

Report on submissions and further submissions on the
Proposed Waikato District Plan

Natural Hazards and Climate Change

Appendix 2: Recommended Amendments (Consolidated Version)

Red underline and strikethrough text = Recommended amendments from S42A Report

Blue underline and strikethrough text = Recommended amendments from Rebuttal

Green underline and strikethrough text = Recommended amendment post hearing



Chapter 15: Natural Hazards and Climate Change

15.1 Introduction

- (1) The Natural Hazards chapter identifies risks associated with natural hazards and¹ manages land use in areas subject to ~~a 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, and that in some circumstances new infrastructure development in natural hazard areas may be appropriate where the criteria in the plan are met.² These areas will require management through mitigation and adaptation to ensure that the risk of damage to property, historic heritage or sites and areas of Significance to Maaori³ 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 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

¹ Report 27B Recommendation on Mercury NZ Limited [2053.9] section 14 at paragraph 454

² Report 27B Recommendation on Transpower New Zealand [2101.3] section 11 section 11 at para 177

³ Report 27B Recommendation on Heritage New Zealand Pouhere Taonga [2107.1] section 11 at para 177

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 environment [4]. 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, tsunami, 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.
- (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 [historical flood data and photographic evidence of flood or high flow events](#),⁵ 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, [based on the RCP 6.0 scenario over a 100-year period to 2120](#),⁶ has been included in the 2D flood modelling of key risk areas within this district plan. [The key risk areas are located from](#)⁷ (Horotiu – Huntly – Ohinewai) [and include the](#)

⁴ MBIE module 3: Identification, Assessment and Mitigation of Liquefaction Hazards May 2016 Rev 0

⁵ Report 27C recommendation on Mercury NZ Limited [2053.14]

⁶ Report 27C recommendation on Waikato District Council [2146.11]

⁷ Report 27C recommendation on Waikato District Council [2146.11]

Flood Plain Management Area, the High Risk Flood Area and two Flood Ponding Areas. No climate change allowance is included in the 1D modelling for the remainder of the Flood Plain Management Areas.⁸ 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 Flood Plain 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 floodplain where the depth of flood water in a 1% AEP flood event exceeds 1 metre or and⁹ the speed of flood water exceeds 2 metres per second or the flood depth multiplied by the flood speed exceeds one¹⁰, 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~~¹¹ 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
- (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~~

⁸ Report 27C recommendation on Waikato District Council [2146.11]

⁹ Report 27C recommendation on Waikato Regional Council [2102.62]

¹⁰ Report 27C recommendation on Waikato Regional Council [2102.62]

¹¹ Report 27C Rebuttal evidence recommendation on Dilworth Trust Board [2161.2]

¹² Report 27C Rebuttal evidence recommendation on Ports of Auckland Limited [2139.2]

~~(Erosion)~~ Area¹³ 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~~¹⁴ 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.

15.2 Objectives and Policies

Objective 15.2.1 – Resilience to natural hazard risk

¹³ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

¹⁴ Report 27E recommendation on Shand Properties [2136.1] – consequential

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**¹⁵ mitigated.

Policy 15.2.1.1 - New development in areas at **significant high¹⁶ risk from natural hazards**

(a) 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 high**¹⁷ risk from natural hazards:

- (i) High Risk Flood Area;
- (ii) High Risk Coastal ~~Hazard (Inundation)~~ Area;
- (iii) High Risk Coastal ~~Hazard (Erosion)~~ Area.¹⁸

Policy 15.2.1.2 - Changes to existing land use activities and development in areas at **significant high¹⁹ risk from natural hazards**

(a) In areas of High Risk Flood, High Risk Coastal ~~Hazard (Erosion)~~ and High Risk Coastal ~~Hazard (Inundation)~~²⁰, 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

Policy 15.2.1.3 - New emergency services and hospitals in areas at **significant high²¹ risk from natural hazards**

(a) Avoid locating new emergency service facilities and hospitals in areas which are

¹⁵ Report 27B recommendation on Waikato Regional Council [2102.12] and Department of Conservation [2108.2]

¹⁶ Closing Statement Report 27C recommendation on Mercury [2053.30, 2053.3, 2053.8, 2053.80 2053.81 – various submission points]

¹⁷ Closing Statement Report 27C recommendation on Mercury [2053.30, 2053.3, 2053.8, 2053.80 2053.81 – various submission points]

¹⁸ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

¹⁹ Closing Statement Report 27C recommendation on Mercury [2053.30, 2053.3, 2053.8, 2053.80 2053.81 – various submission points]

²⁰ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

²¹ Closing Statement Report 27C recommendation on Mercury [2053.30, 2053.3, 2053.8, 2053.80 2053.81 – various submission points]

at ~~significant high~~²² risk from natural hazards, including High Risk Flood, High Risk Coastal ~~Hazard (Inundation)~~ and High Risk Coastal ~~Hazard (Erosion)~~²³, 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.

Policy 15.2.1.4 - New and upgrading of²⁴ infrastructure and utilities in areas subject to significant high²⁵ risk from natural hazards

- (a) Enable the construction of new infrastructure and utilities in areas at ~~significant high~~²⁶ risk from natural hazards, including High Risk Flood, High Risk Coastal ~~Hazard (Inundation)~~ and High Risk Coastal ~~Hazard (Erosion)~~²⁷ areas only where:
- (i) 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
 - (ii) any increased risks to people, property and the environment are mitigated to the extent practicable; and
 - (iii) 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.
- (b) Enable upgrading of infrastructure and utilities in the areas mentioned in (a), where (a)(i), (ii) and (iii) are complied with²⁸.

Policy 15.2.1.5 - Existing infrastructure and utilities in all areas subject to natural hazards

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

Policy 15.2.1.6 - Managing natural hazard risk generally

²² Closing Statement Report 27C recommendation on Mercury [2053.30, 2053.3, 2053.8, 2053.80 2053.81 – various submission points]

²³ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

²⁴ Report 27B 42A report section 15 recommendation at paragraph 254

²⁵ Closing Statement Report 27C recommendation on Mercury [2053.30, 2053.3, 2053.8, 2053.80 2053.81 – various submission points]

²⁶ Closing Statement Report 27C recommendation on Mercury [2053.30, 2053.3, 2053.8, 2053.80 2053.81 – various submission points]

²⁷ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

²⁸ Report 27B s 42A report section 15 recommendation at paragraph 254

- (a) Provide for rezoning, subdivision, use and development outside High Risk Flood, High Risk Coastal ~~Hazard (Inundation)~~ and High Risk Coastal ~~Hazard (Erosion)~~²⁹ 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.

Policy 15.2.1.7 - Protection from risks of coastal hazards

- (a) 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.

Policy 15.2.1.8 – Limitations on hard protection works for coastal hazard mitigation

- (a) Ensure that where ~~new~~ hard protection structures and works are ~~necessary~~ proposed to protect existing development on public or privately-owned land from coastal hazards ~~that the following is achieved, they are appropriately assessed and controlled and:~~
- (i) ~~they~~ have primarily a public and/or environmental benefit when located on public land;
 - (ii) ~~they~~ are effective considering a range of coastal hazard events including the effects of climate change and the activities or development they are designed to protect;
 - (iii) the economic, social and environmental benefits outweigh costs; and
 - (iv) risk to people, property, infrastructure, the natural environment, historic heritage or Maori Sites and Areas of Significance is not transferred or increased;
 - (v) structures are located as far landward as practicable;
 - (vi) public access both to and along the coastal area and to the coastal marine area are provided for where the structure is located on public land.³⁰
- (b) 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;
- (c) Where adaptive management strategies have been prepared, plan change or resource consent processes should have regard to these strategies.³¹

²⁹ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

³⁰ Report 27D recommendation on Waikato Regional Council [2102.49] – S42A report pg88, para 341 - 344.

³¹ Report 27D recommendation on Waikato Regional Council [2102.50] – S42A report pg88, para 341 - 348.

Policy 15.2.1.9 Natural features and buffers providing natural hazard protection

- (a) 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.
- (b) In giving effect to (a) have regard to the need for natural systems to adapt and respond to natural coastal processes including the effects of climate change.³²

Policy 15.2.1.10 Areas defended by stopbanks adjacent to the Waikato River

- (a) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by:
 - (i) assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before subdivision, use and development occurs; and
 - (ii) requiring that consideration be given to appropriate mitigation to reduce any residual risk identified to acceptable levels³³; and
 - (iii) ensuring that any residual risk is not transferred to neighbouring sites; and
 - (iv) recognising the functional needs and operational needs of the National Grid.³⁴
- (b) Specify minimum setbacks for buildings and earthworks from stopbanks to:
 - (i) protect the structural integrity of the stopbanks; and
 - (ii) 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

Policy 15.2.1.11 - New development that creates demand for new protection structures and works

- (a) Avoid locating new subdivision, use and development in High Risk Flood, High Risk Coastal ~~Hazard (Inundation)~~ and High Risk Coastal ~~Hazard (Erosion)~~ Areas³⁵ where a demand or need for new structural protection works will be required to reduce the risk from natural hazards to acceptable levels.

Policy 15.2.1.12 Reduce potential for flood damage to buildings located on ~~the Waikato and Waipa River~~ floodplains and flood ponding areas

- (a) Reduce the potential for flood damage to buildings located on ~~the Waikato and Waipa River~~³⁶ floodplains and flood ponding areas by ensuring that the minimum

³² Report 27D recommendation on Waikato Regional Council [2102.51] – S42A report pg93, para 360.

³³ Report 27C recommendation on Waikato Regional Council [2102.69]

³⁴ Report 27C recommendation on Transpower New Zealand [2101.9]

³⁵ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

³⁶ Report 27C recommendation on Waikato Regional Council [2102.63]

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:

- (i) the building ~~development~~ is of a type that is not likely to suffer material damage during a flood; or
- (ii) the building is a small-scale addition to an existing building; or
- (iii) the risk from flooding is otherwise avoided, remedied or mitigated.

Policy 15.2.1.13 Control filling of land within the 1% AEP floodplain and flood ponding areas

- (a) 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 ~~or~~ or³⁷ infrastructure, are avoided or mitigated.

Policy 15.2.1.14 Hazardous substances located within the 1% AEP floodplain and flood ponding areas, and High Risk Flood Areas

- (a) Ensure that the location and storage of hazardous substances within the 1% AEP floodplain and flood ponding areas, including High Risk Flood Areas, are managed to prevent do not create an unacceptable hazard risks to people, property, infrastructure³⁸ or the environment.

Alternative amendment to Policy 15.2.1.14:

- (a) Ensure that the location and storage of hazardous substances within ~~the 1% AEP floodplain and flood ponding area~~ areas affected by natural hazards are managed to prevent do not create an unacceptable hazard risks to people, property, infrastructure or the environment.

Title to be amended accordingly.

Policy 15.2.1.15 ~~Flood ponding areas and overland flow paths~~ managing flood hazards through integrated catchment management

- (a) Manage ~~stormwater~~ flood hazards by requiring new subdivision and development within floodplains, flood ponding areas and overland flow paths to adopt integrated catchment plan-based ~~stormwater~~ management methods which:
 - (i) maintain the ~~flood storage capacity function~~ of natural floodplains, wetlands and ponding areas including flood storage capacity; and
 - (ii) retain the function and capacity of overland flow paths to convey stormwater run-off; and

³⁷ Report 27C recommendation on Genesis Energy [2104.5]

³⁸ Report 27C recommendation on Waikato Regional Council [2102.78], TaTa Valley Limited [2093.6], Mercury NZ Limited [2053.32].

- (iii) do not transfer or increase risk elsewhere within the catchment; and
- (iv) promote ~~low impact best practice~~ stormwater management ~~practices~~³⁹ with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and
- (v) minimise impervious surfaces.

Policy 15.2.1.16 – Development in the Coastal Sensitivity Areas

- (a) In Coastal Sensitive Areas ~~identified on the planning maps~~,⁴⁰ control subdivision, use and development by ensuring that the subdivision, use and development is:
 - (i) supported by a detailed site specific risk assessment, which includes measures to address the effects of climate change; and
 - (ii) designed, constructed and located to minimise the level or risk to people, property and the environment.

Policy 15.2.1.17 - Setbacks from the coast

- (a) 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

Policy 15.2.1.18 Residential development and subdivision potentially subject to fire risk

- (a) In areas assessed or identified as being potentially subject to elevated fire risk, ensure that an appropriate design and layout, including a buffer area or setback, is provided around for new residential subdivision and development, and the following matters are considered:
 - (i) Access for emergency service vehicles;
 - (ii) Provision of and access to emergency firefighting water supply;
 - (iii) Separation and management of vegetation (with regard to slope, aspect, management regimes; use of less flammable vegetation); and
 - (iv) The design and materials of any buildings.⁴¹

Policy 15.2.1.19 – Development on land subject to instability or subsidence

- (a) 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.

Policy 15.2.1.20 – Development of land in the Mine Subsidence Risk Area

- (a) On land identified within the Mine Subsidence Risk Area, ensure that:

³⁹ Report 27C recommendation on Perry Group Limited [2105.6], Waikato Regional Council [2102.66]

⁴⁰ Report 27D recommendation on Waikato Regional Council [2102.74] – S42A report pg48, para 192.

⁴¹ Report 27F recommendation on Waikato Regional Council [2102.42], Counties Power [FS3021.8] and Fire and Emergency New Zealand [FS3025.5]

- (i) an assessment by an appropriately qualified engineer occurs before subdivision, use or development takes place to confirm that the land is suitable for development; and
- (ii) buildings are designed and constructed, and uses appropriate materials, to effectively minimise the risk of damage to the buildings from ground subsidence.

Policy 15.2.1.21 – Stormwater management in areas subject to risk of land instability or subsidence

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

Policy 15.2.1.22 – Liquefaction-~~susceptible~~ ~~prone~~ land risk assessment

- (a) On land ~~assessed as~~ potentially ~~susceptible~~ ~~prone~~ to liquefaction, ensure that:
 - (i) an assessment by a geotechnical specialist occurs before new subdivision, use or development takes place; and
 - (ii) 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; and
 - (iii) the assessment confirms that the land is suitable for the proposed development.⁴²

Policy 15.2.1.23 – Control activities on land susceptible to damage from liquefaction

- (a) 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

Objective 15.2.2 - Awareness of natural hazard risks

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 events⁴³.

Policy 15.2.2.1 - Natural hazard risk information

⁴² Report 27E recommendation on Waikato Regional Council [2102.44], Transpower New Zealand [2101.10], Waikato District Council [2146.8]

⁴³ Report 27B to retain as notified, and relocate objectives together in Chapter 15 - section 19 at para 311

- (a) Enable people to be informed and have access to information on the natural hazards affecting their properties and surrounding area, including through:
 - (i) provision of Land Information Memoranda;
 - (ii) natural hazard technical information, including the projected effects of climate change⁴⁴, risk registers and mapping on the Council's website, the Waikato Regional Council Hazards Portal, this district plan and accompanying planning maps;
 - (iii) education, provision of information and community engagement; and
 - (iv) alignment with the work of other agencies including iwi and the Waikato Regional Council.

Policy 15.2.2.2 - Awareness of Community Response Plans

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

Objective 15.2.3 - Climate change

A well-prepared community that

- (a) Is resilient able to adapt⁴⁵ to the effects of climate change; and
- (b) ~~Has transitioned to development that prioritises lower greenhouse gas emissions.~~⁴⁶

Policy 15.2.3.1 - Effects of climate change on new subdivision and development

- (a) Ensure that adequate allowances are made for the projected effects of climate change in the design and location of new subdivision and development including new urban zoning⁴⁷ throughout the district, including undertaking assessments where relevant that provide for
 - (i) the projected increase in rainfall intensity, as determined by national guidance, ~~but being in the event of a temperature rise of~~⁴⁸ assuming a temperature increase of⁴⁹ not less than 2.3°C by 2120;
 - (ii) the projected increase in sea level, where relevant, as determined by national guidance and the best available information⁵⁰, but being not less than 1m by 2120;
 - (iii) in respect to new urban zoning, stress testing under the RCP 8.5 scenario for rainfall [1] and RCP 8.5H+ for sea level rise [2]; and
 - (iv) in respect to the coastal environment, increases in storm surge, waves and wind.⁵¹

⁴⁴ Report 27B recommendation in section 20 at para 326

⁴⁵ Report 27F recommendation on Kainga Ora Homes and Communities [2094.17]

⁴⁶ Report 27F recommendation on Federated Farmers of New Zealand [2173.29]

⁴⁷ Report 27F Rebuttal Evidence recommendation on Waikato Regional Council [2102.86]

⁴⁸ Report 27F recommendation on Director General of Department of Conservation [2108.12]

⁴⁹ Report 27F Rebuttal Evidence recommendation on Director General of Department of Conservation [2108.12]

⁵⁰ Report 27F recommendation on Waikato Regional Council [2102.86],

⁵¹ Report 27F recommendation on Tainui Hapu Environmental Management Committee [2097.1] and Department of Conservation [2108.13]

- (v) [the ability for natural systems to respond and adapt to the projected changes included in \(i\) to \(iv\) above.](#)⁵²

Policy 15.2.3.2 - Future land use planning and climate change

- (a) Increase the ability of the community to adapt to the effects of climate change when undertaking future land use planning by:
- (i) 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.
 - (ii) encouraging the incorporation of sustainable design measures within new subdivision, landuse and development, including:
 - (A) low impact, stormwater management, urban design and green infrastructure;
 - (B) of relocatable buildings and structures in areas potentially at risk due to sea level rise or increased flood levels;
 - (C) efficient water storage;
 - (D) provision of renewable energy generation; and
 - (E) transferring to activities with lower greenhouse gas emissions.
 - (iii) providing ongoing monitoring of changes to the environment due to climate change; and
 - (iv) 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.

Policy 15.2.3.3 Precautionary approach for dealing with uncertainty

- (b) 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.

Policy 15.2.3.4 - Provide sufficient setbacks for new development

- (a) 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.
- (b) Ensure that, in establishing development setbacks [for new development](#),⁵³ adequate consideration is given to:
- (i) the protection of natural ecosystems, including opportunities for the inland migration of coastal habitats;
 - (ii) the vulnerability of the community;

⁵² Report 27F Rebuttal Evidence recommendation on Waikato Regional Council [2102.86]

⁵³ Report 27F Rebuttal Evidence recommendation on Kāinga Ora [2094.21]

- (iii) the maintenance and enhancement of public access to the coast and public open space;
- (iv) the requirements of infrastructure; and
- (v) natural hazard mitigation provision, including the protection of natural defences.”

Policy 15.2.3.5 - Assess the impact of climate change on the level of natural hazard risks.

- (a) 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.
- (b) Ensure that, when assessing the effects of climate change on the level of natural hazard risk in accordance with Policy 15.2.3.5(a) above, the allowances in Policy 15.2.3.1(a)(i)-(iv) are applied.
- (c) Where the assessment required by Policy 15.2.3.5(a) ~~and Policy 15.2.3.5(b)~~ indicates that natural hazards are likely to be exacerbated by climate change, ensure that subdivision and development are designed and located so that any increased and cumulative risk from natural hazards is managed to acceptable levels and any intolerable risks are avoided or reduced to tolerable or acceptable levels 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.⁵⁴

15.3 How to use and interpret the rules

- (a) 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 Chapter 14 Infrastructure and Energy.
- (b) Where subdivision is specified, a subdivision consent is also required under the provisions of the relevant zone chapter, and the district-wide rules in Chapter 14 Infrastructure and Energy will also apply.
- (c) The rules in this chapter apply alongside the National Environmental Standards for Electricity Transmission 2010 (NESETA).
- (d) The rules in this chapter do not apply to:
 - (i) any activity which is a regulated activity under the National Environmental Standards for Telecommunication Facilities 2016 (NESTF);
 - (ii) plantation forestry activities regulated under the National Environmental Standards for Plantation Forestry (NESPF).
- (d) The information requirements for resource consent applications in respect to natural hazards are set out in Rule 15.13.

Advice note

⁵⁴ Report 27F recommendation on Waikato Regional Council [2102.91], Counties Power [FS3021.9] and Mercury NZ Limited [FS3034.153],

Effects on archaeological sites, both recorded (identified by the New Zealand Archaeological Association) and unrecorded, are regulated under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development and the need to undertake an archaeological assessment to determine the need for an archaeological authority. In the event of an accidental discovery Heritage New Zealand Pouhere Taonga Lower Northern Office must be contacted immediately.

15.4 Flood Plain Management Area and Flood Ponding Areas

15.4.1 Permitted Activities

- (a) The activities listed below are permitted activities within the Flood Plain Management Area or in a Flood Ponding Area shown on the Planning Maps ~~or in a Flood Ponding Area~~,⁵⁵ if they meet the activity-specific conditions set out in this table.
- (b) Activities may also be restricted discretionary or discretionary activities, as specified in Rules 15.4.2 and 15.4.3.

Activity		Activity-specific conditions
P1	Construction of a new <u>building</u> or an addition to an existing <u>building</u> , unless specified in P2 – P5 in Rule 15.4.1	(a) The minimum floor level is at least 0.5m above the 1% AEP flood level; and (b) Compliance with condition (1) shall be demonstrated by a suitably qualified engineer with experience in hydrology.
P2	Additions to an existing <u>building</u> that does not increase the ground floor area of the <u>building</u> by more than 15m ² .	Nil
P3	<u>Standalone garage</u> with a <u>gross floor area</u> not exceeding 40m ² .	Nil
P4	(1) Construction of an <u>accessory building</u> without a floor; (2) Construction of a <u>farm building</u> without a floor.	Nil
P5	Construction, replacement, repair, maintenance, <u>minor upgrading</u> or upgrading of <u>utilities</u> .	Nil
P6	<u>Earthworks</u> associated with construction, replacement, repair, maintenance, <u>minor upgrading</u> or upgrading of	Nil

⁵⁵ Report 27C Rebuttal Evidence recommendation on Dilworth Trust Board [2161.7]

	utilities, including the formation and maintenance of access tracks.	
P7	<u>Earthworks</u> to create a building platform for residential purposes.	Filling height is only to the extent necessary to achieve compliance with Rule 15.4.1 P1(a).
P8	<u>Earthworks</u> not provided for under Rule 15.4.1 P6 or P7.	<p>(a) In the Residential, Village and Country Living Zones – 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 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><u>Where a site is located partly within the Flood Plain Management Area or Flood Ponding Area this rule only applies to that part of the site within the Flood Plain Management Area or Flood Ponding Area.⁵⁶</u></p>

15.4.2 Restricted Discretionary Activities

- (a) The activities listed below are restricted discretionary activities within the Flood Plain Management Area or in a Flood Ponding Area shown on the Planning Maps ~~or in a Flood Ponding Area.~~⁵⁷
- (b) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.
- ~~(c) Any application arising from this rule shall not be limited or publicly notified.⁵⁸~~

Activity	Activity-specific conditions
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⁵⁶ Report 27C recommendation on TaTa Valley Limited [2093.8].

⁵⁷ Report 27C Rebuttal Evidence recommendation on Ports of Auckland Limited [2139.9]

⁵⁸ Report 27C recommendation on Mercury New Zealand Limited [2053.54].

RDI	Earthworks that are not a permitted activity under Rule 15.4.1 P6 or P7 or earthworks that exceed the activity specific conditions in Rule 15.4.1.P8	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) Timing, location and scale of <u>earthworks</u>; (b) Adverse effects on: <ul style="list-style-type: none"> (i) Existing overland flow paths and surface drainage patterns; (ii) flood storage capacity; (iii) runoff volumes; (iv) adjoining properties, including the transfer of risk; (v) <u>infrastructure</u> and flood protection works; (vi) consideration of soil types and potential for erosion; (c) Mitigation including compensatory storage, or other flood management measures proposed
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15.4.3 Discretionary Activities

- (a) The activities listed below are discretionary activities within the Flood Plain Management Area shown on the Planning Maps or in a Flood Ponding Area.

D1	Construction of a new <u>building</u> and additions to an existing <u>building</u> which are not permitted by Rule 15.4.1 P1 – P5.
D2	<u>Subdivision</u> to create one or more additional vacant lot(s) other than a <u>utility allotment</u> , <u>access allotment</u> or subdivision to create a reserve allotment
D3	A <u>hazardous facility</u>

15.5 High Risk Flood Area

The High Risk Flood Area is located within the Flood Plain Management Area. The rules in this section are to be read in conjunction with the rules for the Flood Plain Management Area and Flood Ponding Areas (Rule 15.4).

15.5.1 Permitted Activities

- (a) The activities listed below are permitted activities within the High Flood Risk Area shown on the Planning Maps, if they meet the activity-specific conditions set out in this table.
- (b) Activities may also be restricted discretionary, discretionary or non-complying activities, as specified in Rules 15.5.2, 15.5.3 and 15.5.4.

	Activity	Activity-specific conditions
P1	<ul style="list-style-type: none"> (1) Repair, maintenance or <u>minor upgrading</u> of existing <u>utilities</u>. (2) New-Construction, replacement or upgrading of 	Nil

	<p>⁵⁹ telecommunication lines, poles, cabinets and masts/poles supporting antennas.</p> <p>(3) <u>Construction, replacement or upgrading of electricity lines, poles, cabinets, and supporting structures.</u>⁶⁰</p>	
P2	<p>(1) Construction of an <u>accessory building</u> without a floor;</p> <p>(2) Construction of a farm <u>building</u> without a floor.</p>	Nil

15.5.2 Restricted Discretionary Activities

- (a) The activities listed below are restricted discretionary activities within the High Risk Flood Area.
- (b) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table

Activity		Activity-specific conditions
RD1	<p>(1) New <u>utilities</u> not provided for in Rule 15.5.1 PI(2) <u>or PI(3)</u>⁶¹.</p> <p>(2) Upgrading of existing utilities not provided for in Rule 15.5.1 PI(1).</p>	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 1. Functional and operational requirements to be located in the <u>High Risk Flood Area</u>; 2. The adverse effects on people and property from establishing or upgrading the <u>utility</u> in the <u>High Risk Flood Area</u>; 3. The potential for the development to transfer/increase flood risk to neighbouring properties; 4. Consideration of alternative locations; 5. Consideration of the projected effects of climate change; 6. Any mitigation measures to reduce the risk to people's safety, well-being and property.
RD2	<p>One addition to a lawfully established building existing at [<i>the date this rule becomes operative</i>], where the addition does not</p>	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> (a) The ability to manage flood risk through appropriate <u>building materials</u>, 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

⁵⁹ Report 27C recommendation on Spark NZ Trading Ltd [2040.5].

⁶⁰ Report 27C recommendation on Counties Power Limited [2123.5], PowerCo Limited[2100.4]

⁶¹ Report 27C recommendation on Counties Power Limited [2123.6]

	increase the ground floor area of the existing <u>building</u> by more than 15m ² , unless provided for in Rule 15.5.2 RDI	the addition and the floor level of the existing <u>building</u> ; (c) Any mitigation measures to reduce the risk to people's safety, well-being and property.
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15.5.3 Discretionary Activities

DI	<p>(1) Subdivision that creates one or more additional vacant lot(s) where:</p> <p>(a) The additional lot(s) are located entirely outside the High Risk Flood Area; or</p> <p>(b) The additional lot(s) are partially within the High Risk Flood Area and each additional lot(s) contains a net-site <u>an</u>⁶² area capable of containing a complying building platform entirely outside the High Risk Flood Area.</p> <p>(2) This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</p>
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15.5.4 Non-Complying Activities

(a) The activities listed below are non-complying activities in the High Risk Flood Area

NC1	Construction of a new <u>building</u> or additions to an existing <u>building</u> , not provided for in Rule 15.5.1 PI – P2 or Rule 15.5.2 RDI and RD2.
NC2	<p>(1) <u>Subdivision</u> that does not comply with Rule 15.5.3 DI.</p> <p>(2) This rule does not apply to subdivision for a <u>utility allotment</u>, <u>access allotment</u> or subdivision to create a reserve allotment</p>
NC3	Emergency services s ⁶³ facilities and hospitals.

15.6 Defended Area (Residual Risk)

15.6.1 Permitted Activities

(a) Activities are permitted activities within the Defended Area identified on the planning maps, unless specified in Rules 15.6.2 or 15.6.3 below, or as otherwise specified in the relevant zone chapter or the district-wide rules in Chapter 14 Infrastructure and Energy

15.6.2 Restricted Discretionary Activities

- (a) The activities listed below are restricted discretionary activities within the Defended Area shown on the Planning Maps.
- (b) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

⁶² Report 27C recommendation on Avant Developments Limited [2143.3]

⁶³ Report 27C recommendation on Fire and Emergency New Zealand [2103.33]

(c) Activities may also be discretionary activities, as specified in Rule 15.6.3

Activity		Matters of Discretion
RDI	<p>(1) Subdivision that creates one or more additional vacant lot(s).</p> <p>(2) Rule 15.6.2 RDI(1) does not apply to subdivision for a <u>utility allotment</u>, an <u>access allotment</u> or subdivision to create a reserve allotment.</p>	<p>Discretion is restricted to:</p> <p>(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;</p> <p>(b) The impact of any planned improvements, maintenance or upgrading on the residual risk;</p> <p>(c) The effect of groundwater levels and variability in ground conditions on stop-bank security at and adjacent to the site to be subdivided;</p> <p>(d) the likely depth and duration of flooding as a result of a breach or overtopping event or flood ponding;</p> <p>(e) 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);</p> <p>(f) The adverse effects to on:</p> <p>(i) people and property,</p> <p>(ii) <u>historic heritage and Sites and Areas of Significance to Maori</u>,⁶⁴ and</p> <p>(iii) overall vulnerability from potential failure or overwhelming of the structural defences and associated flood protection works relevant to the proposed new lot(s);</p> <p>(g) Potential for the development to transfer/increase flood risk/residual risk to neighbouring properties;</p> <p>(h) Any additional mitigation measures proposed or site features which reduce residual risk (e.g. natural high ground; evacuation plan).</p>

15.6.3 Discretionary Activities

(a) The activities listed below are discretionary activities within the Defended Area.

D1	Construction of a new <u>building</u> or new <u>accessory building</u> , 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.
D2	(a) <u>Earthworks</u> 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.

⁶⁴ Report 27C recommendation on Heritage New Zealand Pouhere Taonga [2107.19]

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| | (b) <u>This rule does not apply to earthworks associated with utilities where the written approval of the authority managing the stopbank has been obtained.</u> ⁶⁵ |
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15.7 Coastal Sensitivity Areas – Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast)⁶⁶

15.7.1 Permitted Activities

- (a) ~~The activities listed below are permitted activities within the Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast) shown on the Planning Maps, if they meet the activity-specific conditions set out in this table.~~
- (b) ~~Activities may also be restricted discretionary activities or discretionary activities, as specified in Rules 15.7.2 and 15.7.3.~~

Activity		Activity-specific conditions
P1	Additions to an existing lawfully established building	(a) The gross floor area of all additions to the building from [date this rule becomes operative] do not exceed a total of 15m².
P2	(1) Construction of an accessory building without a floor; (2) Construction of a farm building without a floor.	Nil
P3	Construction, upgrading, minor upgrading, replacement, repair and maintenance of utilities.	Nil (a) <u>The works do not involve coastal protection structures.</u> ⁶⁷
P4	Maintenance or repair of an existing lawfully established coastal protection structure.	Nil

15.7.2 Restricted Discretionary Activities⁶⁸

- (a) ~~The activities listed below are restricted discretionary activities in the Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast).~~
- (b) ~~Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.~~

Activity	Matters of Discretion
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⁶⁵ Report 27C recommendation on Spark NZ Trading Ltd [2040.6]

⁶⁶ Report 27B recommends amalgamated rules 15.7 and 15.8 into 15.7A (below)

⁶⁷ Report 27D recommendation for Waikato Regional Council [2102.59] – S42A report pg20, para 81 - 82.

⁶⁸ Report 27B text retained as notified and amalgamated into 15.7A.1 and 15.7A.2 section 25.5 at para 414

RD1	<p>Construction of a new building or additions to an existing building not provided for in Rule 15.7.1 P1-P3 and not listed in Rule 15.7.3 D1.</p>	<p>Discretion is restricted to:</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.
RD2 ⁶⁹	<p>(1) <u>Any subdivision to create any additional vacant lots where the additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast).</u></p> <p>(2) <u>Rule 15.7.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</u></p>	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) <u>Whether the vacant lot(s) are capable of containing a complying building platform entirely outside the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast); or</u> (b) <u>Where the vacant lot(s) are not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast):</u> <ul style="list-style-type: none"> (i) <u>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;</u> (ii) <u>Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</u> (i) <u>The degree to which alternative subdivision layout(s) have been investigated to avoid or mitigate coastal hazards;</u>

⁶⁹ Report 27D - Rebuttal Evidence recommendation on Rangitahi Limited [2115.5] – Pg 12, Para 37 – 54.

		<p>(ii) The degree to which the location and design of the development, including building platforms, are located to avoid the hazard;⁷⁰</p> <p>(iii) Adverse effects to people, property and the environment and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</p> <p>(iv) Within the Coastal Sensitivity Area (Open Coast) only, the setting of minimum floor levels in areas subject to inundation.</p>
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15.7.3 Discretionary Activities⁷¹

(a) ~~The activities listed below are discretionary activities in the Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast).~~

D1	Construction of a new coastal protection structure, <u>or any extension to, or upgrade or replacement of an existing coastal protection structure.</u> ⁷²
D2	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment. ⁷³
D3	<u>A hazardous facility</u> ⁷⁴

15.8 Coastal Sensitivity Area (Inundation)⁷⁵

- (a) ~~The activities listed below are permitted activities within the Coastal Sensitivity Area (Inundation) shown on the Planning Maps if they meet the activity-specific conditions set out in this table.~~
- (b) ~~Activities may also be restricted discretionary activities or discretionary activities, as specified in Rules 15.8.2 and 15.8.3.~~

15.8.1 Permitted Activities

Activity		Activity-specific conditions
PI	Additions to an existing lawfully established building	(a) The gross floor area of all additions to the building from [date this rule becomes operative] do not exceed a total of 15m².

⁷⁰ Report 27D - Rebuttal Evidence recommendation on Kainga Ora [2094.43] –Pg 19, para 66 – 83.

⁷¹ Report 27D recommended changes to 15.7 are amalgamated into recommended rule 15.7A –s42A 27D pg81, para 391 - 398

⁷² Report 27D recommendation on Waikato Regional Council [2102.58] – Pg105, para 397.

⁷³ Report 27D - Rebuttal Evidence recommendation on Rangitahi Limited [2115.5] – Pg64, para 257.

⁷⁴ Report 27D recommendation on Waikato Regional Council [2102.79] Pg 123, para 448 - 457.

⁷⁵ Report 27D recommended changes to 15.8 are amalgamated into recommended rule 15.7A [2146.7].

P2	(1) Construction of an accessory building without a floor; (2) Construction of a farm building without a floor.	Nil
P3	Construction, upgrading, minor upgrading, replacement, repair and maintenance of utilities.	Nil (a) Excludes coastal protection structures.⁷⁶
P4	Maintenance or repair of an existing lawfully established coastal protection structure.	Nil

15.8.2 Restricted Discretionary Activities

- (a) ~~The activities listed below are restricted discretionary activities in the Coastal Sensitivity Area (Inundation).~~
- (b) ~~Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.~~

Activity		Matters of Discretion
RD1	Construction of a new building or additions to an existing building not provided for in Rule 15.8.1 P1-P3 and not listed in Rule 15.8.3 D1.	<p>Discretion is restricted to:</p> <p>(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;</p> <p>(b) The application of mitigation through natural features and buffers where appropriate;</p> <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>
<u>RD2⁷⁷</u>	<u>(1) Any subdivision to create any additional vacant lots where the</u>	<p>Discretion is restricted to:</p> <p><u>(a) Whether the vacant lot(s) are capable of containing a complying building platform entirely</u></p>

⁷⁶ Report 27D recommendation on Waikato Regional Council [2102.59] – Pg20, para 81 - 82.

⁷⁷ Report 27D - Rebuttal Evidence recommendation on Rangitahi Limited [2115.5] – Pg64, para 257.

	<p><u>additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Inundation).</u></p> <p>(2) Rule 15.8.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</p>	<p><u>outside the Coastal Sensitivity Area (Inundation);</u> <u>or</u></p> <p>(b) Where the vacant lot(s) are not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Inundation)</p> <p>(i) 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;</p> <p>(ii) Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</p> <p>(iii) The degree to which alternative subdivision layout(s) have been investigated to avoid or mitigate coastal hazards;</p> <p>(iv) The degree to which the location and design of the development, including building platforms, are located to avoid the hazard;⁷⁸</p> <p>(v) Adverse effects to people, property and the environment and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</p> <p>(vi) The setting of minimum floor levels in areas subject to inundation.</p>
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15.8.3 Discretionary Activities

~~(a) The activities listed below are discretionary activities in the Coastal Sensitivity Area (Inundation).~~

D1	<p>Construction of a new coastal protection structure, <u>or any extension to, or upgrade or replacement of an existing coastal protection structure.</u>⁷⁹</p>
D2	<p>Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment.⁸⁰</p>
D3	<p><u>A hazardous facility</u>⁸¹</p>

15.7A Coastal Sensitivity Areas

(Recommendation for amalgamated rules 15.7 and 15.8)

15.7A.1 Permitted Activities

⁷⁸ Report 27D - Rebuttal Evidence recommendation on Kainga Ora [2094.43] – Pg 19, para 66 – 83.

⁷⁹ Report 27D - recommendation on Waikato Regional Council [2102.58] – Pg 105, para 397.

⁸⁰ Report 27D - Rebuttal Evidence recommendation for Rangitahi Limited [2115.5] – Pg64, para 257.

⁸¹ Report 27D - recommendation on Waikato Regional Council [2102.79] Pg 123, para 448 - 457.

1. The activities listed below are permitted activities within the Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast) and the Coastal Sensitivity Area (Inundation) as shown on the Planning Maps, if they meet the activity-specific conditions set out in this table.
2. Activities may also be restricted discretionary activities or discretionary activities, as specified in Rules 15.7A.2 and 15.7A.3.

Activity		Activity-specific conditions
P1	Additions to an existing lawfully established building.	1. The gross floor area of all additions to the building from [date this rule becomes operative] do not exceed a total of 15m ² .
P2	<ol style="list-style-type: none"> 1. Construction of an accessory building without a floor; 2. Construction of a farm building without a floor. 	Nil
P3	Construction, upgrading, minor upgrading, replacement, repair or maintenance of utilities <u>excluding coastal protection structures.</u> ⁸²	<p>Nil</p> <p>Excludes coastal protection structures.</p>
P4	Maintenance or repair of an existing lawfully established coastal protection structure.	Nil

15.7A.2 Restricted Discretionary Activities

1. The activities listed below are restricted discretionary activities in the Coastal Sensitivity Area (Erosion), Coastal Sensitivity Area (Open Coast), and the Coastal Sensitivity Area (Inundation).
2. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity		Matters of Discretion
RDI	Construction of a new building or additions to an existing building not provided for in Rule 15.7A.1 P1-P3 and not	<p>Discretion is restricted to:</p> <p>(a) The ability to manage coastal hazard risk through appropriate building materials, structural or design work, engineering solutions, and other</p>

⁸² Report 27D recommendation for Waikato Regional Council [2102.59] – Pg20, para 81 - 82. The structure of the rule was queried at the hearing, and as a result changes to the structure of the rule are recommended in Closing Statement 27D.

	<p>listed in Rule 15.7A.3 DI.</p>	<p>appropriate mitigation measures, including the ability to relocate the building;</p> <p>(b) <u>the setting of minimum floor levels where appropriate;</u></p> <p>(c) The application of mitigation through natural features and buffers where appropriate;</p> <p>(d) The ability to impose time limits or triggers to determine when the building and services to be removed or relocated;</p> <p>(e) 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 <u>risk assessment;</u></p> <p>(f) Suitability of the site for the proposed use, including the provision for servicing such as access, wastewater, stormwater, and water supply;</p> <p>(g) Adverse effects to people and property and overall vulnerability from the establishment of the new building or additions to an existing building</p> <p>(h) <u>Any mitigation measures to reduce risk⁸³;</u></p> <p>(i) Whether there is any suitable alternative location for the activity to locate within the site.;</p> <p>(j) <u>In-coastal inundation areas:⁸⁴</u> (i) Whether there is any suitable alternative location for the activity to locate within the site.</p>
<p><u>RD2</u>⁸⁵</p>	<p>(l) <u>Any subdivision to create any additional vacant lots where the additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Inundation), Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast).</u></p>	<p>Discretion is restricted to:</p> <p>(a) <u>Whether the vacant lot(s) are capable of containing a complying building platform entirely outside the Coastal Sensitivity Area (Inundation), Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast); or</u></p> <p>(b) <u>Where the vacant lot(s) are not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Inundation), Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast):</u> (i) <u>The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has</u></p>

⁸³Report 27B note: in notified version in Rule 15.7.3 "and any mitigation measures to reduce risk" drafted slightly differently for other coastal sensitivity areas.

⁸⁴ Closing Statement 27D – Noted that discretionary matter (j) is a duplication of (i). Duplication is the result of the consolidation of the Rules 15.7.2 RD1 and 15.8.2 RD1. Deletion of duplicated text is recommended.

⁸⁵ Report 27D Rebuttal Evidence combined recommendation on Rangitahi Limited [2115.5] and on Kainga Ora [2094.43] – pg 14, para 49 – 54 and pg 19, 66 – 83 respectively.

	(2) <u>Rule 15.7A.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</u>	<p><u>been assessed in a site specific coastal hazard risk assessment;</u></p> <p>(ii) <u>Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</u></p> <p>(iii) <u>The degree to which alternative subdivision layout(s) have been investigated to avoid or mitigate coastal hazards;</u></p> <p>(iv) <u>Adverse effects to people, property and the environment and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</u></p> <p>(v) <u>The setting of minimum floor levels in areas subject to inundation.</u></p>
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15.7A.3 Discretionary Activities

- I. The activities listed below are discretionary activities in the Coastal Sensitivity Area (Erosion), and Coastal Sensitivity Area (Open Coast), and the Coastal Sensitivity Area (Inundation).

D1	Construction of a new coastal protection structure, <u>or any extension to, or upgrade or replacement of an existing coastal protection structure.</u> ⁸⁶
D2 ⁸⁷	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment.
D3	<u>A hazardous facility</u> ⁸⁸

15.9 High Risk Coastal ~~Hazard (Erosion)~~ Area

15.9.1 Permitted Activities

- (a) The activities listed below are permitted activities within the High Risk Coastal ~~Hazard (Erosion)~~ Area⁸⁹ shown on the Planning Maps, if they meet the activity-specific conditions set out in this table.
- (b) Activities may also be discretionary or non-complying activities, as specified in Rules 15.9.2 and 15.9.3.

⁸⁶ Report 27D recommendation on Waikato Regional Council [2102.58] – Pg 105, para 397.

⁸⁷ Report 27D Rebuttal Evidence combined recommendation on Rangitahi Limited [2115.5] and on Kainga Ora [2094.43]

⁸⁸ Report 27D recommendation on Waikato Regional Council [2102.79] Pg 123, para 448 - 457.

⁸⁹ Report 27C recommendation to rename coastal hazard overlay Waikato District Council [2146.7]

Activity		Activity-specific conditions
P1	(1) Construction of an accessory building without a floor; and (2) Construction of a farm building without a floor.	(a) The gross floor area of the building does not exceed 40m ² .
P2	(1) Repair, maintenance or minor upgrading of existing utilities <u>excluding coastal protection structures</u> . ⁹⁰ (2) <u>New Construction, operation, replacement or upgrading of</u> ⁹¹ telecommunications <u>and electricity</u> ⁹² lines, poles, cabinets and masts/ poles supporting antennas. (3) <u>New electricity lines, poles, cabinets and masts/ poles supporting antennas</u> . ⁹³	(a) The works do not involve coastal protection structures. Nil
P3	Maintenance or repair of an existing lawfully established coastal protection structure.	Nil
P4	Earthworks for an activity listed in Rule 15.9.1 P1 - P3, including the maintenance and repair of access tracks.	(a) The maximum volume of filling does not exceed 10m ³ per site; and (b) The maximum depth of any excavation or filling does not exceed 0.5m above or below ground level.

15.9.2 Discretionary Activities

- (a) The activities listed below are discretionary activities in the High Risk Coastal ~~Hazard~~ ~~(Erosion)~~ Area.

DI	Earthworks not provided for in Rule 15.9.1 P4.
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⁹⁰ Report 27D recommendation for Waikato Regional Council [2102.59] – Pg20, para 81 - 82. The structure of the rule was queried at the hearing, and as a result changes to the structure of the rule are recommended in Closing Statement 27D.

⁹¹ Report 27D Rebuttal Evidence recommendation on Spark NZ Trading Ltd [2040.9] – pg 10, para 25 – 31.

⁹² Report 27D consequential amendment of Spark NZ Trading Ltd [2040.9] – pg 11, para 33.

⁹³ Report 27D recommendation on WEL Networks [2106.20] – Pg 21, para 83. (rule rearranged as a consequence of Rebuttal Evidence recommendation on Spark NZ Trading Ltd [2040.9] – pg 10, para 25 – 31).

D2	(1) Relocation of an existing building within the same site where: (a) The building is relocated landward of its existing position.
D3	(1) Replacement of an existing building within the same site where: (a) The replacement building is located landward of the existing building that it replaces; and (b) The replacement building is relocatable on a suspended timber floor ; and (2) The gross floor area of the replacement building is no larger than the existing building that it replaces. ⁹⁴
D4	Construction of a new coastal protection structure, or any extension to, or upgrade or replacement of an existing coastal protection structure. ⁹⁵
D5	Construction of new utilities not provided for in Rule 15.9.1 P2
D6	Upgrading of existing utilities not provided for in Rule 15.9.1 P2
D7	(1) Subdivision that creates one or more additional vacant lot(s) where: (a) The additional vacant lot(s) are located entirely outside the High Risk Coastal Hazard (Erosion) Area; or ⁹⁶ (a) The additional lot(s) are partially within the High Risk Coastal Hazard (Erosion) 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 (Erosion) Area. (2) Rule 15.9.2 D7(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.
D8	A hazardous facility ⁹⁷

15.9.3 Non-Complying Activities

(a) The activities listed below are non-complying activities in the High Risk Coastal ~~Hazard (Erosion)~~ Area.

NC1	Construction of a new building or additions to an existing building, not provided for in Rule 15.9.1 P1 – P2 or Rule 15.9.2 D2- D6
NC2	(1) Subdivision to create one or more additional lot(s) that does not comply with Rule 15.9.2 D7. (2) Rule 15.9.3 NC2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.
NC3	Emergency services s ⁹⁸ facilities-and hospitals.

⁹⁴ Report 27D recommendation on Federated Farmers [2173.67] – pg 25, para 98 - 100.

⁹⁵ Report 27D recommendation on Waikato Regional Council [2102.58] – Pg105, para 397.

⁹⁶ Report 27D Rebuttal Evidence recommendation on Rangitahi Limited [2115.6] – pg 17, para 58 – 62.

⁹⁷ Report 27D recommendation on Waikato Regional Council [2102.79] - Pg 123, para 448 - 457.

⁹⁸ Report 27D recommendation on Fire and Emergency New Zealand [2103.37] – pg 28, para 113.

15.10: High Risk Coastal ~~Hazard~~ (Inundation) Area

15.10.1 Permitted Activities

- (a) The activities listed below are permitted activities within the High Risk Coastal ~~Hazard~~ (Inundation) Area⁹⁹ shown on the Planning Maps, if they meet the activity-specific conditions set out in this table.
- (b) Activities may also be discretionary or non-complying activities, as specified in Rules 15.10.2 and 15.10.3.

Activity		Activity-specific conditions
P1	(1) Construction of an accessory building without a floor; and (2) Construction of a farm building without a floor.	(a) The gross floor area of the building does not exceed 40m ² .
P2	(1) Repair, maintenance or minor upgrading of existing utilities <u>excluding coastal protection structures.</u> ¹⁰⁰ (2) <u>New Construction, operation, replacement or upgrading of</u> ¹⁰¹ telecommunications <u>and electricity</u> ¹⁰² lines, poles, cabinets and masts/ poles supporting antennas. (3) <u>New electricity lines, poles, cabinets and masts/ poles supporting antennas.</u> ¹⁰³	<u>Nil</u> (a) <u>The works do not involve coastal protection structures.</u>
P3	Maintenance or repair of an existing lawfully established coastal protection structure.	Nil
P4	Earthworks for an activity listed in Rule 15.9.1 P1 - P3, including the maintenance and repair of access tracks.	(a) The maximum volume of filling does not exceed 10m ³ per site; and (b) The maximum depth of any excavation or filling does not exceed 0.5m above or below ground level.

⁹⁹ Report 27C recommendation to rename coastal hazard overlay Waikato District Council [2146.7]

¹⁰⁰ Report 27D recommendation for Waikato Regional Council [2102.59] – Pg20, para 81 - 82. The structure of the rule was queried at the hearing, and as a result changes to the structure of the rule are recommended in Closing Statement 27D.

¹⁰¹ Report 27D Rebuttal Evidence recommendation on Spark NZ Trading Ltd [2040.10] – pg 10, para 25 – 31.

¹⁰² Report 27D Rebuttal Evidence consequential amendment of Spark NZ Trading Ltd [2040.10] – pg 11, para 33.

¹⁰³ Report 27D recommendation on WEL Networks [2106.20] – Pg 21, para 83 (rule rearranged as a consequence of Rebuttal Evidence recommendation on Spark NZ Trading Ltd [2040.10]) – pg 10, para 25 - 31.

15.10.2 Discretionary Activities

- (a) The activities listed below are discretionary activities in the High Risk Coastal **Hazard** ~~(Inundation)~~ Area.

D1	Earthworks not provided for in Rule 15.10.1 P4.
D2	(1) Replacement and relocation of an existing building within the same site where: (a) There is no increase in the ground floor area of the building.¹⁰⁴
D32	Construction of a new coastal protection structure, <u>or any extension to, or upgrade or replacement of an existing coastal protection structure.</u> ¹⁰⁵
D43	Construction of new utilities not provided for in Rule 15.10.1 P2.
D54	Upgrading of existing utilities not provided for in Rule 15.10.1 P2.
D65	(1) Subdivision that creates one or more additional vacant lot(s) where: (a) The additional vacant lot(s) are located entirely outside the High Risk Coastal Hazard (Inundation) Area; or¹⁰⁶ (a) 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. (2) Rule 15.10.2 D6(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.
D76 ¹⁰⁷	<u>Construction of a new building or additions to an existing building, not provided for in Rule 15.10.1 P1 – P2 or Rule 15.10.2 D2 - D54.</u>
D87	<u>A hazardous facility¹⁰⁸</u>

15.10.3 Non-Complying Activities

- (a) The activities listed below are non-complying activities in the High Risk Coastal **Hazard** ~~(Inundation)~~ Area.

NC1	Construction of a new building or additions to an existing building, not provided for in Rule 15.10.1 P1 – P2 or Rule 15.10.2 D2–D5
NC2	(1) Subdivision to create one or more additional lot(s) that does not comply with Rule 15.10.2 D6. (2) Rule 15.10.3 NC2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.

¹⁰⁴ Closing Statement Hearing 27D – hearing discussion regarding Rule 15.10.2 D2. Rule no longer required as a result of recommended new Rule 15.10.2 D7. Other consequential amendments to numbering within 15.10.2 also recommended.

¹⁰⁵ Report 27D recommendation on Waikato Regional Council [2102.58] – Pg105, para 397.

¹⁰⁶ Report 27D Rebuttal Evidence recommendation on Rangitahi Limited [2115.6] – pg 17, para 58 – 62.

¹⁰⁷ Report 27D recommendation on Brent Fowler [2005.1], Hayden Vink [2168.2] and Jason Vink [2169.2] – pg44, para 175 - 177.

¹⁰⁸ Report 27D recommendation on Waikato Regional Council [2102.79] - Pg 123, para 448 - 457.

NC3	Emergency services facilities and hospitals. ¹⁰⁹
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15.11 Mine Subsidence Risk Area

15.11.1 Permitted Activities

- (a) The activities listed below are permitted activities within the Mine Subsidence Risk Area shown on the Planning Maps if they meet the activity-specific conditions set out in this table.
- (b) Activities may also be restricted discretionary activities or discretionary activities, as specified in Rules 15.11.2 and 15.11.3.

Activity		Activity-specific conditions
P1	Additions to an existing building	(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.
P2	Standalone garage	(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.
P3	Construction, replacement, repair, minor upgrading, upgrading or maintenance of utilities <u>and associated earthworks</u> ¹¹⁰	Nil
P4	Earthworks	(a) The maximum volume of filling does not exceed 20m ³ per site; and (b) The maximum depth of any excavation or filling does not exceed 1m above or below ground level.

Rule 15.11.1A Controlled Activities

- (a) The activity listed below is a Controlled Activity in the Mine Subsidence Risk Area.

Activity		Matters of Control
C1111	<u>The construction or alteration of a building that is not provided for under Rule 15.11.1 where a Consent Notice is registered against the</u>	(a) <u>The degree to which the requirements and recommendations of the geotechnical report approved at the time of subdivision have been incorporated in the building design.</u> (b) <u>That Whether confirmation is provided from a</u>

¹⁰⁹ Report 27D recommendation on Fire and Emergency New Zealand [2103.37] – pg 28, para 113.

¹¹⁰ Report 27E recommendation on WEL Networks [2106.26] and Kiwirail Holdings [FS3010.7].

¹¹¹ Report 27E recommendation on Shand Properties [2136.1] and Closing Statement 27E response to the Panel's query on matters of control being appropriately worded.

	<u>Record of Title confirming that a geotechnical assessment has been approved at the time of subdivision and the approved geotechnical report confirms that the ground is suitable for building development and the building development is in accordance with any recommendations of the geotechnical report.</u>	<u>suitably experienced and qualified geotechnical engineer that confirms the proposed building development is consistent with the recommendations and requirements of the geotechnical report approved at the time of subdivision.</u>
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15.11.2 Restricted Discretionary Activities

- (a) The activities listed below are restricted discretionary activities in the Mine Subsidence Risk Area.
 (b) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity		Matters of Discretion
RDI	Earthworks that do not comply with Rule 15.11.1 P4.	Discretion is restricted to: <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.
<u>RD2¹¹²</u>	<u>Construction of a building or accessory building or the reconstruction of or additions to an existing building not provided for in Rule 15.11.1 P1-P3 or CI.</u>	<u>Discretion is restricted to:</u> <ul style="list-style-type: none"> (a) <u>Construction standards and materials.</u> (b) <u>Suitability of the site for development.</u> (c) <u>The potential effects on health and safety.</u>

15.11.3 Discretionary Activities

- (a) The activities listed below are discretionary activities in the Mine Subsidence Risk Area.

D1	Construction of a building or additions to an existing building not provided for in Rule 15.11.1 P1-P3.¹¹³
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¹¹² Report 27E recommendation on Kainga Ora [2094.9].

¹¹³ Report 27E recommendation on Kainga Ora [2094.9].

D2D1¹¹⁴

Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment.

15.12 Liquefaction

15.12.1 Overview of method

- (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.
- (2) Where potential liquefaction risk is identified as a matter that the Council restricts its discretion to, the additional matters outlined in Rules 15.12.2 and 15.12.3 below apply where relevant.

15.12.2 Additional matters of restricted discretion for subdivision to create one or more additional vacant lots – liquefaction risk

- (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):
 - (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 15.13);
 - (b) Measures proposed to mitigate the effects of liquefaction hazard if present including:
 - (i) Location, size, layout and design of allotments, structures, and building platforms, including consideration given to alternative siting away from where liquefaction risk is greatest;
 - (ii) Location, timing, scale and nature of earthworks; Provision for ground strengthening and foundation design;
 - (iii) Provision for resilient services and infrastructure, including wastewater, water supply, roads and access;
 - (iv) Setbacks in relation to waterways, waterbodies or any steep change in ground elevation, sloping ground or free face, or alternative geotechnical measures to address any identified potential for lateral spread;
 - (v) Effects on adjoining properties.

15.12.3 Additional matters of restricted discretion for new land use (e.g. multi-unit development) – liquefaction risk

¹¹⁴ Report 27E recommendation on Kainga Ora [2094.9] consequential

- (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):
- (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 15.13);
 - (b) Measures proposed to mitigate the effects of liquefaction hazard, if present, including:
 - (i) Location, size, layout and design of buildings, structures, car parking areas, access and provision for resilient infrastructure and services, including wastewater, stormwater and water supply;
 - (ii) Location, timing, scale and nature of earthworks; Provision for ground strengthening and foundation design;
 - (iii) Setbacks in relation to waterways, waterbodies or any steep change in ground elevation, sloping ground (or free face, or alternative geotechnical measures to address any identified potential for lateral spread);
 - (iv) Consideration given to ease of repair (including access to repair damaged structures) of liquefaction-induced damage;
 - (v) Effects on adjoining properties.

15.13 Information Requirements for all resource consent applications addressing natural hazards

15.13.1 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.

- (3) Consideration of the information contained in the following stormwater catchment management plans, or any approved updated version¹¹⁵, where relevant:
- (a) Ngaruawahia Catchment Management Plan, March 2015;
 - (b) Tamahere Stormwater Catchment Management Plan and Report, 2011
 - (c) Port Waikato Stormwater Catchment Management Plan and Report, 2004;
 - (d) Pokeno Catchment Management Plan, 2010;
 - (e) Te Kauwhata Catchment Management Plan, 2009;
 - (f) Tuakau Catchment Management Plan, Draft 2014.¹¹⁶

15.13.2 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 15.12.3, 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 desktop study.
 - (b) Where a “liquefaction damage is possible” category has been identified for the site as per 15.13.2(1)(a)(i) above, or an alternative accepted method, observation or desktop study indicates that the site is susceptible to liquefaction as per 15.13.2(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 15.12.2:
- (a) an assessment in accordance with 15.13.2(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 15.13.2(1)(a)(i) above, or an alternative accepted method, observation, or desktop study indicates that the site is susceptible to liquefaction as per 15.13.2(1)(a)(ii) above, the subdivision application will be required to include sufficient information and proposed

¹¹⁵ Closing Statement Report 27C Pokeno Village Holdings Limited [2147.4]

¹¹⁶ Report 27C recommendation on Pokeno Village Holdings Limited [2147.4]

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 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 Professional Engineering Geologist (IPENZ registered).

15.13.3 Country Living Zone - Tamahere

- (1) Any resource consent in relation to land located in the Country Living 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.

15.13.4 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.

15.14 Definitions

Note: Report 27F recommends that the definitions, as amended below, be transferred from Chapter 15 into Chapter 13 Definitions.¹¹⁷

Coastal protection structure

Means any hard protection structure as defined in the New Zealand Coastal Policy Statement.¹¹⁸

Coastal Sensitivity Area (Erosion)¹¹⁹

Means an area identified on the planning maps that is potentially vulnerable to coastal erosion over the period to 2120, assuming sea level rise of 1.0 m.

¹¹⁷ Report 27F submissions [2146.10], [2094.57], [2094.58], and [2094.68] p48, para 210-212.

¹¹⁸ Report 27D recommendation on Waikato Regional Council [2102.60] – pg 129 para 471 - 472.

¹¹⁹ Report 27B to refine naming of coastal sensitivity areas

Coastal Sensitivity Area (Inundation)¹²⁰

Means an area identified on the planning maps that is potentially vulnerable to coastal inundation over the period to 2120, assuming sea level rise of 1.0 m.

Defended Area

Means an area identified on the planning maps which could normally flood in a 1% AEP flood event but is protected from flooding by a flood protection scheme managed by the Waikato Regional Council, the Waikato District Council or the Crown.

Emergency service facility

~~Emergency service facility' Means a fire station, ambulance station, police station or an emergency co-ordination facility.'~~

Means a facility used by emergency services, or an emergency co-ordination facility.¹²¹

Farm building

For the purposes of Chapter 15, means a building that supports the primary use of the site for farming. It excludes residential units.

Flood plain management area

Means an area identified on the planning maps which is at risk of flooding in a 1% AEP flood event and is otherwise described in this District Plan¹²² as the 1% AEP floodplain.

Flood ponding area

Means an area shown on the planning maps as an identified flood ponding area ~~or an area~~¹²³ that experiences floodwater ponding in a 1% AEP rainfall event.

High risk flood area

Means an area identified on the planning maps, located within the Flood Plain Management Area, which is subject to river or surface flooding during an event with an annual exceedance probability of no more than 1%, and during such an event:

- (a) The depth of flood waters exceeds one metre; or
- (b) The speed of flood waters exceeds two metres per second; or
- (c) The flood depth multiplied by the flood speed exceeds one.

High Risk Coastal ~~Hazard~~ (Erosion) Area

Means an area identified on the planning maps which is currently at risk from coastal erosion with existing sea level and existing coastal processes.

¹²⁰ Report 27B to refine naming of coastal sensitivity areas

¹²¹ Report 27F recommendation in respect of Clause 16

¹²² Report 27C recommendation on TaTa Valley Limited [2093.4]

¹²³ Report 27C Rebuttal Evidence recommendation on Dilworth Trust Board [2161.16]

High Risk Coastal ~~Hazard~~(Inundation) Area

Means an area identified on the planning maps which is currently at risk from coastal inundation with existing sea level and coastal processes.

Mine Subsidence Risk Area

Means an area identified on the planning maps which is currently at risk of surface subsidence as a result of historic underground coal mining operations.

Minor upgrading

For the purposes of Chapter 15 means an increase in the capacity, efficiency or security of existing utilities where this utilises existing structures and networks and/or structures and networks of a similar scale and character.

Risk assessment

~~Means the overall process of risk identification, risk analysis and risk evaluation.~~¹²⁴

(Note: “risk assessment” is duplicated in Chapter 13, and with remain in chapter 13 with no change.)

Standalone Garage

Means a roofed and enclosed building which is detached from the main residential unit and designed to accommodate one or more motor vehicles.

Utility

For the purpose of Chapter 15 Natural Hazards means:

- 1) Transformation, transmission, generation or distribution of electricity ~~provided by network utility operators or requiring authorities~~¹²⁵, including transmission lines and ~~substations~~,¹²⁶ electricity distribution lines and associated equipment; and private connections to such utilities.
- 2) Telecommunication and radiocommunication facilities, including: transmitting/receiving devices such as aerials, antennas, dishes (including cables), insulators, castings, tunnels and associated equipment; and support structures such as towers, masts and poles, accessory buildings and private receiving dish antennas;
- 3) Storage tanks and pipes for the distribution or transmission of petroleum or natural or manufactured gas, including necessary incidental equipment provided by network utility operators or requiring authorities, and private connections to such utilities;
- 4) Reticulated water for supply or irrigation, stormwater management basins, swales or drainage systems, and reticulated sewerage, including: private stormwater

¹²⁴ Report 27F in respect of Clause 16

¹²⁵ Closing Statement Report 27C recommendation on Genesis Energy Limited [2104] – various points

¹²⁶ Report 27F recommendation on Transpower New Zealand Ltd [2101.26] and Counties Power [FS3021.6]

facilities connecting to such utilities; and necessary incidental equipment, including water storage tanks and pumping facilities; and

- 5) Meteorological facilities, navigation aids and beacons, including approach control services within the meaning of the Civil Aviation Act 1990.
- 6) Flood management infrastructure including stopbanks and erosion protection structures associated with flood management where owned or operated by the Waikato Regional Council, the Waikato District Council or the Crown.
- 7) Public roads and railway lines.