

Appendix 2: Recommended Amendments
Report on submissions and further submissions on the
Proposed Waikato District Plan

Hearing 28: Other matters

Natural Hazards: Supplementary

Red underline and strikethrough text = Recommended amendments from previous S42A Reports

Blue underline and strikethrough text = Recommended amendments from previous Rebuttal

Purple underline and strikethrough text = recommended amendments as a result of submissions and further submissions in this supplementary report



amend **15.3(a)1.** (additional clause)¹

The restricted discretionary activity rules contain additional matters of discretion that apply in areas that are assessed as being at risk from liquefaction²

- (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.

amend **Policy 15.2.1.1- New development in areas at ~~significant~~ high risk from natural hazards³**

- (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 risk from natural hazards:
- i. High Risk Flood Area;
 - ii. High Risk Coastal ~~Hazard (Inundation)~~ Area;
 - iii. High Risk Coastal ~~Hazard (Erosion)~~ Area.⁴

amend **Policy 15.2.1.3 - New emergency services and hospitals in ~~areas identified as high risk areas at significant risk~~ from natural hazards⁵**

- ~~(a)~~ Avoid locating new emergency service facilities and hospitals in ~~areas which are at significant high risk from natural hazards, including~~ High Risk Flood, High Risk Coastal ~~Hazard (Inundation)~~ and High Risk Coastal ~~Hazard (Erosion)~~ ⁶, areas where

¹ RMA s42A report H27G section 4

² RMA s42A report H27G section 4

³ RMA s42A report H27G section 7

⁴ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

⁵ RMA s42A report H27G section 9

⁶ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

~~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.~~

- i. ~~the risk to or vulnerability of people or communities would be increased,~~
- ii. ~~there are feasible alternatives,~~
- iii. ~~there are engineering and technical constraints, and~~
- iv. ~~there is no functional or operational need to locate in an area vulnerable to a high risk natural hazard⁷~~

[Recommended alternative Policy 15.2.1.3 clean version]

Policy 15.2.1.3 - New emergency services and hospitals in areas identified as high risk from natural hazards

- (a) Avoid locating new emergency service facilities and hospitals in High Risk Flood, High Risk Coastal (Inundation) and High Risk Coastal (Erosion) areas, where:
 - i. the risk to or vulnerability of people or communities would be increased,
 - ii. there are feasible alternatives,
 - iii. there are engineering and technical constraints, and
 - iv. there is no functional or operational need to locate in an area vulnerable to a high risk natural hazard

amend Policy 15.2.1.11 - New development that creates demand for new protection structures and works⁸

- (a) Avoid locating new subdivision, use and development in ~~High Risk Flood, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion) Areas⁹~~ areas at risk from natural hazards where a demand or need for new structural protection works will be required to reduce the risk from natural hazards to acceptable levels¹⁰.

amend 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, the district wide chapters¹¹, 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).¹²
- (d) The rules in this chapter do not apply to:

⁷ RMA s42A report H27G section 9

⁸ RMA s42A report H27G section 10

⁹ Hearing 27B: rename coastal overlays discussion at paragraphs 395 and 396, and recommendation at paragraph 414

¹⁰ RMA s42A report H27G section 10

¹¹ s42A report H27G section 14

¹² s42A report H27B

- (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

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.¹³

Mapping of a liquefaction vulnerability category: possible¹⁴

If mapping of possible liquefaction areas is available, the following amendments are recommended. This could be by identifying a later operative date for the following provisions:

amend 15.3(14) How to use and interpret the rules¹⁵

~~While liquefaction areas have not been identified on the planning maps~~ Where the liquefaction vulnerability category is assessed as possible and is identified on regional or district plan maps, or maps held by Council prepared under the Building Act, 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 as part of a plan change processes.

amend 15.12.1 Overview of method¹⁶

15.12.1 Overview of method: liquefaction vulnerability category

(1) ~~Where Areas in the district susceptible to liquefaction have not been identified on regional or district plan maps, or maps held by Council prepared under the Building Act, as with a liquefaction vulnerability category of possible 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 has retained its discretion will reserve its discretion in the controlled and restricted discretionary activity rules, 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

¹³ s42A report H27B

¹⁴ Recommendation in response to Kainga Ora Homes and Communities [2094.86] to clarify objectives and policies and Pokeno Village Holdings Limited [2147.1]

¹⁵ RMA s42A report H27G section 24

¹⁶ RMA s42A report H27G section 24

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 on regional or district plan maps, or maps held by Council prepared under the Building Act, 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.

Clean version 15.12.1

15.12.1 Overview of method: liquefaction vulnerability category

(1) Where areas in the district susceptible to liquefaction have not been identified on regional or district plan maps, or maps held by Council prepared under the Building Act, with a liquefaction vulnerability category of possible liquefaction risk has been added as a matter over which the Council has retained its discretion in the controlled and restricted discretionary activity rules. To satisfy the requirements of sections 104 and 106 of the RMA, 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 on regional or district plan maps, or maps held by Council prepared under the Building Act, 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 risk¹⁷

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

(1) Where ~~potential~~ possible liquefaction risk is identified on regional or district plan maps, or maps held by Council prepared under the Building Act, ~~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 of discretion also apply (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): ...

Clean version 15.12.2

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

(1) Where possible liquefaction risk is identified on regional or district plan maps, or maps held by Council prepared under the Building Act, and where that proposal involves subdivision to create one or more additional vacant lots, the following additional matters of discretion also apply (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): ...

¹⁷ RMA s42A report H27G section 24

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

(1) Where ~~potential~~ possible liquefaction risk is identified on regional or district plan maps, or maps held by Council prepared under the Building Act, and as a matter that the Council will restrict its discretion to in a rule elsewhere in this Plan a resource consent is required for a 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 noncomplying resource consent application where a potential liquefaction hazard has been identified on a site):

Clean version 15.12.3

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

(1) Where possible liquefaction risk is identified on regional or district plan maps, or maps held by Council prepared under the Building Act, a resource consent is required for a 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 noncomplying resource consent application where a potential liquefaction hazard has been identified on a site):

15.13 Information requirements for all resource consent applications addressing natural hazards¹⁸

15.13.2 Liquefaction Potential

(1) For land use resource consent applications where potential liquefaction risk is identified on regional or district plan maps, or maps held by Council prepared under the Building Act, and is a matter over which the Council has retained discretion, ~~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:

Consequential amendments:

add the following matter of control / discretion to the controlled and restricted discretionary activity rules:

Controlled activity rule¹⁹

In Chapter 14 Infrastructure and energy

amend the matter over which the Council has reserved control as follows:

Rule [14.3.2 Controlled Activities](#)

Control is reserved over:

Liquefaction hazard remediation methods in areas in areas mapped with a liquefaction vulnerability category of possible (refer to Chapter 15).

Restricted discretionary activity rules²⁰

In the restricted discretionary activity rules in Chapters 15, 16, 17, 18, 20, 21, and 22

¹⁸ RMA s42A report H27G section 24

¹⁹ RMA s42A report H27G section 24

²⁰ RMA s42A report H27G section 24

add the following matters of discretion to: the restricted discretionary activity rules

- i. Liquefaction hazard remediation methods in areas [in areas mapped with a liquefaction vulnerability category of possible](#) (refer to Chapter 15).
- ii. Geotechnical suitability for building [in areas mapped with a liquefaction vulnerability category of possible](#) (refer to Chapter 15).
- iii. [Measures to avoid or mitigate natural hazards, including liquefaction risk in areas mapped with a liquefaction vulnerability category of possible](#) (refer to Chapter 15).

List of rules with matters of control / discretion dealing with liquefaction:

- 16.1.3 Restricted Discretionary Activities
- 16.4.1 Subdivision - General
- 16.4.2 Subdivision - Te Kauwhata Ecological Residential Area
- 16.4.3 Subdivision - Te Kauwhata West Residential Area
- 16.4.4 Subdivision - Multi-unit development
- 16.4.12 Subdivision - Building platform
- 16.5.3 Restricted Discretionary Activities
- 16.5.9.1 Subdivision Lakeside - general
- 16.5.9.2 Lakeside Comprehensive Subdivision Consent (CS)
- 16.5.9.3 Subdivision – Sites less than 5ha
- 17.1.3 Restricted Discretionary Activities
- 17.4.1 General subdivision
- 17.4.1.1 Subdivision - Multi-unit development
- 17.5.2 Restricted Discretionary Activities
- 17.5.9 Subdivision
- 18.1.3 Restricted Discretionary Activities
- 18.4.1 Subdivision - general
- 18.4.2 Subdivision - Multi-unit subdivision
- 20.4.1 Subdivision - General
- 21.4.1 Subdivision - General
- 22.4.1.2 General subdivision
- 22.4.1.5 Rural Hamlet Subdivision
- 22.4.9 Subdivision - Building platform
- 22.8.8 Lakeside Comprehensive Subdivision Consent
- 23.4.2 General Subdivision
- 23.4.8 Subdivision - Building platform
- 24.4.1 Subdivision – General
- 24.4.2 Subdivision – Te Kowhai and Tuakau
- 24.4.10 Subdivision - Building platform
- 27.4.6 Building platform
- 28.1.3 Specific Activities - Restricted Discretionary Activities
- 28.1.3 Specific Activities - Restricted Discretionary Activities
- 28.4.1 Subdivision - General
- 28.4.6 Subdivision - Building platform