



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

**REPORT OF HEARING
PANEL**

Independent Hearing Commissioners:

Robert Schofield (Chair)
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TOPIC 5C

Natural Hazards and Climate Change

REPORT DATED

4 May 2023

DATE OF HEARING

7 and 8 September 2022

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List of Submitters and Further Submitters addressed in this Report

Submitter Name	Submission Number(s)
Centralines Limited (Centralines)	S90
Chorus New Zealand Limited (Chorus)	S117
Department of Conservation (DOC)	S64
Federated Farmers of New Zealand (Federated Farmers)	S121
Fire and Emergency New Zealand (FENZ)	S57
Hawke's Bay Regional Council (HBRC)	S11
Heritage New Zealand Pouhere Taonga (HNZPT)	S55
Horticulture New Zealand (Hort NZ)	S81
James Bridge	S105
Kāinga Ora - Homes and Communities (Kainga Ora)	S129
Ministry of Education	S73
New Zealand Motor Caravan Association (NZMCA)	S101
Ngā hapū me ngā marae o Tamatea (NHMT)	S125
Powerco Limited (Powerco)	S56
Spark New Zealand Trading Limited (Spark)	S118
The Surveying Company (HB) Ltd	S50
Transpower New Zealand Ltd (Transpower)	S79
Vodafone New Zealand Limited (Vodafone)	S119
Waka Kotahi NZ Transport Agency (Waka Kotahi)	S78
Woolworths New Zealand Limited (Woolworths)	S66

Further Submitter Name	Further Submission Number(s)
Hort NZ	FS17
Kāinga Ora	FS23
New Zealand Defence Force (NZDF)	FS12
Royal Forest and Bird Protection Society NZ (Forest & Bird)	FS9
Silver Fern Farms Limited (Silver Fern Farms)	FS8

PART A – PRELIMINARY MATTERS

1 Introduction

1.1 Scope of this report

- 1.1.1 This document details the evaluation and recommended decisions of the Proposed CHBD Plan Hearings Panel on the submissions and evidence on Natural Hazards considered at the Hazards and Risks, Earthworks and Subdivision topic hearing, held on 7 and 8 September 2022 at the CHBDC Chambers, Waipawa.
- 1.1.2 The recommendations in this report, together with all of the other recommendations of the Hearing Panel (“the Panel”) on submissions on the Proposed District Plan, will all go before the full Council following the end of the hearings, who will make the formal decisions.
- 1.1.3 Our report focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, we have adopted the s42A report’s recommendations and the underlying evaluation behind such changes.

1.2 Statutory considerations

- 1.2.1 The Panel’s Report on Preliminary Matters and Statutory Requirements sets out the statutory framework and requirements for preparing a District Plan, as well as case law guidance for our consideration and recommendations. This framework is not repeated in this report. This report should be read in conjunction with the Report on Preliminary Matters and Statutory Requirements.
- 1.2.2 This report will refer to the Section 42A report ‘Officer’s Report: Natural Hazards & Climate Change’ prepared by Rowena Macdonald.
- 1.2.3 Natural hazards and climate change are covered in the ‘Remaining District Wide Chapters and Relocated Buildings Provisions – Section 32 Topic Report’.
- 1.2.4 As submissions on particular aspects of the PDP are considered through hearing reports, officers are required to consider any alternative provisions put forward in the context of what s 32 requires, and when changes are recommended, a further assessment under s 32AA will be provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s 32AA also applies to the Panel if it decides to recommend changes as a result of submissions which materially depart from the notified version.
- 1.2.5 Through Minute #5, the Panel urged submitters to provide the hearings with a further assessment under s 32AA for any changes to the PDP they were seeking.
- 1.2.6 Where the Panel has made amendments to the PDP that are consistent with the recommendations contained within the reporting planners’ s42A and / or right-of-reply reports (and where there are relevant joint witness statements) we have adopted the section 32AA analysis contained within those reports (unless expressly stated otherwise). Those reports are part of the public record and are available on the CHBDC website.
- 1.2.7 Where the Panel has made amendments to the PDP that are not contained within the reporting planners’ recommendations, we have undertaken the required s32AA analysis and have

incorporated it into the body of our report. We are satisfied that the required substantive assessment has been undertaken.

- 1.2.8 The management of significant risks from natural hazards is a matter of national importance under RMA s6(h). Section 7(i) requires Council to have particular regard to the effects of climate change. Section 106 requires a consent authority, in deciding whether to grant a subdivision consent and/or impose conditions, to consider whether there is a significant risk from natural hazards.
- 1.2.9 As set out in the Section 32 Remaining District Wide Chapters and Relocated Building Provisions Topic Report, there are a number of higher order planning documents that provide direction and guidance for the preparation and content of the PDP, including the New Zealand Coastal Policy Statement (2010) (NZCPS), the Hawke's Bay Regional Resource Management Plan (HBRMP) including the Regional Policy Statement (2006) (RPS), and the Hawke's Bay Regional Coastal Environment Plan (2014) (HBRCP). These documents are discussed in detail within the Section 32 Topic Report.

1.3 Submissions

- 1.3.1 This topic report addresses submissions received on the district-wide 'NH – Natural Hazards' provisions, and associated definitions.
- 1.3.2 There were 20 submitters and 5 further submitters across the whole 'Natural Hazards' topic.
- 1.3.3 There were 103 original submission points and 65 further submission points on the provisions relating to this topic. Of the 103 original submission points, 61 submission points were in support. Those submissions in opposition sought amendments to clarify the application of the provisions.

1.4 Procedural matters

- 1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with cl8AA of Schedule 1, undertaken on the submissions relating to the Natural Hazards & Climate Change topic prior to the finalisation of the s42A report.
- 1.4.2 No further consultation with any parties regarding the Natural Hazards & Climate Change topic has been undertaken since notification of the provisions
- 1.4.3 No procedural matters were raised in respect of hearing this topic.
- 1.4.4 No matters of trade competition were raised.

1.5 Hearing

- 1.5.1 The Hazards and Risks, Earthworks and Subdivision topic hearing was held on 7 and 8 September 2022 at the CHBDC Chambers, Waipawa.
- 1.5.2 Submitters who appeared at the hearing in relation to the Natural Hazards and Climate Change topic are shown below in Table 1. All evidence can be found on the PDP Hearing Schedule webpage under the relevant Hearing Topic [[Hearing Stream 5 | Central Hawke's Bay District Council \(chbdc.govt.nz\)](https://www.chbdc.govt.nz/hearing-stream-5-central-hawkes-bay-district-council)].

Table 1. Submitters who appeared at Hearing Stream 5: Hazards and Risks, Earthworks and Subdivision in relation to the Natural Hazards and Climate Change topic

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Key Issues under which evidence is discussed
Hort NZ (S81, FS17)	Jordyn Landers (Planning) Lynette Wharfe (Planning)	Statement of Evidence	Key Issues 1 and 2
Transpower (S79)	Pauline Whitney (Planning)	Statement of Evidence	Key Issues 2 and 3
HBRC (S11)	Gavin Ide (Planning) Craig Goodier (Engineering)	Statement of Evidence	Key Issues 3 and 6
Chorus New Zealand Ltd (S117), Spark New Zealand Trading Ltd (S118), Vodafone New Zealand Ltd (S119)	Tom Anderson (Planning)	Statement of Evidence	Key Issue 5
Silver Fern Farms (S116, FS8)	Steven Tuck (Planning)	Statement of Evidence	Key Issues 3 and 5
Ministry of Education (S73, FS11)	Danielle Rogers (Planning)	Written statement	Key Issue 3
FENZ (S57)	Paul McGimpsey (Planning)	Written statement	Key Issue 3
Kāinga Ora (S129, FS23)	Michael Campbell (Planning) Nick Whittington (Legal)	Statement of Evidence Legal submissions	Key Issue 6

1.5.3 Ms Rowena Macdonald, reporting planner, appeared for the Central Hawke’s Bay District Council.

1.5.4 Evidence provided by Ms Macdonald included:

- Officer’s Report: Natural Hazards and Climate Change (“the s42A report), and
- Opening statement (verbal).

1.5.5 Following the adjournment of the hearing on 8 September 2022, Minute 15, the fifteenth memorandum and direction of the Hearings Panel following Hearing 5 was issued on 14 September 2022. No particular matters were raised in relation to this topic.

1.5.6 A written right-of-reply from the Council’s reporting planner was received and circulated on 27 October 2022.

1.6 Structure of this report

1.6.1 Given the number, nature and extent of the submissions and further submissions received, we have structured this report according to the key issues identified in the s42A report, rather than present a submission point by submission point evaluation. Many of the submissions addressed the same or related issues and thus a key issue approach avoids undue repetition. There are 6 key issues addressed in this report:

- Key Issue 1: Natural Hazard Definitions & General Matters;
- Key Issue 2: Natural Hazard Objectives & Policies;
- Key Issue 3: Natural Hazard Rules;

- Key Issue 4: Natural Hazard Assessment Matters, Methods & Anticipated Environmental Results;
- Key Issue 5: Appendix NH-APP1 Building Importance Category; and
- Key Issue 6: Natural Hazard Mapping.

- 1.6.2 We have structured our evaluation and recommendations on a hierarchical basis, firstly reviewing the overarching issues relating to the topic and those submissions that made general points about the topic, including those seeking a binary relief such as complete withdrawal of relevant plan provisions. This includes definitions.
- 1.6.3 We then turn our evaluation to the higher-level provisions of the District Plan relating to the topic: the objectives and policies and associated matters.
- 1.6.4 We then turn to considering the associated rules and standards.
- 1.6.5 Finally, we consider minor errors and any consequential changes that should be rectified or consequential amendments that may be needed as a result of our recommendations.
- 1.6.6 The Panel's recommendations for each submission point are listed in the table in Appendix B.

PART B – EVALUATION

2 Overview

- 2.1.1 The ODP has a section devoted to natural hazards (Part 3.4 of the Operative Plan). The ODP specifically references river flooding, fault lines and coastal hazards, and the Planning Maps show areas potentially at risk from flooding (as identified by HBRC) and known active faults (as identified by the Institute of Geological & Nuclear Sciences (GNS)).
- 2.1.2 The emphasis of the natural hazard provisions in the ODP is on managing the risk of natural hazards to people and property – avoiding loss of life and minimising damage to infrastructure or disruption to the community. The policies centre around provision of information, monitoring, and assessing natural hazard risk when considering buildings and subdivision consents. This policy approach is primarily implemented through:
- subdivision assessment matters,
 - rules imposing a setback from fault lines (no building within 20m of an earthquake fault line identified on the Planning Maps across the District, and associated assessment matters) and a setback from stop banks (no tree planting within 6m of a flood protection stop bank within the Rural Zone), and
 - the building consent process.
- 2.1.3 The approach for the District Plan Review has been to align with the ‘Hawke’s Bay Joint Hazard Strategy for Local Authority Land-Use Planning’ through adopting a risk-based approach rather than hazard-centric approach, responding to two studies on active faults in Central Hawke’s Bay by GNS, and picking up on guidance from central government that has developed since the ODP was made operative, as well as amendments to the RMA, particularly in respect of:
- introducing ‘the management of significant risks from natural hazards’ as a matter of national importance in s6 (2017 amendment),
 - introducing regard to ‘the effects of climate change’ in s7 (2004 amendment), and
 - amendment to reference ‘significant risk from natural hazards’ and how to assess that risk for subdivision consents in s106 (2017 amendment).
- 2.1.4 The PDP introduces specific control for buildings located within Flood Hazard, Fault Avoidance, and Tsunami Hazard overlays identified on the Planning Maps. The provisions introduce Building Importance Categories (based on guidance from the Ministry for the Environment and GNS), which then determines the level of control. Structures that support high occupancy, are of high value to the community, or serve an emergency service function will require greater scrutiny through a resource consent process, where located within a natural hazard overlay than structures that represent low risk such as farm buildings and timber-framed single-storey dwellings. In terms of tsunami hazard, the approach is to restrict vulnerable facilities in inundation zones, and to restrict intensification of development in high-risk areas.
- 2.1.5 Provisions are contained in the NH – Natural Hazards chapter in the Part 2: District-Wide Matters section of the PDP.

3 Key Issue 1 – Natural Hazard Definitions & General Matters

3.1 Proposed Plan provisions

- 3.1.1 Key Issue 1 addresses submissions on the definitions and general matters relating to the natural hazard provisions in the PDP.

3.2 Submissions

- 3.2.1 There were 12 submission points and 4 further submission points on definitions and general matters relating to the natural hazard provisions in the PDP.
- 3.2.2 A number of submissions were in support of the notified provisions. Other submissions sought amendments to the definitions of ‘Vulnerable Activity (Natural Hazards / Hazardous Substances)’ and the introduction of several new definitions. This report focuses on matters in contention at the time of the hearing.

3.3 Reporting planner’s recommendations (s42A report)

General submissions on the Natural Hazards Chapter

- 3.3.1 Submitters supported an information sharing and risk-based approach adopted for the NH – Natural Hazards chapter in the PDP, and for retention of the chapter in general, as notified.
- 3.3.2 The reporting planner accepted HBRC’s minor wording/structure amendments to the Introduction to the chapter as being more ‘technically correct’. The reporting planner also agreed with Hort NZ that food security was a genuine concern as a result of climate change (in terms of food production and distribution) and recommended that the Introduction be amended to include reference to this issue.
- 3.3.3 The reporting planner recommended that the NH-Introduction be amended, as follows:

Introduction

...Risk is a product of both the consequences and likelihood from a natural hazard. A risk-based approach to natural hazards balances allowing for people and communities to use their property and undertake activities, while ensuring that their lives or significant assets are not harmed or lost as a result of a natural hazard event.

Risk from natural hazards can arise from:

- *intense rainfall events causing flooding from rivers, streams, overland flow paths and lakes;*
- *earthquakes and liquefaction tsunami;*
- *liquefaction tsunami;*
- *slope instability, resulting in cliff collapse, rockfall or boulder roll, and mass movement;*
- *inundation from the sea and storm surge;*
- *coastal erosion;*
- *fire;*
- *volcanic activity/eruption;*
- *high winds, tornadoes;*
- *exacerbation of some of the hazards above through climate change and sea level rise; and*
- *multiple hazards consisting of combinations of the above.*

River flooding, earthquakes, landslides, liquefaction, tsunami and coastal erosion are the primary natural hazards affecting the Central Hawke’s Bay District.

In addition, climate change is expected to have long term implications, particularly for potential increase in risk to people and property from the effects of natural hazards over time. In coastal areas, climate change will result in sea-level rise, increased storm surge, coastal inundation and increased coastal erosion. For the eastern parts of the North Island, it is projected that an increased frequency of droughts is likely in existing drought-prone areas, such as Central Hawke’s Bay, and a greater frequency and intensity of storms. Cyclones are also expected to be of increased frequency and intensity leading to increased wind, waves, storm surge and rainfall. Climate change is therefore

*likely to have significant implications for the District in terms of water shortages and ongoing water security issues **and also food security**, and the flow on effects of this for the primary sector and wider community. Greater frequency and intensity of cyclones also has implications for Council infrastructure in respect of urban stormwater infrastructure capacity and downstream flood management.*

...

‘Natural Hazard’ definition

- 3.3.4 The reporting planner supported making the minor correction to the definition of ‘Natural Hazard’ in the PDP to correct the spelling as identified by FENZ, from ‘Nautral’ to ‘Natural’.

‘Vulnerable Activity (Natural Hazards / Hazardous Substances)’ definition

- 3.3.5 There was considerable support for retention of the definition of ‘Vulnerable Activity’ in the PDP as notified. However, the NZMCA sought deletion of ‘camping grounds’ from the definition.
- 3.3.6 In the reporting planner’s view, whilst transitory in nature, camping grounds temporarily accommodate potentially significant numbers of people overnight, some with only a wall of canvas between them and the outside, and are therefore vulnerable to risks from unforeseen or rapidly changing natural hazard events such as flash flooding, landslide, storm surge and tsunami inundation. A natural hazard event affecting a camping ground therefore may present a risk of low probability but high consequence. Campers may not have the opportunity or ability to move easily should an unforeseen natural event occur.
- 3.3.7 For these reasons, the reporting planner considered the location of camping grounds in areas of known natural hazard risk an appropriate consideration and recommended retaining camping grounds within the definition of ‘Vulnerable Activity (Natural Hazards/Hazardous Substances)’, as notified.

New definitions

- 3.3.8 Federated Farmers sought inclusion of definitions for the various mapped ‘Hazard’ overlays within the PDP. In the reporting planner’s view, these are unnecessary given the definitions merely refer to the areas as mapped on the Planning Maps, which was self-evident.
- 3.3.9 Similarly, the reporting planner did not support including a definition for ‘Significant Natural Risk Area’ (sought by Federated Farmers) or equivalent ‘Areas of Significant Natural Hazard Risk’ (sought by Hort NZ), defined as areas identified as falling with those mapped ‘Hazard’ overlay areas (being the Fault Avoidance Area, Flood Hazard Area, and Tsunami Hazard Area). In the reporting planner’s view, such a definition would limit the term to only apply to those hazard areas mapped in the PDP, but Ms Macdonald was concerned that those mapped areas are not the only areas of potentially significant natural risk and it would be inaccurate and inappropriate to indicate so.

3.4 Evidence to the hearing

- 3.4.1 In evidence for Hort NZ, Ms Jordan Landers generally supported the s42A recommendations. In relation to NH-P5, Ms Landers supported the amended phrasing “manage activities in areas at significant risk from natural hazards”.

3.5 Post hearing information

- 3.5.1 The reporting planner’s right-of-reply did not address any matters relating to natural hazards, and no additional information was provided.

3.6 Evaluation and findings

General submissions on the Natural Hazards Chapter

- 3.6.1 The Panel agrees with the reporting planner's recommendation, in response to concerns raised by HBRC, that minor wording changes to the introduction would make the text more technically correct. The Panel also agrees it is appropriate the text include reference to food security as sought by Hort NZ. The Panel recommends the following amendments:

Introduction

....

Risk from natural hazards can arise from:

- *intense rainfall events causing flooding from rivers, streams, overland flow paths and lakes;*
- *earthquakes and liquefaction tsunami;*
- *liquefaction tsunami;*
- *slope instability, resulting in cliff collapse, rockfall or boulder roll, and mass movement;*
- *inundation from the sea and storm surge;*
- *coastal erosion;*
- *fire;*
- *volcanic activity/eruption;*
- *high winds, tornadoes;*
- *exacerbation of some of the hazards above through climate change and sea level rise; and*
- *multiple hazards consisting of combinations of the above.*

River flooding, earthquakes, landslides, liquefaction, tsunami and coastal erosion are the primary natural hazards affecting the Central Hawke's Bay District.

In addition, climate change is expected to have long term implications, particularly for potential increase in risk to people and property from the effects of natural hazards over time. In coastal areas, climate change will result in sea-level rise, increased storm surge, coastal inundation and increased coastal erosion. For the eastern parts of the North Island, it is projected that an increased frequency of droughts is likely in existing drought-prone areas, such as Central Hawke's Bay, and a greater frequency and intensity of storms. Cyclones are also expected to be of increased frequency and intensity leading to increased wind, waves, storm surge and rainfall. Climate change is therefore likely to have significant implications for the District in terms of water shortages and ongoing water security issues and also food security, and the flow on effects of this for the primary sector and wider community. Greater frequency and intensity of cyclones also has implications for Council infrastructure in respect of urban stormwater infrastructure capacity and downstream flood management.

Definitions

- 3.6.2 The Panel agrees that the spelling mistake 'Nautral Hazard' in the definition title should be corrected to 'Natural Hazard': this is a Cl16 minor error.

Vulnerable Activity (Natural Hazards / Hazardous Substances)

- 3.6.3 The Panel agrees that camping grounds are potentially vulnerable to risks from unforeseen or rapidly changing natural hazard events such as flash flooding, landslide, storm surge and tsunami inundation and campers may not necessarily be able to move easily and quickly out of harm's way. The Panel agrees with the reporting planner that camping grounds should be retained within the definition of 'Vulnerable Activity (Natural Hazards/Hazardous Substances)'.

New definitions

- 3.6.4 The Panel agrees with the reporting planner that it is unnecessary to include definitions for mapped hazard overlays as sought by Federated Farmers as these are mapped on the Planning Maps.

- 3.6.5 Federated Farmers sought the inclusion of a definition for ‘Significant Natural Risk Area’ and Hort NZ ‘Areas of Significant Natural Hazard Risk’ to cover areas identified as falling within the mapped hazard overlay areas. The Panel agrees with the reporting planner that such a definition would inappropriately limit the term to only apply to those hazard areas mapped in the PDP when those mapped areas are not exclusively the only areas of potentially significant natural risk. The Panel does not, therefore, recommend the inclusion of any additional definitions.

4 Key Issue 2 – Natural Hazard Objectives & Policies

4.1 Proposed Plan provisions

- 4.1.1 Key Issue 2 addresses submissions relating to the objectives and policies in the Natural Hazards chapter.

4.2 Submissions

- 4.2.1 There were 52 submission points and 39 further submission points on the objectives and policies in the NH – Natural Hazards chapter of the PDP. These generally supported retention of the objectives and policies or sought amendments. One submitter (James Bridge) sought the deletion of Objective NH-O3, and Policies NH-P7 & NH-P9.

4.3 Reporting planner’s recommendations (s42A report)

Objective NH-O2

- 4.3.1 There was considerable support in the submissions for retention of Objective NH-O2 as notified. However, Kāinga Ora sought amendments to refer to ‘significant adverse effects’ in terms of natural hazards, and to delete reference to ‘the long-term effects’ in respect of climate change, as providing clearer policy direction and to guide subsequent provisions.
- 4.3.2 The reporting planner considered that this objective would benefit from better alignment with ss6(h) and 7(i) of the RMA in terms of minimising ‘significant risks of natural hazards’ and ‘the effects of climate change’ (both imminent and longer term).
- 4.3.3 Federated Farmers sought to amend Objective NH-O2 to reference ‘vulnerable activities’ to clearly differentiate simple uninhabited farm buildings, for example, that had different risk profiles from ‘vulnerable activities’ which were at higher risk. The reporting planner considered that the effects of natural hazards and climate change on farm buildings and structures and associated earthworks could still cause property damage and risk to people and did not consider it appropriate to limit the objective to only the community and ‘vulnerable activities’. However, the reporting planner considered the reference in Objective NH-O2 to ‘the built environment’ was unnecessary and could be deleted as ‘risks to the community’ was sufficiently broad.
- 4.3.4 As a result of the above, the reporting planner recommended Objective NH-O2 be amended as follows:

NH-O2	The significant risks from effects of natural hazards and the long-term effects of climate change on the community and the built environment are minimised.
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Objective NH-O3

- 4.3.5 Whilst there was support for retention of Objective NH-O3, there were a number of submitters who sought amendments to it (Kāinga Ora, Federated Farmers and Hort NZ) and one sought its deletion or amendment (James Bridge).
- 4.3.6 The reporting planner agreed with the submitters that the wording of Objective NH-O3 was unlikely to be achievable without effectively prohibiting new development, and the response to a risk should be based on the level of risk, with a focus on the level of risk posed by the hazard rather than avoiding 'any' increase in risk.
- 4.3.7 The reporting planner also noted the reference in the further submission from Silver Fern Farms to Section 3.12 Natural Hazards of the RPS, which contemplates natural hazard remediation and mitigation measures, not just avoidance.
- 4.3.8 The reporting planner recommended that Objective NH-O3 be amended as follows, as per the wording sought by Hort NZ:

NH-O3	Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is should be avoided, remedied or mitigated, reflecting the level of risk posed by the hazard.
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Policies in general

- 4.3.9 NHMT sought that the policy section be redrafted to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. The submitter sought the inclusion of wording relating to working with mana whenua to develop, apply, monitor and enforce holistic river management practices, and that this should be drafted collaboratively with the mana whenua of the District.
- 4.3.10 The reporting planner did not consider the outcome sought by the submitter was able to be achieved through amendments or re-writing of this section of the PDP, noting river management and flood protection schemes were a regional council function. The reporting planner did not recommend any changes as a result of the submission.

Policy NH-P5

- 4.3.11 There was considerable support for the retention of Policy NH-P5 but Kāinga Ora and Federated Farmers sought amendments.
- 4.3.12 The reporting planner agreed with Kāinga Ora that the term 'manage' was more appropriate than 'control' in relation to the activities specifically listed and would better align with s6(h) of the RMA.
- 4.3.13 The reporting planner also agreed with Federated Farmers that referring to 'areas of significant natural hazard risk' was unclear, and using the words 'areas at significant risk from natural hazards', was more appropriate and would better align with s6(h). This amended wording should be carried through where the same terminology was used in Policies NH-P7 (further addressed below) and NH-P8, as a consequential amendment.
- 4.3.14 The reporting planner did not support the amendments sought to relate the policy only to 'habitable' buildings and to delete 'earthworks' from the list of activities to be managed. In the reporting planner's view, erection of 'non-habitable' buildings and structures and earthworks, in areas at significant risk from natural hazards, could also cause property damage and impact on the health and safety of people.
- 4.3.15 The reporting planner recommended that Policy NH-P5 be amended as follows:

NH-P5	To manage/control the activities that can occur in areas of at significant natural hazard -risk <u>from natural hazards</u> , including: <ol style="list-style-type: none"> 1. the erection of new buildings or structures, or alterations to existing buildings or structures; 2. earthworks; 3. subdivision of land; and 4. the establishment of new vulnerable activities.
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- 4.3.16 And that Policy NH-P7 & NH-P8 be similarly amended for consistency, as a cl16 RMA minor amendment.

Policy NH-P7

- 4.3.17 There was considerable support for retention of Policy NH-P7, but Woolworths sought more clarification to be provided of the types of activities that could be appropriate, in particular within the relatively permissive Commercial Zone.
- 4.3.18 James Bridge sought deletion of Policy NH-P7, deeming the policy inconsistent with s6 of the RMA, which requires the management of significant risks from natural hazards, and inappropriate as it was not possible to achieve this policy without prohibiting any new development in the district.
- 4.3.19 As was recommended for Objective NH-O2 and Policy NH-P5 above, the reporting planner recommended a consequential amendment to the wording of the policy to more appropriately refer to 'areas at significant risk from natural hazards' to clarify the intent of the policy, and to be more consistent with s6(h) of the RMA. A similar amendment was recommended for NH-P8.
- 4.3.20 The reporting planner did not support deletion of the policy, which gave effect to Objective NH-O2 and, in particular, to Objective NH-O3 (as they were recommended to be amended). However, the reporting planner agreed with Woolworths and James Bridge that the policy implied all new development should be avoided, and supported clarifying that the policy applied to the types of new development that were at significant risk from natural hazards, and that the approach adopted was one of 'avoidance' in preference to mitigation or remedial measures.
- 4.3.21 The reporting planner did not support the use of the term 'hazard sensitive activities' as this would also require defining, and the PDP already outlined the activities considered to be most vulnerable to risk from natural hazards, being 'vulnerable activities' and 'BIC 4 structures with post-disaster functions' (including 'major hazardous facilities'), which were already defined or specified in the PDP.
- 4.3.22 The reporting planner recommended that Policy NH-P7 be amended as follows:

NH-P7	To adopt and promote an avoidance approach to <u>the establishment of new vulnerable activities, and BIC 4 structures with post-disaster functions (including major hazardous facilities) new development</u> located within areas of at significant natural hazard -risk <u>from natural hazards, where there is no functional or operational need to locate in these areas</u> , rather than mitigation or remedial measures.
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Policy NH-P9

- 4.3.23 There was considerable support for retention of Policy NH-P9, but Kāinga Ora sought amendments for clarification, and Federated Farmers sought amendments to ensure the focus was on land use change or development that would increase risk and not inadvertently capture low risk land use like farming.
- 4.3.24 James Bridge sought deletion of Policy NH-P9 on the basis that mitigation was an appropriate means of managing potential significant risks from natural hazards in accordance with s106 of the RMA, and that the focus on 'avoidance' was inappropriate.

- 4.3.25 The reporting planner did not support deletion of the policy, considering the policy assists in giving effect to Objective NH-O2 in terms of seeking to minimise risks from natural hazards, and Objective NH-O3 in terms of seeking to avoid any increase in risk from the effects of natural hazards. If a proposal necessitates further natural hazard mitigation activities, then it was clearly not minimising risks and implied that there was increasing risk as a result. The reporting planner agreed with Kāinga Ora that this could be clarified through amended wording.

- 4.3.26 The reporting planner recommended that Policy NH-P9 be amended as follows:

NH-P9	To ensure that subdivision, land use activities or other new development is located and designed <u>so as not to necessitate to avoid the need for further</u> natural hazard mitigation activities <u>in order to minimise risks associated with natural hazards to people, property, and infrastructure.</u>
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- 4.3.27 In terms of Federated Farmers' submission, the reporting planner did not consider it appropriate to limit application of the policy solely to 'vulnerable activities' and considered interpretation of the policy would be clearer with the amended wording recommended above, which would largely address the remaining concerns of the submitter.

4.4 Evidence to the hearing

- 4.4.1 In her planning evidence for Transpower, Ms Pauline Whitney concurred with the s42A report recommendations relating to the Natural Hazards provisions.

4.5 Post hearing information

- 4.5.1 The reporting planner's right-of-reply did not address any matters relating to natural hazards, and no additional information was provided.

4.6 Evaluation and findings

Objective NH-O2

- 4.6.1 The Panel agrees with the reporting planner's recommendation, in response to Kāinga Ora's submission, to amend NH-O2 such that the wording is better aligned with RMA s6(h) and s7(i). The Panel also agrees with the reporting planner that it is not appropriate to limit NH-O2 to 'vulnerable activities' as sought by Federated Farmers, but that the objective could be improved by deleting the unnecessary reference to 'built environment'. The Panel recommends the following amendment:

NH-O2	The <u>significant risks from effects of</u> natural hazards and the <u>long-term</u> effects of climate change on the community <u>and the built environment</u> are minimised.
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Objective NH-O3

- 4.6.2 Kāinga Ora, Federated Farmers, Hort NZ, and James Bridge raised issues with the wording of NH-O3 and the reporting planner agreed that the objective as worded is unlikely to be achievable. The Panel agrees with the reporting planner that the objective should be reworded and reflect that the response to a risk should be based on the level of risk. This would also more closely give effect to the RPS. The Panel recommends NH-O3 be amended as follows:

NH-O3	Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards <u>is should be avoided, remedied or mitigated, reflecting the level of risk posed by the hazard.</u>
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Policies in general

- 4.6.3 The Panel agrees with the reporting planner and does not recommend any changes as a result of the submission by NHMT which sought that the policy section be redrafted to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. No specific changes have been sought and the Panel notes that there will be ongoing discussions between iwi and Council in line with the Panel's broader recommendations that fall outside the scope of this Plan review (as noted in our report on Hearing Stream 4, Tangata Whenua).

Policy NH-P5

- 4.6.4 The Panel agrees with the reporting planner's recommended amendments to NH-P5 to address Kāinga Ora's concerns around the term 'control' and Federated Farmers' concerns about the unclear nature of the term 'areas of significant natural hazard risk'. The Panel agrees that the policy should not only relate to 'habitable' buildings but property in general, and it is appropriate to include earthworks, noting that the rules (NH-R2) provide for BIC 1 buildings as a permitted activity in the Flood Hazard Area and Fault Avoidance Area which would include non-habitable farm buildings. The earthworks rules also provide for certain earthworks as a permitted activity. The policy would appropriately form part of the consideration when any resource consent process is triggered in an area identified as being at risk from natural hazards.

- 4.6.5 The Panel recommends the following amendments:

NH-P5	To manage/control the activities that can occur in areas of significant natural hazard risk <u>from natural hazards</u> , including: 1. the erection of new buildings or structures, or alterations to existing buildings or structures; 2. earthworks; 3. subdivision of land; and 4. the establishment of new vulnerable activities.
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- 4.6.6 In addition, the Panel also recommends similarly amending Policy NH-P7 & NH-P8 to refer to "areas at significant risk from natural hazards" as a consequential amendment (to ensure consistency).

Policy NH-P7

- 4.6.7 The Panel agrees with the recommended amendments of the reporting planner, to bring the wording more closely in line with s6(h), clarify the intent of the policy, and clarify that the policy applies to the types of new development that are at significant risk from natural hazards, and that the approach adopted is one of 'avoidance' in preference to mitigation or remedial measures. The Panel recommends the following amendment:

NH-P7	To adopt and promote an avoidance approach to <u>the establishment of new vulnerable activities, and BIC 4 structures with post-disaster functions (including major hazardous facilities) new development</u> located within areas of significant natural hazard risk <u>from natural hazards, where there is no functional or operational need to locate in these areas</u> , rather than mitigation or remedial measures.
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Policy NH-P9

- 4.6.8 The Panel agrees with the recommended amendments of the reporting planner, with some changes to further clarify the wording of the policy. The Panel agrees it would not be appropriate to limit the policy solely to 'vulnerable activities'. The Panel recommends the following amendment:

NH-P9	To ensure that subdivision, land use activities or other new development is located and designed <u>so to avoid the need for further</u> natural hazard mitigation activities <u>are not required</u> .
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5 Key Issue 3 – Natural Hazard Rules

5.1 Proposed Plan provisions

- 5.1.1 Key Issue 3 addresses submissions relating to the Natural Hazards rules.

5.2 Submissions

- 5.2.1 There were 17 submission points and 10 further submission points addressing the rules in the Natural Hazards chapter of the PDP.
- 5.2.2 There was general support for the rules, but several submissions sought amendments to NH-R1, NH-R2 and NH-R3.

5.3 Reporting planner's recommendations (s42A report)

Rule NH-R1

- 5.3.1 There was considerable support for retention of Rule NH-R1, but Federated Farmers sought an additional permitted activity condition be added for situations where the natural hazard risk could not be reasonably avoided and the mitigation works did not transfer or create unacceptable hazard risk to other people, property, infrastructure or the natural environment.
- 5.3.2 Federated Farmers considered activities like riparian planting and drainage should be reasonable activities for farmers to undertake on their land for the purposes of mitigating potential flood damage and were also concerned that maintenance work on existing stop banks was not enabled.
- 5.3.3 The reporting planner noted maintenance work on existing stop banks, where carried out 'by or on behalf of a local authority... exercising its powers, functions and duties under the ..., Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, ...', would meet the permitted activity condition in Rule NH-R1 and was therefore already enabled.
- 5.3.4 The reporting planner considered it appropriate privately-initiated 'natural hazard mitigation activities' be subject to a resource consent process, given such works can transfer, exacerbate or create risk off-site.
- 5.3.5 The reporting planner did not support amending Rule NH-R1 as sought by Federated Farmers.
- 5.3.6 The reporting planner also noted that Transpower sought to remove non-complying activity status for the National Grid in relation to Rules NH-R1 to NH-R3. As Rule NH-R1 did not introduce a non-complying activity status no further analysis was considered necessary.

Rule NH-R2

- 5.3.7 There was considerable support for retention of Rule NH-R2 and the use of Building Importance Categories (BIC) as a basis for risk assessment. However, a number of submitters sought various amendments to the rule:
- Federated Farmers and Hort NZ both sought to expand the rule to include 'structures' as well as 'buildings' – which the reporting planner agreed with, to clarify that the rule addresses both.
 - HBRC sought to update the Flood Hazard Area and identify 'Zone 1' and 'Zone 2' (refer to Key Issue 6 for mapping amendments). The reporting planner agreed with HBRC that it was appropriate to differentiate between 'Zone 1' and 'Zone 2' flood areas within Rule NH-R2

and recommended inserting a permitted activity category for 'Flood Hazard Area (Zone 2)' to capture BIC 1 and 2 category buildings and structures, with a restricted discretionary activity status for new or expanded BIC 3 and 4 category buildings and structures.

- Woolworths sought additional 'matters of discretion', on which the reporting planner suggested the submitter elaborate at the hearing.
- Kāinga Ora sought amended wording for the matter of discretion in Rule NH-R2(2)(b). The reporting planner agreed that relating assessment back to whether the activity was likely to increase or exacerbate risks to people or property was more appropriate and in line with a risk management approach. The reporting planner was also supportive of the additional matter of discretion sought in relation to the Tsunami Hazard Area in Rule NH-R2(8).
- Kāinga Ora sought to delete the Flood Hazard Area and rely on non-statutory flood hazard maps outside the District Plan; however, the reporting planner considered that Flood Hazard Area provisions in Rule NH-R2 should be retained.
- Both FENZ and Transpower sought deletion of the non-complying activity status applying to their respective activities where they are deemed BIC 4 buildings or structures. Given their importance to preservation of life in a hazard event (or high level of risk posed to people and the environment if damaged in a hazard event), the reporting planner considered the PDP approach was appropriate in indicating that these were not anticipated to be located within identified hazard overlays. However, in terms of the National Grid, the reporting planner did not consider that the examples of network utilities in BIC 3 or BIC 4 in Appendix NH-APP1 would capture the National Grid. For clarification, the reporting planner recommended that the examples for BIC 2b in Appendix NH-APP1 could be helpfully expanded to include 'Network utilities not included in BIC 1, 2a, 3 or 4'.

5.3.8 The reporting planner recommended Rule NH-R2 be amended as follows:

NH-R2 Any new, building or alteration to an existing, buildings and structures within a Natural Hazard area		
Fault Avoidance Area	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The building or structure is a BIC 1 or 2a category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</p>	<p>2. Activity status where the building or structure is a BIC 2b or 3 category structure: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the building or structure in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the building activity is likely to increase or exacerbate those risks will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. The susceptibility of the building or structure to the effects of ground shaking and displacement from earthquakes.</p> <p>d. The ability to mitigate the effects of the hazard, including through any one or more of the following: foundation design, site layout, geotechnical setbacks, or building or structure design.</p>

		3. Activity status where the building <u>or structure</u> is a BIC 4 category structure: NC
Flood Hazard Area (<u>Zone 1</u>)	4. Activity Status: PER Where the following conditions are met: a. The building <u>or structure</u> is a BIC 1 category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).	5. Activity status where the building <u>or structure</u> is a BIC 2a, 2b or 3 category structure: RDIS Matters over which discretion is restricted: a. The functional or operational need to locate the building <u>or structure</u> in the hazard area. b. The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures. c. Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard. d. The potential to relocate or remove buildings <u>or structures</u> to alternative locations. 6. Activity status where the building <u>or structure</u> is a BIC 4 category structure: NC
Flood Hazard Area (<u>Zone 2</u>)	4. <u>Activity Status: PER</u> <u>Where the following conditions are met:</u> a. <u>The building or structure is a BIC 1, 2a or 2b category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</u>	5. <u>Activity status where the building or structure is a BIC 3 or 4 category structure: RDIS</u> <u>Matters over which discretion is restricted:</u> a. <u>The functional or operational need to locate the building or structure in the hazard area.</u> b. <u>The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures.</u> c. <u>Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard.</u> d. <u>The potential to relocate or remove buildings or structures to alternative locations.</u>
Tsunami Hazard Area	7. Activity Status: PER Where the following conditions are met: a. The building <u>or structure</u> does not accommodate new, or facilitate intensification of, Vulnerable Activities.	8. Activity status where compliance is not achieved: RDIS Matters over which discretion is restricted: a. The functional or operational need to locate the building <u>or structure</u> in the hazard area. b. The nature and extent of the hazard risks to people or property, and whether the building activity will

		<p>intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. <u>Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.</u></p>
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5.3.9 For clarification, the reporting planner also recommended Appendix NH-APP1 Building Importance Categories (BIC) be amended as follows:

Building Importance Category (BIC)	Description	Examples
1
2a
2b	<p>Normal structures and structures not in other categories</p> <p><i>This is the default category for all structures and facilities that do not fall within BIC 1, 2a, 3 or 4.</i></p>	<p>a. Timber-framed residential units with a gross floor area (i.e. footprint) of more than 300m².</p> <p>b. Residential units outside the scope of NZS 3604 (Timber-framed buildings).</p> <p>c. Multi-occupancy residential, commercial (including offices and retail) and industrial activity buildings designed to accommodate less than 5000 people and a gross floor area of 10,000m² or less.</p> <p>d. Community facilities with a gross floor area of 1000m² or less and not included in BIC 3 or 4.</p> <p>e. Car-parking buildings (but not emergency vehicle garages).</p> <p>f. <u>Network utilities not included in BIC 1, 2a, 3 or 4.</u></p>
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Rule NH-R3

- 5.3.10 There was support among submissions for retention of Rule NH-R3 in terms of the focus on vulnerable activities as a method to implement the risk-based approach and looking to encourage the location of such activities outside of hazard areas was seen as important. However, Kāinga Ora considered that Rule NH-R3 duplicates Rule NH-R2(7) & (8) and sought that it be deleted.
- 5.3.11 The reporting planner considered that the rules perform similar, but slightly different, functions with Rule NH-R2 being about buildings and Rule NH-R3 being about the activities. Rule NH-R3 also addressed some situations not captured by Rule NH-R2, such as a change of use of an existing building to accommodate a new 'vulnerable activity'.

5.3.12 However, the reporting planner identified there was some confusion in the wording of the matters for discretion, which are identical in Rule NH-R3(1)(a) & (b) and Rule NH-R2(2)(a) & (b). Given the role of Rule NH-R3 related to the activity itself, the reporting planner considered the accompanying matters for discretion should be amended to relate to the 'activity', not the 'building'. In addition, the reporting planner recommended adding the same additional matter for discretion to Rule NH-R3 as recommended in response to the submission of Kāinga Ora in relation to Rule NH-R2(8).

5.3.13 The reporting planner recommended Rule NH-R3 be amended as follows:

NH-R3 Any new, or intensification of, Vulnerable Activities within the Tsunami Hazard area		
Tsunami Hazard Area	<p>1. Activity Status: RDIS</p> <p>Where the following conditions are met: N/A</p> <p>Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the activity-building in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the building activity will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. <u>Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.</u></p>	<p>2. Activity status where compliance not achieved: N/A</p>

5.3.14 The reporting planner also noted that Transpower sought amendment to remove non-complying activity status for the National Grid in relation to Rules NH-R1 to NH-R3, but pointed out that Rule NH-R3 did not introduce a Non-Complying activity status.

5.4 Evidence to the hearing

5.4.1 In her planning evidence for Transpower, Ms Pauline Whitney concurred with the s42A report recommendations relating to the Natural Hazards provisions.

5.4.2 In his planning evidence for HBRC, Mr Gavin Ide agreed with the reporting planner that it was appropriate to differentiate between 'Zone 1' and 'Zone 2' flood areas within Rule NH-R2. If the proposed district plan was to retain BICs, then Mr Ide concurs with the amendments to Rule NH-R2 as recommended in the s42A report.

5.4.3 Mr Steven Tuck, in evidence for Silver Fern Farms, supported the s42A report recommended amendments to Rules NH-R1 and NH-R2. With respect to proposals seeking to locate in a Fault Avoidance Area, Mr Tuck agreed with the s42A recommendations to apply a restricted discretionary consenting pathway for BIC 2b and BIC 3 buildings/structures, and the non-complying consenting status provided for proposed BIC4 buildings/structures located in a Fault Avoidance Area.

5.4.4 Ms Danielle Rogers, for the Ministry of Education, supported the s42A report amendments in relation to Rule NH-R2.

5.4.5 In relation to Rule NH-R2 and FENZ's submission which sought a restricted discretionary status for BIC 4 structures, Mr Paul McGimpsey noted FENZ did not agree with the position in the s42A report but would not pursue this matter further.

5.5 Post hearing information

- 5.5.1 The reporting planner's right-of-reply did not address any matters relating to natural hazards, and no additional information was provided.

5.6 Evaluation and findings

Rule NH-R1

- 5.6.1 The Panel agrees with the reporting planner that it is appropriate that privately-initiated 'natural hazard mitigation activities' should be subject to appropriate consideration through a resource consent process, given such works can transfer, exacerbate or create risk off-site. As noted in the s42A report, maintenance work on stop banks were carried out 'by or on behalf of a local authority... exercising its powers, functions and duties under the ..., Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, ...', would meet the permitted activity condition in Rule NH-R1 and is therefore already enabled. Vegetation planting would generally be for other purposes than reducing risks posed by natural hazards (for example, riparian planting for water quality and indigenous biodiversity purposes). Therefore, the Panel agrees that it is not necessary to amend the rule as sought by Federated Farmers.

Rule NH-R2

- 5.6.2 Several submitters sought various amendments to Rule NH-R2. The Panel agrees with the reporting planner's recommendations, including the amendments in response to the submissions:
- Expanding the rule to include 'structures' as well as 'buildings';
 - Including provisions for Flood Hazard Area (Zone 2);
 - Amending the matter of discretion in NH-R2(2)(b) to relate assessment to whether the activity is likely to increase or exacerbate risks to people or property, and
 - Adding an example to clarify the application of BIC 2b in relation to network utilities.
- 5.6.3 The Panel accordingly recommends the following amendments:

NH-R2 Any new, building or alteration to an existing, buildings and structures within a Natural Hazard area		
Fault Avoidance Area	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>b. The building or structure is a BIC 1 or 2a category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</p>	<p>2. Activity status where the building or structure is a BIC 2b or 3 category structure: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>e. The functional or operational need to locate the building or structure in the hazard area.</p> <p>f. The nature and extent of the hazard risks to people or property, and whether the building activity is likely to increase or exacerbate those risks-will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>g. The susceptibility of the building or structure to the effects of ground shaking and displacement from earthquakes.</p>

		<p>h. The ability to mitigate the effects of the hazard, including through any one or more of the following: foundation design, site layout, geotechnical setbacks, or building <u>or structure</u> design.</p>
		<p>3. Activity status where the building <u>or structure</u> is a BIC 4 category structure: NC</p>
Flood Hazard Area <u>(Zone 1)</u>	<p>4. Activity Status: PER Where the following conditions are met:</p> <p>b. The building <u>or structure</u> is a BIC 1 category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</p>	<p>5. Activity status where the building <u>or structure</u> is a BIC 2a, 2b or 3 category structure: RDIS Matters over which discretion is restricted:</p> <p>e. The functional or operational need to locate the building <u>or structure</u> in the hazard area.</p> <p>f. The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures.</p> <p>g. Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard.</p> <p>h. The potential to relocate or remove buildings <u>or structures</u> to alternative locations.</p>
		<p>6. Activity status where the building <u>or structure</u> is a BIC 4 category structure: NC</p>
<u>Flood Hazard Area (Zone 2)</u>	<p>7. <u>Activity Status: PER</u> <u>Where the following conditions are met:</u></p> <p>b. <u>The building or structure is a BIC 1, 2a or 2b category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</u></p>	<p>8. <u>Activity status where the building or structure is a BIC 3 or 4 category structure: RDIS</u> <u>Matters over which discretion is restricted:</u></p> <p>e. <u>The functional or operational need to locate the building or structure in the hazard area.</u></p> <p>f. <u>The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures.</u></p> <p>g. <u>Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard.</u></p> <p>h. <u>The potential to relocate or remove buildings or structures to alternative locations.</u></p>

Tsunami Hazard Area	<p>9. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>b. The building <u>or structure</u> does not accommodate new, or facilitate intensification of, Vulnerable Activities.</p>	<p>10. Activity status where compliance is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>d. The functional or operational need to locate the building <u>or structure</u> in the hazard area.</p> <p>e. The nature and extent of the hazard risks to people or property, and whether the building activity will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>f. <u>Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.</u></p>
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5.6.4 The Rule Overview Table requires a consequential amendment to reflect the change in rule wording as above.

5.6.5 The Panel also recommends amending Appendix NH-APP1 Building Importance Categories (BIC) as follows:

Building Importance Category (BIC)	Description	Examples
1
2a
2b	<p>Normal structures and structures not in other categories</p> <p><i>This is the default category for all structures and facilities that do not fall within BIC 1, 2a, 3 or 4.</i></p>	<p>g. Timber-framed residential units with a gross floor area (i.e. footprint) of more than 300m².</p> <p>h. Residential units outside the scope of NZS 3604 (Timber-framed buildings).</p> <p>i. Multi-occupancy residential, commercial (including offices and retail) and industrial activity buildings designed to accommodate less than 5000 people and a gross floor area of 10,000m² or less.</p> <p>j. Community facilities with a gross floor area of 1000m² or less and not included in BIC 3 or 4.</p> <p>k. Car-parking buildings (but not emergency vehicle garages).</p> <p>l. <u>Network utilities not included in BIC 1, 2a, 3 or 4.</u></p>
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Rule NH-R3

- 5.6.6 The Panel agrees with the reporting planner that NH-R3 serves a different function to NH-R2(7) and (8) and should not be deleted as sought by Kāinga Ora. The Panel agrees NH-R3 should be clarified by amending the matters for discretion to relate to the activity rather than the building, and to add the same matter for discretion as Kāinga Ora sought for Rule NH-R2(8). The Panel recommends the following amendments:

NH-R3 Any new, or intensification of, Vulnerable Activities within the Tsunami Hazard area		
Tsunami Hazard Area	<p>1. Activity Status: RDIS Where the following conditions are met: N/A Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the activity-building in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the building activity will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. <u>Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.</u></p>	<p>2. Activity status where compliance not achieved: N/A</p>

6 Key Issue 4 – Natural Hazard Assessment Matters, Methods & Anticipated Environmental Results

6.1 Proposed Plan provisions

- 6.1.1 Key Issue 4 addresses submissions on the Natural Hazards assessment matters, methods and anticipated environmental results.

6.2 Submissions

- 6.2.1 There were 11 submission points and 7 further submission points that supported or sought amendments to assessment matters, methods, and anticipated environmental results in the NH – Natural Hazards chapter of the PDP.

6.3 Reporting planner’s recommendations (s42A report)

Assessment Matter NH-AM4

- 6.3.1 Submissions on this provision supported retention of Assessment Matter NH-AM4. However, Kāinga Ora considered that matter (1)(j) was sufficiently addressed through matters (1)(a) through to (1)(i) and sought that it be deleted. The reporting planner agreed that matter (1)(j) adds little to any assessment and is unnecessary, and therefore recommended Assessment Matter NH-AM4 be amended as follows:

NH-AM4	Natural Hazards
	<p>1. The effects of the occurrence of the identified natural hazard and the consequences of the natural hazard on the proposed activity will need to be assessed. In making this risk assessment the following factors will need to be considered:</p> <ul style="list-style-type: none">a. The extent to which public safety can be achieved. In assessing the proposal, regard will be had to methods of ensuring public safety such as early warning systems, emergency management contingency plans, escape routes and any other mitigation techniques.b. Assessment of the probability, magnitude and consequences of the cumulative natural hazards that affect the proposal.c. The type, scale, and distribution of any potential effects from the cumulative natural hazards that affect the proposal.d. The extent to which verifiable new information from a suitably qualified professional demonstrates that any land within an area identified on the District Planning Maps or held in Central Hawke’s Bay District Council or Hawke’s Bay Regional Council databases (i.e. GIS or web-based portal) as potentially subject to a natural hazard is not under threat from the hazard concerned or that the hazard is negligible.e. The potential risk to life, and economic and built environment risk associated with the proposed activity.f. The health and safety of potential property owners and/or occupants of the building(s).g. The effects on the community including physical, economic, and cumulative effects.h. The nature and type of land-use activity proposed and its potential maximum occupancy.i. Whether the proposal will result in consequences to other properties or infrastructure as a result of the natural hazard occurring.j. An overall assessment of whether the risk of natural hazards is significant or not.

Assessment Matter NH-AM5

- 6.3.2 Submissions on this provision supported retention of Assessment Matter NH-AM5. The reporting planner agreed with Kāinga Ora regarding a minor amendment to the title of the Assessment Matter for clarification purposes, and recommended Assessment Matter NH-AM5 be amended as follows:

1. The activity will be assessed in terms of its potential effects on public works and network utilities. Factors to be considered are the proximity of the activity to stop banks, high voltage lines, telecommunication facilities and other network utilities and public works, and the extent to which the activity may interfere with the safe and efficient operation or maintenance of those works and utilities.

Method NH-M1

- 6.3.3 Federated Farmers sought that the natural hazard mapping be adjusted according to any landowner submissions, and that landowners be informed as to what natural hazards are present on their property and to what extent. Federated Farmers requested that Council discuss with landowners to ensure hazard areas were ground-truthed, took site specific factors into account and landowners understand the impact that these areas will have on their farming practices.
- 6.3.4 Federated Farmers sought that Method NH-M1 was amended to indicate that Council will pay for site-specific investigations. The reporting planner noted that Method NH-M1 only identified that a site-specific investigation may be required and considered this was the responsibility of the applicant as part of any 'assessment of environment effects' (AEE) required in support of a resource consent application. Therefore, the reporting planner did not support the amendment of Method NH-M1 as sought by Federated Farmers.
- 6.3.5 The reporting planner considered the s35(5)(j) duty to keep records of natural hazards to the extent that the local authority considered appropriate for the effective discharge of its functions did not extend to initiating site-specific investigations in order to facilitate individual landowner developments.

Anticipated Environmental Result NH-AER1

- 6.3.6 The reporting planner agreed with the amendments sought by Kāinga Ora to Anticipated Environmental Result NH-AER1. The reporting planner considered the amended wording better aligned with s6(h) of the RMA, reflecting that certain activities and types of development may be appropriate to be located within areas of natural hazards where the risk was not significant.
- 6.3.7 The reporting planner recommended the following amendment:

NH-AER1 ~~Where practicable, new building development is located outside of identified natural hazard risk areas at significant risk from natural hazards. Where building development and associated land use activities are already established is already within a natural hazard area, the risk of the hazard is reduced and/or mitigated mitigations are employed to minimise risk to people and property.~~

- 6.3.8 The reporting planner also considered the amendments recommended above go some way towards addressing the issues raised in James Bridge's submission which sought to amend the wording to more accurately reflect that there are permitted activity rules in the PDP that provide for new building development within identified natural hazard risk areas where the risk was not considered significant.

6.4 Evidence to the hearing

- 6.4.1 No evidence was presented on matters covered in Key Issue 4.

6.5 Post hearing information

- 6.5.1 The reporting planner's right-of-reply did not address any matters relating to natural hazards, and no additional information was provided.

6.6 Evaluation and findings

Assessment Matter NH-AM4

- 6.6.1 The Panel agrees with the reporting planner and Kāinga Ora that matter (1)(j) is unnecessary and sufficiently addressed through other matters. The Panel recommends NH-AM4(1)(j) be deleted.

Assessment Matter NH-AM5

- 6.6.2 The Panel agrees with the reporting planner and Kāinga Ora that a minor amendment to the title of NH-AM5 would provide greater clarity and recommends the following:

NH-AM5 Effects on Public Works and Network Utilities

Method NH-M1

- 6.6.3 The Panel agrees with the reporting planner that any site-specific investigation as part of an application would be at the applicant's cost and does not support the amendment sought by Federated Farmers to indicate that Council will pay for site-specific investigations.

Anticipated Environmental Result NH-AER-1

- 6.6.4 The Panel agrees with the amendment recommended by the reporting planner in response to Kāinga Ora and James Bridge's submissions, with a minor change to the wording to improve clarity of the provision. This would better align with s6(h) of the RMA and reflect that certain activities and types of development may be appropriate to be located within areas of natural hazards where the risk is not significant. The Panel recommends the following amendment:

NH-AER1 Where practicable, new building development is located outside of identified natural hazard risk areas at significant risk from natural hazards. Where building development and associated land use activities are already established within a natural hazard area, the risk of the hazard is reduced and/or mitigated mitigation minimises risk to people and property.

7 Key Issue 5 – Appendix NH-APP1 Building Importance Category

7.1 Proposed Plan provisions

- 7.1.1 Key Issue 5 addresses submissions relating to building importance categories and examples provided in Appendix NH-APP1 Building Importance Categories.

7.2 Submissions

- 7.2.1 There were 8 submission points and 5 further submission points relating to building importance categories and examples provided in Appendix NH-APP1 Building Importance Categories.
- 7.2.2 Several submissions were in support, while submissions by Federated Farmers and Chorus, Spark and Vodafone sought amendments.

7.3 Reporting planner's recommendations (s42A report)

General

- 7.3.1 There was considerable support for Appendix NH-APP1 and the use of building importance categories (BIC) as a way of managing risk from natural hazards in the PDP.
- 7.3.2 However, Hort NZ sought adoption of clause A3 from the Building Code as the more appropriate reference than the Ministry for the Environment table. Although unclear what the submitter intended, the reporting planner did not support replacing the content of the Building Importance Category table in Appendix NH-APP1 with the content of clause A3 from the Building Code, as the table in the PDP had been adapted to be more reflective of district plan terminology and drafting norms, and the need to provide greater detail and certainty in interpretation when applying rules to it.
- 7.3.3 The reporting planner did not consider referencing clause A3 from the Building Code within the 'Note' at the top of the table necessary nor accurate, as the 'Note' was correct in that the Building Importance Categories in Appendix NH-APP1 had been adapted from Table 9.1 of the MfE report.
- 7.3.4 Given the above, the reporting planner did not accept the submission of Hort NZ in this respect.

Building Importance Category 1

- 7.3.5 Submitters generally supported retention of 'Building Importance Category (BIC) 1' in Appendix NH-APP1. However, Chorus, Spark and Vodafone sought to ensure that network utility structures and activities which are not required as backup for BIC 4 are clearly provided for. They considered that such structures and activities typically presented a low degree of hazard to life and other property. They also sought to replace the term 'mast' with 'pole'.
- 7.3.6 The reporting planner noted that, whilst the term 'mast' had been replaced with the term 'pole' in respect of network utilities generally, the term 'mast' was used in the PDP in relation to 'wind monitoring masts' in the RE – Renewable Energy chapter, and in relation to amateur radio masts addressed in the NU – Network Utilities chapter. Therefore, the reporting planner considered the reference in the BIC 1 examples in Appendix NH-APP1 to 'masts' should remain, but that 'poles' should be added.
- 7.3.7 The reporting planner also agreed that there were some network utility structures that present a low degree of risk from natural hazards that should be treated as BIC 1 category structures within the PDP framework. However, the reporting planner considered a broad approach to 'network utilities that were not BIC 4' was too broad. The reporting planner was of the view that 'network utility lines and poles that were not required as backup for BIC 4 buildings and facilities' was more appropriate, and was in keeping with the amendment in response to Transpower's submission (S79.059) addressed in Key Issue 3, which applied the default BIC 2b category to network utilities that were not BIC 1, 2a, 3 or 4.
- 7.3.8 Therefore, the reporting planner recommended the following amendment to the examples in BIC 1 in Appendix NH-APP1:

Building Importance Category (BIC)	Description	Examples
1	Structures presenting a low degree of hazard to life and other property	a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4.

		b. Fences, masts, <u>poles</u> , walls, in-ground swimming pools. c. <u>Network utility lines and poles that are not required as backup for BIC 4 buildings and facilities.</u> d. Other structures with a gross floor area of 30m ² or less.
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Building Importance Category 3

- 7.3.9 Federated Farmers was concerned that farm buildings containing hazardous materials for use on that property may be inadvertently and inappropriately captured by BIC 3 in terms of accompanying example (g). They sought that the BIC 3 example specifically exclude 'farm buildings'.
- 7.3.10 The reporting planner did not support the amendment sought by Federated Farmers to specifically exclude 'farm buildings' from the BIC 3 example (g). The reporting planner was of the view that the description of BIC 3, being 'structures that may contain people in crowds or pose risks to people in crowds or contain contents of high value to the community' clearly excludes farm buildings. The reporting planner was unsure what types of farm buildings would contain hazardous materials capable of causing hazardous conditions, but if there were such situations, then Ms Macdonald considered it reasonable to manage the risks from locating such buildings within areas subject to faultline and flood hazards associated with those farm buildings, as for any other such building or facility.

7.4 Evidence to the hearing

- 7.4.1 Mr Tom Anderson, provided planning evidence for Chorus, Spark and Vodafone, and accepted the s42A report recommendations on amendments to NH-APP1.
- 7.4.2 Mr Steven Tuck, in evidence for Silver Fern Farms, supported the s42A report recommended amendments to NH-APP1. Mr Tuck accepted that the distinctions between the BIC categories described in NH-APP1 provide appropriate guidance for the management of different building types in areas of natural hazard risk.

7.5 Post hearing information

- 7.5.1 The reporting planner's right-of-reply did not address any matters relating to natural hazards, and no additional information was provided.

7.6 Evaluation and findings

General

- 7.6.1 The Panel agrees with the reporting planner that the content of the Building Importance Category table in Appendix NH-APP1 should not be replaced with the content of clause A3 from the Building Code, as sought by Hort NZ. The table in the PDP has been adapted to be more reflective of district plan terminology and drafting norms, and the need to provide greater detail and certainty in interpretation when applying rules to it.

Building Importance Category 1

- 7.6.2 The Panel agrees with the reporting planner's recommended amendments to add reference to masts (rather than replace) and to include an additional example of BIC 1 structures relating to network utility lines and poles. The Panel recommends the following amendment:

Building Importance Category (BIC)	Description	Examples
1	Structures presenting a low degree of hazard to life and other property	<ul style="list-style-type: none">a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4.b. Fences, masts, <u>poles</u>, walls, in-ground swimming pools.c. <u>Network utility lines and poles that are not required as backup for BIC 4 buildings and facilities.</u>d. Other structures with a gross floor area of 30m² or less.

Building Importance Category 3

- 7.6.3 The Panel agrees with the reporting planner and does not recommend any amendment as a result of Federated Farmers' submission which sought to exclude 'farm buildings' from the BIC 3 examples. The Panel does not consider that the description, or examples, would capture farm buildings. If a farm building did contain hazardous materials capable of causing hazardous conditions (example (g)), it would be reasonable to manage the risks from locating such buildings within areas subject to faultline and flood hazards.

8 Key Issue 6 – Natural Hazard Mapping

8.1 Proposed Plan provisions

- 8.1.1 Key Issue 6 addresses submissions on the mapping of natural hazards on the planning maps.
- 8.1.2 The PDP introduced specific control for buildings located within Flood Hazard, Fault Avoidance, and Tsunami Hazard overlays identified on the Planning Maps.
- 8.1.3 The PDP Flood Hazard Area overlay replaces the river flood hazard overlay in the Operative District Plan which was identified as being significantly out-of-date and inaccurate. The approach for the PDP has been to reflect the latest hazard information from the HBRC's 'Hawke's Bay Hazard Portal' which was the central repository of all the latest hazard information for the Region. Significant parts of Central Hawke's Bay had not yet been modelled for flooding, so disclaimers from the 'Hazard Portal' were carried over onto the Planning Maps in the PDP.

8.2 Submissions

- 8.2.1 There were 3 submission points addressing issues relating to the mapping of natural hazards on the planning maps.
- 8.2.2 The submissions sought to either delete the Flood Hazard Overlay (Kāinga Ora), or update the Flood Risk Area to Zone 1 and Zone 2 areas provided by HBRC and amend the maps to address near source tsunami extent areas not included in the maps (HBRC).

8.3 Reporting planner's recommendations (s42A report)

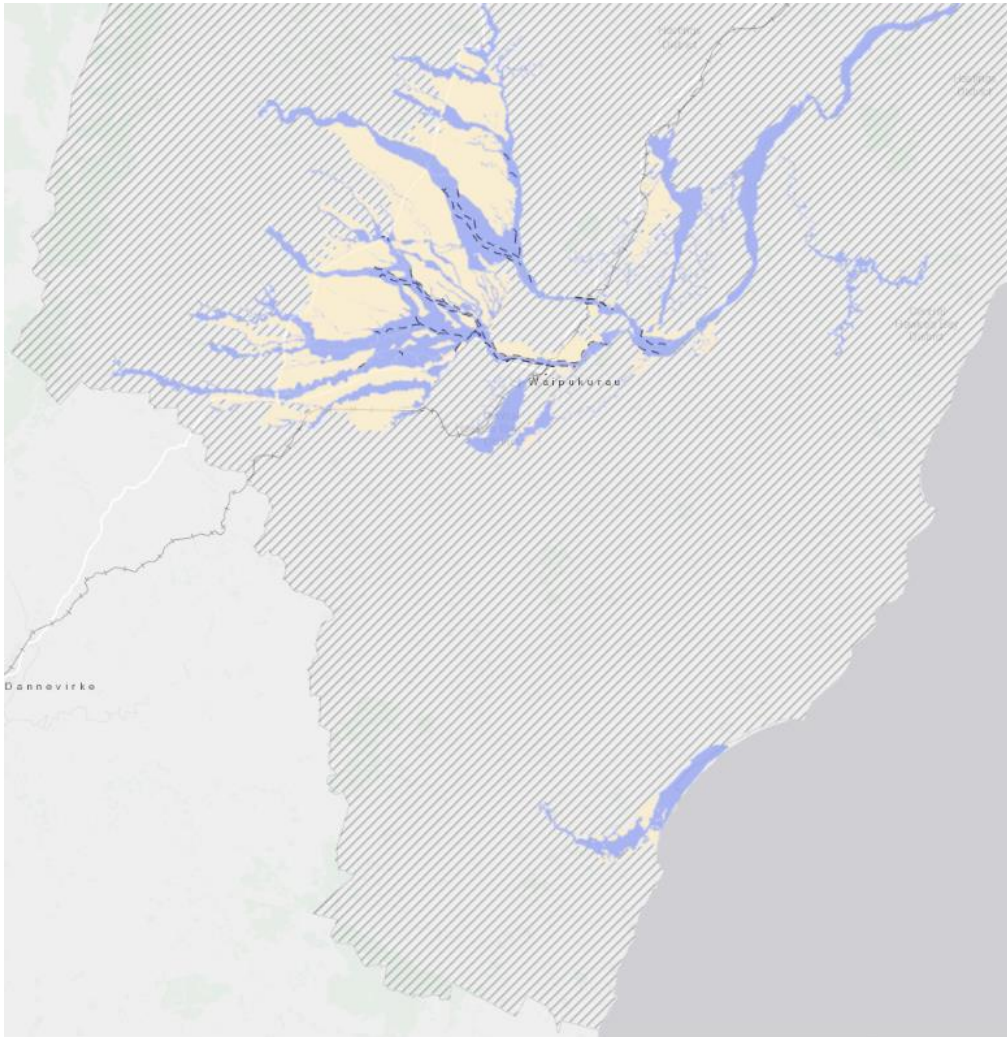
Tsunami Hazard Area mapping

- 8.3.1 HBRC submitted that the mapping of the Tsunami Hazard Zone in the PDP was missing various areas that had been identified as being within the near source tsunami extent on the 'Hawke's Bay Hazard Portal', and sought that the Planning Maps be updated to reflect the extent shown on the Hazard Portal.
- 8.3.2 The reporting planner noted that it appeared to have been an error in the mapping meaning that the near source tsunami extent had not been carried over onto the Planning Maps where it extended over land in the Large Lot Residential Zone. The reporting planner recommended this be corrected to extend the 'Tsunami Hazard Area' overlay on the Planning Maps to include relevant 'Large Lot Residential Zone' areas, as per the Hawke's Bay Hazard Portal, as shown on the maps provided in the s42A report.

Flood Hazard Area mapping

- 8.3.3 HBRC's submission sought that the Flood Risk Area be updated to Zone 1 and 2 areas as provided by flood hazard maps developed by the HBRC Asset Management team. In the technical report supporting HBRC's submission ('Interim Flood Hazard Mapping For Central Hawke's Bay', prepared by Craig Goodier Principal Engineer, HBRC, dated 6 August 2021), there was acknowledgement that there was no comprehensive computer model available to produce detailed flood hazard maps for the area, but that HBRC had carried out work to be able to provide an interim solution based on mapping of areas that were potentially floodable through use of computer models from limited areas, as well as contours and air photos where no model was available.
- 8.3.4 There was also an acknowledgement that there were limitations to the mapping produced, and no flood depths are provided.
- 8.3.5 Regardless of the limitations, the reporting planner considered the interim mapping for Central Hawke's Bay was a considerable improvement on existing flood hazard mapping relied on to-date. The reporting planner did not agree with Kāinga Ora that the whole 'Flood Hazard Area' should be deleted from the Planning Maps, nor did Ms Macdonald agree that such mapping was subject to constant change, or that it was more appropriate as a non-statutory map which sat outside of the PDP.
- 8.3.6 HBRC's submission stated that the two tiers of flood hazard layers would be updated on the Hawke's Bay Hazard Portal but could also be applied to the District Plan maps, and that this would provide clear direction to landowners that consideration of flood hazards was necessary in these areas when considering land use change. The reporting planner was advised by Mr Craig Goodier, HBRC Principal Engineer, that these maps will change with new information but that the mapping was unlikely to be subject to any significant change in the short to medium term (i.e. the life of this District Plan). Mr Goodier advised that the hazard maps indicated areas where flooding was reasonably anticipated to occur but further investigation was required, so they were limited in their accuracy. He also advised that scaling was an issue and zooming in would need to come with a good disclaimer.
- 8.3.7 The reporting planner considered that, while the HBRC mapping was somewhat lacking in certainty, it was sufficiently reliable as a basis for mapping within the PDP and to act as a trigger for further investigation as to whether there were flooding effects that needed to be mitigated, and conditions included on any consent granted (or consent declined in some circumstances).

- 8.3.8 The reporting planner recommended updating the 'Flood Hazard Area' overlay on the Planning Maps to reflect the interim flood hazard mapping for CHBD provided by HBRC, as per the Hawke's Bay Hazard Portal, including differentiating 'Zone 1 (Flood Risk Areas)' and 'Zone 2 (Low Flood Risk Areas)', as shown below:



8.4 Evidence to the hearing

- 8.4.1 In his evidence for HBRC Mr Gavin Ide agreed with the s42A report recommendations on tsunami mapping. With regard to the Flood Risk Area, in Mr Ide's opinion, the flood hazard mapping work by Mr Goodier was superior to the much earlier work that was the basis of flood hazard areas identified in the ODP and in the notified version of the PDP.
- 8.4.2 Mr Craig Goodier gave evidence for HBRC outlining the methods used to determine the flood mapping and the limitations of the data.
- 8.4.3 Mr Michael Campbell for Kāinga Ora agreed with the reporting planner's view in the s42A report that it was appropriate to incorporate natural hazard controls but considered that providing a non-statutory natural hazards layer was the most appropriate means to address Council's s31 functions. This was on the basis that the most up-to-date changes to natural hazard information could be readily identified as flood hazard information was dynamic and subject to change. Mr Nick Whittington, in legal submissions for Kāinga Ora, submitted that a non-statutory natural hazards layer was the preferable approach and provided information on the legality of the approach.

8.5 Post hearing information

- 8.5.1 The reporting planner's right-of-reply did not address any matters relating to natural hazards, and no additional information was provided.

8.6 Evaluation and findings

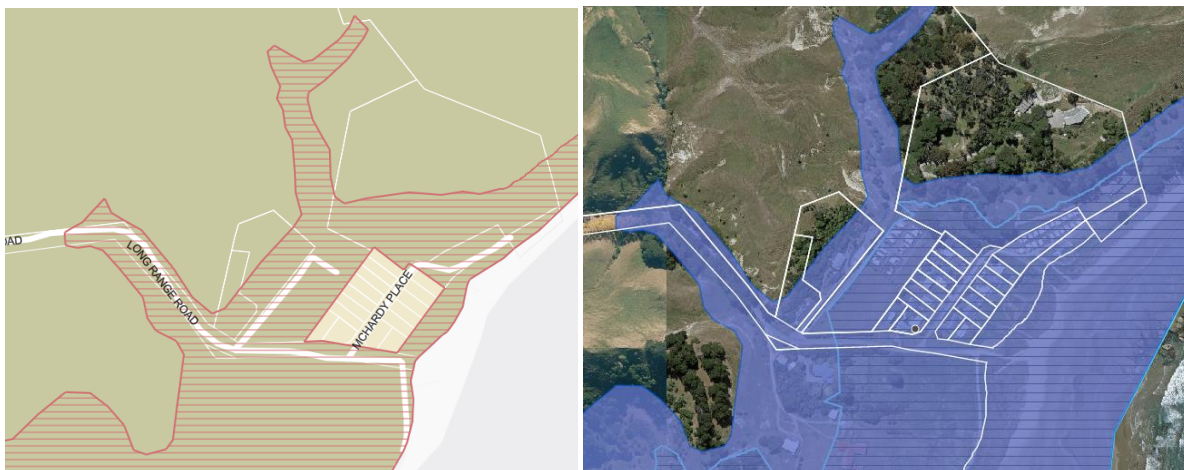
Tsunami Hazard Area Mapping

- 8.6.1 The Panel agrees with the reporting planner that the mapping error should be corrected and the Tsunami Hazard Area should be identified where it was missing from the Large Lot Residential Zone as shown in the figures below:

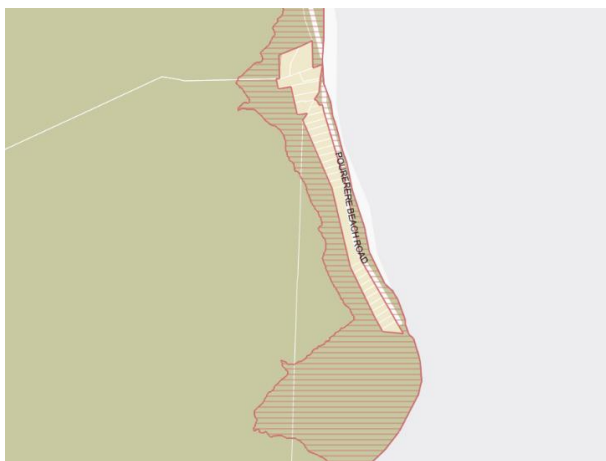
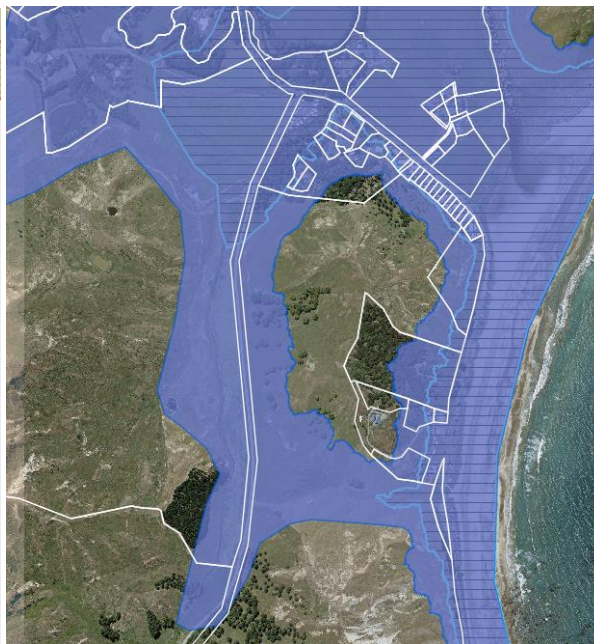
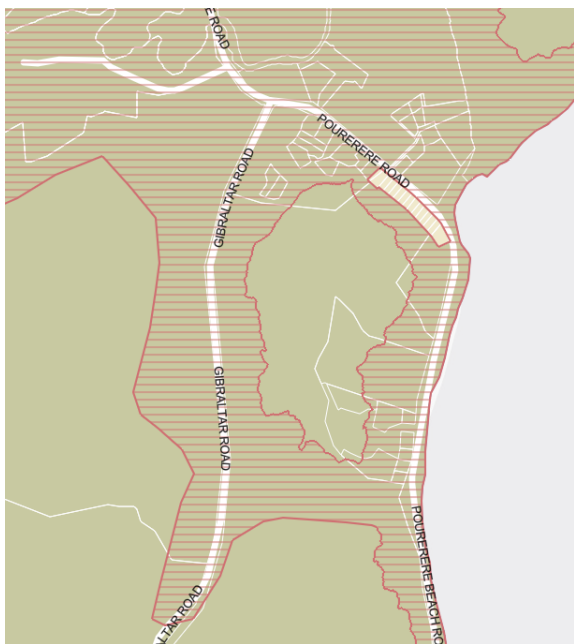
Te Paerahi (Te Paerahi Road and Makaramu Street)



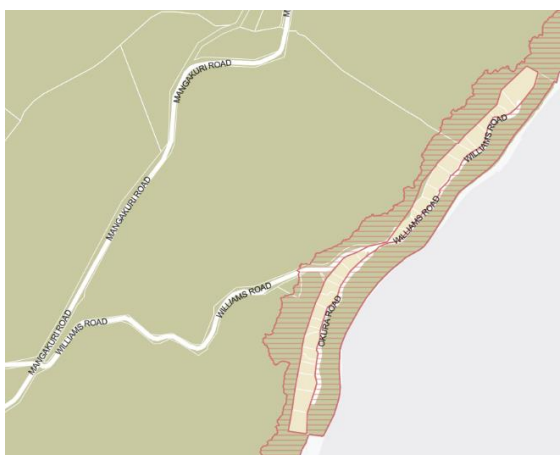
Blackhead Beach (McHardy Place)



Pourerere Beach (section of Pourerere Road, and southern end of Pourerere Beach Road)



Mangakuri Beach (Okura Road)



Kairākau (John Ross Place and Kapiti Place)

PART C – SUMMARY OF RECOMMENDATIONS

9 Summary of recommendations

- 9.1.1 A summary table of recommended decisions for each submission point is included as Appendix B.
- 9.1.2 A tracked changes version of recommended amendments is included as Appendix A.

10 Consequential amendments and minor errors

- 10.1.1 Schedule 1, cl16(2), allows minor and inconsequential amendments to be made to the Plan. A cl16 amendment is proposed to ensure consistency between NH-P5, NH-P7, and NH-P8. This amendment is outlined in Section 4.6.6. Consequential amendments are also proposed to NH-R3 as outlined in Section 5.6.5.

Appendix A – NH – Natural Hazards Chapter as amended

NH – Natural Hazards

Introduction

Communities are at risk from a variety of natural hazards. When they occur, natural hazards can result in damage to property, infrastructure and the environment. More significantly, they can adversely affect people's lives and, in extreme cases, lead to a loss of human life. Therefore, it is important to recognise these hazards and to manage activities in order to limit the exposure of people, property and infrastructure to significant risk.

Risk is a product of both the consequences and likelihood from a natural hazard. A risk-based approach to natural hazards balances allowing for people and communities to use their property and undertake activities, while ensuring that their lives or significant assets are not harmed or lost as a result of a natural hazard event.

Risk from natural hazards can arise from:

- intense rainfall events causing flooding from rivers, streams, overland flow paths and lakes;
- earthquakes and tsunami-liquefaction;
- tsunami;
- liquefaction;
- slope instability, resulting in cliff collapse, rockfall or boulder roll, and mass movement;
- inundation from the sea and storm surge;
- coastal erosion;
- fire;
- volcanic activity/eruption;
- high winds, tornadoes;
- exacerbation of some of the hazards above through climate change and sea level rise; and
- multiple hazards consisting of combinations of the above.

River flooding, earthquakes, landslides, liquefaction, tsunami and coastal erosion are the primary natural hazards affecting the Central Hawke's Bay District.

In addition, climate change is expected to have long term implications, particularly for potential increase in risk to people and property from the effects of natural hazards over time. In coastal areas, climate change will result in sea-level rise, increased storm surge, coastal inundation and increased coastal erosion. For the eastern parts of the North Island, it is projected that an increased frequency of droughts is likely in existing drought-prone areas, such as Central Hawke's Bay, and a greater frequency and intensity of storms. Cyclones are also expected to be of increased frequency and intensity leading to increased wind, waves, storm surge and rainfall. Climate change is therefore likely to have significant implications for the District in terms of water shortages and ongoing water security issues and also food security, and the flow on effects of this for the primary sector and wider community. Greater

Commented [A1]: S11.016 HBRC, Report 5C Natural Hazards, Key Issue 1

Commented [A2]: S81.065 Hort NZ, Report 5C Natural Hazards, Key Issue 1

frequency and intensity of cyclones also has implications for Council infrastructure in respect of urban stormwater infrastructure capacity and downstream flood management.

The management of significant risks from natural hazards is listed in section 6 of the RMA as a matter of national importance. The effects of climate change are listed in section 7 of the RMA as a matter to have particular regard to in managing the use, development and protection of resource. Furthermore, section 106 of the RMA provides that the Council can refuse a subdivision consent if there is a significant risk of natural hazard. The presence of natural hazards may lead to a requirement for site-specific technical assessments e.g. geotechnical assessments or flood modelling work, in support of a subdivision or development proposal.

Council also has obligations to address hazards under other legislation such as the Building Act 2004, the Civil Defence and Emergency Management Act 2002 and the Local Government Act 2002, and it is a member of the Hawke's Bay Civil Defence Emergency Management (CDEM) Group. In particular the provisions of the Building Act provide Council with the ability to refuse to issue a building consent in certain circumstances where a property is subject to natural hazards. As such, the Council uses the provisions in the District Plan as one tool to address natural hazard risk

Objectives

NH-O1 **The community's awareness and understanding of natural hazard risks in the District is enhanced.**

NH-O2 **The ~~significant risks from~~ effects of natural hazards and the long-term effects of climate change on the community and the built environment are minimised.**

NH-O3 **~~Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is should be avoided, remedied or mitigated, reflecting the level of risk posed by the hazard.~~**

Commented [A3]: S129.049 Kainga Ora, Report 5C Natural Hazards, Key Issue 2

Commented [A4]: S121.124 Fed Farmers, Report 5C Natural Hazards, Key Issue 2

Commented [A5]: S81.066 Hort NZ, S121.125 Fed Farmers, S129.050 Kainga Ora, S105.008 James Bridge, Report 5C Natural Hazards, Key Issue 2

Policies

NH-P1 **To promote the wide availability of natural hazard information to enable organisations and individuals to make sound decisions based on the best available information.**

NH-P2 **To contribute to the development of up-to-date hazard information, in conjunction with the Hawke's Bay Regional Council and the Hawke's Bay CDEM Group.**

NH-P3 **To take into consideration the latest pertinent hazard information when assessing subdivision and land use consent applications.**

NH-P4 To require that climate change effects be built into natural hazard risk assessments, using the latest national guidance and best information available.

NH-P5 To ~~control the~~manage activities that can occur in areas of at significant natural hazard risk from natural hazards, including:

1. the erection of new buildings or structures, or alterations to existing buildings or structures;
2. earthworks;
3. subdivision of land; and
4. the establishment of new vulnerable activities.

Commented [A6]: S129.051 Kainga Ora, Report 5C Natural Hazards, Key Issue 2

Commented [A7]: S121.130 Fed Farmers, Report 5C Natural Hazards, Key Issue 2

NH-P6 To adopt and promote the best practicable options (including mitigation or the 'do nothing' option) in the management of areas of existing development actually or potentially at risk from natural hazards.

NH-P7 To adopt and promote an avoidance approach to ~~the establishment of new vulnerable activities and BIC 4 structures with post-disaster functions (including major hazardous facilities)~~new development located within areas of at significant natural hazard risk from natural hazards, where there is no functional or operational need to locate in these areas, rather than mitigation or remedial measures.

Commented [A8]: consequential amendment in response to S121.130 Fed Farmers, Report 5C Natural Hazards, Key Issue 2

NH-P8 To encourage activities that reduce the risk of adverse effects from natural hazards, including relocation or removal of structures within areas of at significant natural hazard risk from natural hazards and designing for relocatability or recoverability from hazard events.

Commented [A9]: S66.004 Woolworths NZ Ltd, Report 5C Natural Hazards, Key Issue 2

Commented [A10]: consequential amendment in response to S121.130 Fed Farmers, Report 5C Natural Hazards, Key Issue 2

NH-P9 To ensure that subdivision, land use activities or other new development is located and designed ~~so to avoid the need for further natural hazard mitigation activities~~are not required.

Commented [A11]: S129.052 Kainga Ora, Report 5C Natural Hazards, Key Issue 2

NH-P10 To promote the use of natural features, buffers and appropriate risk management approaches in preference to hard protection structures in mitigating natural hazard risk.

NH-P11 To allow network utilities to establish in natural hazard areas where there is a functional or operational need to locate there, and any significant risks to people, property and the environment are avoided or mitigated.

NH-P12 To allow public authorities exercising their statutory powers to carry out natural hazard mitigation activities.

Rule Overview Table

Use/activity	Rule Number
Natural hazard mitigation activities within a Natural Hazard area	NH-R1
Any new, building or alteration to an existing, buildings and structures within a Natural Hazard area	NH-R2
Any new, or intensification of, Vulnerable Activities within the Tsunami Hazard area	NH-R3

Commented [A12]: consequential amendment in response to S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities within the hazard areas identified on the Planning Maps.

NH-R1 Natural hazard mitigation activities within a Natural Hazard area		
Fault Avoidance Area	1. Activity Status: PER	2. Activity status where compliance not achieved: DIS
Flood Hazard Area	Where the following conditions are met:	
Tsunami Hazard Area	a. The activity is carried out by or on behalf of a local authority, network utility operator or a requiring authority exercising its powers, functions and duties under the RMA, Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002.	
NH-R2 Any new, building or alteration to an existing, buildings and structures within a Natural Hazard area		
Fault Avoidance Area	1. Activity Status: PER	2. Activity status where the building or structure is a BIC 2b or 3 category structure: RDIS
	Where the following conditions are met:	
	a. The building or structure is a BIC 1 or 2a category structure (refer NH-APP1 –	Matters over which discretion is restricted:

Commented [A13]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3

Commented [A15]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3

Commented [A14]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3

	Table of Building Importance Categories (BIC)).	<p>a. The functional or operational need to locate the building or structure in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the building activity is likely to increase or exacerbate those risks will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. The susceptibility of the building or structure to the effects of ground shaking and displacement from earthquakes.</p> <p>d. The ability to mitigate the effects of the hazard, including through any one or more of the following: foundation design, site layout, geotechnical setbacks, or building or structure design.</p> <p>3. Activity status where the building or structure is a BIC 4 category structure: NC</p>	<p>Commented [A16]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3</p> <p>Commented [A17]: S129.054 Kainga Ora, Report 5C Natural Hazards, Key Issue 3</p> <p>Commented [A18]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3</p> <p>Commented [A19]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3</p> <p>Commented [A20]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3</p>
Flood Hazard Area (Zone 1)	<p>4. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The building or structure is a BIC 1 category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</p>	<p>5. Activity status where the building or structure is a BIC 2a, 2b or 3 category structure: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the building or structure in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures.</p>	<p>Commented [A21]: S11.039 HBRC, Report 5C Natural Hazards, Key Issue 3</p> <p>Commented [A23]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3</p> <p>Commented [A24]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3</p> <p>Commented [A22]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3</p> <p>Commented [A25]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3</p>

		<p>c. Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard.</p> <p>d. The potential to relocate or remove buildings <u>or structures</u> to alternative locations.</p>
		<p>6. Activity status where the building <u>or structure</u> is a BIC 4 category structure: NC</p>
<u>Flood Hazard Area (Zone 2)</u>	<p><u>7. Activity Status: PER</u></p> <p><u>Where the following conditions are met:</u></p> <p>a. <u>The building or structure is a BIC 1, 2a or 2b category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</u></p>	<p><u>8. Activity status where the building or structure is a BIC 3 or 4 category structure: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p>a. <u>The functional or operational need to locate the building or structure in the hazard area.</u></p> <p>b. <u>The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures.</u></p> <p>c. <u>Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard.</u></p> <p>d. <u>The potential to relocate or remove buildings or structures to alternative locations.</u></p>

Commented [A26]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3

Commented [A27]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3

Commented [A28]: S11.039 HBRC, Report 5C Natural Hazards, Key Issue 3

Tsunami Hazard Area	<p>79. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The building <u>or structure</u> does not accommodate new, or facilitate intensification of, Vulnerable Activities.</p>	<p>810. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the building <u>or structure</u> in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the building activity will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. <u>Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.</u></p>
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Commented [A29]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3

Commented [A30]: S81.068 Hort NZ, S121.137 Fed Farmers, Report 5C Natural Hazards, Key Issue 3

Commented [A31]: S129.054 Kainga Ora, Report 5C Natural Hazards, Key Issue 3

NH-R3 Any new, or intensification of, Vulnerable Activities within the Tsunami Hazard area

Tsunami Hazard Area	<p>1. Activity Status: RDIS</p> <p>Where the following conditions are met: N/A</p> <p>Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the <u>activitybuilding</u> in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the <u>building</u> activity will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. <u>Whether appropriate escape paths or evacuation</u></p>	<p>2. Activity status where compliance not achieved: N/A</p>
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Commented [A32]: minor amendment for clarification in response to S129.055 Kainga Ora, Report 5C Natural Hazards, Key Issue 3

	routes are available and readily accessible should a tsunami occur.	
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Commented [A33]: consequential amendment in response to S129.054 Kainga Ora, Report 5C Natural Hazards, Key Issue 3

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

NH-AM1 Availability of Alternative Sites for the Activity

1. Where there are expected to be significant adverse effects on the environment, or to a proposed activity, the availability of alternative sites which are identified as not being at risk from the effects of natural hazards, will be taken into consideration. The functional need of an activity or building to locate within a site identified as being at risk will also be considered.

NH-AM2 Mitigation

1. The extent to which mitigation measures will ensure adverse effects arising from the activity during a natural hazard occurrence are either avoided or mitigated.

NH-AM3 Financial Considerations

1. The actual and potential effects of the activity will be assessed in relation to:
 - a. The cost to the community of any upgrading that would have to be undertaken to existing hazard mitigation techniques.
 - b. Any new or further hazard mitigation techniques that would have to be undertaken in the short or long-term.

NH-AM4 Natural Hazards

1. The effects of the occurrence of the identified natural hazard and the consequences of the natural hazard on the proposed activity will need to be assessed. In making this risk assessment the following factors will need to be considered:
 - a. The extent to which public safety can be achieved. In assessing the proposal, regard will be had to methods of ensuring public safety such as early warning systems, emergency management contingency plans, escape routes and any other mitigation techniques.
 - b. Assessment of the probability, magnitude and consequences of the cumulative natural hazards that affect the proposal.
 - c. The type, scale, and distribution of any potential effects from the cumulative natural hazards that affect the proposal.
 - d. The extent to which verifiable new information from a suitably qualified professional demonstrates that any land within an area identified on the

District Planning Maps or held in Central Hawke's Bay District Council or Hawke's Bay Regional Council databases (i.e. GIS or web-based portal) as potentially subject to a natural hazard is not under threat from the hazard concerned or that the hazard is negligible.

- e. The potential risk to life, and economic and built environment risk associated with the proposed activity.
- f. The health and safety of potential property owners and/or occupants of the building(s).
- g. The effects on the community including physical, economic, and cumulative effects.
- h. The nature and type of land-use activity proposed and its potential maximum occupancy.
- i. Whether the proposal will result in consequences to other properties or infrastructure as a result of the natural hazard occurring.
- j. ~~An overall assessment of whether the risk of natural hazards is significant or not.~~

NH-AM5 **Effects on Public Works and Network Utilities**

1. The activity will be assessed in terms of its potential effects on public works and network utilities. Factors to be considered are the proximity of the activity to stop banks, high voltage lines, telecommunication facilities and other network utilities and public works, and the extent to which the activity may interfere with the safe and efficient operation or maintenance of those works and utilities.

NH-AM6 **Effects on Other Land Uses and Adjoining Properties**

1. The extent to which the activity may cause the effects of the natural hazard to affect other properties that were not previously at risk from the effects of natural hazards or increase or accelerate the effects of an existing natural hazard.

Methods

Methods, other than the above rules, for implementing the policies:

NH-M1 **Planning Maps**

Planning Maps identify known Flood Hazard Areas (river flood), Fault Avoidance Areas (including active faultlines and fault avoidance zones) and Tsunami Hazard Areas (near-source tsunami inundation extents). The Hawke's Bay Regional Coastal Environment Plan also maps Coastal Hazard Zones.

The hazards shown on the Planning Maps are a snapshot in time taken from the Hawke's Bay 'Hazard Portal' at the date of notification of this District Plan and represent the best information available at that time.

Commented [A34]: S129.056 Kainga Ora, Report 5C Natural Hazards, Key Issue 4

Commented [A35]: S129.057 Kainga Ora, Report 5C Natural Hazards, Key Issue 4

It is important to note that the hazard information provided is regional in scope and cannot be substituted for a site-specific investigation. A suitably qualified and experienced practitioner should be engaged if a site-specific investigation is required.

NH-M2 Other Databases

Other known natural hazards will be available online via Council's publicly accessible web-based map system (GIS), and on the Hawke's Bay 'Hazard Portal' which holds the most up-to-date information on natural hazards for the region.

These databases are continually being updated and refined as new information is gathered (including through collecting information during the resource consent or building consent process).

It is also important to note that these databases should not be regarded as a replacement for a Land Information Memorandum (LIM) or Project Information Memorandum (PIM) (see NH-M6 below).

NH-M3 Other District Plan Provisions

1. Assessment matters applying to subdivision consents in areas where there is significant risk from natural hazards (refer SUB – Subdivision). This is not restricted to the particular hazards identified on the Planning Maps and may lead to a requirement for site-specific technical assessments e.g. geotechnical assessments or flood modelling work, in support of a subdivision or development proposal.
2. Rules controlling earthworks, minerals exploration and prospecting, mining, and quarrying activities, including standards addressing slope, volume and vertical extent of earthworks, and re-instatement and re-vegetation requirements (refer EW – Earthworks).

NH-M4 Regional Plans

Rules controlling land use and buildings in identified Coastal Hazard Zones.

NH-M5 Building Act 2004

The Building Act requires Council to take into account natural hazards when processing building consents, and a building consent cannot be granted in some circumstances. Again, this is not restricted to those particular hazards identified on the District Plan Planning Maps.

Under section 131 of the Building Act 2004, the Council is required to adopt a policy on dangerous, earthquake-prone, and insanitary buildings.

Section 71 of the Building Act 2004 also requires a notice on the Title if there is a natural hazard on site and allows building authorities to refuse building consent on sites that are subject to natural hazards.

NH-M6 Land Information Memorandum (LIM) / Project Information Memorandum (PIM)

LIMs and PIMs that are issued by the Council will indicate if an area is subject to a known natural hazard, so that the property owner can take this into account when considering future development on the site, including the possible need for site-specific investigations to be conducted.

A LIM is a summary of all the information that the Council holds on a particular piece of land or building and provides information identifying any special features or characteristics of the land concerned, including potential natural hazards.

A PIM is a summary of all the information the Council holds on the land relating to a particular building consent, project, or work, and outlines other consents required to complete that project or work. A PIM is prepared by council on request in accordance with the Building Act 2004.

NH-M7 Guidelines

Guidelines that are relevant to address the effects of natural hazards, for example:

1. 'Planning for development of land on or close to active faults' (July 2003), Ministry for the Environment.
2. 'Guidelines for assessing planning policy and consent requirements for landslide prone land' (2007), GNS Science.
3. 'Planning and engineering guidance for potentially liquefaction-prone land' (September 2017), Earthquake Commission, Ministry of Business, Innovation and Employment & Ministry for the Environment.
4. 'Coastal hazards and climate change: Guidance for local government' (December 2017), Ministry for the Environment.

NH-M8 Information and Monitoring Exchange

Contributing to research and investigation carried out by Hawke's Bay Regional Council and other experts in natural hazard planning, to increase knowledge of natural hazards.

NH-M9 Community Awareness, Education & Engagement

Advising and informing the community of potential natural hazards and how to be prepared for civil defence emergencies; and in conjunction with the Hawke's Bay CDEM Group, ensuring that emergency response and recovery procedures are in place in the event of a natural disaster.

NH-M10 Hawke's Bay Civil Defence Emergency Management Group Plan

The Council is a member of the Hawke's Bay CDEM Group and will therefore refer to the CDEM Group Plan as part of its role in comprehensive emergency management across the Region.

Principal Reasons

The principal reasons for adopting the policies and methods:

To minimise loss of life, damage to assets and disruption to the community, on-going research continues to identify the extent and frequency of natural hazards and methods to mitigate risk to the community. As a member of the Hawke's Bay Civil Defence Emergency Management Group (Hawke's Bay CDEM Group), Council participates in hazard research and is in a position to collate information and advise and inform the community of new information.

Buildings and physical access to them (particularly habitable buildings, and buildings accommodating vulnerable activities such as hospitals, schools, emergency service and rest homes), earthworks, subdivision, and activities involving hazardous substances represent the greatest vulnerability to natural hazards and it is in relation to these activities that the consequences for people, property and infrastructure are highest.

The District Plan seeks to control activities located within areas identified as subject to natural hazards – to avoid activities for which the risk from natural hazards is unacceptable, and to minimise risk to acceptable levels. The Plan, however, acknowledges the need for some activities to locate in such areas, where there is a functional or operational need e.g. natural hazard mitigation activities (carried out by a network utility operator), and river control and drainage works (carried out by or on behalf of a local authority exercising its powers, functions and duties under the RMA, Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002).

River flood hazards, fault lines and fault avoidance zones, and tsunami inundation zones are mapped on the District Plan Planning Maps. Coastal Hazard Zones have also been mapped by the Hawke's Bay Regional Council, and activities within these zones are controlled through the Hawke's Bay Regional Coastal Environment Plan.

The District Plan does not control building construction in areas vulnerable to natural hazards. The Building Act 2004 addresses such matters through Project Information Memoranda (PIMs), the power to refuse building consents and the construction of a building on land subject to natural hazards in certain instances, and through the Building Code. However, subdivision is controlled by the District Plan and conditions may be imposed on a subdivision consent to avoid, remedy, or mitigate any potential adverse effects from known natural hazards. Section 106 of the RMA also provides for Council to refuse subdivision consent where it is considered that there is a significant risk from natural hazards, taking into account the likelihood of the natural hazard occurring, the material damage that would result, and any likely subsequent use of the land that would accelerate, worsen or result in material damage. To this end, the SUB – Subdivision chapter of the District Plan includes further

objectives, policies and assessment matters applying to subdivisions in respect of natural hazards.

Significant additional information on natural hazards for the region is held on the Hawke's Bay CDEM Group's 'Hazard Portal', including tsunami evacuation zones and tsunami inundation extents. The Hazard Portal is continually being updated and refined as new information is gathered and is readily available to the public through the Hawke's Bay CDEM Group website.

In addition to the provisions in the District Plan and the Council's own natural hazards register, the Council will refer to the Hazard Portal in the consideration of resource consents and building consents. However, it is important to note that the precision and accuracy of natural hazards data varies, it is therefore important to seek expert advice to help interpret such information (approach Council staff in the first instance).

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- | | |
|---------|---|
| NH-AER1 | <u>Where practicable, New building development is located outside of identified natural hazard risk areas at significant risk from natural hazards. Where building development and associated land use activities are already established is already within a natural hazard area, the risk of the hazard is reduced and/or mitigated mitigation minimises risk to people and property.</u> |
| NH-AER2 | The public are aware of natural hazards and of the appropriate action to take in avoiding, mitigating, reducing and responding to such risk. |
| NH-AER3 | Reduction in risks to people and the community from natural hazards is achieved by the avoidance of hazards where they may pose a significant risk to human life, property and infrastructure in proposed new development areas and by mitigation for existing development areas. |
| NH-AER4 | Buildings and properties remain accessible during and after natural hazard events and, in particular, those buildings of high value to the community or with special post disaster functions remain accessible and operational. |
| NH-AER5 | Collaboration with the Hawke's Bay Regional Council, neighbouring Territorial Authorities and the Hawke's Bay CDEM Group has achieved greater integration and greater consistency in hazard management approaches across the region. |

Commented [A36]: S129.058 Kainga Ora, S105.011 James Bridge, Report 5C Natural Hazards, Key Issue 4

NH-APP1 – Building Importance Categories (BIC)

Note: The table below has been adapted from Table 9.1 of 'Planning for Development of Land on or Close to Active Faults', Ministry for the Environment, July 2003.

Building Importance Category (BIC)	Description	Examples
1	Structures presenting a low degree of hazard to life and other property	<ul style="list-style-type: none"> a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, masts, <u>poles</u>, walls, in-ground swimming pools. c. Other structures with a gross floor area of 30m² or less. d. <u>Temporary buildings or structures associated with temporary military training activities.</u> e. <u>Network utility lines and poles that are not required as backup for BIC 4 buildings and facilities.</u>
2a	Residential timber-framed construction	<ul style="list-style-type: none"> a. Timber-framed single-storey residential units with a gross floor area of 300m² or less.
2b	Normal structures and structures not in other categories <i>This is the default category for all structures and facilities that do not fall within BIC 1, 2a, 3 or 4.</i>	<ul style="list-style-type: none"> a. Timber-framed residential units with a gross floor area (i.e. footprint) of more than 300m². b. Residential units outside the scope of NZS 3604 (Timber-framed buildings). c. Multi-occupancy residential, commercial (including offices and retail) and industrial activity buildings designed to accommodate less than 5000 people and a gross floor area of 10,000m² or less. d. Community facilities with a gross floor area of 1000m² or less and not included in BIC 3 or 4. e. Car-parking buildings (but not emergency vehicle garages). f. <u>Network utilities not included in BIC 1, 2a, 3 or 4.</u>
3	Structures that may contain people in crowds or pose risks to people in	<ul style="list-style-type: none"> a. Emergency service facilities not designated as post disaster facilities and not included in BIC 4.

Commented [A37]: S117.052 Chorus, S118.052 Spark, S119.052 Vodafone, Report 5C Natural Hazards, Key Issue 5

Commented [A38]: S29.016 NZDF – Report 2D Light / Temporary Activities, Key Issue 3

Commented [A39]: S117.052 Chorus, S118.052 Spark, S119.052 Vodafone, Report 5C Natural Hazards, Key Issue 5

Commented [A40]: S79.059 Transpower, Report 5C Natural Hazards, Key Issue 3

Building Importance Category (BIC)	Description	Examples
	crowds or contain contents of high value to the community	<ul style="list-style-type: none"> b. Buildings where more than 300 people can congregate in one area and not included in BIC 4. c. Educational facilities (primary and secondary schools) and day care facilities with capacity greater than 250 people. d. Educational facilities (colleges and adult education facilities) with capacity greater than 500 people. e. Any building with an occupancy load greater than 5000 people or more than 10,000m² gross floor area and not included in BIC 4. f. Power generating facilities, water treatment and wastewater treatment facilities and other public utilities not included in BIC 4. g. Buildings and facilities not included in BIC 4 containing hazardous materials capable of causing hazardous conditions that do not extend beyond the property boundaries.
4	Structures with special post-disaster functions	<ul style="list-style-type: none"> a. Buildings and facilities with special post-disaster functions. b. Hospital facilities. c. Emergency service facilities such as fire stations, police stations, ambulance stations and emergency vehicle garages. d. Network utilities required as backup for BIC 4 buildings and facilities. e. Designated emergency shelters. f. Designated emergency centres and ancillary facilities, including civil defence emergency centres. g. Major hazardous facilities.

Appendix B – Summary of recommendations on submissions

Table: Summary of recommended decisions on submissions and further submissions

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
S11.016	Hawke's Bay Regional Council	NH - Introduction	Amend paragraph 3 of NH-Introduction as follows: 'Risk from natural hazards can arise from: - intense rainfall events causing flooding from rivers, streams, overland flow paths and lakes; - earthquakes and liquefaction tsunami ; - tsunami ; ...'	Key Issue 1	Accept	Accept	Yes
S11.017	Hawke's Bay Regional Council	MAPS	Update the Flood Risk Area to Zone 1 and Zone 2 areas as provided by flood hazard maps developed by the HBRC Asset Management team.	Key Issue 5	Accept	Accept	Yes
S11.036	Hawke's Bay Regional Council	MAPS	Amend maps to address the following near source tsunami extent areas identified on the Hazard Portal but excluded in the planning maps: Parerahi Rd and Makaramu St in Porangahau, McHardy Place, Southern end of Pourerere Beach Rd, a section of Pourerere Road, Okura Rd, Mangakuri and an area around John Ross Place and Kapiti Place in Kairakau.	Key Issue 5	Accept	Accept	Yes
S11.039	Hawke's Bay Regional Council	NH-R2	We support the proposal to restrict permitted activities to only BIC-1 category buildings in the high-risk flood area (Zone 1). It may be appropriate for building importance category restrictions to apply in Zone 2 that would restrict sensitive activities, or buildings that have the ability to house large numbers of people. Or alternatively, Zone 2 could work as an alert layer without any additional rules other than the existing natural hazards matter of control in the Subdivision chapter, supported by a policy framework in the Natural Hazards chapter for other land use activities.	Key Issue 3	Accept	Accept	Yes
S50.033	The Surveying Company (HB) Ltd	NH - Natural Hazards	Retain NH - Natural Hazards chapter.	Key Issue 1	Accept	Accept	No
S56.029	Powerco Limited	NH-R1	Retain NH-R1 as notified.	Key Issue 3	Accept	Accept	No
FS9.282	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 3	Reject	Reject	
S57.007	Fire and Emergency New Zealand	NATURAL HAZARD (Definition)	Retain the definition of 'Natural hazard' as notified (subject to minor typo correction ' NAUTRAL NATURAL HAZARD').	Key Issue 1	Accept	Accept	No
FS23.37	Kāinga Ora - Homes and Communities		Disallow	Key Issue 1	Reject	Reject	
S57.012	Fire and Emergency New Zealand	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS	Retain the definition of 'Vulnerable Activity (Natural Hazards/Hazardous Substances)' as notified.	Key Issue 1	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
		SUBSTANCES) (Definition)					
S57.043	Fire and Emergency New Zealand	NH-O1	Retain NH-O1 as notified.	Key Issue 2	Accept	Accept	No
S57.044	Fire and Emergency New Zealand	NH-O2	Retain NH-O2 as notified.	Key Issue 2	Accept in part	Accept in part	No
S57.045	Fire and Emergency New Zealand	NH-O3	Retain NH-O3 as notified.	Key Issue 2	Accept in part	Accept in part	No
S57.046	Fire and Emergency New Zealand	NH-P1	Retain NH-P1 as notified.	Key Issue 2	Accept	Accept	No
S57.047	Fire and Emergency New Zealand	NH-P2	Retain NH-P2 as notified.	Key Issue 2	Accept	Accept	No
S57.048	Fire and Emergency New Zealand	NH-P5	Retain NH-P5 as notified.	Key Issue 2	Accept in part	Accept in part	No
S57.049	Fire and Emergency New Zealand	NH-P7	Retain NH-P7 as notified.	Key Issue 2	Accept in part	Accept in part	No
S57.050	Fire and Emergency New Zealand	NH-P8	Retain NH-P8 as notified.	Key Issue 2	Accept in part	Accept in part	No
S57.051	Fire and Emergency New Zealand	NH-P9	Retain NH-P9 as notified.	Key Issue 2	Accept in part	Accept in part	No
S57.052	Fire and Emergency New Zealand	NH-P11	Retain NH-P11 as notified.	Key Issue 2	Accept	Accept	No
S57.053	Fire and Emergency New Zealand	NH-R1	Retain NH-R1 as notified.	Key Issue 3	Accept	Accept	No
S57.054	Fire and Emergency New Zealand	NH-R2	Amend NH-R2 as follows: 'NH-R2 Any new building or alteration to an existing building within a Natural Hazard area Fault Avoidance Area	Key Issue 3	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
			1. ... 2. Activity status where the building is a BIC 2b, or-3 or BIC 4 category structure: RDIS 3. Activity status where the building is a BIC 4 category structure: NC Flood Hazard Area 4. ... 5. Activity status where the building is a BIC 2a, 2b, or-3 or BIC 4 category structure: RDIS 6. Activity status where the building is a BIC 4 category structure: NC				
S57.055	Fire and Emergency New Zealand	NH-R3	Retain NH-R3 as notified.	Key Issue 3	Accept in part	Accept in part	No
S57.056	Fire and Emergency New Zealand	NH-APP1	Retain NH-APP1 as notified.	Key Issue 5	Accept in part	Accept in part	No
S64.038	Department of Conservation	NH-O1	Retain NH-O1.	Key Issue 2	Accept	Accept	No
FS9.321	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept	Accept	
S64.039	Department of Conservation	NH-O2	Retain NH-O2.	Key Issue 2	Accept in part	Accept in part	No
FS9.322	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept in part	Accept in part	
S64.040	Department of Conservation	NH-O3	Retain NH-O3.	Key Issue 2	Accept in part	Accept in part	No
FS9.323	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept in part	Accept in part	
FS23.31	Kāinga Ora - Homes and Communities		Disallow	Key Issue 2	Accept in part	Accept in part	
S64.041	Department of Conservation	NH-P1	Retain NH-P1.	Key Issue 2	Accept	Accept	No
FS9.324	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept	Accept	
S64.042	Department of Conservation	NH-P2	Retain NH-P2.	Key Issue 2	Accept	Accept	No
FS9.325	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept	Accept	
S64.043	Department of Conservation	NH-P3	Retain NH-P3.	Key Issue 2	Accept	Accept	No

Proposed Central Hawke's Bay District Plan

Panel Report: 5C Natural Hazards

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
FS9.326	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept	Accept	
S64.044	Department of Conservation	NH-P4	Retain NH-P4.	Key Issue 2	Accept	Accept	No
FS9.327	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept	Accept	
S64.045	Department of Conservation	NH-P5	Retain NH-P5.	Key Issue 2	Accept in part	Accept in part	No
FS9.328	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept in part	Accept in part	
S64.046	Department of Conservation	NH-P6	Retain NH-P6.	Key Issue 2	Accept	Accept	No
FS9.329	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept	Accept	
S64.047	Department of Conservation	NH-P7	Retain NH-P7.	Key Issue 2	Accept in part	Accept in part	No
FS9.330	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept in part	Accept in part	
S64.048	Department of Conservation	NH-P8	Retain NH-P8.	Key Issue 2	Accept in part	Accept in part	No
FS9.331	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept in part	Accept in part	
S64.049	Department of Conservation	NH-P9	Retain NH-P9.	Key Issue 2	Accept in part	Accept in part	No
FS9.332	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept in part	Accept in part	
S64.050	Department of Conservation	NH-P10	Retain NH-P10.	Key Issue 2	Accept	Accept	No
FS9.333	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept	Accept	
S64.051	Department of Conservation	NH-P11	Retain NH-P11.	Key Issue 2	Accept	Accept	No
FS9.334	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept	Accept	
S64.052	Department of Conservation	NH-P12	Retain NH-P12.	Key Issue 2	Accept	Accept	No
FS9.335	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Key Issue 2	Accept	Accept	

Proposed Central Hawke's Bay District Plan

Panel Report: 5C Natural Hazards

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
S66.003	Woolworths New Zealand Limited	NH-R2	Amend the matters for discretion in NH-R2(2) to provide more certainty for commercial activities, particularly those in low-rise buildings, being acceptable in the Fault Avoidance Area.	Key Issue 3	Reject	Reject	No
FS8.034	Silver Fern Farms Limited		Allow	Key Issue 3	Reject	Reject	
S66.004	Woolworths New Zealand Limited	NH-P7	Amend NH-P7 as follows: 'To adapt and promote an avoidance approach to new hazard sensitive development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.'	Key Issue 2	Accept in part	Accept in part	Yes
FS8.031	Silver Fern Farms Limited		Allow	Key Issue 2	Accept in part	Accept in part	
S73.011	Ministry of Education	NH-R2	Retain NH-R2 as proposed.	Key Issue 3	Accept in part	Accept in part	No
.							
S78.008	Waka Kotahi NZ Transport Agency	NH-R1	Retain NH-R1 as written.	Key Issue 3	Accept	Accept	No
.							
S79.057	Transpower New Zealand Ltd	NH-P11	Retain NH-P11.	Key Issue 2	Accept	Accept	No
.							
S79.058	Transpower New Zealand Ltd	NH-R1	Amend NH-R1 to remove non-complying activity status for the National Grid.	Key Issue 3	Accept	Accept (Insofar as there is no NC activity status in NH-R1 to remove)	No
.							
S79.059	Transpower New Zealand Ltd	NH-R2	Amend NH-R2 to remove non-complying activity status for the National Grid.	Key Issue 3	Accept in part	Accept in part	Yes
.							
S79.060	Transpower New Zealand Ltd	NH-R3	Amend NH-R3 to remove non-complying activity status for the National Grid.	Key Issue 3	Accept	Accept (Insofar as there is no NC activity status in NH-R1 to remove)	No
FS23.121	Kāinga Ora - Homes and Communities		Disallow	Key Issue 3	Reject	Reject	
S81.065	Horticulture New Zealand	NH - Introduction	Retain risk-based approach to natural hazards. Amend paragraph 5 of 'NH - Introduction' as follows: '... Climate change is therefore likely to have significant implications for the District in terms of water shortages and ongoing water security issues and also food security , and the flow on effects of this for the primary sector and wider community. ...'	Key Issue 1	Accept	Accept	Yes
.							
S81.066	Horticulture New Zealand	NH-O3	Amend NH-O3 as follows: 'An increase of risk to people, property, infrastructure and the environment from the	Key Issue 2	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
			effects of natural hazards should be is-avoided, remedied or mitigated, reflecting the level of risk posed by the hazard.'				
FS8.030	Silver Fern Farms Limited		Allow in part	Key Issue 2	Accept	Accept	
S81.067	Horticulture New Zealand	Definitions	Add a new definition for 'Areas of Significant Natural Hazard Risk' as follows: 'AREAS OF SIGNIFICANT NATURAL HAZARD RISK - Fault Avoidance Area - Flood Hazard Area - Tsunami Hazard Area.'	Key Issue 1	Reject	Reject	No
.							
S81.068	Horticulture New Zealand	NH-R2	Amend all relevant references in NH-R2 to provide for structures (in addition to buildings), for example: 'The building or structure is a BIC 1 or 2a category structure.'	Key Issue 3	Accept	Accept	Yes
FS12.1	New Zealand Defence Force		Allow in part Accept the submitter's relief sought with the following addition to the rule description: 'Any new building or structure or alteration to an existing building or structure within a Natural Hazard area'.	Key Issue 3	Accept	Accept	
S81.069	Horticulture New Zealand	NH-APP1	Use Schedule A3 from the Building Code as the basis of building importance categories in the Plan.	Key Issue 5	Reject	Reject	No
FS8.035	Silver Fern Farms Limited		Allow	Key Issue 5	Reject	Reject	
FS12.3	New Zealand Defence Force		Disallow Reject the submitters relief as sought.	Key Issue 5	Accept	Accept	
S90.026	Centralines Limited	NH - Natural Hazards	Retain the 'NH - Natural Hazards' chapter as notified.	Key Issue 1	Accept in part	Accept in part	No
.							
S101.010	New Zealand Motor Caravan Association	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Amend the definition of 'Vulnerable Activity (Natural Hazards / Hazardous Substances)' as follows: 'an activity that is particularly vulnerable to exposure to significant risk from one or more identified natural hazards and/or hazardous substances. Vulnerable activities include: - Visitor Accommodation - Marae - Camping Grounds - Day Care Facilities - Rest Homes - Retirement Villages - Educational Facilities - Emergency Service Activities - Hospitals.'	Key Issue 1	Reject	Reject	No
.							
S105.008	James Bridge	NH-O3	Delete NH-O3, or amend the wording to refer to 'significant risks from natural hazards' to align with s6 of the RMA.	Key Issue 2	Accept	Accept in part	Yes
FS8.027	Silver Fern Farms Limited		Allow in part	Key Issue 2	Accept	Accept	
S105.009	James Bridge	NH-P7	Delete NH-P7.	Key Issue 2	Reject	Reject	No
.							
S105.010	James Bridge	NH-P9	Delete NH-P9.	Key Issue 2	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
FS8.032	Silver Fern Farms Limited		Allow	Key Issue 2	Reject	Reject	
S105.011	James Bridge	NH-AER1	Amend NH-AER1 as follows: ' New Where building development is located outside of identified within a natural hazard risk area. Where building development is already within a hazard area, the significant risk of the hazard is reduced and/or mitigated. '	Key Issue 4	Accept in part	Accept in part	Yes
S117.052	Chorus New Zealand Limited	NH-APP1	Amend NH-APP1 as follows: 'Building Importance Category (BIC) 1 Structures presenting a low degree of hazard to life and other property Examples: a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, poles masts , walls, in-ground swimming pools. c. Network utility structures and activities that are not classified as BIC 4. d. Other structures with a gross floor area of 30m2 or less.'	Key Issue 5	Accept in part	Accept in part	Yes
FS9.480	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 5	Reject	Reject	
S118.052	Spark New Zealand Trading Limited	NH-APP1	Amend NH-APP1 as follows: 'Building Importance Category (BIC) 1 Structures presenting a low degree of hazard to life and other property Examples: a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, poles masts , walls, in-ground swimming pools. c. Network utility structures and activities that are not classified as BIC 4. d. Other structures with a gross floor area of 30m2 or less.'	Key Issue 5	Accept in part	Accept in part	Yes
S119.052	Vodafone New Zealand Limited	NH-APP1	Amend NH-APP1 as follows: 'Building Importance Category (BIC) 1 Structures presenting a low degree of hazard to life and other property Examples: a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, poles masts , walls, in-ground swimming pools. c. Network utility structures and activities that are not classified as BIC 4. d. Other structures with a gross floor area of 30m2 or less.'	Key Issue 5	Accept in part	Accept in part	Yes
S121.122	Federated Farmers of New Zealand	NH - Introduction	Retain 'NH - Introduction' as proposed.	Key Issue 1	Accept in part	Accept in part	No
FS9.122	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 1	Reject	Reject	
S121.123	Federated Farmers of New Zealand	NH-O1	Retain NH-O1 as proposed.	Key Issue 2	Accept	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
FS9.123	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.124	Federated Farmers of New Zealand	NH-O2	Amend NH-O2 as follows: 'The effects of natural hazards and the long-term effects of climate change on the community and vulnerable activities the built environment are minimised.'	Key Issue 2	Accept in part	Accept in part	No
FS9.124	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
FS23.34	Kāinga Ora - Homes and Communities		Disallow	Key Issue 2	Accept in part	Accept in part	
FS17.36	Horticulture New Zealand		Allow	Key Issue 2	Accept in part	Accept in part	
S121.125	Federated Farmers of New Zealand	NH-O3	Amend NH-O3 as follows: 'Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided, remedied or mitigated in areas where the risks from natural hazards are assessed as being unacceptable, and in all other areas is undertaken in a manner that ensures that the risks are appropriately managed. '	Key Issue 2	Accept in part	Accept in part	Yes
FS8.028	Silver Fern Farms Limited		Allow in part	Key Issue 2	Accept in part	Accept in part	
FS9.125	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.126	Federated Farmers of New Zealand	NH-P1	Retain NH-P1 as proposed.	Key Issue 2	Accept	Accept	No
FS9.126	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.127	Federated Farmers of New Zealand	NH-P2	Retain NH-P2 as proposed.	Key Issue 2	Accept	Accept	No
FS9.127	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.128	Federated Farmers of New Zealand	NH-P3	Retain NH-P3 as proposed.	Key Issue 2	Accept	Accept	No
FS9.128	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.129	Federated Farmers of New Zealand	NH-P4	Retain NH-P4 as proposed.	Key Issue 2	Accept	Accept	No
FS9.129	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.130	Federated Farmers of New Zealand	NH-P5	Amend NH-P5 as follows: 'To control the activities that can occur in areas of significant natural hazard risk, including: 1. the erection of new habitable buildings or structures, or alterations to existing habitable buildings or structures;	Key Issue 2	Reject	Reject	Yes (insofar as terminology has been amended to provide clarification)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
			2. earthworks; 3. subdivision of land; and 4. the establishment of new vulnerable activities.'				
FS9.130	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Accept	Accept	
FS17.37	Horticulture New Zealand		Allow	Key Issue 2	Reject	Reject	
S121.131	Federated Farmers of New Zealand	NH-P6	Retain NH-P6 as proposed.	Key Issue 2	Accept	Accept	No
FS9.131	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.132	Federated Farmers of New Zealand	NH-P7	Retain NH-P7 (subject to identification and mapping of 'areas of significant natural hazard risk').	Key Issue 2	Accept in part	Accept in part	No
FS9.132	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.133	Federated Farmers of New Zealand	NH-P8	Retain NH-P8 as proposed.	Key Issue 2	Accept in part	Accept in part	No
FS9.133	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.134	Federated Farmers of New Zealand	NH-P9	Amend NH-P9 as follows: 'To ensure that subdivision, land use activities or other new development of vulnerable activities is located and designed to avoid the need for further natural hazard mitigation activities—so that the activity: 1. incorporates mitigation measures so that the risk to life and property damage is acceptable; 2. the risk to surrounding properties is not increased; and 3. the activity does not require new or upgraded community-scale mitigation works.'	Key Issue 2	Accept in part	Accept in part	No
FS17.38	Horticulture New Zealand		Allow	Key Issue 2	Accept in part	Accept in part	
FS9.134	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.135	Federated Farmers of New Zealand	NH-P10	Retain NH-P10 as proposed.	Key Issue 2	Accept	Accept	No
FS9.135	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 2	Reject	Reject	
S121.136	Federated Farmers of New Zealand	NH-R1	Amend NH-R1 as follows: 'Natural hazard mitigation activities within a Natural Hazard area Fault Avoidance Area / Flood Hazard Area / Tsunami Hazard Area 1. Activity Status: PER Where the following conditions are met: a. The activity is carried out by or on behalf of a local authority, network utility operator or a requiring authority exercising its powers, functions and duties under the RMA, Soil	Key Issue 3	Reject	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
			Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002. Or b. the natural hazard risk cannot be reasonably avoided, and the mitigation works do not transfer or create unacceptable hazard risk to other people, property, infrastructure or the natural environment. 2. ...'				
FS8.033	Silver Fern Farms Limited		Allow	Key Issue 3	Reject	Reject	
FS9.136	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 3	Accept	Accept	
FS17.39	Horticulture New Zealand		Allow	Key Issue 3	Reject	Reject	
S121.137	Federated Farmers of New Zealand	NH-R2	Amend NH-R2 as follows: 'Any new building or alteration to an existing buildings and structures within a Natural Hazard area ...' And retain the 'Permitted Activity' default to 'Restricted Discretionary' status.	Key Issue 3	Accept	Accept	Yes
FS9.137	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 3	Reject	Reject	
FS12.2	New Zealand Defence Force		Allow in part Accept the submitter's relief sought with the following addition to the rule description: 'Any new building or structure or alteration to an existing building or structure within a Natural Hazard area'.	Key Issue 3	Accept	Accept	
S121.138	Federated Farmers of New Zealand	NH-R3	Retain NH-R3 as proposed.	Key Issue 3	Accept in part	Accept in part	No
FS9.138	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 3	Reject	Reject	
S121.139	Federated Farmers of New Zealand	NH-AM1	Retain NH-AM1 as proposed.	Key Issue 4	Accept	Accept	No
FS9.139	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Reject	Reject	
S121.140	Federated Farmers of New Zealand	NH-AM2	Retain NH-AM2 as proposed.	Key Issue 4	Accept	Accept	No
FS9.140	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Reject	Reject	
S121.141	Federated Farmers of New Zealand	NH-AM3	Retain NH-AM3 as proposed.	Key Issue 4	Accept	Accept	No
FS9.141	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Reject	Reject	
S121.142	Federated Farmers of New Zealand	NH-AM4	Retain NH-AM4 as proposed.	Key Issue 4	Accept in part	Accept in part	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
FS9.142	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Reject	Reject	
S121.143	Federated Farmers of New Zealand	NH-AM5	Retain NH-AM5 as proposed.	Key Issue 4	Accept	Accept in part (insofar as a change to the title is recommended in response to another submission)	No
FS9.143	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Reject	Reject	
S121.144	Federated Farmers of New Zealand	NH-AM6	Retain NH-AM6 as proposed.	Key Issue 4	Accept	Accept	No
FS9.144	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Reject	Reject	
S121.145	Federated Farmers of New Zealand	NH-M1	Amend NH-M1 as follows: 'Planning Maps ... It is important to note that the hazard information provided is regional in scope and cannot be substituted for a site-specific investigation. A suitably qualified and experienced practitioner should be engaged if a site-specific investigation is required. This will be paid for by Central Hawkes Bay District Council in recognition of their responsibility to provide accurate hazard information and in recognition that site specific investigations, triggered when a potential land use change is contemplated, will be more cost effective than initiating a full district wide hazard identification process at this time.' And adjust natural hazard boundaries and information according to landowner submissions. And inform landowners as to what natural hazards are present on their property and to what extent.	Key Issue 4	Reject	Reject	No
FS9.145	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 4	Accept	Accept	
S121.146	Federated Farmers of New Zealand	Definitions	Add the following definitions in the Proposed Plan: 'Fault Avoidance Area: means an area identified on the planning maps.' 'Flood Hazard Area: means an area identified on the planning maps.' 'Tsunami Hazard Area: means an area identified on the planning maps.' 'Significant Natural Risk Area: means an area identified as either a fault avoidance area, flood hazard area or tsunami hazard area which is subject to elevated risk factors.'	Key Issue 1	Reject	Reject	No
FS9.146	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 1	Accept	Accept	
S121.147	Federated Farmers of New Zealand	NH-APP1	Retain 'Building Importance Category 1' in NH-APP1 as proposed.	Key Issue 5	Accept in part	Accept in part	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
FS9.147	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 5	Reject	Reject	
S121.148	Federated Farmers of New Zealand	NH-APP1	Amend 'Building Importance Category 3' in NH-APP1 as follows: 'Structures that may contain people in crowds or pose risks to people in crowds or contain contents of high value to the community a. g. Buildings, excluding farm buildings , and facilities not included in BIC 4 containing hazardous materials capable of causing hazardous conditions that do not extend beyond the property boundaries.'	Key Issue 5	Reject	Reject	No
FS9.148	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 5	Accept	Accept	
S121.251	Federated Farmers of New Zealand	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Retain the definition of 'Vulnerable Activity' as proposed.	Key Issue 1	Accept	Accept	No
FS9.251	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Key Issue 1	Reject	Reject	
S125.037	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	NH-P10	Retain NH-P10 as notified.	Key Issue 2	Accept	Accept	No
.							
S125.038	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	NH - Policies	Redraft the policies in the 'NH - Natural Hazards' chapter in the Proposed Plan to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. This includes working with mana whenua to develop, apply, monitor, and enforce holistic river management practices. The amended wording should be drafted collaboratively with the mana whenua of the District.	Key Issue 2	Reject	Reject	No
.							
S129.009	Kāinga Ora - Homes and Communities (Kainga Ora)	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Retain the definition of 'Vulnerable Activity (Natural Hazards/Hazardous Substances)' as notified.	Key Issue 1	Accept	Accept	No
.							
S129.048	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-O1	Retain NH-O1 as notified.	Key Issue 2	Accept	Accept	No
.							

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
S129.049	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-O2	Amend NH-O2 as follows: 'The Significant adverse effects of natural hazards and the long-term effects of climate change on the community and the built environment are minimised.'	Key Issue 2	Accept in part	Accept in part	Yes
S129.050	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-O3	Amend NH-O3 as follows: 'Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided. The establishment of new activities, subdivision, and development do not unnecessarily increase or exacerbate risks associated with natural hazards to people, property, infrastructure, and the environment. '	Key Issue 2	Accept in part	Accept in part	Yes
FS8.029	Silver Fern Farms Limited		Allow in part	Key Issue 2	Accept in part	Accept in part	
S129.051	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P5	Amend NH-P5 as follows: 'To control manage the activities that can occur in areas of significant natural hazard risk, including: 1.'	Key Issue 2	Accept	Accept	Yes
S129.052	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P9	Amend NH-P9 as follows: 'To ensure that subdivision, land use activities or other new development is located and designed to avoid the need for further natural hazard mitigation activities so as not to necessitate natural hazard mitigation activities to minimise risks associated with natural hazards to people, property, and infrastructure. '	Key Issue 2	Accept	Accept in part	Yes
S129.053	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P10	Retain NH-P10 as notified.	Key Issue 2	Accept	Accept	No
S129.054	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-R2	Amend NH-R2 as follows: 'Fault Avoidance Area 1. Activity Status: PER Where the following conditions are met: a. ... 2. Activity status where the building is a BIC 2b or 3 category structure: RDIS Matters over which discretion is restricted: a. ... b. The nature and extent of the hazard risks to people or property, and whether the building activity is likely to increase or exacerbate those risks; will intensify the use of the area, or the number of people that are likely to occupy the site. c. ... d. ... 3. Activity status where the building is a BIC 4 category structure: NC-Flood-Hazard Area: 4. Activity Status: PER Where the following conditions are met: a. The building is a BIC 1 category structure (refer NH-APP1-Table of Building Importance Categories (BIC))	Key Issue 3	Accept in part	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
			<p>5. Activity status where the building is a BIC 2a, 2b or 3 category structure: RDIS Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the building in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures.</p> <p>c. Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard.</p> <p>d. The potential to relocate or remove buildings to alternative locations.</p> <p>6. Activity status where the building is a BIC 4 category structure: NC</p> <p>Tsunami Hazard Area</p> <p>7. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>8. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. ...</p> <p>b. ...</p> <p>c. Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.'</p>				
S129.055	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-R3	Delete NH-R3.	Key Issue 3	Reject	Reject	Yes (insofar as terminology has been amended to provide clarification)
S129.056	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-AM4	<p>Amend NH-AM4 as follows:</p> <p>'1. The effects of the occurrence of the identified natural hazard and the consequences of the natural hazard on the proposed activity will need to be assessed. In making this risk assessment the following factors will need to be considered:</p> <p>a. ...</p> <p>... </p> <p>j. An overall assessment of whether the risk of natural hazards is significant or not.'</p>	Key Issue 4	Accept	Accept	Yes
S129.057	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-AM5	<p>Amend NH-AM5 as follows:</p> <p>'Effects on Public Works and Network Utilities</p> <p>1. ...'</p>	Key Issue 4	Accept	Accept	Yes
S129.058	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-AER1	<p>Amend NH-AER1 as follows:</p> <p>'Where practicable, nNew building development is located outside of identified natural hazard-risk areas presenting significant risk from natural hazards. Where building development and associated land use activities are already established is already within a natural hazard area, the risk of the hazard is reduced and/or mitigated. Mitigations are employed to minimise risk to people and property.'</p>	Key Issue 4	Accept	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Key Issue	Officer Recommendation	Panel Recommendation	Amendments to Proposed Plan?
S129.059	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-APP1	Retain NH-APP1 as notified.	Key Issue 5	Accept in part	Accept in part	No
.							
S129.235	Kāinga Ora - Homes and Communities (Kainga Ora)	MAPS	Delete the 'Flood Hazard Overlay' from the Planning Maps.	Key Issue 5	Reject	Reject	No
.							