Zone in Table 5.1 contained within APP17 – Hazardous Substances</p> <p>(ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>	
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HAZS-R5 Hazardous substances in the TCZ – Town centre zone	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The use, storage or disposal of any hazardous substances must meet the following conditions:</p> <p>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Town Centre Zone in Table 5.1 contained within APP17 – Hazardous Substances</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

HAZS-R6 Hazardous substances in the GIZ – General industrial zone	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The use, storage or disposal of any hazardous substances must meet the following conditions:</p> <p>(i) the aggregate quantity of a hazardous substance of any hazard classification on a site is less than the quantity specified for the Industrial Zone in Table 5.1 contained within APP17 – Hazardous Substances.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

HAZS-R7 Hazardous substances in the HIZ – Heavy industrial zone	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The use, storage or disposal of any hazardous substances must meet the following conditions:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>(i) the aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for the Heavy Industrial Zone in Table 5.1 contained within APP17 – Hazardous Substances.</p>	
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<p>HAZS-R8 Hazardous substances in the OSZ – Open space zone</p>	
<p>(1) Activity status: PER Where: (a) The use, storage or disposal of any hazardous substances must meet the following conditions: (i) The aggregate quantity of any hazardous substances of any hazard classification on a site is less than the quantity specified for the Reserve Zone in Table 5.1 contained within APP17 – Hazardous Substance; (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>HAZS-R9 Hazardous substances in the BTZ – Business Tamahere Zone</p>	
<p>(1) Activity status: PER Where: (a) The use, storage or disposal of any hazardous substances must meet the following conditions: (i) The aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified for the Business Zone Tamahere in Table 6.1 contained within APP17 – Hazardous Substances; (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>HAZS-R10 Hazardous substances in the MSRZ – Motorsport and recreation zone</p>	
<p>(1) Activity status: PER Where:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>(a) The use, storage or disposal of any hazardous substances must meet the following conditions:</p> <p>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Motorsport and Recreation Zone in Table 6.1 contained within APP17 – Hazardous Substances;</p> <p>(ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>	
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HAZS-RI1 Hazardous substances in the RPZ – Rangitahi Peninsula zone	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The use, storage or disposal of any hazardous substances must meet the following conditions:</p> <p>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Rangitahi Peninsula Zone in Table 5.1 contained within APP17 – Hazardous Substances; and</p> <p>(ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

HAZS-RI2 Hazardous substances in the TKAZ – Te Kowhai airpark zone	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The use, storage or disposal of any hazardous substances must meet the following conditions:</p> <p>(i) The aggregate quantity of hazardous substance of any hazard classification on a site is less than the quantity specified for Te Kowhai Airpark Zone in Table 5.1 contained within APP17 – Hazardous Substances</p> <p>(ii) The storage or use of radioactive materials is in approved equipment</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>	
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HAZS-RI 3	<p>Hazardous substances <u>in any of the following zones:</u></p> <ul style="list-style-type: none"> • <u>LLRZ – Large lot residential zone;</u> • <u>GRZ – General residential zone;</u> • <u>GRUZ – General rural zone;</u> • <u>RLZ – Rural lifestyle zone;</u> • <u>TCZ – Town centre zone;</u> • <u>GIZ – General industrial zone; or</u> • <u>HIZ – Heavy industrial zone</u> 	
<p>(1) Activity status: PER Where:</p> <p>(a) The storage or use of radioactive materials is:</p> <p style="padding-left: 20px;">(i) An approved equipment for medical and diagnostic purposes; or</p> <p style="padding-left: 20px;">(ii) Specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>	

HAZS-RI 4	<p>Hazardous substances <u>in any of the following zones:</u></p> <ul style="list-style-type: none"> • <u>COMZ – Commercial zone;</u> • <u>TCZ – Town centre zone;</u> • <u>GIZ – General industrial zone;</u> • <u>HIZ – Heavy industrial zone;</u> • <u>MSRZ – Motorsport and recreation zone; or</u> • <u>RPZ – Rangirahi Peninsula zone;</u> 	
<p>(1) Activity status: CON Where:</p> <p>(a) Service station with a maximum storage for retail sale of:</p> <p style="padding-left: 20px;">(i) 100,000 litres of petrol in underground storage tanks;</p> <p style="padding-left: 20px;">(ii) 50,000 litres of diesel in underground storage tanks; and</p> <p style="padding-left: 20px;">(iii) 6 tonnes of LPG (single vessel storage).</p> <p>Council's control is limited to the following matters:</p> <p style="padding-left: 20px;">(b) the proposed site design and layout in relation to:</p> <p style="padding-left: 20px;">(c) the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities; and</p>	<p>(2) Activity status where compliance not achieved: DIS</p>	

<ul style="list-style-type: none"> (d) interaction with natural hazards (flooding, instability), as applicable; (e) proposed emergency management planning (spills, fire and other relevant hazards); (f) proposed procedures for the monitoring and reporting of incidents. 	
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HAZS-RI 5 Hazardous substances in the TKAZ – Te Kowhai airport zone	
<p>(1) Activity status: CON</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Fuel storage and refuelling infrastructure, including self-automated dispensing facilities in PRECINCTS A AND B must not exceed: <ul style="list-style-type: none"> (i) An aggregate of 100,000 litres of petrol or aviation fuel in underground storage tanks; and (ii) An aggregate of 50,000 litres of diesel in underground storage tanks; and (iii) An aggregate of 6 tonnes of LPG (single vessel storage). <p>Council reserves its control over the following matters:</p> <ul style="list-style-type: none"> (b) The proposed site design and layout in relation to: <ul style="list-style-type: none"> (i) The sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities; (ii) Interaction with natural hazards such as flooding, instability; (iii) Proposed emergency management planning (spills, fire and other relevant hazards); (iv) Procedures for monitoring and reporting of incidents. 	<p>(2) Activity status where compliance not achieved: DIS</p>

NH – Natural hazards

- (1) The Natural Hazards chapter manages land use in areas subject to the risk from natural hazards. It identifies areas where certain types of new development will be avoided because of the natural hazards present, but also recognises that there is existing development, including infrastructure and historic heritage, already located on land subject to natural hazards. These areas will require management through mitigation and adaptation to ensure that the risk of damage to property or injury or loss of lives is not increased.
- (2) Maaori freehold land has particular considerations when addressing the potential impact of natural hazards and climate change. This issue has been recognised in this chapter.
- (3) This district plan adopts a risk-based approach to natural hazard management. The risk that natural hazards pose to the Waikato District is made up of several factors including:
 - (a) the nature, magnitude and extent of the hazard;
 - (b) the anticipated frequency or probability of the hazard event occurring; and
 - (c) the exposure and vulnerability of the environment to the hazard, including the likely
 - (d) community losses/damages that could occur.
- (4) An understanding of both the scale and likelihood of the natural hazard event, and the likely consequences to the community, are central to the risk-based approach. From a district plan perspective, a risk-based approach requires identification and management of activities based on the level of risk to which they are exposed (e.g. farming may be acceptable in a high flood risk area, whereas residential development may not). The level of control over activities in the district plan is therefore related to the level of risk, and whether such risks are considered acceptable or not.
- (5) More frequently occurring natural hazards in the Waikato District include flooding, coastal erosion and land instability (land slips and subsidence). The Waikato and Waipa Rivers for instance, flow through the district and can carry large flood flows. The coastal margins are subject to storm events, and sandy areas are particularly vulnerable to erosion by such events. In addition, flood ponding often occurs after heavy rainfall in the Waikato basin.
- (6) New Zealand in general is a high earthquake hazard region and earthquake (and associated fault movement, ground shaking and liquefaction) considerations are integral to the design of the built environment¹. Location of faults in Waikato District may be problematic, due to alluvial sediment and associated processes masking fault traces. While liquefiable soils are generally found within Holocene sediments in river valleys, more work is required within the Waikato District to determine areas where the liquefaction risk is high.
- (7) Less frequent natural hazards in the Waikato District, such as wild fires, tsunamis, extreme wind events and drought, may not need a district plan response. Emergency management by groups such as Civil Defence play a significant role, using hazard management tools such as education and advocacy, warning systems and emergency preparedness. There are also non-statutory instruments or processes, such as civil defence recovery plans, and programmes to increase community preparedness, including contingency planning. Insurance and emergency services also play an important role.

¹ MBIE module 3: Identification, Assessment and Mitigation of Liquefaction Hazards May 2016 Rev 0

- (8) High quality up-to-date information is important for natural hazard risk management. The district plan requires the use of the best information available to identify land that may be subject to natural hazards. This includes hazard maps, databases (such as the regional and district hazard registers) and technical reports held by the Council, and the interpretation of these by qualified and experienced professionals.
- (9) Climate change has the potential to increase risk through exacerbating natural hazards, but will also have effects on the environment beyond natural hazards. The Ministry for the Environment predicts the effects of climate change on the Waikato District to include overall warmer temperatures, fewer frosts, a decrease in spring rainfall, increased storm events (including extreme winds) and an average rise in mean sea level. This is likely to mean more frequent droughts leading to water shortages, more inland flooding and salt water intrusion in low-lying coastal areas and an increase in erosion and land instability. For this reason, an allowance for the projected effects of climate change has been included in the 2D flood modelling of key risk areas within this district plan (Horotiu - Huntly - Ohinewai). Specific provision has also been made within the Coastal Sensitivity Areas in respect to development that may be impacted by the projected effects of sea level rise over a 100 year timeframe.
- (10) The Floodplain Management Area is the 1% Annual Exceedance Probability (AEP) floodplain, and is identified through both 1D and 2D modelling, depending on the level of information available. Between Horotiu - Huntly – Ohinewai, where 2D modelling is available, High Flood Risk Areas have also been identified. These are areas within the flood plain where the depth of flood water in a 1% AEP flood event exceeds 1 metre and the speed of flood water exceeds 2 metres per second, which is considered to put the community at an unacceptable (or intolerable) level of risk in terms of the potential for loss of life, injury or serious damage to property. Subdivision and new activities within the High Flood Risk overlay are carefully regulated.
- (11) The planning maps identify only two flood ponding areas that experience floodwater ponding in a 1% AEP rainfall event. One of the areas is located in the southern part of Huntly adjacent to the river and the other is west of Huntly across the Waikato River adjacent to Lake Waahi and Lake Puketirini. The flood plain rules in this district plan apply to 1% AEP ponding areas including the two specifically identified in the district plan. Other 1% AEP ponding areas will be required to be identified by a suitably-qualified and experienced professional as part of an application for resource consent or a plan change.
- (12) Residual Risk Areas are areas of land that would be at risk from a natural hazard event if it were not for a structural defence such as a stopbank. In the district plan, these are areas of land protected by stopbanks with a design level of service of at least a 1% AEP flood event, and are generally located along the length of the Waikato River. For the purpose of the district plan, these areas have been called Defended Areas. The district plan includes provision for land protected by stopbanks to ensure that the residual risk is understood and considered as part of any subdivision or development proposals, or any proposal to rezone land to a more intensive land use.
- (13) The High Risk Coastal Hazard (Inundation) Area and High Risk Coastal Hazard (Erosion) Area overlays identify land where there is significant risk from either coastal inundation or coastal erosion with existing sea level and coastal processes. The Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Inundation) overlays identify land that is potentially vulnerable to either coastal erosion or coastal inundation over a 100 year period to 2120, assuming a sea level rise of 1.0 metre.

- (14) While liquefaction areas have not been identified on the planning maps, provisions in the district plan require this seismically-induced natural hazard to be assessed before new zonings or subdivision and development are undertaken. This will primarily be achieved through resource consent or plan change processes.
- (15) Areas of slope instability can occur within the district. To comprehensively identify these areas over the entire district is not practical, given the size of the district and the changing circumstances in which slope instability occurs (often after high rainfall or seismic events). Consequently, assessment matters are included in the subdivision rules that require a geotechnical investigation to confirm that a building platform is stable before subdivision or development takes place.
- (16) Subsidence has occurred at Huntly due to former underground coal mining and is identified as a Mine Subsidence Risk Area. Risk to new dwellings in this area is regulated through a discretionary activity resource consent process.
- (17) Wind and seismic loadings are controlled by the Council under the Building Act 2004. The risk of fire hazard is controlled by the Waikato Regional Council, the Department of Conservation and the Waikato District Council through legislation other than the RMA, using both regulation and by increasing public awareness through information.
- (18) Methods to increase resilience to projected changes in climatic conditions will increasingly be incorporated into all aspects of land use planning and natural hazard management. Further to this, there will be an increased focus on environmental protection and facilitating inland migration of biodiversity. Methods in this district plan will include promoting low impact urban design and green infrastructure, and increased coastal hazard setbacks to provide a more sustainable and adaptive approach to development.

Objectives

NH-O1 Resilience to natural hazard risk

- (1) A resilient community where the risks from natural hazards on people, property, infrastructure and the environment from subdivision, use and development of land are avoided or appropriately mitigated.

NH-O2 Awareness of natural hazard risks

- (1) A well-informed community that:
- (a) is aware of, and understands, which natural hazards affect the district; and
 - (b) is able to effectively and efficiently respond to, and recover from, natural hazard events.

NH-O3 Climate change

- (1) A well-prepared community that:
- (a) is able to adapt to the effects of climate change; and
 - (b) has transitioned to development that prioritises lower greenhouse gas emissions

Policies

NH-P1 New development in areas at significant risk from natural hazards

- (1) Avoid new subdivision, use and development where they will increase the risk to people's safety, well-being and property in the following areas identified as being at significant risk from natural hazards:
 - (a) High Risk Flood Area;
 - (b) High Risk Coastal Hazard (Inundation) Area;
 - (c) High Risk Coastal Hazard (Erosion) Area.

NH-P2 Changes to existing land use activities and development in areas at significant risk from natural hazards

- (1) In areas of High Risk Flood, High Risk Coastal Hazard (Erosion) and High Risk Coastal Hazard (Inundation), ensure that when changes to existing land use activities and development occur, a range of risk reduction options are assessed, and development that would increase risk to people's safety, well-being and property is avoided.

NH-P3 New emergency services and hospitals in areas at significant risk from natural hazards

- (1) Avoid locating new emergency service facilities and hospitals in areas which are at significant risk from natural hazards, including High Risk Flood, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion), unless, considering engineering and technical constraints or functional and operational requirements, they cannot be reasonably located elsewhere and will not increase the risk to or vulnerability of people or communities.

NH-P4 New infrastructure and utilities in areas subject to significant risk from natural hazards

- (1) Enable the construction of new infrastructure and utilities in areas at significant risk from natural hazards, including High Risk Flood, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion) areas only where:
 - (a) the infrastructure and utilities are technically, functionally or operationally required to locate in areas subject to natural hazards, or it is not reasonably practicable to be located elsewhere; and
 - (b) any increased risks to people, property and the environment are mitigated to the extent practicable; and
 - (c) the infrastructure and utilities are designed, maintained and managed, including provision of hazard mitigation works where appropriate, to function to the extent practicable during and after natural hazard events.

NH-P5 Existing infrastructure and utilities in all areas subject to natural hazards

- (1) Provide for the operation, maintenance and minor upgrading of existing infrastructure and utilities in all areas subject to natural hazards.

NH-P6 Managing natural hazard risk generally

- (1) Provide for rezoning, subdivision, use and development outside High Risk Flood, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion) Areas where natural hazard risk has been appropriately identified and assessed and can be adequately

avoided, remedied or mitigated and does not transfer or exacerbate risk to adjoining properties.

NH-P7 Protection from risks of coastal hazards

- (1) Recognise the importance of natural features and buffers, and soft hazard protection works, and prefer them wherever practicable over hard protection structures, where new hazard mitigation measures and/or works are required to protect people, property infrastructure and the environment from the risks of coastal hazards.

NH-P8 Limitations on hard protection works for coastal hazard mitigation

- (1) Ensure that where new hard protection structures and works are necessary to protect existing development on public or privately-owned land from coastal hazards, they are appropriately assessed and controlled and:
 - (a) have primarily a public and/or environmental benefit when located on public land;
 - (b) are effective;
 - (c) the economic, social and environmental benefits outweigh costs; and do not transfer or increase risk to other people, property, infrastructure, the natural environment, historic heritage or Maaori Sites and Areas of Significance.
- (2) Ensure that when new hard protection structures are to be located in an area where an adaptive management strategy has been prepared to manage coastal hazards, they are consistent with that strategy.

NH-P9 Natural features and buffers providing natural hazard protection

- (1) Protect, maintain and, where appropriate, enhance the integrity of natural features and buffers which provide a natural defence against the effects of natural hazards and sea level rise, including natural ponding areas, coastal dunes, intertidal areas, wetlands, waterbody margins, riparian/coastal vegetation and floodways.

NH-P10 Areas defended by stopbanks adjacent to the Waikato River

- (1) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by:
 - (a) assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before subdivision and development occurs; and
 - (b) requiring that consideration be given to appropriate mitigation to reduce any residual risk identified; and
 - (c) ensuring that any residual risk is not transferred to neighbouring sites.
- (2) Specify minimum setbacks for buildings and earthworks from stopbanks to:
 - (a) protect the structural integrity of the stopbanks; and
 - (b) provide a buffer to reduce the potential risk to life and damage to property from deep and fast-flowing flood waters in the event of a breach.

NH-PI1 New development that creates demand for new protection structures and works

- (1) Avoid locating new subdivision, use and development in High Risk Flood, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion) Areas where a demand or need for new structural protection works will be required to reduce the risk from natural hazards to acceptable levels.

NH-PI2 Reduce potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas

- (1) Reduce the potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas by ensuring that the minimum floor level of building development is above the design flood levels / ponding levels in a 1% AEP flood event, plus an allowance for freeboard, unless:
 - (a) the building development is of a type that is not likely to suffer material damage during a flood; or
 - (b) the building is a small-scale addition to an existing building; or
 - (c) the risk from flooding is otherwise avoided, remedied or mitigated.

NH-PI3 Control filling of land within the 1% AEP floodplain and flood ponding areas

- (1) Control filling of land within the 1% AEP floodplain and flood ponding areas to ensure that the potential adverse effects on flood storage capacity, overland flows, run-off volumes on surrounding properties on infrastructure, are avoided or mitigated.

NH-PI4 Hazardous substances located within floodplain and flood ponding areas

- (1) Ensure that the location and storage of hazardous substances within the 1% AEP floodplain and flood ponding areas do not create an unacceptable hazard to people, property or the environment.

NH-PI5 Flood ponding areas and overland flow paths

- (1) Manage stormwater hazards by requiring new subdivision and development within flood ponding areas and overland flow paths to adopt integrated catchment plan-based stormwater management methods which:
 - (a) maintain the flood storage capacity of natural floodplains, wetlands and ponding areas; and
 - (b) retain the function and capacity of overland flow paths to convey stormwater run-off; and
 - (c) do not transfer or increase risk elsewhere; and
 - (d) promote low impact stormwater management practices with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and
 - (e) minimise impervious surfaces

NH-PI6 Development in the Coastal Sensitivity Areas

- (1) In Coastal Sensitive Areas identified on the planning maps, control subdivision, use and development by ensuring that the subdivision, use or development is:

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- (a) supported by a detailed site-specific risk assessment, which includes measures to address the effects of climate change; and
- (b) designed, constructed and located to minimise the level of risk to people, property and the environment.

NH-P17 Setbacks from the coast

- (1) Avoid increasing the risk from coastal hazards by requiring new built development to be set back from the coastal edge, unless there is a functional or operational need for facilities to be located at or near the coast.

NH-P18 Residential development potentially subject to fire risk

- (1) In areas assessed or identified as being potentially subject to elevated fire risk, ensure that an appropriate buffer area or setback is provided around new residential subdivision and development.

NH-P19 Development on land subject to instability or subsidence

- (1) Avoid locating new subdivision, use and development, including rezoning, on land assessed as being subject to, or likely to be subject to, instability or subsidence, unless appropriate mitigation is provided and the activity does not increase the risk to people, property or infrastructure

NH-P20 Development of land in the Mine Subsidence Risk Area

- (1) On land identified within the Mine Subsidence Risk Area, ensure that:
 - (a) an assessment by an appropriately-qualified engineer occurs before subdivision, use or
 - (b) development takes place to confirm that the land is suitable for development; and
 - (c) buildings are designed and constructed, and uses appropriate materials, to effectively minimise the risk of damage to the buildings from ground subsidence.

NH-P21 Stormwater management in areas subject to risk of land instability or subsidence

- (1) Avoid discharge of stormwater directly to ground on land that is potentially at risk of land instability or subsidence unless:
 - (a) an assessment has been undertaken by an appropriately-qualified geotechnical specialist, indicating that the site is suitable for the proposed discharges; and
 - (b) any adverse effects on the site and receiving environment can be appropriately mitigated.

NH-P22 Liquefaction-prone land risk assessment

- (1) On land potentially prone to liquefaction, ensure that:
 - (a) an assessment by a geotechnical specialist occurs before new subdivision, use or development takes place; and
 - (b) the level of assessment reflects the type and scale of the subdivision, use or development and the overall vulnerability of the activity to the effects of liquefaction.

NH-P23 Control activities on land susceptible to damage from liquefaction

- (1) Control subdivision, use and development on land assessed as being susceptible to liquefaction-induced ground damage, to ensure that appropriate mitigation is provided so that the level of risk to people, property, infrastructure and the environment is acceptable.

NH-P24 Natural hazard risk information

- (1) Enable people to be informed and have access to information on the natural hazards affecting their properties and surrounding area, including through:
 - (a) provision of Land Information Memoranda;
 - (b) natural hazard technical information, risk registers and mapping on the Council's website, the Waikato Regional Council Hazards Portal, this district plan and accompanying planning maps;
 - (c) education, provision of information and community engagement; and
 - (d) alignment with the work of other agencies including iwi and the Waikato Regional Council.

NH-P25 Natural hazard risk information

- (1) Enable people to be informed and have access to information on the natural hazards affecting their properties and surrounding area, including through:
 - (a) provision of Land Information Memoranda;
 - (b) natural hazard technical information, risk registers and mapping on the Council's website, the Waikato Regional Council Hazards Portal, this district plan and accompanying planning maps;
 - (c) education, provision of information and community engagement; and
 - (d) alignment with the work of other agencies including iwi and the Waikato Regional Council.

NH-P26 Awareness of Community Response Plans

- (1) Improve response to and recovery from natural hazard events by encouraging community awareness and use of information and methods contained in Community Response Plans.

NH-P27 Effects of climate change on new subdivision and development

- (1) Ensure that adequate allowances are made for the projected effects of climate change in the design and location of new subdivision and development throughout the district, including undertaking assessments where relevant that provide for:
 - (a) the projected increase in rainfall intensity, as determined by national guidance, but being not less than 2.3°C by 2120;
 - (b) the projected increase in sea level, where relevant, as determined by national guidance, but being not less than 1m by 2120;

- (c) in respect to new urban zoning, stress testing under the RCP 8.5 scenario for rainfall² and RCP 8.5H+ for sea level rise³; and
- (d) in respect to the coastal environment, increases in storm surge, waves and win

NH-P28 Future land use planning and climate change

- (1) Increase the ability of the community to adapt to the effects of climate change when undertaking future land use planning by:
 - (a) ensuring the potential environmental and social costs of climate change, including effects on indigenous biodiversity (inland migration), historic heritage, Maaori Sites and Areas of Significance, mahinga kai, public health and safety, public access to the coast and waterway margins, and the built environment are addressed.
 - (b) encouraging the incorporation of sustainable design measures within new subdivision, landuse and development, including:
 - (i) low impact, stormwater management, urban design and green infrastructure;
 - (ii) of relocatable buildings and structures in areas potentially at risk due to sea level rise or increased flood levels;
 - (iii) efficient water storage;
 - (iv) provision of renewable energy generation; and
 - (v) transferring to activities with lower greenhouse gas emissions.
 - (c) providing ongoing monitoring of changes to the environment due to climate change; and
 - (d) facilitating community discussion on adaptive pathways to manage the risks associated with climate change and incorporating them, where appropriate, into the district plan through plan changes.

NH-P29 Precautionary approach for dealing with uncertainty

- (1) In areas throughout the district likely to be affected by climate change over the next 100 years, adopt a precautionary approach towards new subdivision, use and development which may have potentially significant or irreversible adverse effects, but for which there is incomplete or uncertain information.

NH-P30 Provide sufficient setbacks for new development

- (1) Protect people, property and the environment from the projected adverse effects of climate change, including sea level rise, by providing sufficient setbacks from water bodies and the coast when assessing new development.
- (2) Ensure that, in establishing development setbacks, adequate consideration is given to:

² Stress testing under the RCP 8.5 scenario for rainfall, see Ministry for the Environment, 2018: Climate Change Projections for New Zealand. September 2018. Publication No. MFE 1385.

³ Stress testing under the RCP 8.5H+ scenario for sea level rise, see Ministry for the Environment, 2017: Coastal Hazards and Climate Change – Guidance for Local Government. December 2017. Publication No. ME 1341.

- (a) the protection of natural ecosystems, including opportunities for the inland migration of coastal habitats;
- (b) the vulnerability of the community;
- (c) the maintenance and enhancement of public access to the coast and public open space;
- (d) the requirements of infrastructure; and
- (e) natural hazard mitigation provision, including the protection of natural defences.

NH-P31 Assess the impact of climate change on the level of natural hazard risks

- (1) For all new subdivision, use and development requiring rezoning or a resource consent, ensure that account is taken of the projected effects of climate change over the next 100 years when assessing any identified risks from natural hazards, and their effects on people, property, infrastructure and the environment.
- (2) Ensure that, when assessing the effects of climate change on the level of natural hazard risk in accordance with **Policy NH-P31(1)** above, the allowances in **Policy NH-P27(1)(a)-(d)** are applied.
- (3) Where the assessment required by **Policy NH-P31(1)** and **Policy NH-P31(2)** above indicates that natural hazards are likely to be exacerbated by climate change, ensure that subdivision and development are designed and located to avoid, or appropriately mitigate, any increased and cumulative risk, including increased risk of flooding, liquefaction, coastal inundation, coastal erosion, slope instability, fire, and drought.

Rules

How to use and interpret the rules

- (1) The activities covered by the rules in this chapter are also subject to the rules in the relevant zone chapters and the district-wide rules in section **EIT – Energy, infrastructure and transport**.
- (2) Where subdivision is specified, a subdivision consent is also required under the provisions of the relevant zone chapter, and the district-wide rules in section **EIT – Energy, infrastructure and transport** will also apply.
- (3) The rules in this chapter do not apply to:
 - (a) any activity which is a regulated activity under the National Environmental Standards for Telecommunication Facilities 2016 (NESTF);
 - (b) plantation forestry activities regulated under the National Environmental Standards for Plantation Forestry (NESPF).
- (4) The information requirements for resource consent applications in respect to natural hazards are set out in **NH-INFO1 to NH-INFO4**.

Flood Plain Management Area and Flood Ponding Areas

NH-RI	Construction of a new building or an addition to an existing building within a Flood Plain Management Area and Flood Ponding Areas , unless specified in Rules NH-R1 to NH-R5 .	
	(1) Activity status: PER	(2) Activity status where compliance not achieved: DIS
	Activity specific conditions:	

<p>(a) The minimum floor level is at least 0.5m above the 1% AEP flood level; and</p> <p>(b) Compliance with condition (1) shall be demonstrated by a suitably qualified engineer with experience in hydrology.</p>	
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NH-R2	Additions to an existing building that does not increase the ground floor area of the building by more than 15m ² within a Flood Plain Management Area and Flood Ponding Area.
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R3	Standalone garage with a gross floor area not exceeding 40m ² within a Flood Plain Management Area and Flood Ponding Area.
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R4	Construction of an accessory building without a floor; or Construction of a farm building without a floor within a Flood Plain Management Area and Flood Ponding Area.
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R5	Construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities within a Flood Plain Management Area and Flood Ponding Area.
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R6	Earthworks associated with construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities, including the formation and maintenance of access tracks within a Flood Plain Management Area and Flood Ponding Areas.
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R7	Earthworks to create a building platform for residential purposes within a Flood Plain Management Area and Flood Ponding Area.
(1) Activity status: PER Activity specific conditions:	(2) Activity status where compliance not achieved: n/a

<p>(a) Filling height is only to the extent necessary to achieve compliance with Rule NH-R1(J)(a)(i).</p>	
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NH-R8	Earthworks not provided for under Rule NH-R6 or NH-R7 within a Flood Plain Management Area and Flood Ponding Area .
<p>(1) Activity status: PER Activity specific conditions:</p> <p>(a) In the CRZ – General residential zone, LRZ – Large lot residential zone, RLZ – Rural lifestyle zone a maximum volume of filling above natural ground level of 10m³ per site, and a maximum cumulative volume of filling and excavation of 20m³; or</p> <p>(b) In the GRUZ – General rural zone a maximum volume of filling above natural ground level of 100m³ per site, and a maximum cumulative volume of filling and excavation of 200m³ per site; or</p> <p>(c) All other zones a maximum volume of filling above natural ground level of 20m³ per site, and a maximum cumulative volume of filling and excavation of 50m³ per site; and</p> <p>(d) Height and depth of earthworks in all zones</p> <p>(i) a maximum height of 0.2m of filling above natural ground level; and</p> <p>(ii) a maximum depth of excavation of 0.5m below natural ground level.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) Timing, location and scale of earthworks;</p> <p>(b) Adverse effects on:</p> <p>(i) Existing overland flow paths and surface drainage patterns;</p> <p>(ii) flood storage capacity;</p> <p>(iii) runoff volumes;</p> <p>(iv) adjoining properties, including the transfer of risk;</p> <p>(v) infrastructure and flood protection works;</p> <p>(vi) consideration of soil types and potential for erosion;</p> <p>(c) Mitigation including compensatory storage, or other flood management measures proposed.</p>

NH-R9	Earthworks within a Flood Plain Management Area and Flood Ponding Area that are not a permitted activity under rules NH-R6 or NH-R7 .
<p>(1) Activity status: RDIS Activity specific conditions: Nil. Council’s discretion is restricted to the following matters:</p> <p>(a) Timing, location and scale of earthworks;</p> <p>(b) Adverse effects on:</p> <p>(i) Existing overland flow paths and surface drainage patterns;</p> <p>(ii) flood storage capacity;</p> <p>(iii) runoff volumes;</p> <p>(iv) adjoining properties, including the transfer of risk;</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

<p>(v) infrastructure and flood protection works;</p> <p>(vi) consideration of soil types and potential for erosion;</p> <p>(vii) Mitigation including compensatory storage, or other flood management measures proposed.</p>	
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NH-R10	Construction of a new building and additions to an existing building within a Flood Plain Management Area and Flood Ponding Area which are not permitted by rules NH-R1 or NH-R5
(1) Activity status: DIS	

NH-R11	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment within a Flood Plain Management Area and Flood Ponding Area
(1) Activity status: DIS	

NH-R12	A hazardous facility within a Flood Plain Management Area and Flood Ponding Area
(1) Activity status: DIS	

High Risk Flood Area

NH-R13	Repair, maintenance or minor upgrading of existing utilities within a High Flood Risk Area
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R14	New telecommunication lines, poles, cabinets and masts/ poles supporting antennas within a High Flood Risk Area
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a (a)

NH-R15	Construction of an accessory building without a floor within a High Flood Risk Area
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R16	Construction of a farm building without a floor within a High Flood Risk Area
(1) Activity status: PER Activity specific conditions:	(2) Activity status where compliance not achieved: n/a

Nil.	
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NH-R17	New utilities not provided for in Rule NH-R 14(1) within a High Flood Risk Area
<p>(1) Activity status: RDIS Activity specific conditions: Nil. Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Functional and operational requirements to be located in the High Risk Flood Area; (b) The adverse effects on people and property from establishing or upgrading the utility in the High Risk Flood Area; (c) The potential for the development to transfer/increase flood risk to neighbouring properties; (d) Consideration of alternative locations; (e) Consideration of the projected effects of climate change; <p>Any mitigation measures to reduce the risk to people's safety, wellbeing and property.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

NH-R18	Upgrading of existing utilities not provided for in Rule NH-R 13(1) within a High Flood Risk Area
<p>(1) Activity status: RDIS Activity specific conditions: Nil. Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Functional and operational requirements to be located in the High Risk Flood Area; (b) The adverse effects on people and property from establishing or upgrading the utility in the High Risk Flood Area; (c) The potential for the development to transfer/increase flood risk to neighbouring properties; (d) Consideration of alternative locations; (e) Consideration of the projected effects of climate change; (f) Any mitigation measures to reduce the risk to people's safety, wellbeing and property. 	<p>(2) Activity status where compliance not achieved: n/a</p>

NH-R19	One addition to a lawfully established building existing at [the date this rule becomes operative], where the addition does not increase the ground floor area of the existing building by more than 0m ² within a High Flood Risk Area , unless provided for in Rule NH-R18(1) .
<p>(1) Activity status: RDIS</p> <p>Activity specific conditions: Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The ability to manage flood risk through appropriate building materials, structural or design work or other engineering solutions; (b) The setting of an appropriate floor level for the addition, taking into consideration the location of the addition and the floor level of the existing building; (c) Any mitigation measures to reduce the risk to people's safety, wellbeing and property. 	<p>(2) Activity status where compliance not achieved: n/a</p>

NH-R20	<p>Subdivision within a High Flood Risk Area that creates one or more additional vacant lot(s) where:</p> <ul style="list-style-type: none"> (i) The additional lot(s) are located entirely outside the High Risk Flood Area; or (ii) The additional lot(s) are partially within the High Risk Flood Area and each additional lot(s) contains a net site area capable of containing a complying building platform entirely outside the High Risk flood Area. <p>This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</p>
<p>(2) Activity status: DIS</p>	

NH-R21	Construction of a new building or additions to an existing building within a High Flood Risk Area not provided for in rules NH-R13(1) to Rule NH-R16(1) or rules NH-R17(1) to Rule NH-R19(1)
<p>(1) Activity status: NC</p>	

NH-R22	<p>Subdivision within a High Flood Risk Area, that does not comply with Rule NH-R20(1).</p> <p>This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</p>
<p>(1) Activity status: NC</p>	

NH-R23	Emergency services facilities and hospitals within a High Flood Risk Area
<p>(1) Activity status: NC</p>	

Defended Area (Residual Risk)

NH-R24	Activities are permitted activities within the Defended Area identified on the planning maps, unless specified in rules NH-R25 or NH-R26 below, or as otherwise specified in the relevant zone chapter or the district-wide rules in section EIT – Infrastructure, energy and transport	
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a	

NH-R25	Subdivision that creates one or more additional vacant lot(s) within a Defended Area . Rule NH-25(1) does not apply to subdivision for a utility allotment, an access allotment or subdivision to create a reserve allotment.	
(1) Activity status: RDIS Activity specific conditions: Nil. Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) The actual level of service provided by the structural defence and associated flood protection works, including any change in the level of service anticipated due to climate change and sea level rise; (b) The impact of any planned improvements, maintenance or upgrading on the residual risk; (c) The effect of groundwater levels and variability in ground conditions on stop-bank security at and adjacent to the site to be subdivided; the likely depth and duration of flooding as a result of a breach or overtopping event or flood ponding; (d) The location of the subdivision, including services such as wastewater, water supply and roading/access (including escape routes), in relation to potential breakout points (failure zone); (e) The adverse effects to people and property and overall vulnerability from potential failure or overwhelming of the structural defences and associated flood protection works relevant to the proposed new lot(s); (f) Potential for the development to transfer/increase flood risk/residual risk to neighbouring properties; (g) Any additional mitigation measures proposed or site features which reduce 	(2) Activity status where compliance not achieved: n/a	

residual risk (e.g. natural high ground; evacuation plan).	
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NH-R26	Construction of a new building or new accessory building, located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown within a Defended Area.
(1) Activity status: DIS	

NH-R27	Earthworks located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown within a Defended Area.
(1) Activity status: DIS	

Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast)

NH-R28	Additions to an existing lawfully established building within a Coastal Sensitivity Area (Erosion) or Coastal Sensitivity Area (Open Coast).
(1) Activity status: PER Activity specific conditions: (a) The gross floor area of all additions to the building from [date this rule becomes operative] do not exceed a total of 15m ² .	(2) Activity status where compliance not achieved: Refer to rules below

NH-R29	Construction of an accessory building without a floor; or construction of a farm building without a floor within a Coastal Sensitivity Area (Erosion) or Coastal Sensitivity Area (Open Coast).
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R30	Construction, upgrading, minor upgrading, replacement, repair or maintenance of utilities within a Coastal Sensitivity Area (Erosion) or Coastal Sensitivity Area (Open Coast).
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R31	Maintenance or repair of an existing lawfully established coastal protection structure within a Coastal Sensitivity Area (Erosion) or Coastal Sensitivity Area (Open Coast).
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R32	Construction of a new building or additions to an existing building within a Coastal Sensitivity Area (Erosion) or Coastal Sensitivity Area (Open Coast) not provided for in rules NH-R28 to NH-R30 and not listed in Rule NH-R33
<p>(1) Activity status: RDIS</p> <p>Activity specific conditions: Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The ability to manage coastal hazard risk through appropriate building materials, structural or design work, engineering solutions or other appropriate mitigation measures, including the ability to relocate the building; (b) The application of mitigation through natural features and buffers where appropriate; (c) The ability to impose time limits or triggers to determine when the building and services to be removed or relocated; (d) The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment; (e) Suitability of the site for the proposed use, including the provision for servicing such as access, wastewater, stormwater, and water supply; (f) Adverse effects to people and property and overall vulnerability from the establishment of the new building or additions to an existing building and any mitigation measures to reduce risk; (g) Whether there is any suitable alternative location for the activity to locate within the site; (h) Coastal Sensitivity Area (Open Coast) only - the setting of minimum floor levels in areas subject to inundation. 	<p>(2) Activity status where compliance not achieved: n/a</p>

NH-R33	Construction of a new coastal protection structure within a Coastal Sensitivity Area (Erosion) or Coastal Sensitivity Area (Open Coast)
(1) Activity status: DIS	

NH-R34	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment within a Coastal Sensitivity Area (Erosion) or Coastal Sensitivity Area (Open Coast)
(1) Activity status: DIS	

Coastal Sensitivity Area (Inundation)

NH-R35	Additions to an existing lawfully established building within a Coastal Sensitivity Area	
(1) Activity status: PER Activity specific conditions: (a) The gross floor area of all additions to the building from [date this rule becomes operative] do not exceed a total of 15m ² .		(2) Activity status where compliance not achieved: n/a
NH-R36	Construction of an accessory building without a floor; or Construction of a farm building without a floor within a Coastal Sensitivity Area	
(1) Activity status: PER Activity specific conditions: Nil.		(2) Activity status where compliance not achieved: n/a
NH-R37	Construction, upgrading, minor upgrading, replacement, repair or maintenance of utilities within a Coastal Sensitivity Area	
(1) Activity status: PER Activity specific conditions: Nil.		(2) Activity status where compliance not achieved: n/a
NH-R38	Maintenance or repair of an existing lawfully established coastal protection structure within a Coastal Sensitivity Area	
(1) Activity status: PER Activity specific conditions: Nil.		(2) Activity status where compliance not achieved: n/a
NH-R39	Construction of a new building or addition to an existing building within a Coastal Sensitivity Area not provided for in rules NH-R35 to NH-R36 and not listed in Rule NH-R40	
(1) Activity status: RDIS Activity specific conditions: Nil. Council's discretion is restricted to the following matters: (a) The ability to manage coastal hazard risk through appropriate building materials, structural or design work, engineering solutions including the ability to relocate the building, or other appropriate mitigation measures, including the setting of minimum floor levels where appropriate; (b) The application of mitigation through natural features and buffers where appropriate;		(2) Activity status where compliance not achieved: n/a

<p>(c) The ability to impose time limits or triggers to determine when the building and services to be removed or relocated;</p> <p>(d) The degree to which coastal hazard risk, including the effects of climate change over the period to 2120, has been assessed in a site specific coastal hazard risk assessment;</p> <p>(e) Suitability of the site for the proposed use and the ability to, provide servicing such as access, wastewater, stormwater and water supply;</p> <p>(f) Adverse effects to people and property and overall vulnerability from the establishment of the new building or additions to existing building;</p> <p>(g) Whether there is any suitable alternative location for the activity to locate within the site.</p>	
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NH-R40	Construction of a new coastal protection structure within a Coastal Sensitivity Area
(1) Activity status: DIS	

NH-R41	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision creating a reserve allotment within a Coastal Sensitivity Area
(1) Activity status: DIS	

High Risk Coastal Hazard (Erosion) Area

NH-R42	Construction of an accessory building without a floor; or Construction of a farm building without a floor within a High Risk Coastal Hazard (Erosion) Area
(1) Activity status: PER Activity specific conditions: (a) The gross floor area of the building does not exceed 40m ² .	(2) Activity status where compliance not achieved: n/a

NH-R43	Repair, maintenance or minor upgrading of existing utilities; or New telecommunication lines, poles, cabinets and masts/ poles supporting antennas within a High Risk Coastal Hazard (Erosion) Area
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R44	Maintenance or repair of an existing lawfully established coastal protection structure within a High Risk Coastal Hazard (Erosion) Area
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<p>(1) Activity status: PER Activity specific conditions: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
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NH-R45	Earthworks for an activity listed in rules NH-R42 to NH-R44 , including the maintenance and repair of access tracks within a High Risk Coastal Hazard (Erosion) Area	
<p>(1) Activity status: PER Activity specific conditions: (a) The maximum volume of filling does not exceed 10m³ per site; and (b) The maximum depth of any excavation or filling does not exceed 0.5m above or below ground level.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>	

NH-R46	Replacement and relocation of an existing building within the same site where there is no increase in the ground floor area of the building within a High Risk Coastal Hazard (Erosion) Area	
<p>(1) Activity status: DIS</p>		

NH-R47	Construction of a new coastal protection structure within a High Risk Coastal Hazard (Erosion) Area	
<p>(1) Activity status: DIS</p>		

NH-R48	Construction of new utilities not provided for in Rule NH-R43 within a High Risk Coastal Hazard (Erosion) Area	
<p>(1) Activity status: DIS</p>		

NH-R49	Upgrading of existing utilities not provided for in NH-R43 within a High Risk Coastal Hazard (Erosion) Area	
<p>(1) Activity status: DIS</p>		

NH-R50	Any subdivision within a High Risk Coastal Hazard (Erosion) Area which creates one or more additional vacant lot(s) where: <ul style="list-style-type: none"> (i) The additional vacant lot(s) are located entirely outside the High Risk Coastal Hazard (Inundation) Area; or (ii) The additional lot(s) are partially within the High Risk Coastal Hazard (Inundation) Area and each additional lot(s) contains a net site area capable of containing a complying building platform entirely outside the High Risk Coastal Hazard (Inundation) Area. Rule NH-R50 does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.	
<p>(1) Activity status: DIS</p>		

NH-R51	Construction of a new building or additions to an existing building within a High Risk Coastal Hazard (Erosion) Area , not provided for in rules NH-R42 to NH-R43 or rules NH-R46 to NH-R49
(1) Activity status: NC	

NH-R52	Subdivision to create one or more additional lot(s) within a High Risk Coastal Hazard (Erosion) Area that does not comply with Rule NH-R52 does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment
(1) Activity status: NC	

NH-R53	Emergency service facilities and hospitals within a High Risk Coastal Hazard (Erosion) Area .
(1) Activity status: NC	

Mine Subsidence Risk Area

NH-R54	Additions to an existing building within a Mine Subsidence Risk Area
(1) Activity status: PER Activity specific conditions: (a) Additions do not increase the gross floor area of the building by more than 15m ² ; and (b) Additions do not result in the length of any wall of the building exceeding 20m.	(2) Activity status where compliance not achieved: n/a

NH-R55	Standalone garage within a Mine Subsidence Risk Area
(1) Activity status: PER Activity specific conditions: (a) The gross floor area of the building does not exceed 55m ² ; and (b) The maximum length of any wall does not exceed 20m.	(2) Activity status where compliance not achieved: n/a

NH-R56	Construction, replacement, repair, minor upgrading, upgrading or maintenance of utilities within a Mine Subsidence Risk Area
(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a

NH-R57	Earthworks within a Mine Subsidence Risk Area
(1) Activity status: PER Activity specific conditions: (a) The maximum volume of filling does not exceed 20m ³ per site; and	(2) Activity status where compliance not achieved: n/a

(b) The maximum depth of any excavation or filling does not exceed 1m above or below ground level.	
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NH-R58	Earthworks within a Mine Subsidence Risk Area that do not comply with Rule NH-R57(1)
<p>(1) Activity status: RDIS</p> <p>Activity specific conditions: Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Location and scale of earthworks; (b) Geotechnical and geological stability of the site following the completion of earthworks; (c) Risk to people and property from subsidence as a result of earthworks; (d) Any other mitigation measures to reduce risk. 	<p>(2) Activity status where compliance not achieved: n/a</p>

NH-R59	Construction of a building or additions to an existing building within a Mine Subsidence Risk Area not provided for in rules NH-R54 to NH-R56 .
(1) Activity status: DIS	

NH-R60	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment within a Mine Subsidence Risk Area
(1) Activity status: DIS	

Liquefaction

NH-R61	<p>(1) Areas in the district susceptible to liquefaction have not been identified on the planning maps as a natural hazard overlay as is the case with the other natural hazards in this chapter. Where specific land uses have already been identified as restricted discretionary activities in the activity status tables in the relevant zone, liquefaction risk has been added as a matter over which the Council will reserve its discretion, where it is considered relevant for that activity. To satisfy the requirements of sections 104 and 106 of the RMA, identification of appropriate mitigation may be required where the site and proposed development are considered vulnerable to liquefaction based on site-specific characteristics. It is expected that best practice geotechnical and engineering methods will be used to ensure that the site is suitable for the intended use.</p> <p>(2) Where potential liquefaction risk is identified as a matter that the Council restricts its discretion to, the additional matters outlined in rules NH-R62 and NH-R63 below apply where relevant.</p>
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NH-R62	Additional matters of restricted discretion for subdivision to create one or more additional vacant lots – liquefaction risk
<p>(1) Where potential liquefaction risk is identified as a matter that the Council will restrict its discretion to in a subdivision rule elsewhere in this Plan, and where that proposal involves subdivision to create one or more additional vacant lots, the Council restricts its discretion to the following additional matters (note: these matters will also be relevant to the assessment of a discretionary or non-complying resource consent application where a potential liquefaction hazard has been identified on a site):</p> <ul style="list-style-type: none"> (a) Geotechnical assessment and/or investigation of any potential liquefaction hazard on the site at a level sufficient to confirm the level of risk and its suitability for the proposed activity (see information requirements in section NH-INFO1 to NH-INFO4); <ul style="list-style-type: none"> (i) Measures proposed to mitigate the effects of liquefaction hazard if present including: <ul style="list-style-type: none"> (ii) Location, size, layout and design of allotments, structures, and building (iii) platforms, including consideration given to alternative siting away from where (iv) liquefaction risk is greatest; (v) Location, timing, scale and nature of earthworks; (vi) Provision for ground strengthening and foundation design; (vii) Provision for resilient services and infrastructure, including wastewater, water (viii) supply, roads and access; (ix) Setbacks in relation to waterways, waterbodies or any steep change in (x) ground elevation, sloping ground or free face, or alternative geotechnical (xi) measures to address any identified potential for lateral spread; (xii) Effects on adjoining properties 	

NH-R63	Additional matters of restricted discretion for new land use (e.g. multi-unit development) – liquefaction risk
<p>(1) Where potential liquefaction risk is identified as a matter that the Council will restrict its discretion to in a rule elsewhere in this Plan for new land use, the Council restricts its discretion to the following additional matters (note: these matters will also be relevant to the assessment of a discretionary or non-complying resource consent application where a potential liquefaction hazard has been identified on a site):</p> <ul style="list-style-type: none"> (a) Geotechnical assessment and/or investigation of any potential liquefaction hazard on the site at a level sufficient to confirm the level of risk and its suitability for the proposed activity (see information requirements in section NH-INFO1 to NH-INFO4); (b) Measures proposed to mitigate the effects of liquefaction hazard, if present, including: <ul style="list-style-type: none"> (i) Location, size, layout and design of buildings, structures, car parking areas, (ii) access and provision for resilient infrastructure and services, including (iii) wastewater, stormwater and water supply; (iv) Location, timing, scale and nature of earthworks; (v) Provision for ground strengthening and foundation design; (vi) Setbacks in relation to waterways, waterbodies or any steep change in (vii) ground elevation, sloping ground (or free face, or alternative geotechnical (viii) measures to address any identified potential for lateral spread); (ix) Consideration given to ease of repair (including access to repair damaged (x) structures) of liquefaction-induced damage; (xi) Effects on adjoining properties. 	

Information requirements for all resource consent applications addressing natural hazards

NH-INFO1 – General

- (1) The following documents, to the extent relevant to the proposal:
 - (a) Geotechnical assessment, including identification and assessment of any potentially liquefaction-prone land and land subject to slope instability;
 - (b) An assessment of natural hazard risk, including the type of natural hazards present, such as flooding, slope stability, liquefaction, subsidence and coastal hazards. The assessment shall include the level of risk and any increase in risk as a result of the proposal associated with each hazard. Where applicable, the projected effects of climate change over the period to 2120 must be included;
 - (c) Remediation and mitigation measures necessary to make the site and any proposed buildings suitable for the proposed use, such as minimum floor levels, foundation design for relocatability, and appropriate time limits and/or triggers for the removal of any building and onsite wastewater disposal systems.
- (2) Plans identifying:
 - (a) Topographical features within the site and surrounding area;
 - (b) The location of natural hazards on all or part of the site.

NH-INFO2 – Liquefaction potential

- (1) For land use resource consent applications where the additional matters the Council will restrict its discretion to include liquefaction, as per **Rule NH-R63**, the following information is required:
 - (a) A preliminary geotechnical assessment in sufficient detail to determine:
 - (i) the liquefaction vulnerability category, being either “liquefaction damage is unlikely” or “liquefaction damage is possible”, as shown in Table 4.4 in “Preliminary Document: Planning and engineering guidance for potentially liquefaction-prone land – Resource Management Act and Building Act aspects. Pub MfE and MBIE, September 2017”; or
 - (ii) whether or not the site is susceptible to liquefaction using an alternative accepted method, observation, or desk-top study.
 - (b) Where a “liquefaction damage is possible” category has been identified for the site as per **NH-INFO2(1)(a)(i)** above, or an alternative accepted method, observation or desktop study indicates that the site is susceptible to liquefaction as per **NH-INFO2(1)(a)(ii)** above, the assessment will be required to determine the liquefaction vulnerability in more detail, and in proportion to the scale and significance of the liquefaction hazard, and must:
 - (i) Identify any areas which require particular ground strengthening or other mitigation measures, and recommendations for such mitigation; and
 - (ii) Identify areas to be excluded from built development, due to liquefaction hazard constraints (which includes lateral spread), or which require geotechnical setbacks; and

- (iii) Indicate options and recommended locations for the proposed activities and infrastructure recommended by the geotechnical engineer.
 - (c) All geotechnical assessments in respect of liquefaction risk are to be prepared by a suitably qualified and experienced engineer with experience in geotechnical engineering or a Professional Engineering Geologist (IPENZ registered).
- (2) For subdivision consent applications that create one or more additional vacant lots as per Rule **NH-R61**
- (a) an assessment in accordance with **NH-INFO2(1)(a)** above will be required to be provided.
 - (b) Where a “liquefaction damage is possible” category has been identified for the site as per **NH-INFO2(1)(a)(i)** above, or an alternative accepted method, observation, or desktop study indicates that the site is susceptible to liquefaction as per **NH-INFO2(1)(a)(iii)** above, the subdivision application will be required to include sufficient information and proposed measures to satisfy that liquefaction risk can be adequately avoided, remedied or mitigated, including the potential effects of lateral spread.
 - (c) Subdivision plans shall show, to the extent relevant or appropriate to the scale and significance of the liquefaction hazard identified:
 - (i) any areas which require particular ground strengthening or other mitigation
 - (ii) measures, and recommendations for such mitigation; and
 - (iii) any areas which should be excluded from built development due to geotechnical constraints, or which require geotechnical setbacks; and
 - (iv) any features of subdivision layout recommended by the geotechnical engineer, for example any recommended locations for proposed activities and other infrastructure as a result of geotechnical constraints.
 - (d) All geotechnical reports in respect of liquefaction potential are to be prepared by a suitably qualified and experienced engineer with experience in geotechnical engineering or a Professional Engineering Geologist (IPENZ registered).

NH-INFO3 – **Country-Living-ZoneRLZ – Rural lifestyle zone - Tamahere**

- (1) Any resource consent in relation to land located in the **Country-Living-ZoneRLZ – Rural lifestyle zone** in Tamahere will be required to include details of ponding of stormwater and overland flow paths as a result of a 1% AEP storm event (with rainfall events adjusted for climate change), as well as mitigation measures taking account of information that the Council holds in respect to the Tamahere stormwater catchment area.

NH-INFO4 – Defended areas

- (1) For any Restricted Discretionary Activity land use and subdivision applications within the Defended Area, the following information is required to the extent relevant to the scale of the proposal:
 - (a) a risk assessment, carried out by a suitably-qualified and experienced risk assessment practitioner, which identifies the nature and level of residual risk, and details of appropriate methods to further reduce residual risk, where appropriate.