

OFFICER'S REPORT FOR:

Independent Hearing Commissioners:

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TOPIC:

Natural Hazards & Climate Change

PREPARED BY:

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DATE OF HEARING:

7 to 9 September 2022

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**Appendix C – ‘Building Importance Levels’ in the Building Code
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Geological & Nuclear Sciences’ Example ‘Resource Consent Table’**

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List of Submitters and Further Submitters addressed in this Report

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

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

1.0 Introduction

1.1 Qualifications and Experience

- 1.1.1 My full name is Rowena Clare Macdonald. I am a Principal Planner and Director of Sage Planning (HB) Limited, a planning consultancy comprising three Principal Planners/Directors established in 2015.
- 1.1.2 I hold a Bachelors degree in Resource and Environmental Planning (Honours) and am a full member of the New Zealand Planning Institute.
- 1.1.3 I have been a practicing planner for the past 25+ years. Prior to establishing Sage Planning, I was a planner with Works Consultancy Services/Opus International Consultants.
- 1.1.4 Sage Planning has been engaged by Central Hawke's Bay District Council as the lead planning consultants to assist with the full District Plan Review since August 2017.

1.2 Code of Conduct

- 1.2.1 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.2.2 I am authorised to give this evidence on the Council's behalf to the Proposed District Plan Hearings Commissioners.

1.3 Conflict of Interest

- 1.3.1 I declare that my partner, Ian Macdonald, is Hawke's Bay's Civil Defence & Emergency Management Group Manager. I do not consider that this presents any conflict of interest in my role as Reporting Officer on this topic.

1.4 Involvement with the Proposed Plan

- 1.4.1 I was involved in scoping issues and preparing discussion documents for Council's District Plan Review Committee, engagement with the community, preparation of the Draft District Plan (notified in April 2019), reporting on informal submissions to the Committee and recommending amendments to the Draft Plan, and subsequent completion of the Proposed District Plan including preparation of the accompanying Section 32 Evaluation Reports.
- 1.4.2 I was the lead author of various discussion documents and draft plan provisions relating to natural hazards, the reporting officer on informal submissions to the Draft District Plan on this topic, and contributed to the associated Section 32 Remaining District Wide Chapters etc Topic Report accompanying notification of the Proposed District Plan (PDP).

1.5 Preparation of this Report

- 1.5.1 My role in the preparation of this report has been to review, provide analysis on, and make recommendations on the submissions and further submissions received in relation to the contents of District-Wide Matters – Hazards and Risks – Natural Hazards chapter, and associated natural hazard overlays on the District Plan maps.
- 1.5.2 The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.0 Scope of Report

2.1 Matters addressed by this Report

- 2.1.1 This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the provisions on the Natural Hazards provisions of the PDP.

2.2 Overview of the Topic

- 2.2.1 The Operative Central Hawke's Bay District Plan has a section devoted to natural hazards (Part 3.4 of the Operative Plan). The Operative Plan specifically references river flooding, faultlines and coastal hazards, and the Planning Maps show areas potentially at risk from flooding (as identified by Hawke's Bay Regional Council), and known active faults (as identified by the Institute of Geological & Nuclear Sciences (GNS)).
- 2.2.2 The emphasis of the natural hazard provisions in the Operative Plan 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 faultlines (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 stopbanks (no tree planting within 6m of a flood protection stopbank within the Rural Zone); and
 - the building consent process.
- 2.2.3 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 current District Plan 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 section 6 (2017 amendment),
 - introducing regard to *'the effects of climate change'* in section 7 (2004 amendment), and
 - amendment to reference *'significant risk from natural hazards'* and how to assess that risk for subdivision consents in section 106 (2017 amendment).
- 2.2.4 The Hawke's Bay Joint Hazards Strategy was prepared in 2011 in response to the 5 local authorities of the region (which includes Central Hawke's Bay District Council) identifying that there was a need *'to promote the integration of local authority land use planning for hazard risks within the Hawke's Bay region'*. A plan to implement the Joint Hazards Strategy was then developed in 2012, and this has subsequently guided (amongst other things):
- a better alignment of the 10yr hazard research programme priorities for the Region,
 - the development of a joint repository for the integration of all spatial hazard information for the Region (the 'Hawke's Bay Hazard Portal'), and
 - emphasis on regional and district plans to incorporate best practice concepts for land-use planning as a part of their review processes, including a preference for avoidance, and where this is not achievable, appropriate standards for mitigation.
- 2.2.5 The third point above is particularly relevant to this District Plan Review. The Implementation Plan for the Joint Hazards Strategy specifically identified the following action:
- 'Harmonise hazard management and land use planning across the region. Options might include: harmonised district plan provisions; a regional plan for natural hazards; or development of a combined Hawke's Bay Natural Hazard Management Plan under the RMA that covers both regional and district functions in relation to managing the effects of hazards.*
- This will also provide opportunity to develop greater linkages between RMA policies, plans and implementation; and emergency management activities in Hawke's Bay (including consideration of the CDEM Group Plan).'*
- 2.2.6 No supporting technical assessments were commissioned specifically as part of the District Plan Review in respect of natural hazard provisions, reflecting that the type of expertise and investigation work required is expensive and that Hawke's Bay Regional Council are taking a leading role in this area for the Region in collaboration with the four territorial authorities concerned.
- 2.2.7 The Proposed Plan picks up on developments within the Region around identification and mapping of natural hazards (i.e. the 'Hazards Information Portal'), and in Civil Defence and Emergency Management

(with the formation of the Hawke's Bay Civil Defence Emergency Management (CDEM) Group and completion of the CDEM Group Plan).

2.2.8 The Proposed Plan 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 (picking up on guidance from the Ministry for the Environment and GNS – refer Appendix C attached to this report), 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.

2.2.9 The approach in the Proposed Plan is considered to align with emerging central government policy on climate change adaptation and resilience. The Government released (in 2020) its 'National Climate Change Risk Assessment' (NCCRA) which informed the more recent development of a 'National Adaptation Plan' (consultation on the draft 'National Adaptation Plan'¹ closes 3 June 2022). The National Adaptation Plan responds to and prioritises the adaptation actions for key risks identified and outlines the Government's approach to improving resilience to the effects of climate change for the next 6 years.

'...we can inadvertently add to risk through poor development choices, including land-use and building choices. Planning for resilience at the outset of new projects is by far the cheapest and easiest time to minimise risk and has the potential to significantly reduce disaster costs in the future' (pg 10 of draft adaptation plan)

2.2.10 'National Climate Change Risk Assessments' and 'National Adaptation Plans' are to be produced every 6 years thereafter. Future climate change legislation and regional adaptation plans will likely have further implications for the District Plan into the future.

2.3 Statutory Requirements

2.3.1 The PDP has been prepared in accordance with the RMA and in particular the requirements of section 74 (Matters to be considered by territorial authority) and section 75 (Contents of district plans).

2.3.2 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), the Hawke's Bay Regional Resource Management Plan including the Regional Policy Statement (2006), and the Hawke's Bay Regional Coastal Environment Plan (2014). These documents are discussed in detail within the Section 32 Topic Report.

2.4 Procedural Matters

2.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, undertaken on the submissions relating to the Natural Hazards & Climate Change topic prior to the finalisation of this section 42A report.

2.4.2 No further consultation with any parties regarding the Natural Hazards & Climate Change topic has been undertaken since notification of the provisions.

3.0 Consideration of Submissions Received

3.1 Overview of Submissions

3.1.1 As stated, this topic report addresses submissions received on the district-wide 'NH – Natural Hazards' provisions, and associated definitions.

3.1.2 There are twenty (20) submitters and 5 further submitters across the whole 'Natural Hazards' topic.

3.1.3 One hundred & three (103) original submission points, and 65 further submission points were received on the provisions relating to this topic.

¹ Ministry for the Environment. 2022. Draft national adaptation plan. Wellington: Ministry for the Environment.

3.1.4 Of the 103 original submission points, 61 submission points are in support.

3.2 Structure of this Report

3.2.1 Given the number, nature and extent of the submissions and further submissions received, I have structured the section 42A report as follows:

- 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
- Key Issue 6 – Natural Hazard Mapping

4.0 Key Issue 1 – Natural Hazard Definitions and General Matters

4.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S121.146	Federated Farmers of New Zealand	Definitions	Amend	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.'	Reject
FS9.146	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S81.067	Horticulture New Zealand	Definitions	Amend	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.'	Reject
.					
S57.007	Fire and Emergency New Zealand	NATURAL HAZARD (Definition)	Support	Retain the definition of 'Natural hazard' as notified (subject to minor typo correction ' NAUTRAL NATURAL HAZARD').	Accept
FS23.37	Kāinga Ora - Homes and Communities		Oppose		Reject
S129.009	Kāinga Ora - Homes and Communities (Kainga Ora)	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Support	Retain the definition of 'Vulnerable Activity (Natural Hazards/Hazardous Substances)' as notified.	Accept
.					
S121.251	Federated Farmers of New Zealand	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Support	Retain the definition of 'Vulnerable Activity' as proposed.	Accept
FS9.251	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S101.010	New Zealand Motor Caravan Association	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS	Oppose	Amend the definition of 'Vulnerable Activity (Natural Hazards / Hazardous Substances)' as follows:	Reject

		SUBSTANCES) (Definition)		'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.'	
.					
S57.012	Fire and Emergency New Zealand	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Support	Retain the definition of 'Vulnerable Activity (Natural Hazards/Hazardous Substances)' as notified.	Accept
.					
S90.026	Centralines Limited	NH - Natural Hazards	Support	Retain the 'NH - Natural Hazards' chapter as notified.	Accept in part
.					
S50.033	The Surveying Company (HB) Ltd	NH - Natural Hazards	Support	Retain NH - Natural Hazards chapter.	Accept
.					
S121.122	Federated Farmers of New Zealand	NH - Introduction	Support	Retain 'NH - Introduction' as proposed.	Accept in part
FS9.122	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S81.065	Horticulture New Zealand	NH - Introduction	Amend	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. ...'	Accept
.					
S11.016	Hawke's Bay Regional Council	NH - Introduction	Amend	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 ; ...'	Accept
.					

- 4.1.1 In summary, these 12 submissions and 4 further submissions support or seek amendments to relevant definitions and general matters relating to the natural hazard provisions in the PDP.

4.2 Matters Raised by Submitters

General Submissions on the Natural Hazards Chapter

- 4.2.1 Centralines (S90.026) seeks retention of the NH – Natural Hazards chapter as notified, giving the following reasons:

'Centralines notes that Network Utilities are often required to be located within certain areas / environments to maintain their functional, operational, technical and locational needs to service communities. In this regard, electricity distribution lines at times need to cross rivers and streams and need to be located everywhere a customer chooses to locate including in overlays (sometimes in areas subject to natural hazards).

Centralines notes overhead lines are not restricted in Natural Hazard areas, and that buildings and structures associated with the electricity distribution network will be permitted in the Natural Hazard areas. Centralines supports this.'

- 4.2.2 The Surveying Company (S50.033) considers *'The Natural Hazards Chapter of the Proposed District Plan provides good clarity about what buildings can be built in certain hazard zones'* and supports retention of the chapter as notified.

- 4.2.3 Federated Farmers (S121.122) supports the Introduction to the NH – Natural Hazards chapter, and seeks its retention, giving the following reasons:

'Federated Farmers supports the emphasis placed on information sharing and the risk-based approach which has been adopted. It recognises that some activities or land uses are more susceptible to a natural hazard related event than others. We are strongly supportive of the approach taken with regards to some rural activities as we agree that regulation should not unnecessarily restrict farm buildings and earthworks where there is an acceptable level of risk. Whilst we are broadly supportive of the notified planning response some relatively minor amendments are required to ensure the provisions are more consistent with and better implement that risk-based approach. These changes are outlined in the following submission points.'

- 4.2.4 Hawke's Bay Regional Council (S11.016) *'has consulted with HBCDEM on the provisions relating to natural hazards and this submission has their support. We support areas identified for fault lines and tsunami and their corresponding provisions. We are seeking minor amendments to the wording in the introduction of the Natural Hazards chapter for clarity and changes to the mapping of the flood hazard areas and associated provisions'*.

- 4.2.5 The following minor amendment to the wording of paragraph 3 in the Introduction to the chapter is proposed as *'this will result in language that is more technically correct'*:

'Risk from natural hazards can arise from:

- intense rainfall events causing flooding from rivers, streams, overland flow **paths** and lakes;*
- earthquakes and **liquefactiontsunami**;*
- **liquefactiontsunami**;*
- 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.'*

- 4.2.6 Hort NZ (S81.065) *'supports the risk-based approach to managing risks associated with natural hazards. seeks retention of the risk-based approach to natural hazards'*. Hort NZ also supports the inclusion of climate change, *'but note that food security is an issue that arises due to climate change – both in terms of food production and distribution'*, and considers this should be acknowledged in the section on climate change. Accordingly, they propose amendment to paragraph 5 of the Introduction to the chapter, as follows:

*'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

Natural Hazard

4.2.7 FENZ (S57.007) supports the retention of the definition of ‘Natural Hazard’ in the Proposed Plan, but with a minor correction to the spelling as follows:

<p>NAUTRALNATURAL HAZARD</p>	<p>has the same meaning as in section 2 of the RMA (as set out in the box below)</p> <p>means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.</p>
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4.2.8 Kāinga Ora (FS23.37) *‘opposes the proposed amendment, to the extent it is inconsistent with its primary submission’.*

Vulnerable Activity (Natural Hazards / Hazardous Substances)

4.2.9 Kāinga Ora (S129.009), Federated Farmers (S121.251) and FENZ (S57.012), all support retention of the definition of ‘Vulnerable Activity’ in the Proposed Plan as notified.

4.2.10 The Motor Caravan Association (S101.010) seeks amendment to delete the reference to camping grounds in the definition of ‘Vulnerable Activity’, as follows:

<p>VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES)</p>	<p>an activity that is particularly vulnerable to exposure to significant risk from one or more identified natural hazards and/or hazardous substances.</p> <p>Vulnerable activities include:</p> <ul style="list-style-type: none"> a. Visitor Accommodation b. Marae c. Camping Grounds d. Day Care Facilities e. Rest Homes f. Retirement Villages g. Educational Facilities h. Emergency Service Activities i. Hospitals.
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4.2.11 The Motor Caravan Association provides the following reasons:

‘The proposed district plan defines ‘vulnerable activity’ as any activity that is particularly vulnerable to exposure to significant risk from one or more identified natural hazards and/or hazardous substances. This includes visitor accommodation and camping grounds. We do not support the inclusion of camping grounds as part of this definition. Camping grounds are transitional in nature and provide for accommodation on a temporary basis. The effects are short lived. Additionally, it should be noted, there are a number of freedom camping sites located within the Central Hawkes Bay district with the Tsunami Hazard overlay located on the sites. The key difference between a camping ground and freedom camping site is the exchange of money. Moreover, the s32 evaluation report did not provide any explanation or rationale for including camping ground as part of this new definition.

Camping grounds and Freedom Camping sites are currently present in a number of zones around the country including industrial, residential and rural zones to name a few. These are provided for the

enjoyment of people, supporting local communities and the economy. People enjoy camping in areas with scenic views, natural features, and landscapes. The New Zealand Motor Caravan Association itself operate over 47 certified self-contained members only parks across New Zealand, many of which are located in the rural and coastal areas. As the activity is temporary and transitory in nature, members can move easily should an unforeseen natural event occur. We also have measures in place to forewarn members of any hazard risk. The mobile nature of the activity (camping) enables people to evacuate at short notices. As such, camping grounds should not be included in the definition of vulnerable activity.’

New Definitions

4.2.12 Federated Farmers (S121.146) seeks inclusion of the following definitions for ‘Fault Avoidance Area’, ‘Flood Hazard Area’, ‘Tsunami Hazard Area’, and ‘Significant Natural Risk Area’ in the Proposed Plan, on the basis that they consider the Proposed Plan will be improved with definitions relating to the natural hazard overlays:

<u>FAULT AVOIDANCE AREA</u>	<u>means an area identified on the planning maps</u>
<u>FLOOD HAZARD AREA</u>	<u>means an area identified on the planning maps</u>
<u>TSUNAMI HAZARD AREA</u>	<u>means an area identified on the planning maps</u>
<u>SIGNIFICANT NATURAL RISK AREA</u>	<u>means an area identified as either a fault avoidance area, flood hazard area or tsunami hazard area which is subject to elevated risk factors</u>

4.2.13 In considering Policy NH-P5, Hort NZ (S81.067) refers to the use of the term ‘areas of significant natural hazard risk’ but note that the term is not defined. They consider it is unclear what would be included within the scope of significant natural hazard risk, and that ‘As this could limit activities within those areas it should be clearly defined or described’. In their view, if fault avoidance area, flood avoidance area, and tsunami hazard area, are intended to be the ‘areas of significant natural hazard risk’ then they should be defined or identified as such.

4.2.14 Hort NZ therefore seeks inclusion of the following definition for ‘Areas of Significant Natural Hazard Risk’ in the Proposed Plan:

<u>AREAS OF SIGNIFICANT NATURAL HAZARD RISK</u>	<ul style="list-style-type: none"> • <u>Fault avoidance area</u> • <u>Flood Hazard area</u> • <u>Tsunami Hazard area</u>
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Forest & Bird

4.2.15 Forest & Bird (FS9.122, FS9.146, FS9.251) opposes all the submissions of Federated Farmers, as ‘The amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA’.

4.3 Analysis

General Submissions on the Natural Hazards Chapter

- 4.3.1 There is considerable support for the 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.
- 4.3.2 HBRC suggests some minor wording/structure amendments to the Introduction to the chapter. I accept these recommended changes as being more ‘technically correct’.
- 4.3.3 I also concur with Hort NZ that food security is a genuine concern as a result of climate change (in terms of food production and distribution), and that the Introduction be amended to include reference to this issue.
- 4.3.4 In response to the above, I recommend that the NH-Introduction be amended, as follows:

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 liquefactiontsunami;
- liquefactiontsunami;
- 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.

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

Definitions

Natural Hazard

4.3.5 I support making the minor correction to the definition of ‘Natural Hazard’ in the PDP to correct the spelling as identified by FENZ, as follows:

<u>NAUTRAL</u>NATURAL HAZARD	has the same meaning as in section 2 of the RMA (as set out in the box below) means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.
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Vulnerable Activity (Natural Hazards / Hazardous Substances)

4.3.6 There is considerable support for retention of the definition of ‘Vulnerable Activity’ in the PDP as notified. However, the Motor Caravan Association seeks deletion of ‘camping grounds’ from the definition.

- 4.3.7 In my view, whilst transitory in nature, camping grounds temporarily accommodate potentially significant numbers of people (including families) overnight, particularly during peak season, 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. In that sense, a natural hazard event may present a risk of albeit low probability, but the unforeseen timing of such events could have a high consequence in terms of the safety of people staying at the camping ground at the time.
- 4.3.8 I do not accept that campers can necessarily move easily should an unforeseen natural event occur – particularly if it occurs in the middle of the night, with limited or no warning, and given the potential for the full range of ages and abilities to be present (from the very young through to less able-bodied and seniors).
- 4.3.9 For these reasons, the location of camping grounds in areas of known natural hazard risk is an appropriate consideration, and I recommend retaining camping grounds within the definition of ‘Vulnerable Activity (Natural Hazards/Hazardous Substances)’ accordingly, as notified.

New Definitions

- 4.3.10 Federated Farmers seeks inclusion of definitions for the various mapped ‘Hazard’ overlays within the PDP. In my view, these are unnecessary given the definitions merely refer to the areas as mapped on the Planning Maps, which is self-evident.
- 4.3.11 Similarly, I do 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 my view, such a definition would limit the term to only apply to those hazard areas mapped in the PDP, but clearly those mapped areas are not exclusively the only areas of potentially significant natural risk and it would be inaccurate and inappropriate to indicate so.

4.4 Recommendations

- 4.4.1 For the reasons outlined above, I recommend that the definition of ‘Natural Hazard’ and the NH – Introduction be amended (as outlined in Recommended Amendments below).
- 4.4.2 I recommend that the following submission(s) be **accepted**:
 - HBRC, S11.016
 - The Surveying Co, S50.033
 - FENZ, S57.007, S57.012
 - Hort NZ, S81.065
 - Kāinga Ora, S129.009
 - Federated Farmers, S121.251
- 4.4.3 I recommend that the following submission(s) be **accepted in part**:
 - Centralines, S90.026
 - Federated Farmers, S121.122
- 4.4.4 I recommend that the following submission(s) be **rejected**:
 - Hort NZ, S81.067
 - Motor Caravan Association, S101.010
 - Federated Farmers, S121.146
 -
- 4.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

4.5 Recommended Amendments

- 4.5.1 I recommend the following amendment(s) is made:

NAUTRAL <u>NATURAL</u> HAZARD	has the same meaning as in section 2 of the RMA (as set out in the box below) means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslide,
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subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

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 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.

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

4.6 Section 32AA Evaluation

- 4.6.1 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

5.0 Key Issue 2 – Natural Hazard Objectives and Policies

5.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S121.123	Federated Farmers of New Zealand	NH-O1	Support	Retain NH-O1 as proposed.	Accept
FS9.123	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S64.038	Department of Conservation	NH-O1	Support	Retain NH-O1.	Accept
FS9.321	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept
S129.048	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-O1	Support	Retain NH-O1 as notified.	Accept
.					
S57.043	Fire and Emergency New Zealand	NH-O1	Support	Retain NH-O1 as notified.	Accept
.					
S121.124	Federated Farmers of New Zealand	NH-O2	Amend	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.'	Accept in part
FS23.34	Kāinga Ora - Homes and Communities		Oppose		Accept in part
FS17.36	Horticulture New Zealand		Support		Accept in part
FS9.124	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S64.039	Department of Conservation	NH-O2	Support	Retain NH-O2.	Accept in part
FS9.322	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept in part
S129.049	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-O2	Amend	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.'	Accept in part
.					
S57.044	Fire and Emergency New Zealand	NH-O2	Support	Retain NH-O2 as notified.	Accept in part
.					
S105.008	James Bridge	NH-O3	Oppose	Delete NH-O3, or amend the wording to refer to 'significant risks from natural hazards' to align with s6 of the RMA.	Accept
FS8.027	Silver Fern Farms Limited		Support		Accept

S121.125	Federated Farmers of New Zealand	NH-O3	Oppose	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.'	Accept in part
FS8.028	Silver Fern Farms Limited		Support		Accept in part
FS9.125	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S129.050	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-O3	Oppose	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.'	Accept in part
FS8.029	Silver Fern Farms Limited		Support		Accept in part
S64.040	Department of Conservation	NH-O3	Support	Retain NH-O3.	Accept in part
FS23.31	Kāinga Ora - Homes and Communities		Oppose		Accept in part
FS9.323	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept in part
S81.066	Horticulture New Zealand	NH-O3	Oppose	Amend NH-O3 as follows: 'An increase of risk to people, property, infrastructure and the environment from the effects of natural hazards should be avoided, remedied or mitigated, reflecting the level of risk posed by the hazard.'	Accept
FS8.030	Silver Fern Farms Limited		Support		Accept
S57.045	Fire and Emergency New Zealand	NH-O3	Support	Retain NH-O3 as notified.	Accept in part
.					
S125.038	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	NH - Policies	Amend	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.	Reject
.					
S121.126	Federated Farmers of New Zealand	NH-P1	Support	Retain NH-P1 as proposed.	Accept
FS9.126	Royal Forest and Bird Protection Society of		Oppose		Reject

	New Zealand Incorporated				
S64.041	Department of Conservation	NH-P1	Support	Retain NH-P1.	Accept
FS9.324	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept
S57.046	Fire and Emergency New Zealand	NH-P1	Support	Retain NH-P1 as notified.	Accept
.					
S121.127	Federated Farmers of New Zealand	NH-P2	Support	Retain NH-P2 as proposed.	Accept
FS9.127	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S64.042	Department of Conservation	NH-P2	Support	Retain NH-P2.	Accept
FS9.325	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept
S57.047	Fire and Emergency New Zealand	NH-P2	Support	Retain NH-P2 as notified.	Accept
.					
S121.128	Federated Farmers of New Zealand	NH-P3	Support	Retain NH-P3 as proposed.	Accept
FS9.128	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S64.043	Department of Conservation	NH-P3	Support	Retain NH-P3.	Accept
FS9.326	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept
S121.129	Federated Farmers of New Zealand	NH-P4	Support	Retain NH-P4 as proposed.	Accept
FS9.129	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S64.044	Department of Conservation	NH-P4	Support	Retain NH-P4.	Accept
FS9.327	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept
S121.130	Federated Farmers of New Zealand	NH-P5	Oppose	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; 2. earthworks; 3. subdivision of land; and 4. the establishment of new vulnerable activities.'	Reject

FS17.37	Horticulture New Zealand		Support in part		Reject
FS9.130	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S64.045	Department of Conservation	NH-P5	Support	Retain NH-P5.	Accept in part
FS9.328	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept in part
S129.051	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P5	Amend	Amend NH-P5 as follows: 'To control manage the activities that can occur in areas of significant natural hazard risk, including: 1.'	Accept
.					
S57.048	Fire and Emergency New Zealand	NH-P5	Support	Retain NH-P5 as notified.	Accept in part
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S121.131	Federated Farmers of New Zealand	NH-P6	Support	Retain NH-P6 as proposed.	Accept
FS9.131	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S64.046	Department of Conservation	NH-P6	Support	Retain NH-P6.	Accept
FS9.329	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept
S121.132	Federated Farmers of New Zealand	NH-P7	Support	Retain NH-P7 (subject to identification and mapping of 'areas of significant natural hazard risk').	Accept in part
FS9.132	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S64.047	Department of Conservation	NH-P7	Support	Retain NH-P7.	Accept in part
FS9.330	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept in part
S66.004	Woolworths New Zealand Limited	NH-P7	Amend	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.'	Accept in part
FS8.031	Silver Fern Farms Limited		Support		Accept in part
S105.009	James Bridge	NH-P7	Oppose	Delete NH-P7.	Reject
.					
S57.049	Fire and Emergency New Zealand	NH-P7	Support	Retain NH-P7 as notified.	Accept in part

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S121.133	Federated Farmers of New Zealand	NH-P8	Support	Retain NH-P8 as proposed.	Accept in part
FS9.133	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S64.048	Department of Conservation	NH-P8	Support	Retain NH-P8.	Accept in part
FS9.331	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept in part
S57.050	Fire and Emergency New Zealand	NH-P8	Support	Retain NH-P8 as notified.	Accept in part
.					
S105.010	James Bridge	NH-P9	Oppose	Delete NH-P9.	Reject
FS8.032	Silver Fern Farms Limited		Support		Reject
S121.134	Federated Farmers of New Zealand	NH-P9	Oppose	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.'	Accept in part
FS9.134	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
FS17.38	Horticulture New Zealand		Support		Accept in part
S64.049	Department of Conservation	NH-P9	Support	Retain NH-P9.	Accept in part
FS9.332	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept in part
S129.052	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P9	Amend	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.'	Accept
.					
S57.051	Fire and Emergency New Zealand	NH-P9	Support	Retain NH-P9 as notified.	Accept in part
.					
S121.135	Federated Farmers of New Zealand	NH-P10	Support	Retain NH-P10 as proposed.	Accept

FS9.135	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S64.050	Department of Conservation	NH-P10	Support	Retain NH-P10.	Accept
FS9.333	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept
S129.053	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P10	Support	Retain NH-P10 as notified.	Accept
.					
S125.037	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	NH-P10	Support	Retain NH-P10 as notified.	Accept
.					
S64.051	Department of Conservation	NH-P11	Support	Retain NH-P11.	Accept
FS9.334	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept
S79.057	Transpower New Zealand Ltd	NH-P11	Support	Retain NH-P11.	Accept
.					
S57.052	Fire and Emergency New Zealand	NH-P11	Support	Retain NH-P11 as notified.	Accept
.					
S64.052	Department of Conservation	NH-P12	Support	Retain NH-P12.	Accept
FS9.335	Royal Forest and Bird Protection Society of New Zealand Incorporated		Support		Accept

5.1.1 In summary, these 52 submissions and 39 further submissions generally support retention or amendments to the objectives and policies in the NH – Natural Hazards chapter of the PDP, with one submitter (James Bridge) seeking deletion of Objective NH-O3, and Policies NH-P7 & NH-P9.

5.2 Matters Raised by Submitters

Objectives

Objective NH-O1

- 5.2.1 Federated Farmers (S121.123), the Department of Conservation (S64.038), Kāinga Ora (S129.048), and FENZ (S57.043), all support retention of Objective NH-O1 as notified.
- 5.2.2 Federated Farmers *'agrees that Council is in an appropriate position to collate and disseminate information regarding the reduction, response, recovery, avoidance and mitigation of natural hazards within the Central Hawkes Bay District. We are broadly supportive of this objective and the related policy response'*.
- 5.2.3 The Department of Conservation considers this objective is appropriate, and refers to sections 6(h), 7(i) and Objective 5 of the NZCPS.
- 5.2.4 FENZ supports this objective which seeks to promote community awareness of natural hazard risks, and *'seeks to emphasise that in order to develop resilient communities, communities need to be aware of the*

risks of natural hazards and ensure that the consequent environmental effects are known so communities can effectively and efficiently respond to and recover from natural hazard events'.

Objective NH-O2

5.2.5 The Department of Conservation (S64.039) and FENZ (S57.044) both support retention of Objective NH-O2 as notified.

5.2.6 Kāinga Ora (S129.049) *'generally supports the intent of Objective NH-O2, however considers that amendments are required to provide clear policy direction and guide subsequent provisions'*, as follows:

NH-O2 ~~The Significant adverse~~ effects of natural hazards and ~~the long-term effects of~~ climate change on the community and the built environment are minimised.

5.2.7 Federated Farmers (S121.124), further supported by Hort NZ (FS17.36), seeks amendment of Objective NH-O2 as follows:

NH-O2 The effects of natural hazards and the long-term effects of climate change on the community and vulnerable activities the built environment are minimised.

5.2.8 They consider:

'Farm buildings and earthworks must be clearly differentiated from habitable buildings and earthworks, as they have different risk profiles. Farm buildings are simple structures that are uninhabited, it may be acceptable to a farmer if their dirt floor shed is flooded, compared to the major disruption and displacement if a house was flooded. The concept of vulnerable activities is a good one and winnows out farm structures.'

5.2.9 Kāinga Ora (FS23.34) opposes the amendment sought by Federated Farmers *'to the extent it is inconsistent with its primary submission'*.

Objective NH-O3

5.2.10 The Department of Conservation (S64.040) and FENZ (S57.045) both support retention of Objective NH-O3 as notified.

5.2.11 Kāinga Ora (FS23.31) opposes the submission of the Department of Conservation *'to the extent it is inconsistent with its primary submission'*.

5.2.12 Fire and Emergency supports NH-O3 *'to the extent that it seeks to avoid an increase in risk to people, property, infrastructure and the environment. This is consistent with Fire and Emergency's Statement of Intent to build resilient communities through reducing the risk to people, property and infrastructure'*.

5.2.13 Kāinga Ora (S129.050), further supported by Silver Fern Farms (FS8.029), seeks amendment of Objective NH-O3, as follows:

NH-O3 ~~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.~~

5.2.14 Kāinga Ora considers that *'complete avoidance of increased risk to people, property, infrastructure, and the environment associated with natural hazards is unlikely to be achievable, particularly in light of the effects of climate change. As such, amendments are sought to acknowledge where matters and activities can be managed to minimise risks associated with natural hazards'*.

5.2.15 Federated Farmers (S121.125), further supported by Silver Fern Farms (FS8.028), seeks amendment of Objective NH-O3, as follows:

NH-O3 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.

5.2.16 Federated Farmers give the following reasons:

'The avoidance of any increase in risk outcome of this objective is both inappropriate and unachievable. Risk can be managed by not only avoidance, but also remedied and mitigated, by structural or non-structural means. Flood risk can be structurally mitigated by increased floor levels for houses. Coastal erosion risk can be non-structurally mitigated by foredune care and not cutting through the foredune to build roads, paths or residential houses.'

Some risk tolerance will be necessary, such as allowing farm activities to occur in a floodable area. Farm activities will be preferable to residential development here. Resilience relies on a level of acceptable risk under which typical rural activities can be carried out. That is – natural hazard risks must be appropriately identified and assessed without imposing unnecessary restrictions on rural land owners and their communities.

If all risk is to be avoided from all natural hazards, we hope this extends to avoiding risk of drought by providing water storage schemes for primary production!!'

- 5.2.17 Forest & Bird (FS9.125) opposes the submission of Federated Farmers.
- 5.2.18 Hort NZ (S81.066), further supported by Silver Fern Farms (FS8.030), seeks amendment of Objective NH-O3, as follows:

NH-O3	Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards isshoud be avoided, remedied or mitigated, reflecting the level of risk posed by the hazard.
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- 5.2.19 Hort NZ submits that:

'The objective seeks that 'Any' increase in risk is 'avoided'. This is not effects based or risk based (nor reflecting of the rule framework). The response to a risk should be based on the level of risk. The following policies focus on 'significant natural hazard risk' rather than 'any' risk.'

- 5.2.20 James Bridge (S105.008), further supported by Silver Fern Farms (S8.027), seeks deletion of Objective NH-O3 or amendment to the wording to refer to 'significant risks from natural hazards' to align with section 6 of the RMA, on the basis that *'This objective is inconsistent with s6 of the RMA, which requires the management of significant risks from natural hazards. It is not possible to achieve this objective without prohibiting any new development in the district. An 'avoid' objective is inappropriate'.*
- 5.2.21 Silver Fern Farms supports in part the submissions of Kāinga Ora, Federated Farmers, Hort NZ and James Bridge, for the following reasons:

'...that the all-inclusive use of "Any" in this objective - 'Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided' - is unworkable and requires amendment.

As policy NH-P8 encourages relocatable and/or recoverable activities in areas of natural hazard risk, the all-encompassing drafting of this objective NH-O3 may be an oversight.

Silver Fern Farms notes that Objective 31 and Policy 3.12.1 of the Hawkes Bay Regional Policy Statement ("RPS") prioritise areas of high human population density and contemplate natural hazard remediation and mitigation measures - not just avoidance.

Silver Fern Farms considers that NH-O3 and associated policies (see the next row of this table) require amendment to give proper effect to the RPS, as required by RMA S75.'

Policies

General

- 5.2.22 Ngā hapū me ngā marae o Tamatea (S125.038) submit that *'Mana whenua struggle to have a meaningful role within the current flood protection framework. The reliance on hard engineering measures marginalises mana whenua values, has a direct impact on the āhua (natural character) and mauri of waterways and destroys mahinga kai species and sites of significance'.*
- 5.2.23 They seek that the policy section be redrafted *'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'.*

Policy NH-P1

- 5.2.24 Federated Farmers (S121.126), the Department of Conservation (S64.041) and FENZ (S57.046), all support retention of Policy NH-P1 as notified.

Policy NH-P2

- 5.2.25 Federated Farmers (S121.127), the Department of Conservation (S64.042) and FENZ (S57.047), all support retention of Policy NH-P2 as notified.

Policy NH-P3

- 5.2.26 Federated Farmers (S121.128) and the Department of Conservation (S64.043) both support retention of Policy NH-P3 as notified.

Policy NH-P4

- 5.2.27 Federated Farmers (S121.129) and the Department of Conservation (S64.044) both support retention of Policy NH-P4 as notified.

Policy NH-P5

- 5.2.28 The Department of Conservation (S64.045) and FENZ (S57.048) both support retention of Policy NH-P5 as notified.

- 5.2.29 Kāinga Ora (S129.051) generally supports Policy NH-P5, however considers that *'the word 'manage' is more appropriate that 'control' in relation to the activities specifically listed'*, and seeks amendment as follows:

NH-P5	To manage control the activities that can occur in areas of significant natural hazard risk, 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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- 5.2.30 Federated Farmers (S121.130), further supported by Hort NZ (FS17.37), seeks amendment of Policy NH-P5 as follows:

NH-P5	To control the activities that can occur in areas of significant natural hazard risk, including: <ol style="list-style-type: none"> 1. the erection of new habitable buildings or structures, or alterations to existing habitable buildings or structures; 2. earthworks; 3. subdivision of land; and 4. the establishment of new vulnerable activities.
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- 5.2.31 Federated Farmers provides the following reasons:

'The focus of the policy is on controlling activities in areas of significant natural risk, the purpose of which is understood and supported. However, 'areas of significant natural risk' are not currently defined and as such we have concerns that this may create uncertainty for plan users and have potential to control activities beyond what was intended or is appropriate. The planning maps identify Flood Hazard Areas, Fault Avoidance Areas and Tsunami Hazard areas. It is unclear whether the term 'areas of significant natural risk' applies to these mapped areas or whether they are a subset of these identified layers which are susceptible to elevated levels of risk and as such require extra layers of control.

Rules intended to manage flood risk should not accidentally regulate farm buildings, structures or fences, as these are not inhabited so lives will not be at risk, and such sheds and fences will not make flooding worse. There is no need to require a resource consent for a shed used to park tractors with a dirt floor: no lives are at risk if it floods; and there will be minimal damage or displacement compared to a house being flooded. We are broadly supportive of the rules framework and associated NH-APP1 BIC which, in part, works to align with this position. We like the concept of vulnerable activities because these focus on people related activities and therefore risk is greater. We suggest that this more targeted risk based approach should be applied to the other hazard areas not just within the Tsunami Hazard area..

We have some concern that earthworks is included as an activity that requires extra control, it seems out of place and unnecessary in this context. The other activities relate to people and property locating in the areas of elevated risk and in our view any adverse effects relating to associated earthworks can be assessed when a consent process is triggered.

Further, alterations to existing building and structures should not be captured if the changes are not increasing or exacerbating risk off site. Given fences are captured by the definition of 'structure' our

support is contingent on the rule conditions and NH-APP1 Building Importance Category 1, in particular, retaining the notified examples.'

Policy NH-P6

- 5.2.32 Federated Farmers (S121.131) and the Department of Conservation (S64.046) both support retention of Policy NH-P6 as notified.

Policy NH-P7

- 5.2.33 Federated Farmers (S121.132), the Department of Conservation (S64.047), and FENZ (S57.049), all support retention of Policy NH-P7 as notified. Federated Farmers' support is subject to identification and mapping of 'areas of significant natural hazard risk'.
- 5.2.34 Federated Farmers states *'Broad support is extended to the policy approach, subject to a robust assessment and identification of areas of significant natural hazard risk. We accept that any land use change or development in areas of significant natural hazard risk that would increase risk to people's safety or well-being or has the potential to exacerbate risk off site should be avoided. In some cases, however, a change from one low-risk land use to another low-risk land use may be appropriate and should be a permitted activity, for example, rural ancillary earthworks in an area prone to flooding'*.
- 5.2.35 FENZ *'supports the avoidance approach to development in areas identified as being at significant natural hazard risk, particularly where new development will increase the risk to people's safety, well-being and property. Avoiding new development in areas at risk of significant natural hazard risk supports Fire and Emergency's Statement of Intent to build resilient communities through reducing the risk to people, property and infrastructure'*.
- 5.2.36 Woolworths NZ Ltd (S66.004), further supported by Silver Fern Farms (FS8.031), *'request that the matters of discretion under Rule NH-R2 be amended to provide more certainty for commercial activities, particularly those in low-rise buildings, being acceptable in the Fault Avoidance Area. This would also require an amendment to Policy NH-P7', as follows:*

NH-P7	To adopt and promote an avoidance approach to new hazard sensitive development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.
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- 5.2.37 Woolworths NZ Ltd provide the following reasons:

'Woolworths NZ notes that its Countdown Waipukurau store is located entirely within the Fault Hazard (Fault Avoidance) Overlay under the Proposed District Plan, with the south-western corner of the site also bisected by the Fault Hazard (Faultlines) Overlay.

Three Faultlines and associated Fault Avoidance Areas extend in a north-south direction through Waipukurau, two of which extend through the Commercial Zone that comprises of the Waipukurau Town Centre.

Under the Proposed District Plan, any new building or alteration to an existing building within a Natural Hazard area, including a Fault Avoidance Area, requires resource consent as a Restricted Discretionary Activity under Rule NH-R2. The activity status is determined by where the proposed use of the building falls within NH-APP1 – Table of Building Importance Categories (BIC). Countdown stores are understood to fall within BIC 2b – Normal structures and structures not in other categories, with the relevant example given being example (c) which states:

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.

Woolworths NZ understand and support the need to manage the risk associated with hazard sensitive activities, such as residential uses, through having a higher activity status, noting that this is consistent with approaches taken in other parts of the country. However, Woolworths NZ do not agree that commercial activities, such as a supermarket, be treated the same as, for example, a multi-storey apartment building.

While the activities in BIC 2b are provided for as Restricted Discretionary Activity, the matters of discretion are wide and provide little certainty in regard to the type of information that Council would expect to see accompany a resource consent application, and that a building could be designed to successfully obtain resource consent under Rule NH-R2. Further, the objectives and policies of the Natural Hazards chapter include Policy NH-P7 which states:

To adopt and promote an avoidance approach to new development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.

Assuming that the Fault Avoidance Area would be considered as an area of significant natural hazard risk, it would appear that any development within these areas would be inconsistent with this policy, despite the Restricted Discretionary Activity status. Woolworths NZ considers it necessary for more clarification to be provided in the objectives, policies and rules in the Natural Hazard chapter of the types of activities that could be appropriate within an area of significant hazard risk. This is particularly important where an area of significant natural hazard risk falls within the relatively permissive Commercial Zone, as it will have a major bearing on any future investment in sites within parts of the Waipukurau Town Centre.'

- 5.2.38 Silver Fern Farms supports Woolworths NZ Ltd's submission on the basis that *'the requirement of this policy to avoid all development in areas of significant natural hazard is inappropriate and requires clarification. Otherwise, appropriate / necessary development is precluded. Silver Fern Farms notes that policy NH-P8 encourages relocatable and/or recoverable activities in areas of natural hazard risk, which further clouds the meaning of this policy NH-P7'.*
- 5.2.39 James Bridge (S105.009) seeks deletion of Policy NH-P7 on the basis that the policy *'is inconsistent with s6 of the RMA, which requires the management of significant risks from natural hazards'*, that it is not possible to achieve this policy without prohibiting any new development in the district, and that an 'avoid' policy is inappropriate.

Policy NH-P8

- 5.2.40 Federated Farmers (S121.133), the Department of Conservation (S64.048), and FENZ (S57.050), all support retention of Policy NH-P8 as notified.
- 5.2.41 FENZ supports the policy *'as it encourages the relocation or removal of structures within areas of significant natural hazard risk. supports Fire and Emergency's Statement of Intent to build resilient communities through reducing the risk to people, property and infrastructure'.*

Policy NH-P9

- 5.2.42 The Department of Conservation (S64.049) and FENZ (S57.051) both support retention of Policy NH-P9 as notified.
- 5.2.43 FENZ supports the policy *'as it requires that subdivision and land use activities are located and designed to avoid the need for further natural hazard mitigation. This policy achieves the purpose of the RMA by providing for the safety and wellbeing of people and communities and addresses the risk to property across the district'.*
- 5.2.44 Kāinga Ora (S129.052) generally supports Policy NH-P9 however seeks amendments for clarification purposes, as follows:

NH-P9	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.
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- 5.2.45 Federated Farmers (S121.134), further supported by Hort NZ (FS17.38), seeks amendment of Policy NH-P9 as follows:

NH-P9	To ensure that subdivision, land use activities or other new development <u>of vulnerable activities</u> 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.
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- 5.2.46 Federated Farmers offers the following reasons:

'Federated Farmers understands the intention of the policy however we are concerned that existing low risk land use like farming may be captured inadvertently and are worried that the policy direction may hinder landowners maintaining and or improving existing natural hazard mitigation activities.

The focus in our view should be on any land use change or development that would increase risk to people's safety or well-being or has the potential to unreasonably exacerbate or transfer risk off site.'

- 5.2.47 Hort NZ supports Federated Farmer's submission on the basis that *'Reference to 'vulnerable activities' is more appropriate as those are the activities of greatest risk'.*

- 5.2.48 James Bridge (S105.010), further supported by Silver Fern Farms (FS8.032), seeks deletion of Policy NH-P9, on the basis that *'Mitigation is an appropriate means of managing potential significant risks from natural hazards, in accordance with s106 of the RMA'*.
- 5.2.49 Silver Fern Farms supports James Bridge's submission on the basis that *'Silver Fern Farms agrees with this submitter that mitigation of effects is available to resource consent applicants under various sections of the RMA. As such, the 'avoidance' focus of this policy... is inappropriate'*.

Policy NH-P10

- 5.2.50 Federated Farmers (S121.135), the Department of Conservation (S64.050), Kāinga Ora (S129.053), and Ngā hapū me ngā marae o Tamatea (S125.037), all support retention of Policy NH-P10 as notified.
- 5.2.51 Ngā hapū me ngā marae o Tamatea state that *'Mana whenua support the use of natural features, buffers and appropriate risk management approaches in preference to hard protection structures in mitigating natural hazard risk'*.

Policy NH-P11

- 5.2.52 The Department of Conservation (S64.051), Transpower (S79.057), and FENZ (S57.052), all support retention of Policy NH-P11 as notified.
- 5.2.53 Transpower *'supports the policy recognition for Network Utilities within natural hazard areas. However, as queried in an earlier submission point, clarity is sought as to the application of the Natural Hazards provisions to network utilities'*.
- 5.2.54 FENZ supports the policy *'as it recognises and provides for network utilities that have a functional or operational requirement to be located in areas subject to natural hazards, while ensuring that such infrastructure does not significantly increase risk to people, property and the environment and that the risks to people, property and the environment are avoided or mitigated to the extent practicable. This policy is in keeping with the principles Fire and Emergency applies when considering new fire station locations'*.

Policy NH-P12

- 5.2.55 The Department of Conservation (S64.052) supports retention of Policy NH-P12 as notified.

Forest & Bird

- 5.2.56 Forest & Bird (FS9.123, FS9.124, FS9.125, FS9.126, FS9.127, FS9.128, FS9.129, FS9.130, FS9.131, FS9.132, FS9.133, FS9.134, FS9.135) opposes all the submissions of Federated Farmers, as *'The amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.
- 5.2.57 Forest & Bird (FS9.321, FS9.322, FS9.323, FS9.324, FS9.325, FS9.326, FS9.327, FS9.328, FS9.329, FS9.330, FS9.331, FS9.332, FS9.333, FS9.334, FS9.335) supports all amendments sought by the Department of Conservation, *'other than where the decision sought is inconsistent with Forest & Birds original submission, as they would improve protection and maintenance of indigenous biodiversity'*.

5.3 Analysis

Objective NH-O1 and Policies NH-P1, NH-P2, NH-P3, NH-P4, NH-P6, NH-P8, NH-P10, NH-P11 & NH-P12

- 5.3.1 Submissions on Objective NH-O1 and Policies NH-P1, NH-P2, NH-P3, NH-P4, NH-P6, NH-P8, NH-P10, NH-P11 & NH-P12 are all in support, and no further analysis is considered necessary.

Objective NH-O2

- 5.3.2 There is considerable support in the submissions for retention of Objective NH-O2 as notified. However, Kāinga Ora seeks 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.
- 5.3.3 Section 6(h) of the RMA identifies 'the management of significant risks from natural hazards' as a Matter of National Importance to be recognised and provided for, and section 7(i) of the RMA refers to 'the effects of climate change' as an 'Other Matter' to have regard to. In my view, the objective would benefit from better alignment with sections 6(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).

- 5.3.4 Federated Farmers seeks to amend Objective NH-O2 to reference 'vulnerable activities' to clearly differentiate simple uninhabited farm buildings etc that have different risk profiles from 'vulnerable activities' which are at higher risk. In my view, effects of natural hazards and climate change on farm buildings and structures and associated earthworks can still cause property damage and risk to people, therefore I do not consider it appropriate to limit the objective to only the community and 'vulnerable activities'. However, I consider the reference in Objective NH-O2 to 'the built environment' is unnecessary and could be deleted, leaving the objective to apply to 'risks to the community', which is a sufficiently broad concept to adequately capture vulnerable activities and the built environment.
- 5.3.5 As a result of the above, I recommend 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

- 5.3.6 Whilst there is support for retention of Objective NH-O3, there are a number of submitters seeking amendments to it. Kāinga Ora suggests that the objective, as written, implies complete avoidance of increased risk and considers this is unlikely to be achievable, and therefore seeks to replace the objective with wording that instead acknowledges where matters and activities can be managed to minimise risks associated with natural hazards.
- 5.3.7 Federated Farmers and Hort NZ, similarly question whether the avoidance of any increase in risk is achievable, and suggest that some risk tolerance is necessary, and that risk can be managed not only by avoidance, but by remediation or mitigation too.
- 5.3.8 James Bridge seeks that the objective be deleted entirely, or amended to refer to 'significant risks from natural hazards' to align with section 6 of the RMA.
- 5.3.9 I concur with the submitters that the wording of Objective NH-O3 unlikely to be achievable as it is not possible to achieve it without effectively prohibiting new development, and that 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.
- 5.3.10 I also note the reference in the further submission from Silver Fern Farms to Section 3.12 Natural Hazards of the Hawke's Bay Regional Policy Statement (RPS), and that this contemplates natural hazard remediation and mitigation measures, not just avoidance.
- 5.3.11 The PDP is required to give effect to the RPS, including Objective 31 and Policy 55 (which sets out the role of HBRC in providing information to territorial authorities, providing works and services, and prioritizing natural hazard responses), as set out below:

OBJ 31	The avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood.
POL 55	<p>Role of Non-Regulatory Methods</p> <p>To use non-regulatory methods set out in Chapter 4, as the principal means of addressing hazard avoidance and mitigation, in particular:</p> <p>(a) Liaison with territorial authorities¹² - To provide information on natural hazard risk to territorial authorities, and advocate that future development is managed in such a way that the risk of exposure to natural hazards is avoided, remedied or mitigated.</p> <p>(b) Works and services - To provide hazard mitigation measures, in particular flood mitigation measures, where the benefits can be shown to outweigh the costs and the identified beneficiaries can meet the costs.</p> <p>(c) Natural hazard priorities - To focus both hazard avoidance and mitigation on areas of high human population density as a first priority.</p>

- 5.3.12 In light of the above, I prefer the amended wording sought by Hort NZ, and recommend that Objective NH-O3 be amended accordingly, as follows:

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

- 5.3.13 Ngā hapū me ngā marae o Tamatea submit that the policy section be redrafted to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe, including 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. They consider that mana whenua struggle to have a meaningful role within the current flood protection framework, and that the reliance on

hard engineering measures *'marginalizes mana whenua values, has a direct impact on the āhua (natural character) and mauri of waterways and destroys mahinga kai species and sites of significance'*.

- 5.3.14 River management and flood protection schemes are a regional council function, and are not matters that can be addressed through the Natural Hazards provisions of the PDP. I do not consider the outcome sought by the submitter is able to be achieved through amendments or re-writing of this section of the PDP.
- 5.3.15 The submitter may wish to provide further detail and suggestion at the hearing as to how the PDP may be able to be amended, within the scope of the relief sought. However at this stage, I do not recommend any changes as a result of this submission.

Policy NH-P5

- 5.3.16 There is considerable support for the retention of Policy NH-P5, however I concur with Kāinga Ora that the term 'manage' is more appropriate than 'control' in relation to the activities specifically listed, and would better align with section 6(h) of the RMA (being 'the management of significant risks from natural hazards').
- 5.3.17 I agree with Federated Farmers that referring to 'areas of significant natural hazard risk' is unclear, and I therefore recommend using the words 'areas at significant risk from natural hazards', which is more appropriate and would better align with section 6(h) of the RMA accordingly. This amended wording should be carried through where the same terminology is used in Policies NH-P7 (further addressed below) and NH-P8, as a consequential amendment.
- 5.3.18 However, I do 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 my view, erection of 'non-habitable' buildings and structures and earthworks, in areas at significant risk from natural hazards, can also cause property damage and impact on the health and safety of people. The policy would be form part of the consideration when any resource consent process is triggered in an area identified as being at risk from natural hazards.
- 5.3.19 Therefore, on the basis of the above, I recommend 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 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.

- 5.3.20 And that Policy NH-P7 & NH-P8 be similarly amended for consistency, as a clause 16 RMA minor amendment.

Policy NH-P7

- 5.3.21 There is considerable support for retention of Policy NH-P7, however Woolworths NZ Ltd considers it necessary for more clarification to be provided of the types of activities that could be appropriate, in particular within the relatively permissive Commercial Zone, as it will have a major bearing on any future investment in sites within this zone.
- 5.3.22 James Bridge seeks 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 is not possible to achieve this policy without prohibiting any new development in the district.
- 5.3.23 As for Objective NH-O2 and Policy NH-5 above, I recommend amending 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 section 6(h) of the RMA.
- 5.3.24 I do not support deletion of the policy, which gives effect to Objective NH-O2 and, in particular, to Objective NH-O3 (as they are recommended to be amended). However, I concur with Woolworths NZ Ltd and James Bridge that the policy implies all new development should be avoided, and I support clarification 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.
- 5.3.25 I do not support the use of the term 'hazard sensitive activities' as this would also require defining, and the PDP already outlines 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 are already defined or specified in the PDP.

- 5.3.26 Therefore, in my view, the wording of the policy should be clarified to refer to the types of activities it is aimed at, and to better align with the objectives of minimising significant risks from natural hazards (Objective NH-O2) and avoiding, remedying, or mitigating any increase in risk (Objective NH-O3).
- 5.3.27 On that basis, I recommend that Policy NH-P7 be amended as follows:

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** 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.

Policy NH-P9

- 5.3.28 There is considerable support for retention of Policy NH-P9, however Kāinga Ora seeks amendments for clarification, and Federated Farmers seeks amendments to ensure the focus is on land use change or development that would increase risk and not inadvertently capture low risk land use like farming.
- 5.3.29 James Bridge seeks deletion of Policy NH-P9 on the basis that mitigation is an appropriate means of managing potential significant risks from natural hazards in accordance with section 106 of the RMA, and that the focus on 'avoidance' is inappropriate.
- 5.3.30 I do not support deletion of the policy, as 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 is clearly not minimising risks and implies that there is increasing risk as a result. I agree with Kāinga Ora, that this could be clarified through amended wording.
- 5.3.31 On that basis, I recommend 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 **so as not to necessitate to avoid the need for further** natural hazard mitigation activities **in order to minimise risks associated with natural hazards to people, property, and infrastructure**.

- 5.3.32 In terms of Federated Farmers submission, I do not consider it appropriate to limit application of the policy solely to 'vulnerable activities', and I consider interpretation of the policy will be clearer with the amended wording recommended above, which will largely address the remaining concerns of the submitter.

5.4 Recommendations

- 5.4.1 For the reasons outlined above, I recommend that Objective NH-O1 and Policies NH-P1, NH-P2, NH-P3, NH-P4, NH-P6, NH-P10, NH-P11 & NH-P12 be retained as notified, and that Objectives NH-O2 & NH-O3 and Policies NH-P5, NH-P7, NH-P8 & NH-P9 be amended (as outlined in Recommended Amendments below).
- 5.4.2 I recommend that the following submission(s) be **accepted**:
- FENZ, S57.043, S57.046, S57.047, S57.052
 - DOC, S64.038, S64.041, S64.042, S64.043, S64.044, S64.046, S64.050, S64.051, S64.052
 - Transpower, S79.057
 - Hort NZ, S81.066
 - James Bridge, S105.008
 - Federated Farmers, S121.123, S121.126, S121.127, S121.128, S121.129, S121.131, S121.135
 - Ngā hapu me ngā marae o Tamatea, S125.037
 - Kāinga Ora, S129.048, S129.051, S129.052, S129.053
- 5.4.3 I recommend that the following submission(s) be **accepted in part**:
- FENZ, S57.044, S57.045, S57.048, S57.049, S57.050, S57.051
 - DOC, S64.039, S64.040, S64.045, S64.047, S64.048, S64.049
 - Woolworths NZ Ltd, S66.004
 - Federated Farmers, S121.124, S121.125, S121.132, S121.133, S121.134
 - Kāinga Ora, S129.049, S129.050

5.4.4 I recommend that the following submission(s) be **rejected**:

- James Bridge, S105.009, S105.010
- Federated Farmers, S121.130
- Ngā hapu me ngā marae o Tamatea, S125.038

5.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

5.5 Recommended Amendments

5.5.1 I recommend the following amendment(s) is made:

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.
NH-P5	To manage control the activities that can occur in areas of at significant natural hazard -risk from natural hazards , 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.
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.
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.
NH-P9	To ensure that subdivision, land use activities or other new development is located and designed so as not to necessitate to avoid the need for further natural hazard mitigation activities in order to minimise risks associated with natural hazards to people, property, and infrastructure.

5.6 Section 32AA Evaluation

5.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.

5.6.2 The above recommendations are considered minor, where the changes better reflect the wording of section 6(h) of the RMA being *'the management of significant risks from natural hazards'*, and would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

6.0 Key Issue 3 – Natural Hazard Rules

6.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S121.136	Federated Farmers of New Zealand	NH-R1	Amend	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 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. ...'	Reject
FS8.033	Silver Fern Farms Limited		Support		Reject
FS9.136	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
FS17.39	Horticulture New Zealand		Support		Reject
S56.029	Powerco Limited	NH-R1	Support	Retain NH-R1 as notified.	Accept
FS9.282	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S79.058	Transpower New Zealand Ltd	NH-R1	Oppose	Amend NH-R1 to remove non-complying activity status for the National Grid.	Accept <i>(insofar as there is no NC activity status in NH-R1 to remove)</i>
.					
S78.008	Waka Kotahi NZ Transport Agency	NH-R1	Support	Retain NH-R1 as written.	Accept
.					
S57.053	Fire and Emergency New Zealand	NH-R1	Support	Retain NH-R1 as notified.	Accept
.					
S121.137	Federated Farmers of New Zealand	NH-R2	Support	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.	Accept

FS9.137	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
FS12.2	New Zealand Defence Force		Support	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.’	Accept
S66.003	Woolworths New Zealand Limited	NH-R2	Amend	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.	Reject
FS8.034	Silver Fern Farms Limited		Support		Reject
S81.068	Horticulture New Zealand	NH-R2	Amend	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.’	Accept
FS12.1	New Zealand Defence Force		Support	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.’	Accept
S129.054	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-R2	Oppose	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)) 5. Activity status where the building 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 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.’	Accept in part

				<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>	
S79.059	Transpower New Zealand Ltd	NH-R2	Oppose	Amend NH-R2 to remove non-complying activity status for the National Grid.	Accept in part
S57.054	Fire and Emergency New Zealand	NH-R2	Amend	<p>Amend NH-R2 as follows:</p> <p>'NH-R2 Any new building or alteration to an existing building within a Natural Hazard area</p> <p>Fault Avoidance Area</p> <p>1. ...</p> <p>2. Activity status where the building is a BIC 2b, or 3 or BIC 4 category structure: RDIS</p> <p>3. Activity status where the building is a BIC 4 category structure: NC</p> <p>Flood Hazard Area</p> <p>4. ...</p> <p>5. Activity status where the building is a BIC 2a, 2b, or 3 or BIC 4 category structure: RDIS</p> <p>6. Activity status where the building is a BIC 4 category structure: NC</p>	Reject
S73.011	Ministry of Education	NH-R2	Support	Retain NH-R2 as proposed.	Accept in part
S11.039	Hawke's Bay Regional Council	NH-R2	Amend	<p>We support the proposal to restrict permitted activities to only BIC-1 category buildings in the high risk flood area (Zone 1).</p> <p>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.</p>	Accept
S79.060	Transpower New Zealand Ltd	NH-R3	Oppose	Amend NH-R3 to remove non-complying activity status for the National Grid.	Accept <i>(insofar as there is no NC activity)</i>

					status in NH-R1 to remove)
FS23.121	Kāinga Ora - Homes and Communities		Oppose		Reject
S121.138	Federated Farmers of New Zealand	NH-R3	Support	Retain NH-R3 as proposed.	Accept in part
FS9.138	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S129.055	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-R3	Oppose	Delete NH-R3.	Reject
.					
S57.055	Fire and Emergency New Zealand	NH-R3	Support	Retain NH-R3 as notified.	Accept in part
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6.1.1 In summary, these 17 submissions and 10 further submissions address the NH – Rules in the Natural Hazards chapter of the PDP.

6.2 Matters Raised by Submitters

Rule NH-R1

- 6.2.1 Powerco Ltd (S56.029), Waka Kotahi (S78.008), and FENZ (S57.053), all support retention of Rule NH-R1 as notified.
- 6.2.2 Powerco ‘supports the permitted activity rule for network utilities in a Flood Hazard Area. Network utilities have to be installed wherever a customer chooses to locate, and at times such network utilities may need to be located in or traverse through Natural Hazard Areas’.
- 6.2.3 FENZ ‘supports NH-R1 to the extent that it allows Natural hazard mitigation activities within a Natural Hazard area to be carried out by or on behalf of a local authority, network utility operator or a requiring authority’.
- 6.2.4 Federated Farmers (S121.136), further supported by Silver Fern Farms (FS8.033) and Hort NZ (FS17.39), seeks amendments to Rule NH-R1, as follows:

NH-R1 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 Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002; or b. <u>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.</u>	2. Activity status where compliance not achieved: DIS

6.2.5 Federated Farmers is concerned that ‘the broad definition of ‘natural hazard mitigation activities’ includes activities like riparian planting and drainage which should be reasonable activities for farmers to undertake on their land for the purposes of mitigating potential flood damage. We are also concerned that maintenance work on existing stop banks is not enabled’.

- 6.2.6 Silver Fern Farms ‘agrees that in a mapped Fault Avoidance Area, Flood Hazard Area and/or Tsunami Hazard Area, the scope for people to undertake natural hazard mitigation activities on a permitted basis should be widened, where the mitigation: > Is necessary to reduce natural hazard risk; > Cannot avoid encroaching into the mapped natural hazard risk area; and > Does not exacerbate or displace natural hazard risks onto other parties’.
- 6.2.7 Hort NZ considers ‘The additional clause sought provides the ability to carry out works which will not create unacceptable hazard risk’.
- 6.2.8 Transpower (S79.058) seeks amendment of Rule NH-R1 to remove non-complying activity status for the National Grid, on the basis that ‘Depending on the relevance and applicability of the Natural Hazards Chapter to the National Grid, Transpower opposes any non-complying activity status that would apply to the National Grid. The National Grid is a linear network that is constrained in its location. Such constraints should be reflected in a restricted discretionary activity status. The RDIS matters would ensure an adequate assessment of the risks and need’.

Rule NH-R2

- 6.2.9 The Ministry of Education (S73.011) supports retention of Rule NH-R2 as notified.
- 6.2.10 HBRC (S11.039) propose that the Flood Risk Area is updated to Zone 1 and Zone 2 areas as provided by flood hazard maps developed by the HBRC Asset Management team – this aspect is addressed later in this report in Key Issue 6. Updated mapping has flow-on implications for Rule NH-R2 as follows:

‘We support the proposal to restrict permitted activities to only BIC-1 category buildings the in high risk flood area (Zone 1). Note that Zone 1 includes the very high risk areas such as the main channel of a major river (e.g. Waipawa, Upper Tukituki and others), as well as high risk areas adjacent to main rivers, or in the direct path of an overland flow path, or where there is a risk of flooding due to stopbank failure such as from erosion or overtopping.

Some areas of Zone 1 and almost all areas of Zone 2 may be suitable for residential development and other buildings if measures such as raised floor levels are able to mitigate the risk. Zone 2 includes areas adjacent to Zone 1, where the flood risk is considered low, transitioning to virtually zero flood risk where Zone 2 is adjacent to steep hills. In almost all areas of Zone 2, residential development may be possible, however, there may be other risks or issues that need to be addressed.

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. The two zones will make it clear that there are some areas more at risk than others and that proposed developments and land use change within both these areas will need to be considered on a case-by-case basis.’
- 6.2.11 Federated Farmers (S121.137), further supported by NZDF (FS12.2), supports retention of the Permitted Activity status with default to Restricted Discretionary, ‘however we consider that existing structures need to be enabled as well’, and seeks to amend Rule NH-R2 accordingly.
- 6.2.12 Similarly, Hort NZ (S81.068) ‘supports the Building Importance Categories (BIC) as a basis for risk assessment. The rule should refer to buildings and ‘structures’. It needs to be clear that artificial crop protection structures are included as BIC 1’, and seeks to amend all relevant references in Rule NH-R2 to provide for structures (in addition to buildings) i.e. ‘The building **or structure**...’.
- 6.2.13 NZDF (FS12.1) supports Hort NZ’s submission, stating that ‘The inclusion of ‘structures’ in the rule wording provides clarity that the rule permits both buildings and structures’, including in the rule title.
- 6.2.14 The submissions of Federated Farmers and Hort NZ above, would involve amendments as follows:

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 Where the following conditions are met: a. The building or structure is a BIC 1 or 2a category structure (refer NH-APP1 –	2. Activity status where the building or structure is a BIC 2b or 3 category structure: RDIS Matters over which discretion is restricted:

	<p>Table of Building Importance Categories (BIC)).</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 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>Flood Hazard Area</p>	<p>4. Activity Status: PER 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 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>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 or structures to alternative locations.</p> <p>6. Activity status where the building or structure is a BIC 4 category structure: NC</p>
<p>Tsunami Hazard Area</p>	<p>7. Activity Status: PER Where the following conditions are met:</p> <p>a. The building or structure does not accommodate new, or facilitate intensification of, Vulnerable Activities.</p>	<p>8. Activity status where compliance is not achieved: RDIS 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 will intensify the use of the area, or the number of people that are likely to occupy the site.</p>

6.2.15 In association with proposed amendments to Policy NH-P7 addressed in Key Issue 2 of this report, Woolworths Ltd (S66.003), further supported by Silver Fern Farms (FS8.034), seeks to amend the matters for discretion in Rule NH-R2 to provide more certainty for commercial activities, particularly those in low-

rise buildings, being acceptable in the Fault Avoidance Area. They consider ‘While the activities in BIC 2b are provided for as Restricted Discretionary Activity, the matters of discretion are wide and provide little certainty in regard to the type of information that Council would expect to see accompany a resource consent application, and that a building could be designed to successfully obtain resource consent under Rule NH-R2’.

6.2.16 Silver Fern Farms ‘is similarly concerned that as a ‘BIC 2b(c)’ structure (under NH-APP1 – Table of Building Importance Categories (BIC)), future development and/or building additions in areas of its Site where the Fault Avoidance Area mapping applies would be subject to the same matters of discretion as an entirely different building type would be (such as “Multi-occupancy residential, commercial (including offices and retail)”. Silver Fern Farms agrees that the broadly framed matters of discretion (particularly NH-R2(2)(b)) need refining to ensure that different building types under the ‘BIC 2b’ category are only assessed against relevant matters when resource consent applications are processed’.

6.2.17 Kāinga Ora (S129.054) seeks amendments to Rule NH-R2, as follows:

NH-R2 Any new building or alteration to an existing building within a Natural Hazard area		
<p>Fault Avoidance Area</p>	<p>1. Activity Status: PER Where the following conditions are met: a. The building 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 is a BIC 2b or 3 category structure: RDIS Matters over which discretion is restricted: a. The functional or operational need to locate the building in the hazard area. 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. The susceptibility of the building to the effects of ground shaking and displacement from earthquakes. 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 design.</p> <p>3. Activity status where the building is a BIC 4 category structure: NC</p>
<p>Flood Hazard Area</p>	<p>4. Activity Status: PER Where the following conditions are met: a. The building is a BIC 4 category structure (refer NH-APP1 – Table of Building Importance Categories (BIC)).</p>	<p>5. Activity status where the building 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 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.</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>
Tsunami Hazard Area	<p>7. Activity Status: PER Where the following conditions are met:</p> <p>a. The building does not accommodate new, or facilitate intensification of, Vulnerable Activities.</p>	<p>8. Activity status where compliance is not achieved: 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 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>

6.2.18 Kainga Ora give the following reasons for the amendments sought:

‘Consistent with its submission, Kāinga Ora opposes the inclusion of flood hazard as a natural hazard overlay within the PDP. Unlike tsunami and fault hazards, flood hazards are dynamic and subject to change. As such, Kāinga Ora considers that the spatial identification of flood hazard areas should be made publicly available through a set of non-statutory flood hazard maps which sit outside of the PDP. Where compliance with standards is not achieved, Kāinga Ora considers that a restricted discretionary activity status is appropriate.

In relation to tsunami hazard areas, Kāinga Ora suggests the inclusion of an additional matter of discretion to be considered in the assessment of resource consent applications.’

6.2.19 FENZ (S57.054) seeks amendments to Rule NH-R2, as follows:

NH-R2 Any new building or alteration to an existing building within a Natural Hazard area		
Fault Avoidance Area	<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. The building 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 is a BIC 2b, or 3 or BIC 4 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 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. The susceptibility of the building 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 design.</p>

		<p>3. Activity status where the building is a BIC 4 category structure: NC</p>
Flood Hazard Area	<p>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)).</p>	<p>5. Activity status where the building is a BIC 2a, 2b, or 3 or BIC 4 category structure: RDIS Matters over which discretion is restricted: a. The functional or operational need to locate the building 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 to alternative locations.</p>
		<p>6. Activity status where the building is a BIC 4 category structure: NC</p>
Tsunami Hazard Area	<p>7. Activity Status: PER Where the following conditions are met: a. The building does not accommodate new, or facilitate intensification of, Vulnerable Activities.</p>	<p>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 in the hazard area. 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>

6.2.20 FENZ give the following reasons:

‘Emergency service facilities such as fire stations, police stations, ambulance stations and emergency vehicle garages are listed as Building Importance Category) BIC 4 which are structures with special post-disaster functions.

As notified, any new building or alteration to an existing building within a natural hazard area (specifically a fault avoidance and flood hazard area) for a BIC 4 category structure is a non-complying activity. It is noted that Tamatea Rural Fire Station is located in the Fault Avoidance Area.

Fire and Emergency recognises the importance of locating emergency service facilities such as fire stations outside of areas subject to a natural hazard. However, in some instances there may be an operational requirement to locate within a natural hazard area. Urban growth, population change and Fire and Emergency’s response time commitments to the government and community are key determinants for the location of new, or expansion of existing fire stations. As such, fire stations must be able to be located throughout the urban and rural environment so that Fire and Emergency is able attend an emergency within a primary response area in an effective and timely manner. Further, communities have an expectation that Fire and Emergency will respond promptly to a fire emergency in order to protect lives and property and therefore avoid or mitigate the adverse effects of fire.

Fire and Emergency therefore seeks that BIC 4 structures are included as restricted discretionary activities. This will ensure that Council has the discretion over what BIC 4 structures are deemed

acceptable to be located in the fault avoidance and flood hazard area on a case-by-case basis. The matters of discretion covering functional or operational need and the nature and extent of the hazard risks to people or property are considered to appropriately address any actual or potential effects on the environment that may be of concern to the Council and the consent authority can then decide whether to grant consent, grant consent with conditions or decline consent – as provided for in S104C, RMA.'

- 6.2.21 Transpower (S79.059) seeks amendment of Rule NH-R2 to remove non-complying activity status for the National Grid, on the basis that *'Depending on the relevance and applicability of the Natural Hazards Chapter to the National Grid, Transpower opposes any non-complying activity status that would apply to the National Grid. The National Grid is a linear network that is constrained in its location. Such constraints should be reflected in a restricted discretionary activity status. The RDIS matters would ensure an adequate assessment of the risks and need'*.

Rule NH-R3

- 6.2.22 Federated Farmers (S121.138) and FENZ (S57.055) both support retention of Rule NH-R3 as notified.
- 6.2.23 Federated Farmers support retention of this rule on the basis that *'Support is extended to the focus on vulnerable activities as a method to implement the risk based approach'*.
- 6.2.24 FENZ gives the following reasons for supporting retention of this rule:
- 'Fire and Emergency recognises the importance of locating emergency service facilities such as fire stations outside of areas subject to a natural hazard. As such, Fire and Emergency supports the inclusion of emergency services facilities in the 'vulnerable activities' definition.*
- The decision on where to locate activities that are vulnerable to natural hazards is critical. By locating vulnerable activities outside of hazardous areas, the District can reduce the risk to people and property. Locating services such as fire stations, hospitals etc. outside of hazard areas is particularly important to ensure that the response capability of these services is not impaired during a disaster. This will ensure that Fire and Emergency can continue to meet its functional and operational requirements during major events and that the interdependencies between lifeline utilities are managed.*
- Fire and Emergency supports the restricted discretionary activity status including the matters of discretion which require council to consider the functional or operational need to locate the building in the hazard area.'*
- 6.2.25 Kāinga Ora (S129.055) seeks deletion of Rule NH-R3, *'to the extent that it duplicates NH-R2(7) and (8)'*.
- 6.2.26 Transpower (S79.060) seeks amendment of Rule NH-R3 to remove non-complying activity status for the National Grid, on the basis that *'Depending on the relevance and applicability of the Natural Hazards Chapter to the National Grid, Transpower opposes any non-complying activity status that would apply to the National Grid. The National Grid is a linear network that is constrained in its location. Such constraints should be reflected in a restricted discretionary activity status. The RDIS matters would ensure an adequate assessment of the risks and need'*.
- 6.2.27 Kāinga Ora opposes the proposed amendment sought by Transpower *'to the extent it is inconsistent with its primary submission'*.

Forest & Bird

- 6.2.28 Forest & Bird (FS9.136, FS9.137, FS9.138) opposes the submissions of Federated Farmers, as *'The amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.
- 6.2.29 Forest & Bird (FS9.282) opposes the submissions of Powerco, as *'The amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'*.

6.3 Analysis

Rule NH-R1

- 6.3.1 There is considerable support for retention of Rule NH-R1, however Federated Farmers seeks an additional Permitted Activity condition be added for situations where *'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'.

- 6.3.2 Federated Farmers considers 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 are also concerned that maintenance work on existing stop banks is not enabled.
- 6.3.3 'Natural hazard mitigation activities' are defined in the PDP as 'activities that are carried out to reduce the risks posed by natural hazards (includes stopbanks, sea walls, vegetation planting, and river control and drainage works)'.
- 6.3.4 In terms of 'vegetation planting', I am unsure as to the use of riparian planting as a means of mitigating flood hazard other than, perhaps, as a way to stabilise riverbanks. Riparian planting is generally used as a filtering mechanism for water quality purposes, shading for aquatic ecosystems, and for amenity and cultural reasons.
- 6.3.5 In terms of 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, ...', such maintenance would meet the Permitted Activity condition in Rule NH-R1 and is therefore already enabled.
- 6.3.6 In my view, 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 or create risk off-site. The rule is also consistent with a similar rule in the Hastings District Plan (Rule NH1).
- 6.3.7 I also consider that the wording of the condition sought introduces a degree of judgement which is inappropriate within a rule in a District Plan – in terms of determining whether a natural hazard risk can be 'reasonably avoided' or not, and in terms of determining whether the works transfer or create 'unacceptable' hazard risk to other people, property, infrastructure or the natural environment.
- 6.3.8 For these reasons, I do not support amending Rule NH-R1 as sought by Federated Farmers.
- 6.3.9 I also note that Transpower seeks amendment to remove Non-Complying Activity status for the National Grid in relation to Rules NH-R1 to NH-R3. Rule NH-R1 does not introduce a Non-Complying Activity status and, therefore, no further analysis is considered necessary in relation to Rule NH-R1 in this respect.

Rule NH-R2

- 6.3.10 There is 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 seek various amendments to the rule.
- 6.3.11 HBRC propose updating the Flood Hazard Area in terms of the application of this rule, and Federated Farmers and Hort NZ both seek to expand the rule to include 'structures' as well as 'buildings' – which I concur with, in clarifying that the rule addresses both.
- 6.3.12 As outlined in Key Issue 6, I recommend adoption of the updated flood hazard maps developed by the HBRC Asset Management team which includes splitting the Flood Hazard Area into 'Zone 1' and 'Zone 2'. As a consequence, I concur with HBRC that it is appropriate to differentiate between 'Zone 1' and 'Zone 2' flood areas within Rule NH-R2 accordingly, to *'make it clear that there are some areas more at risk than others and that proposed developments and land use change within both these areas will need to be considered on a case-by-case basis'*. HBRC considers that almost all areas of Zone 2 may be suitable for residential development and other buildings if measures such as raised floor levels are able to mitigate the risk.
- 6.3.13 The HBRC submission offers two suggested options for differentiation within the Natural Hazard provisions of the PDP:
- 1. Imposing 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*
- 2. Zone 2 could work as an alert layer without any additional rules other than 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.*

- 6.3.14 I prefer the first option, as a flood event in this low flood risk area still represents a 'low probability high consequence' event where vulnerable activities or buildings accommodating large numbers of people are concerned.
- 6.3.15 On that basis, I recommend inserting a Permitted Activity category for 'Flood Hazard Area (Zone 2)' to capture BIC 1 and 2 category buildings and structures (which is likely to be the majority of any new buildings and structures in Central Hawke's Bay), with a Restricted Discretionary activity status for new or expanded BIC 3 and 4 category buildings and structures. This would permit buildings and structures presenting a low degree of hazard to life and other property, residential buildings, and various commercial and industrial buildings etc in 'Zone 2' areas, but would trigger the need for resource consent for buildings enabling congregation of significant numbers of people in one area, larger educational facilities, hospitals, hazardous facilities, power generation and water & wastewater treatment facilities etc, and structures with post-disaster functions. I consider enabling this level of scrutiny for the higher BIC categories within 'Flood Hazard Area (Zone 2)' is appropriate to the level of risk posed.
- 6.3.16 In response to Woolworths NZ Ltd's submission, it is unclear what additional 'matters of discretion' would be of assistance in addressing the submitter's concerns. In the absence of any detail, I am not in a position to be able to consider this submission any further. The submitter may wish to provide some further clarification of what specific type of 'matters for discretion' they consider would be appropriate at the Hearing.
- 6.3.17 Kāinga Ora's submission seeks to:
1. *amend the wording of one of the matters of discretion for the Fault Avoidance Area to relate back to the consideration of the likelihood that the activity would increase or exacerbate risks to people or property;*
 2. *delete the Flood Hazard Area provisions in Rule NH-R2 and instead rely on non-statutory flood hazard maps which sit outside of the District Plan; and*
 3. *include an additional matter of discretion in relation to Tsunami Hazard Area as to whether appropriate escape paths or evacuation routes are available and readily accessible.*
- 6.3.18 I concur with the amended wording proposed for the matter of discretion in Rule NH-R2(2)(b), as I consider relating assessment back to whether the activity is likely to increase or exacerbate risks to people or property is more appropriate and in line with a risk management approach, than whether the activity will intensify use of the area or increase the number of people likely to occupy the site (which may or may not increase or exacerbate risks). I am also supportive of the additional matter of discretion sought in relation to the Tsunami Hazard Area in Rule NH-R2(8), as I consider appropriate and practical escape paths and evacuation routes are a reasonable consideration when assessing applications for vulnerable activities within such areas.
- 6.3.19 In terms of the Flood Hazard Area however, 'flood hazard' is a legitimate natural hazard risk to manage and has been historically identified and mapped in the District Plan. Given HBRC have supplied amended up-to-date flood hazard mapping (recommended for inclusion on the Planning Maps as outlined in Key Issue 6 of this report), which is unlikely to be subject to material change in the short to medium term, and the recommendation above to reflect the two flood zones indicating different levels of risk, I am of the opinion that Flood Hazard Area provisions in Rule NH-R2 should be retained.
- 6.3.20 Both FENZ and Transpower seek deletion of the Non-Complying Activity status applying to their respective activities where they are deemed BIC 4 buildings or structures. FENZ considers that in some instances there may be an operational requirement to locate within a natural hazard area, and seeks that BIC 4 structures are included as Restricted Discretionary Activities including the matters of discretion which require council to consider the functional or operational need to locate the building in the hazard area. Transpower states that the National Grid is a linear network that is constrained in its location, and similarly considers a Restricted Discretionary activity status is appropriate and that the matters for discretion would ensure an adequate assessment of the risks and need.
- 6.3.21 Buildings and structures falling into Building Importance Category 4 are broadly identified as 'structures with special post-disaster functions' and also includes 'major hazardous facilities'. 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), I consider the PDP approach is entirely appropriate in indicating that these are not anticipated to be located within identified hazard overlays. I also note that the status in the PDP aligns with the example resource consent table contained in the GNS Report on 'Active Fault Mapping

and Fault Avoidance Zones for Central Hawke’s Bay District² (Table 4.3 – refer Appendix C attached to this report), which similarly allocates a Non-Complying activity status to BIC 4 buildings and structures.

6.3.22 However, in terms of the National Grid, I do not consider that the examples of network utilities in BIC 3 or BIC 4 in Appendix NH-APP1 would capture the National Grid. The National Grid is not a ‘*structure that may contain people in crowds or pose risks to people in crowds or contain contents of high value to the community*’ and is not a ‘power generating facility’ (example given in BIC 3), nor is it a ‘*structure with special post-disaster functions*’ and is not ‘required as backup for BIC 4 buildings and facilities’ (example given in BIC 4). In that sense, it would fall to BIC 2b (being the default category for all structures and facilities that do not fall within BIC 1, 2a, 3 or 4). For clarification, I recommend 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**’. I consider this would address the concern of Transpower in terms of clarifying where the National Grid sits in the ‘Building Importance Category’ framework in the PDP, and ultimately the application of Rule NH-R2 to the National Grid.

6.3.23 On the basis of the above, I therefore recommend 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 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 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> <p>3. Activity status where the building or structure is a BIC 4 category structure: NC</p>
Flood Hazard Area (Zone 1)	<p>4. Activity Status: PER 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 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>

² Langridge, R. M.; Ries, W. F. 2014. ‘Active Fault Mapping and Fault Avoidance Zones for Central Hawkes Bay District: 2013 Update’, GNS Science Consultancy Report 2013/151.

		<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 or structures to alternative locations.</p>
		<p>6. Activity status where the building or structure is a BIC 4 category structure: NC</p>
<u>Flood Hazard Area (Zone 2)</u>	<p>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></p>	<p>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></p>
Tsunami Hazard Area	<p>7. Activity Status: PER Where the following conditions are met: a. The building or structure does not accommodate new, or facilitate intensification of, Vulnerable Activities.</p>	<p>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 or structure in the hazard area. 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. c. <u>Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.</u></p>

6.3.24 For clarification, I also recommend Appendix NH-APP1 Building Importance Categories (BIC) be amended as follows:

Building Importance Category (BIC)	Description	Examples
1
2a

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
4

Rule NH-R3

- 6.3.25 There is support for retention of Rule NH-R3 in the submissions 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 is seen as important. However, Kāinga Ora considers that Rule NH-R3 duplicates Rule NH-R2(7) & (8), and seeks that it be deleted.
- 6.3.26 Rule NH-R2(7) & (8) relates to new buildings or alteration to an existing building within the Tsunami Hazard Area. Where the building does not accommodate new, or facilitate intensification of, ‘vulnerable activities’, it is a Permitted Activity (7). Where it does accommodate ‘vulnerable activities’, the activity falls to be a Restricted Discretionary Activity (8).
- 6.3.27 Rule NH-R3 relates to any new, or intensification of, ‘vulnerable activities’ within the Tsunami Hazard Area, and assigns a Restricted Discretionary activity status.
- 6.3.28 The rules therefore perform similar, but slightly different, functions. Rule NH-R2 is about buildings, whereas Rule NH-R3 is about the activities.
- 6.3.29 Rule NH-R3 addresses some situations not captured by Rule NH-R2, such as a change of use of an existing building to accommodate a new ‘vulnerable activity’ or intensification of an existing ‘vulnerable activity’, and also reflecting that some ‘vulnerable activities’ (as defined in the PDP) are not exclusively within buildings e.g. camping grounds. In that sense, I do not agree that Rule NH-R3 duplicates Rule NH-R2(7) & (8).
- 6.3.30 However, there is 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). In my view, given the role of Rule NH-R3 relates to the activity itself, the accompanying matters for discretion should be amended to relate to the ‘activity’, not the ‘building’. In addition, I recommend 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).
- 6.3.31 Therefore, I recommend Rule NH-R3 be amended as follows:

NH-R3 Any new, or intensification of, Vulnerable Activities within the Tsunami Hazard area		
Tsunami Hazard Area	<ol style="list-style-type: none"> 1. Activity Status: RDIS Where the following conditions are met: N/A Matters over which discretion is restricted: <ul style="list-style-type: none"> a. The functional or operational need to locate the activitybuilding in the hazard area. 	<ol style="list-style-type: none"> 2. Activity status where compliance not achieved: N/A

	<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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6.3.32 I also note that Transpower seeks amendment to remove Non-Complying Activity status for the National Grid in relation to Rules NH-R1 to NH-R3. Rule NH-R3 does not introduce a Non-Complying Activity status and, therefore, no further analysis is considered necessary in relation to Rule NH-R3 in this respect.

6.4 Recommendations

6.4.1 For the reasons outlined above, I recommend that Rule NH-R1 be retained as notified, and Rules NH-R2 & NH-R3 and Appendix NH-APP1 be amended (as outlined in Recommended Amendments below).

6.4.2 I recommend that the following submission(s) be **accepted**:

- HBRC, S11.039
- Powerco, S56.029
- FENZ, S57.053
- Waka Kotahi, S78.008
- Transpower, S79.058, S79.060
- Hort NZ, S81.068
- Federated Farmers, S121.137

6.4.3 I recommend that the following submission(s) be **accepted in part**:

- FENZ, S57.055
- Ministry of Education, S73.011
- Transpower, S79.059
- Kāinga Ora, S129.054
- Federated Farmers, S121.138

6.4.4 I recommend that the following submission(s) be **rejected**:

- FENZ, S57.054
- Woolworths NZ Ltd, S66.003
- Federated Farmers, S121.136
- Kāinga Ora, S129.055

6.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

6.5 Recommended Amendments

6.5.1 I recommend the following amendments are made:

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 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 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</p>

		<p><u>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.</u></p> <p>c. The susceptibility of the building <u>or structure</u> 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 <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>
<p>Flood Hazard Area <u>(Zone 1)</u></p>	<p>4. Activity Status: PER Where the following conditions are met:</p> <p>a. 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>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 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 <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>
<p><u>Flood Hazard Area (Zone 2)</u></p>	<p>4. <u>Activity Status: PER</u> <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>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></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>
Tsunami Hazard Area	<p>6. 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.</p>	<p>7. 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 intensify the use of the area, or the number of people that are likely to occupy the site. c. <u>Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.</u></p>

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: a. The functional or operational need to locate the <u>activitybuilding</u> in the hazard area. 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. 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>

And amend Appendix NH-APP1 Building Importance Categories, as follows:

NH-APP1 – Building Importance Categories (BIC)

Building Importance Category (BIC)	Description	Examples
1
2a
2b	<p>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></p>	<p>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.</p>

		<ul style="list-style-type: none"> 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>
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6.6 Section 32AA Evaluation

- 6.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 6.6.2 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

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

7.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S121.139	Federated Farmers of New Zealand	NH-AM1	Support	Retain NH-AM1 as proposed.	Accept
FS9.139	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S121.140	Federated Farmers of New Zealand	NH-AM2	Support	Retain NH-AM2 as proposed.	Accept
FS9.140	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S121.141	Federated Farmers of New Zealand	NH-AM3	Support	Retain NH-AM3 as proposed.	Accept
FS9.141	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S121.142	Federated Farmers of New Zealand	NH-AM4	Support	Retain NH-AM4 as proposed.	Accept in part
FS9.142	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S129.056	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-AM4	Amend	Amend NH-AM4 as follows: '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. j. An overall assessment of whether the risk of natural hazards is significant or not.'	Accept
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S121.143	Federated Farmers of New Zealand	NH-AM5	Support	Retain NH-AM5 as proposed.	Accept
FS9.143	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S129.057	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-AM5	Amend	Amend NH-AM5 as follows: 'Effects on Public Works and Network Utilities 1. ...'	Accept
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S121.144	Federated Farmers of New Zealand	NH-AM6	Support	Retain NH-AM6 as proposed.	Accept
FS9.144	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject

S121.145	Federated Farmers of New Zealand	NH-M1	Amend	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.	Reject
FS9.145	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S129.058	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-AER1	Amend	Amend NH-AER1 as follows: '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.'	Accept
.					
S105.011	James Bridge	NH-AER1	Oppose	Amend NH-AER1 as follows: ' New Where building development is located outside of identified within a natural hazard risk areas. Where building development is already within a hazard area, the significant risk of the hazard is reduced and/or mitigated.'	Accept in part
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7.1.1 In summary, these 11 submissions and 7 further submissions support or seek amendments to assessment matters, methods, and anticipated environmental results in the NH – Natural Hazards chapter of the PDP.

7.2 Matters Raised by Submitters

Assessment Matters

Assessment Matters NH-AM1, NH-AM2, NH-AM3 & NH-AM6

7.2.1 Federated Farmers (S121.139, S121.140, S121.141, S121.144) supports the range of assessment matters which will be considered for discretionary activities, and supports retention of Assessment Matters NH-AM1, NH-AM2, NH-AM3 and NH-AM6 as notified.

Assessment Matter NH-AM4

- 7.2.2 Federated Farmers (S121.142) supports the range of assessment matters which will be considered for discretionary activities, and supports retention of Assessment Matter NH-AM4 as notified.
- 7.2.3 Kāinga Ora (S129.056) generally supports the assessment matters in Assessment Matter NH-AM4 however seeks deletion of matter (1)(j) which they consider is sufficiently addressed through matters (1)(a) through to (1)(i), as follows:

NH-AM4	Natural Hazards
	<ol style="list-style-type: none"> 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: <ol 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

- 7.2.4 Federated Farmers (S121.143) supports the range of assessment matters which will be considered for discretionary activities, and seeks retention of Assessment Matter NH-AM5 as notified.
- 7.2.5 Kāinga Ora (S129.057) supports the assessment matters in Assessment Matter NH-AM5, however considers that the inclusion of the words 'effects on' is needed *'for clarification purposes'*, as follows:

NH-AM5	Effects on Public Works and Network Utilities
	<ol style="list-style-type: none"> 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

- 7.2.6 Federated Farmers (S121.145) seeks amendments to Method NH-M1 as follows:

NH-M1	Planning Maps
	<p>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.</p> <p>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.</p> <p>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. <u>This will be paid for by Central Hawke's 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.</u></p>

- 7.2.7 Federated Farmers also seeks that the natural hazard boundaries and information be adjusted according to landowner submissions, and that landowners be informed as to what natural hazards are present on their property and to what extent. They give the following reasons:

'Given the extra layer of land use controls that can apply, Federated Farmers' support is conditional on the accuracy of the identification and mapping exercise to ensure only areas that are genuinely at risk of natural hazards.

The relevant Section 32 Evaluation outlines concerns with current flood hazard information advising at page 27 that there are big information gaps. Federated Farmers therefore reserves the right to challenge the accuracy of the proposed natural hazard overlays where they are shown to unreasonably impact on our members. We therefore seek to retain the proposed natural hazard overlays as notified, subject to appropriate refinement through the Schedule 1 process.

We also request that Council undertake to engage in meaningful discussion with affected landowners to ensure that hazard areas are ground-truthed, take site specific factors into account and landowners understand the impact that these areas will have on their farming practices.'

Anticipated Environmental Result NH-AER1

- 7.2.8 Kāinga Ora (S129.058) seeks amendments to Anticipated Environmental Result NH-AER1 as follows, 'to 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':

NH-AER1	Where practicable, New 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.
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- 7.2.9 James Bridge (S105.011) seeks amendment to Anticipated Environmental Result NH-AER1 as follows:

NH-AER1	New building development is located outside of identified natural hazard risk areas. Where building development is already within a hazard area, the risk of the hazard is reduced and/or mitigated. Where building development is located within a natural hazard area, the significant risk of the hazard is reduced and/or mitigated.
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- 7.2.10 The reason given is that 'There are, appropriately, several permitted activity rules that provide for new building development within identified natural hazard risk areas. Accordingly, this is not an anticipated environmental result of the proposed plan'.

Forest & Bird

- 7.2.11 Forest & Bird (FS9.139, FS9.140, FS9.141, FS9.142, FS9.143, FS9.144, FS9.145) opposes all the submissions of Federated Farmers, as 'The amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA'.

7.3 Analysis

Assessment Matters

Assessment Matters NH-AM1, NH-AM2, NH-AM3 & NH-AM6

- 7.3.1 Submissions on Assessment Matters NH-AM1, NH-AM2, NH-AM3, NH-AM5 & NH-AM6 are all in support, and no further analysis is considered necessary.

Assessment Matter NH-AM4

- 7.3.2 Submissions on this provision support retention of Assessment Matter NH-AM4, however Kāinga Ora considers that matter (1)(j) is sufficiently addressed through matters (1)(a) through to (1)(i) and seeks that it be deleted. I concur that matter (1)(j) adds little to any assessment and is unnecessary, and therefore recommend Assessment Matter NH-AM4 is 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> <p>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.</p> <p>b. Assessment of the probability, magnitude and consequences of the cumulative natural hazards that affect the proposal.</p>

- 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

- 7.3.3 Submissions on this provision support retention of Assessment Matter NH-AM5. I concur with Kāinga Ora regarding a minor amendment to the title of the Assessment Matter for clarification purposes, and recommend Assessment Matter NH-AM5 be amended accordingly, as follows:

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.

Method NH-M1

- 7.3.4 Federated Farmers seeks that Method NH-M1 is amended to indicate that Council will pay for site-specific investigations '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'.
- 7.3.5 They also seek 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 request that Council discuss with landowners to ensure hazard areas are ground-truthed, take site specific factors into account and landowners understand the impact that these areas will have on their farming practices.
- 7.3.6 Method NH-M1 only identifies that a site-specific investigation may be required. In my view, this is the responsibility of the applicant as part of any 'assessment of environment effects' (AEE) required in support of an application under clause 2(3) of Schedule 4 of the RMA – as is the case for other relevant technical assessments, such as acoustic assessment, traffic impact assessment etc (in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment). Any supporting site-specific hazard assessments for a subdivision or land use application are at the applicant's cost, and not for the Council to provide at the ratepayers' expense. Therefore, I do not support the amendment of Method NH-M1 as sought by Federated Farmers.
- 7.3.7 I note that section 35 of the RMA imposes a duty to gather information, monitor and keep records, and undertake or commission such research as is necessary to carry out effectively its functions under the RMA, including s35(5)(j) 'records of natural hazards to the extent that the local authority considers appropriate for the effective discharge of its functions'. In my view, such records are held by Council and provided as part of LIMs or PIMs, but does not extend to initiating site-specific investigations in order to facilitate individual landowner developments.

Anticipated Environmental Result NH-AER1

- 7.3.8 I concur with the amendments sought by Kāinga Ora to Anticipated Environmental Result NH-AER1. The amended wording better aligns with section 6(h) of the RMA in terms of 'the management of significant risks from natural hazards', reflecting that certain activities and types of development may be appropriate to be located within areas of natural hazards where the risk is not significant.
- 7.3.9 Therefore, I recommend that Anticipated Environmental Result NH-AER1 be amended as follows:

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 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.**

- 7.3.10 I consider the amendments recommended above also go some way towards addressing the issues raised with Anticipated Environmental Result NH-AER1 in the submission from James Bridge, which also 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 is not considered significant.

7.4 Recommendations

- 7.4.1 For the reasons outlined above, I recommend that Assessment Matters NH-AM1, NH-AM2, NH-AM3 & NH-AM6 and Method NH-M1 be retained as notified, and Assessment Matters NH-AM4 & NH-AM5 and Anticipated Environmental Result NH-AER1 be amended (as outlined in Recommended Amendments below).
- 7.4.2 I recommend that the following submission(s) be **accepted**:
- Federated Farmers, S121.139, S121.140, S121.141, S121.143, S121.144
 - Kāinga Ora, S129.056, S129.057, S129.058
- 7.4.3 I recommend that the following submission(s) be **accepted in part**:
- James Bridge, S105.011
 - Federated Farmers, S121.142
- 7.4.4 I recommend that the following submission(s) be **rejected**:
- Federated Farmers, S121.145
- 7.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

7.5 Recommended Amendments

- 7.5.1 I recommend the following amendment(s) is made:

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> <p>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.</p> <p>b. Assessment of the probability, magnitude and consequences of the cumulative natural hazards that affect the proposal.</p> <p>c. The type, scale, and distribution of any potential effects from the cumulative natural hazards that affect the proposal.</p> <p>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.</p> <p>e. The potential risk to life, and economic and built environment risk associated with the proposed activity.</p> <p>f. The health and safety of potential property owners and/or occupants of the building(s).</p> <p>g. The effects on the community including physical, economic, and cumulative effects.</p> <p>h. The nature and type of land-use activity proposed and its potential maximum occupancy.</p> <p>i. Whether the proposal will result in consequences to other properties or infrastructure as a result of the natural hazard occurring.</p> <p>j. An overall assessment of whether the risk of natural hazards is significant or not.</p>
NH-AM5	Effects on Public Works and Network Utilities
	<p>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.</p>
NH-AER1	Where practicable, N 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.

7.6 Section 32AA Evaluation

- 7.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 7.6.2 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

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

8.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S121.147	Federated Farmers of New Zealand	NH-APP1	Support	Retain 'Building Importance Category 1' in NH-APP1 as proposed.	Accept in part
FS9.147	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S121.148	Federated Farmers of New Zealand	NH-APP1	Oppose	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.'	Reject
FS9.148	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Accept
S81.069	Horticulture New Zealand	NH-APP1	Amend	Use Schedule A3 from the Building Code as the basis of building importance categories in the Plan.	Reject
FS8.035	Silver Fern Farms Limited		Support		Reject
FS12.3	New Zealand Defence Force		Oppose	Reject the submitters relief as sought.	Accept
S117.052	Chorus New Zealand Limited	NH-APP1	Amend	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 30m ² or less.'	Accept in part
FS9.480	Royal Forest and Bird Protection Society of New Zealand Incorporated		Oppose		Reject
S118.052	Spark New Zealand Trading Limited	NH-APP1	Amend	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.	Accept in part

				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 30m ² or less.'	
.					
S119.052	Vodafone New Zealand Limited	NH-APP1	Amend	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 30m ² or less.'	Accept in part
.					
S129.059	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-APP1	Support	Retain NH-APP1 as notified.	Accept in part
.					
S57.056	Fire and Emergency New Zealand	NH-APP1	Support	Retain NH-APP1 as notified.	Accept in part
.					

8.1.1 In summary, these 8 submissions and 5 further submissions relate to building importance categories and examples provided in Appendix NH-APP1 Building Importance Categories.

8.2 Matters Raised by Submitters

Appendix NH-APP1

- 8.2.1 Kāinga Ora (S129.059) and FENZ (S57.056) both support retention of Appendix NH-APP1 as notified.
- 8.2.2 FENZ '*generally supports the use of NH-APP1 BIC as a way of managing risk on buildings based on their degree of hazard to life and other property, value to the community and function post-disaster*'.
- 8.2.3 Hort NZ (S81.069), further supported by Silver Fern Farms (FS8.035), states that '*The Building Code also has a building importance levels in Schedule A3 which assess the risk of a range of building types, which may be a more appropriate reference that the MfE table and is supported by the regulations*', and seeks that Schedule A3 from the Building Code be used as the basis for building importance categories in the Proposed Plan.
- 8.2.4 Silver Fern Farms states that '*In addition to its further submission on Woolworths' submission point no. S66.003, Silver Fern Farms agrees that an assessment methodology for natural hazard risk to buildings that is relevant to the particular building type in question, is preferable to the broad BIC categories and matters of discretion set out in the notified PDP. The latter seem to apply generic assessment criteria to highly dissimilar building typologies. It would not be appropriate, for example, for natural hazard risk at the Site to be assessed in an identical manner to a residential development*'.
- 8.2.5 The NZ Defence Force (S12.3) opposes the relief sought in Hort NZ's submission, as they consider '*the BIC table in the PDP, with the additions to include TMTA (refer submission reference S29.016) to be the most appropriate way to assign categories as it provides a greater degree of detail*'.

Building Importance Category 1

- 8.2.6 Federated Farmers (S121.147) supports retention of 'Building Importance Category (BIC) 1' in Appendix NH-APP1 as notified.

8.2.7 Chorus (S117.052), Spark (S118.052), and Vodafone (S119.052) all seek the following amendments to 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	<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, polesmasts, 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.

8.2.8 Chorus, Spark and Vodafone, all state that *‘The approach to Natural Hazards is supported. For the avoidance of doubt, an amendment is sought to Building Importance Category 1 to ensure that network utility structures and activities which are not required as backup for Building Importance Category 4 are clearly provided for. Network utility structures and activities typically present a low degree of hazard to life and other property. A minor change to align with the definition of Pole in the PDP is also sought’.*

Building Importance Category 3

8.2.9 Federated Farmers (S121.148) *‘is concerned that farm buildings containing hazardous materials for use on that property may be inadvertently and inappropriately captured by Category 3. The description does not apply to the types of structures on farms, however the example could and that is a problem within the context of NH-APP1(a) and the application of NH-R2’*, and seeks the following amendment to BIC 3 in Appendix NH-APP1:

Building Importance Category (BIC)	Description	Examples
3	Structures that may contain people in crowds or pose risks to people in crowds or contain contents of high value to the community	<ul style="list-style-type: none"> a. Emergency service facilities not designated as post disaster facilities and not included in BIC 4. 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, 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.

Forest & Bird

8.2.10 Forest & Bird (FS9.147, FS9.148) opposes all the submissions of Federated Farmers, as *‘The amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA’.*

8.2.11 Forest & Bird (FS9.480) opposes all the submissions of Chorus, as *‘The amendments and decisions sought would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA’.*

8.3 Analysis

General

- 8.3.1 There is 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.
- 8.3.2 However, Hort NZ seeks adoption of clause A3 from the Building Code as the more appropriate reference than the Ministry for the Environment table. It is unclear whether the submitter is seeking to replace the content of the Appendix with the content of clause A3 from the Building Code, or whether the submitter is merely seeking to amend the ‘Note’ at the top of the Appendix table to reference clause A3 from the Building Code instead of Table 9.1 from the Ministry for the Environment report ‘Planning for Development of Land on or Close to Active Faults’ (as notified).
- 8.3.3 I do 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 has been adapted in order 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.
- 8.3.4 In terms of referencing clause A3 from the Building Code within the ‘Note’ at the top of the table, I do not consider this necessary nor accurate, as the ‘Note’ is correct in that the Building Importance Categories in Appendix NH-APP1 have been adapted from Table 9.1 of the MfE report. I note that Table 9.1 of the MfE report is itself identified as ‘a modified version of the New Zealand Loading Standard classifications’.
- 8.3.5 Given the above, I do not accept the submission of Hort NZ in this respect.

Building Importance Category 1

- 8.3.6 Submitters generally support retention of ‘Building Importance Category (BIC) 1’ in Appendix NH-APP1, however Chorus, Spark and Vodafone seek to ensure that network utility structures and activities which are not required as backup for BIC 4 are clearly provided for. They consider that such structures and activities typically present a low degree of hazard to life and other property. They also seek to replace the term ‘mast’ with ‘pole’.
- 8.3.7 Whilst the term ‘mast’ has been replaced with the term ‘pole’ in respect of network utilities generally, the term ‘mast’ is 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, I consider the reference in the BIC 1 examples in Appendix NH-APP1 to ‘masts’ should remain, but that ‘poles’ should be added.
- 8.3.8 I also concur that there are 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, a broad approach to ‘network utilities that are not BIC 4’ is considered too broad. In my view, ‘network utility lines and poles that are not required as backup for BIC 4 buildings and facilities’ is more appropriate, and is in keeping with the amendment in response to Transpower’s submission (S79.059) addressed in Key Issue 3 of this report (refer paragraph 6.3.22), which applies the default BIC 2b category to network utilities that are not BIC 1, 2a, 3 or 4.
- 8.3.9 Therefore, I recommend 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	<ul style="list-style-type: none"> e. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. f. Fences, masts, <u>poles</u>, walls, in-ground swimming pools. g. <u>Network utility lines and poles that are not required as backup for BIC 4 buildings and facilities.</u> h. Other structures with a gross floor area of 30m² or less.

Building Importance Category 3

- 8.3.10 Federated Farmers is 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 seek that the BIC 3 example specifically exclude ‘farm buildings’.
- 8.3.11 In my view, 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. Regardless, I do not consider that any of the BIC 3 examples would capture farm buildings anyway, unless the farm building contained hazardous materials capable of causing hazardous conditions. I am unsure what types of farm buildings would contain hazardous materials capable of causing hazardous conditions, but if there are such situations, then I consider 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. Therefore, I do not support the amendment sought.

8.4 Recommendations

- 8.4.1 For the reasons outlined above, I recommend that Appendix NH-APP1 in the NH – Natural Hazards chapter of the PDP be amended (as outlined in Recommended Amendments below).
- 8.4.2 I recommend that the following submission(s) be **accepted in part**:
- FENZ, S57.056
 - Chorus, S117.052
 - Spark, S118.052
 - Vodafone, S119.052
 - Federated Farmers, S121.147
 - Kāinga Ora, S129.059
- 8.4.3 I recommend that the following submission(s) be **rejected**:
- Hort NZ, S81.069
 - Federated Farmers, S121.148
- 8.4.4 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

8.5 Recommended Amendments

- 8.5.1 I recommend the following amendments are made to Appendix NH-APP1:

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>³. 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	<ul style="list-style-type: none"> a. Timber-framed residential units with a gross floor area (i.e. footprint) of more than 300m².

³ Note: this additional example was recommended in response to S29.016 NZ Defence Force submission addressed in Key Issue 3 of Light & Temporary Activities Report for Hearing Stream 2.

	<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"> 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>⁴.
3	Structures that may contain people in crowds or pose risks to people in crowds or contain contents of high value to the community	<ul style="list-style-type: none"> a. Emergency service facilities not designated as post disaster facilities and not included in BIC 4. 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.

8.6 Section 32AA Evaluation

- 8.6.1 The changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 8.6.2 The above recommendations are considered editorial and minor, where the changes would improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

⁴ recommended in response to S79.059 Transpower submission addressed in Key Issue 3 of this report.

9.0 Key Issue 6 – Natural Hazard Mapping

9.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S129.235	Kāinga Ora - Homes and Communities (Kainga Ora)	MAPS	Oppose	Delete the 'Flood Hazard Overlay' from the Planning Maps.	Reject
S11.017	Hawke's Bay Regional Council	MAPS	Amend	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.	Accept
S11.036	Hawke's Bay Regional Council	MAPS	Amend	Amend maps to address the following near source tsunami extent areas identified on the Hazard Portal but excluded in the planning maps: Paerahi 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.	Accept

9.1.1 In summary, these 3 submissions address issues around the mapping of natural hazards on the Planning Maps in the PDP.

9.2 Matters Raised by Submitters

Tsunami Hazard Area Mapping

9.2.1 HBRC (S11.036) submits that *'The mapping of the Tsunami Zone in the proposed plan follows the near source extent in the Hazard Portal with the exception of some built up areas that seem to have been excluded. This could be a mapping error. The areas excluded in the planning maps but are included on the portal are: Paerahi Rd and Makaramu St in Porangahau, McHardy Place, Southern end of Pourere Beach Rd, a section of Pourere Road, Okura Rd, Mangakuri and an area around John Ross Place and Kapiti Place in Kairakau. These areas have all been identified as being within the near source tsunami extent on the Hazard Portal'*.

Flood Hazard Area Mapping

9.2.2 Kāinga Ora (S129.235) seeks deletion of the 'Flood Hazard Overlay' from the Planning Maps, *'to reflect that these hazards are dynamic and subject to constant change, and to this end Kāinga Ora considers that it is more appropriate as a non-statutory map which sits outside of the PDP'*.

9.2.3 HBRC (S11.017) proposes that *'the mapping of flood hazard areas is amended to provide a more accurate overlay that identifies areas both 'at risk' of flooding, and those at 'low risk' of flooding. These two tiers of flood hazard layers will be updated on the Regional Hazard Portal but can also be applied to the District Plan maps. This will provide clear direction to landowners that consideration of flood hazards is necessary in these areas when considering land use change'*.

9.2.4 This would involve updating the 'Flood Hazard Area' shown on the Planning Maps to show Zone 1 and Zone 2 areas identified in the recently produced flood hazard maps developed by the HBRC Asset Management team – refer Attachment A to their submission.

9.2.5 In considering this, HBRC also suggest:

'...Zone 1 includes the very high risk areas such as the main channel of a major river (e.g. Waipawa, Upper Tukituki and others), as well as high risk areas adjacent to main rivers, or in the direct path of an

overland flow path, or where there is a risk of flooding due to stopbank failure such as from erosion or overtopping.

Some areas of Zone 1 and almost all areas of Zone 2 may be suitable for residential development and other buildings if measures such as raised floor levels are able to mitigate the risk. Zone 2 includes areas adjacent to Zone 1, where the flood risk is considered low, transitioning to virtually zero flood risk where Zone 2 is adjacent to steep hills. In almost all areas of Zone 2, residential development may be possible, however, there may be other risks or issues that need to be addressed.

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. The two zones will make it clear that there are some areas more at risk than others and that proposed developments and land use change within both these areas will need to be considered on a case-by-case basis.’

9.3 Analysis

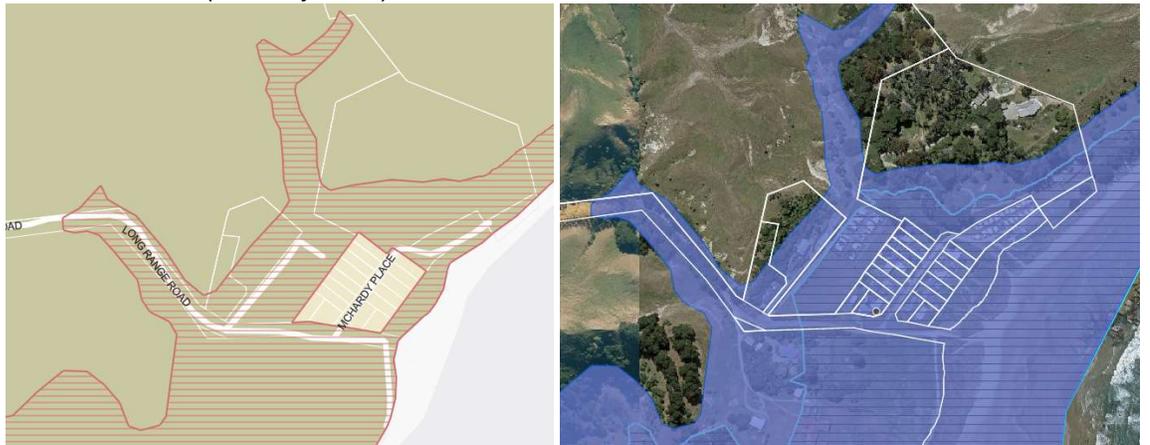
Tsunami Hazard Area Mapping

- 9.3.1 HBRC submits that the mapping of the Tsunami Hazard Zone in the PDP is missing various areas that have been identified as being within the near source tsunami extent on the ‘Hawke’s Bay Hazard Portal’, and seeks that the Planning Maps be updated to reflect the extent shown on the Hazard Portal.
- 9.3.2 The areas identified by HBRC are as follows – showing ‘Tsunami Hazard Area’ extent on Planning Maps (left); ‘Near Source Tsunami Inundation Extent’ on Hazard Portal (right):

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)



Kairakau (John Ross Place and Kapiti Place)



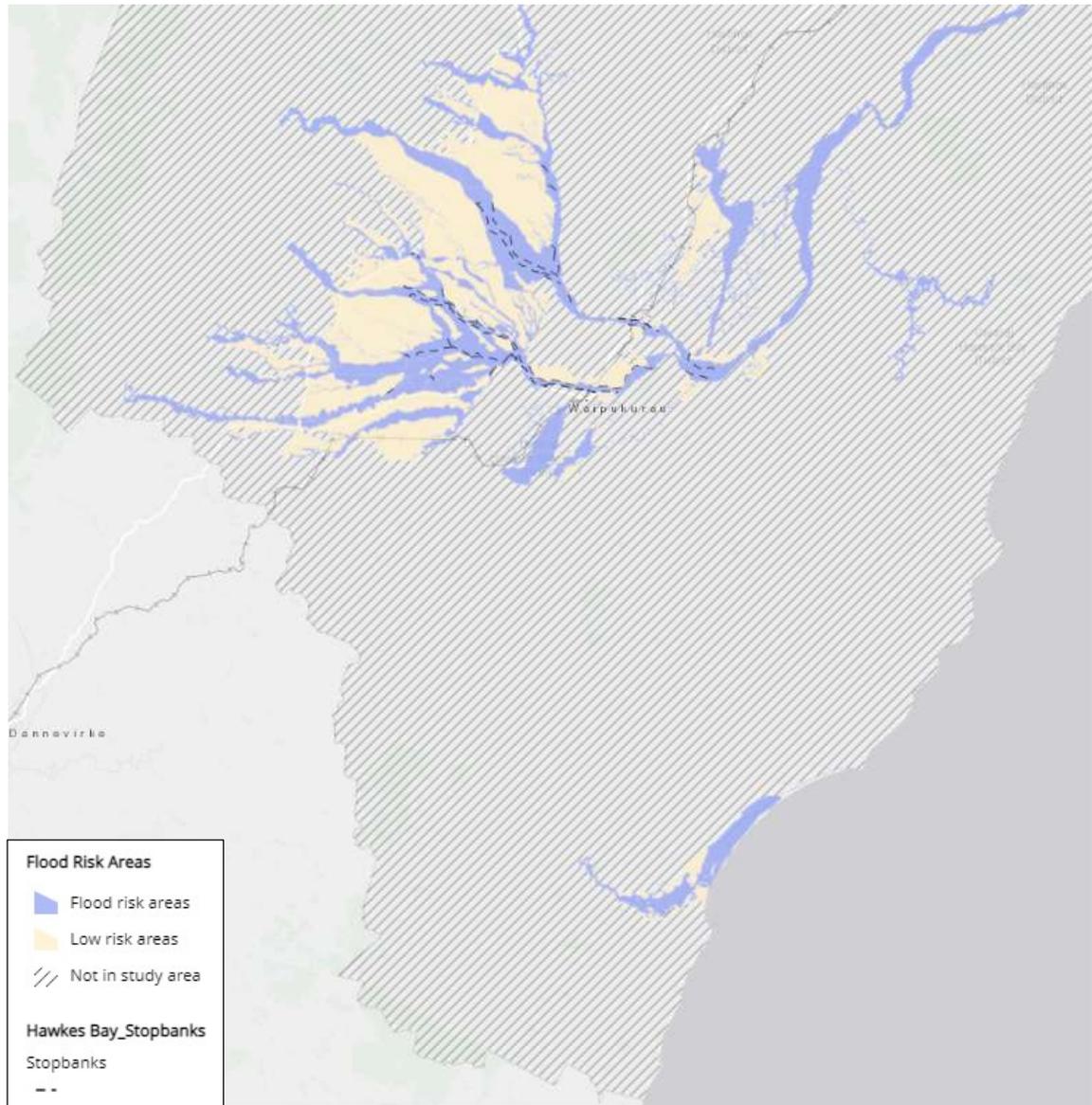
- 9.3.3 The areas identified as missing are all within the Large Lot Residential Zone. It appears there has been an error in the mapping for the PDP meaning that the near source tsunami extent has not been carried over onto the Planning Maps where it extends over land in the Large Lot Residential Zone, and I recommend this be corrected.

Flood Hazard Area Mapping

- 9.3.4 The river flood hazard overlay in the Operative District Plan 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 regional 'Hawke's Bay Hazard Portal' which is the central repository of all the latest hazard information for the Region. Unlike Hastings District, 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.
- 9.3.5 In the technical report supporting their submission (*'Interim Flood Hazard Mapping For Central Hawke's Bay'*, prepared by Craig Goodier Principal Engineer, HBRC, dated 6 August 2021), there is acknowledgement that there is no comprehensive computer model available to produce detailed flood hazard maps for the area, but that HBRC has carried out work to be able to provide an interim solution based on mapping of areas that are potentially floodable through use of computer models from limited areas, as well as contours and air photos where no model was available.
- 9.3.6 There is also an acknowledgement that there are limitations to the mapping produced, and no flood depths are provided, and the report notes that the scale to use the mapping should be limited to approximately 1:20,000 but that there are instances where using the data at a smaller scale is possible where used with caution.
- 9.3.7 Regardless of the limitations, the interim mapping for Central Hawke's Bay is a considerable improvement on existing flood hazard mapping relied on to-date. I do not agree with Kāinga Ora that the whole 'Flood Hazard Area' should be deleted from the Planning Maps – I do not concur that such mapping is subject to constant change, or that it is more appropriate as a non-statutory map which sits outside of the PDP.
- 9.3.8 Flood hazard mapping has historically been provided in the District Plan and, in my view, where reliable flood hazard data is available, it is appropriate to incorporate it into the District Plan in line with Council's functions under section 31 of the RMA – particularly section 31(1)(b)(i) *'the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of... the avoidance or mitigation of natural hazards'*.
- 9.3.9 HBRC's submission states that these two tiers of flood hazard layers will be updated on the Hawke's Bay Hazard Portal but can also be applied to the District Plan maps, and that this will provide clear direction to landowners that consideration of flood hazards is necessary in these areas when considering land use change. I have been advised by Mr Craig Goodier, HBRC Principal Engineer, that these maps will change with new information but that the mapping is unlikely to be subject to any significant change in the short to medium term (i.e. the life of this District Plan). Mr Goodier has advised that the hazard maps indicate areas where flooding is reasonably anticipated to occur but further investigation is required, so they are limited in their accuracy. He has also advised that scaling is an issue and zooming in would need to come with a good disclaimer.
- 9.3.10 In terms of applying this to the District Plan maps, any change would need to go through a Schedule 1 RMA process. While the Regional Council mapping is somewhat lacking in certainty, I am satisfied that they are sufficiently reliable as a basis for mapping within the District Plan and to act as a trigger for further

investigation as to whether there are flooding effects that need to be mitigated, and conditions included on any consent granted (or consent declined in some circumstances).

- 9.3.11 Therefore, I recommend applying the latest flood hazard risk mapping supplied by HBRC. I note that the Hazard Portal has already been updated to reflect this latest flood mapping since submissions on the PDP closed – the image below is taken from the Hazard Portal showing flood hazard mapping for the whole District:



- 9.3.12 This would involve updating the 'Flood Hazard Areas' shown on the Planning Maps and differentiating to show two zones – 'Zone 1 (Flood Risk Areas)' and 'Zone 2 (Low Flood Risk Areas)' as identified in the technical report accompanying the HBRC submission and as per the Hawke's Bay Hazard Portal.
- 9.3.13 I also note that Method NH-M1 provides a 'disclaimer' of sorts in that the hazard information is regional in scope and that site-specific investigation is required.

9.4 Recommendations

9.4.1 For the reasons outlined above, I recommend that the ‘Flood Hazard Area’ and ‘Tsunami Hazard Area’ overlay extents on the Planning Maps be amended (as outlined in Recommended Amendments below).

9.4.2 I recommend that the following submission(s) be **accepted**:

- HBRC, S11.017, S11.036

9.4.3 I recommend that the following submission(s) be **rejected**:

- Kāinga Ora, S129.235

9.4.4 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

9.5 Recommended Amendments

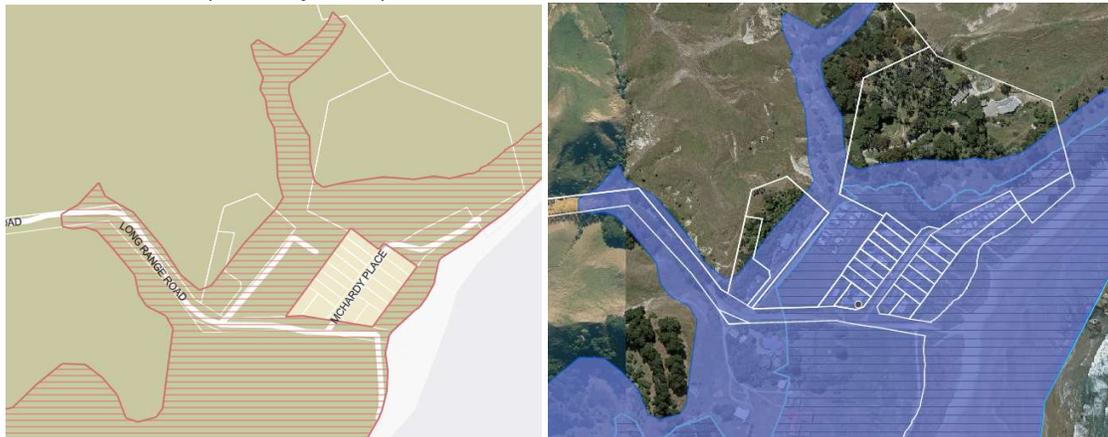
9.5.1 I recommend the following amendments to the Planning Maps are made:

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 below:

Te Paerahi (Te Paerahi Road and Makaramu Street)



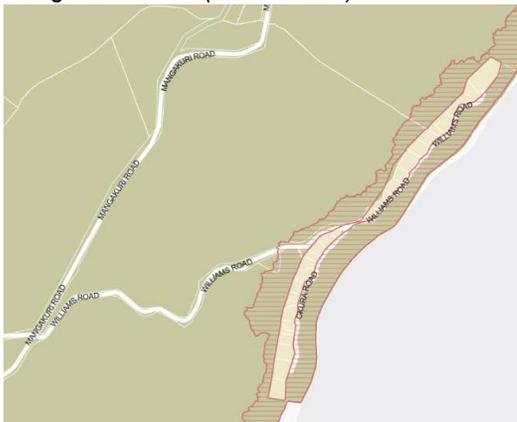
Blackhead Beach (McHardy Place)



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



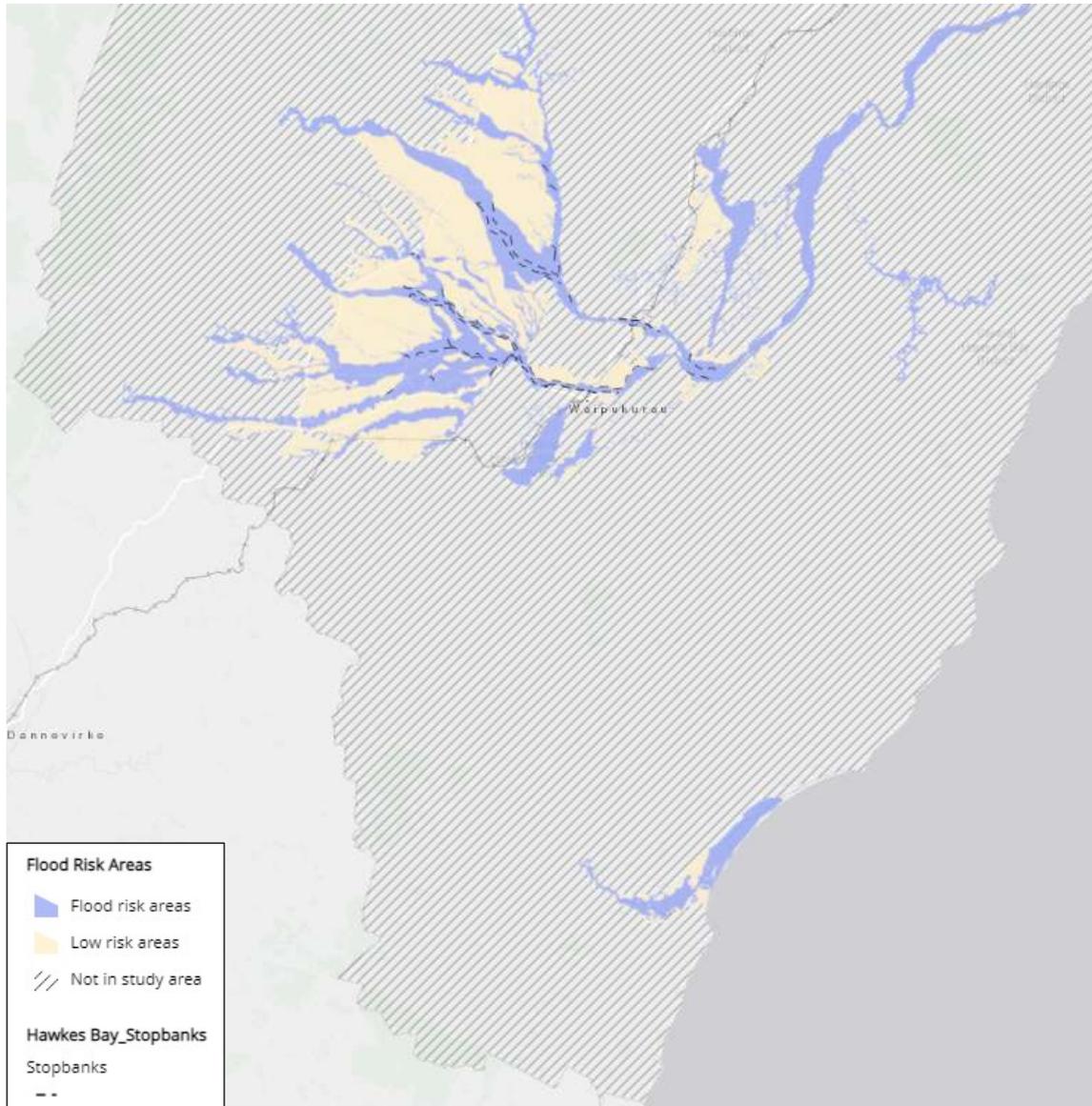
Mangakuri Beach (Okura Road)



Kairakau (John Ross Place and Kapiti Place)



And update the ‘Flood Hazard Area’ overlay on the Planning Maps to reflect the interim flood hazard mapping for Central Hawke’s Bay District 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:



9.6 Section 32AA Evaluation

- 9.6.1 The above recommendations correct the Tsunami Hazard Area overlay on the Planning Maps, and update the Flood Hazard Area overlay on the Planning Maps, to reflect the Hawke's Bay Regional Council's latest hazard mapping for Central Hawke's Bay, which will improve the effectiveness of related District Plan provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

10.0 Conclusion

10.1 Topic Conclusions

- 10.1.1 Submissions have been received in support of, and in opposition to the Proposed District Plan.
- 10.1.2 Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed District Plan should be amended as set out in Appendix A of this report.
- 10.1.3 I consider that the proposed provisions will be the most appropriate means to achieve the purpose of the Resource Management Act 1991, and achieve the relevant objectives of the Proposed District Plan in respect to the proposed provisions.

10.2 Topic Recommendations

- 10.2.1 I recommend that:
 - 1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
 - 2. The Proposed Central Hawke's Bay District Plan is amended in accordance with the changes recommended in Appendix A of this report.

APPENDIX A

Recommended Amendments to Plan Provisions

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 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 [RM1]: S11.016 HBRC - Natural Hazards Topic, Key Issue 1

Commented [RM2]: S81.065 Hort NZ - Natural Hazards Topic, 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 [RM3]: S129.049 Kainga Ora - Natural Hazards Topic, Key Issue 2

Commented [RM4]: S121.124 Fed Farmers - Natural Hazards Topic, Key Issue 2

Commented [RM5]: S81.066 Hort NZ, S121.125 Fed Farmers, S129.050 Kainga Ora, S105.008 James Bridge - Natural Hazards Topic, 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 [RM6]: S129.051 Kainga Ora - Natural Hazards Topic, Key Issue 2

Commented [RM7]: S121.130 Fed Farmers - Natural Hazards Topic, 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 [RM8]: as a consequential amendment in response to S121.130 Fed Farmers - Natural Hazards Topic, 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 [RM9]: S66.004 Woolworths NZ Ltd - Natural Hazard Topic, Key Issue 2

NH-P9 To ensure that subdivision, land use activities or other new development is located and designed ~~so as not to necessitate to avoid the need for further~~ natural hazard mitigation activities in order to minimise risks associated with natural hazards to people, property, and infrastructure.

Commented [RM11]: S129.052 Kainga Ora - Natural Hazards Topic, 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 [RM12]: consequential amendment in response to S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, 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:	

Commented [RM13]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3

Commented [RM15]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3

	<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>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> <p>3. Activity status where the building or structure is a BIC 4 category structure: NC</p>	<p>Commented [RM14]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3</p> <p>Commented [RM16]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3</p> <p>Commented [RM17]: S129.054 Kainga Ora - Natural Hazards Topic, Key Issue 3</p> <p>Commented [RM18]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3</p> <p>Commented [RM19]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3</p> <p>Commented [RM20]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3</p>
<p>Flood Hazard Area (Zone 1)</p>	<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</p>	<p>Commented [RM21]: S11.039 HBRC - Natural Hazard Topic, Key Issue 3</p> <p>Commented [RM23]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3</p> <p>Commented [RM22]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3</p> <p>Commented [RM24]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3</p>

		<p>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 <u>or structures</u> to alternative locations.</p>
<p>Flood Hazard Area (Zone 2)</p>	<p>4. Activity Status: PER</p> <p>Where the following conditions are met:</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>6. Activity status where the building <u>or structure</u> is a BIC 4 category structure: NC</p> <p>5. Activity status where the building or structure is a BIC 3 category structure: RDIS</p> <p>Matters over which discretion is restricted:</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 [RM25]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3

Commented [RM26]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3

Commented [RM27]: S11.039 HBRC - Natural Hazard Topic, Key Issue 3

		6. Activity status where the building or structure is a BIC 4 category structure: NC
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 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 intensify the use of the area, or the number of people that are likely to occupy the site. c. <u>Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.</u>

Commented [RM28]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3

Commented [RM29]: S81.068 Hort NZ, S121.137 Fed Farmers - Natural Hazard Topic, Key Issue 3

Commented [RM30]: S129.054 Kainga Ora - Natural Hazards Topic, Key Issue 3

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

Tsunami Hazard Area	1. Activity Status: RDIS Where the following conditions are met: N/A Matters over which discretion is restricted: a. <u>The functional or operational need to locate the activitybuilding in the hazard area.</u> b. <u>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.</u>	2. Activity status where compliance not achieved: N/A
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Commented [RM31]: minor amendment for clarification in response to S129.055 Kainga Ora - Natural Hazards Topic, Key Issue 3

c. Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.

Commented [RM32]: consequential amendment in response to S129.054 Kainga Ora - Natural Hazards Topic, 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.

Commented [RM33]: S129.056 Kainga Ora - Natural Hazards Topic, Key Issue 4

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

Commented [RM34]: S129.057 Kainga Ora - Natural Hazards Topic, Key Issue 4

- 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.

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** ~~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, mitigations are employed to minimise risk to people and property the risk of the hazard is reduced and/or mitigated.~~
- 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 [RM35]: S129.058 Kainga Ora, S105.011 James Bridge - Natural Hazards Topic, 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, poles, walls, in-ground swimming pools. c. Other structures with a gross floor area of 30m² or less. d. Temporary buildings or structures associated with temporary military training activities. e. Network utility lines and poles that are not required as backup for BIC 4 buildings and facilities.
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. Network utilities not included in BIC 1, 2a, 3 or 4.
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 [RM36]: S117.052 Chorus, S118.052 Spark, S119.052 Vodafone - Natural Hazards Topic, Key Issue 5

Commented [RM37]: S29.016 NZDF - Light & Temporary Activities Topic, Key Issue 3

Commented [RM38]: S117.052 Chorus, S118.052 Spark, S119.052 Vodafone - Natural Hazards Topic, Key Issue 5

Commented [RM39]: S79.059 Transpower - Natural Hazard Topic, 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 Recommended Responses to Submissions and Further Submissions

Table: Summary of Recommended Responses to Submissions and Further Submissions

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer 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 tsunamis ; - tsunami ; ...'	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.	Accept	No
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 Pouterere Beach Rd, a section of Pouterere Road, Okura Rd, Mangakuri and an area around John Ross Place and Kapiti Place in Kairakau.	Accept	No
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.	Accept	Yes
S50.033	The Surveying Company (HB) Ltd	NH - Natural Hazards	Retain NH - Natural Hazards chapter.	Accept	No
S56.029	Powerco Limited	NH-R1	Retain NH-R1 as notified.	Accept	No
FS9.282	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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').	Accept	No
FS23.37	Kāinga Ora - Homes and Communities		Disallow	Reject	
S57.012	Fire and Emergency New Zealand	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Retain the definition of 'Vulnerable Activity (Natural Hazards/Hazardous Substances)' as notified.	Accept	No
S57.043	Fire and Emergency New Zealand	NH-O1	Retain NH-O1 as notified.	Accept	No

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.044	Fire and Emergency New Zealand	NH-O2	Retain NH-O2 as notified.	Accept	No
S57.045	Fire and Emergency New Zealand	NH-O3	Retain NH-O3 as notified.	Accept in part	No
S57.046	Fire and Emergency New Zealand	NH-P1	Retain NH-P1 as notified.	Accept	No
S57.047	Fire and Emergency New Zealand	NH-P2	Retain NH-P2 as notified.	Accept	No
S57.048	Fire and Emergency New Zealand	NH-P5	Retain NH-P5 as notified.	Accept in part	No
S57.049	Fire and Emergency New Zealand	NH-P7	Retain NH-P7 as notified.	Accept in part	No
S57.050	Fire and Emergency New Zealand	NH-P8	Retain NH-P8 as notified.	Accept in part	No
S57.051	Fire and Emergency New Zealand	NH-P9	Retain NH-P9 as notified.	Accept in part	No
S57.052	Fire and Emergency New Zealand	NH-P11	Retain NH-P11 as notified.	Accept	No
S57.053	Fire and Emergency New Zealand	NH-R1	Retain NH-R1 as notified.	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 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	Reject	No

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.055	Fire and Emergency New Zealand	NH-R3	Retain NH-R3 as notified.	Accept in part	No
S57.056	Fire and Emergency New Zealand	NH-APP1	Retain NH-APP1 as notified.	Accept in part	No
S64.038	Department of Conservation	NH-O1	Retain NH-O1.	Accept	No
FS9.321	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.039	Department of Conservation	NH-O2	Retain NH-O2.	Accept in part	No
FS9.322	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.040	Department of Conservation	NH-O3	Retain NH-O3.	Accept in part	No
FS9.323	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
FS23.31	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S64.041	Department of Conservation	NH-P1	Retain NH-P1.	Accept	No
FS9.324	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.042	Department of Conservation	NH-P2	Retain NH-P2.	Accept	No
FS9.325	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.043	Department of Conservation	NH-P3	Retain NH-P3.	Accept	No
FS9.326	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.044	Department of Conservation	NH-P4	Retain NH-P4.	Accept	No
FS9.327	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.045	Department of Conservation	NH-P5	Retain NH-P5.	Accept in part	No

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.328	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.046	Department of Conservation	NH-P6	Retain NH-P6.	Accept	No
FS9.329	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.047	Department of Conservation	NH-P7	Retain NH-P7.	Accept in part	No
FS9.330	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.048	Department of Conservation	NH-P8	Retain NH-P8.	Accept in part	No
FS9.331	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.049	Department of Conservation	NH-P9	Retain NH-P9.	Accept in part	No
FS9.332	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.050	Department of Conservation	NH-P10	Retain NH-P10.	Accept	No
FS9.333	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.051	Department of Conservation	NH-P11	Retain NH-P11.	Accept	No
FS9.334	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.052	Department of Conservation	NH-P12	Retain NH-P12.	Accept	No
FS9.335	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
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.	Reject	No
FS8.034	Silver Fern Farms Limited		Allow	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.’	Accept in part	Yes
FS8.031	Silver Fern Farms Limited		Allow	Accept in part	
S73.011	Ministry of Education	NH-R2	Retain NH-R2 as proposed.	Accept in part	No

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S78.008	Waka Kotahi NZ Transport Agency	NH-R1	Retain NH-R1 as written.	Accept	No
S79.057	Transpower New Zealand Ltd	NH-P11	Retain NH-P11.	Accept	No
S79.058	Transpower New Zealand Ltd	NH-R1	Amend NH-R1 to remove non-complying activity status for the National Grid.	Accept	No
S79.059	Transpower New Zealand Ltd	NH-R2	Amend NH-R2 to remove non-complying activity status for the National Grid.	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.	Accept	No
FS23.121	Kāinga Ora - Homes and Communities		Disallow	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. ...'	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 effects of natural hazards should be avoided, remedied or mitigated, reflecting the level of risk posed by the hazard. '	Accept	Yes
FS8.030	Silver Fern Farms Limited		Allow in part	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.'	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.'	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'.	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.	Reject	No
FS8.035	Silver Fern Farms Limited		Allow	Reject	
FS12.3	New Zealand Defence Force		Disallow Reject the submitters relief as sought.	Accept	
S90.026	Centralines Limited	NH - Natural Hazards	Retain the 'NH - Natural Hazards' chapter as notified.	Accept in part	No

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
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.'	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.	Accept	Yes
FS8.027	Silver Fern Farms Limited		Allow in part	Accept	
S105.009	James Bridge	NH-P7	Delete NH-P7.	Reject	No
S105.010	James Bridge	NH-P9	Delete NH-P9.	Reject	No
FS8.032	Silver Fern Farms Limited		Allow	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 areas. Where building development is already within a hazard area, the significant risk of the hazard is reduced and/or mitigated.'	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.'	Accept in part	Yes
FS9.480	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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.	Accept in part	Yes

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			d. Other structures with a gross floor area of 30m2 or less.'		
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.'	Accept in part	Yes
S121.122	Federated Farmers of New Zealand	NH - Introduction	Retain 'NH - Introduction' as proposed.	Accept in part	No
FS9.122	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.123	Federated Farmers of New Zealand	NH-01	Retain NH-01 as proposed.	Accept	No
FS9.123	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.124	Federated Farmers of New Zealand	NH-02	Amend NH-02 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.'	Accept in part	No
FS9.124	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS23.34	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
FS17.36	Horticulture New Zealand		Allow	Accept in part	
S121.125	Federated Farmers of New Zealand	NH-03	Amend NH-03 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.'	Accept in part	Yes
FS8.028	Silver Fern Farms Limited		Allow in part	Accept in part	
FS9.125	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.126	Federated Farmers of New Zealand	NH-P1	Retain NH-P1 as proposed.	Accept	No
FS9.126	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.127	Federated Farmers of New Zealand	NH-P2	Retain NH-P2 as proposed.	Accept	No

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.127	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.128	Federated Farmers of New Zealand	NH-P3	Retain NH-P3 as proposed.	Accept	No
FS9.128	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.129	Federated Farmers of New Zealand	NH-P4	Retain NH-P4 as proposed.	Accept	No
FS9.129	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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; 2. earthworks; 3. subdivision of land; and 4. the establishment of new vulnerable activities.'	Reject	Yes (insofar as terminology has been amended to provide clarification)
FS9.130	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.37	Horticulture New Zealand		Allow	Reject	
S121.131	Federated Farmers of New Zealand	NH-P6	Retain NH-P6 as proposed.	Accept	No
FS9.131	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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').	Accept in part	No
FS9.132	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.133	Federated Farmers of New Zealand	NH-P8	Retain NH-P8 as proposed.	Accept in part	No
FS9.133	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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.'	Accept in part	No
FS17.38	Horticulture New Zealand		Allow	Accept in part	

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.134	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.135	Federated Farmers of New Zealand	NH-P10	Retain NH-P10 as proposed.	Accept	No
FS9.135	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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 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. ...'	Reject	No
FS8.033	Silver Fern Farms Limited		Allow	Reject	
FS9.136	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.39	Horticulture New Zealand		Allow	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.	Accept	Yes
FS9.137	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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'.	Accept	
S121.138	Federated Farmers of New Zealand	NH-R3	Retain NH-R3 as proposed.	Accept in part	No
FS9.138	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.139	Federated Farmers of New Zealand	NH-AM1	Retain NH-AM1 as proposed.	Accept	No
FS9.139	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.140	Federated Farmers of New Zealand	NH-AM2	Retain NH-AM2 as proposed.	Accept	No

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Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.140	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.141	Federated Farmers of New Zealand	NH-AM3	Retain NH-AM3 as proposed.	Accept	No
FS9.141	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.142	Federated Farmers of New Zealand	NH-AM4	Retain NH-AM4 as proposed.	Accept in part	No
FS9.142	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.143	Federated Farmers of New Zealand	NH-AM5	Retain NH-AM5 as proposed.	Accept	No
FS9.143	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.144	Federated Farmers of New Zealand	NH-AM6	Retain NH-AM6 as proposed.	Accept	No
FS9.144	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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.	Reject	No
FS9.145	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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.'	Reject	No
FS9.146	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.147	Federated Farmers of New Zealand	NH-APP1	Retain 'Building Importance Category 1' in NH-APP1 as proposed.	Accept in part	No

Proposed Central Hawke’s Bay District Plan

Officer’s Report: Natural Hazards & Climate Change

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.147	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	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.'	Reject	No
FS9.148	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.251	Federated Farmers of New Zealand	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Retain the definition of 'Vulnerable Activity' as proposed.	Accept	No
FS9.251	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S125.037	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	NH-P10	Retain NH-P10 as notified.	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.	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.	Accept	No
.					
S129.048	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-01	Retain NH-01 as notified.	Accept	No
.					
S129.049	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-02	Amend NH-02 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.'	Accept in part	Yes
.					

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
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.'	Accept in part	Yes
FS8.029	Silver Fern Farms Limited		Allow 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.'	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.'	Accept	Yes
S129.053	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P10	Retain NH-P10 as notified.	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: NCFlood 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)) 5. Activity status where the building 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 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 to alternative locations. 6. Activity status where the building is a BIC 4 category structure: NC Tsunami Hazard Area 7. Activity Status: PER Where the following conditions are met: a. ...	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			8. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: a. ... b. ... c. Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.'		
S129.055	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-R3	Delete NH-R3.	Reject	Yes (insofar as terminology has been amended to provide clarification)
S129.056	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-AM4	Amend NH-AM4 as follows: '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. j. An overall assessment of whether the risk of natural hazards is significant or not.'	Accept	Yes
S129.057	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-AM5	Amend NH-AM5 as follows: 'Effects on Public Works and Network Utilities 1. ...'	Accept	Yes
S129.058	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-AER1	Amend NH-AER1 as follows: '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.'	Accept	Yes
S129.059	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-APP1	Retain NH-APP1 as notified.	Accept in part	No
S129.235	Kāinga Ora - Homes and Communities (Kainga Ora)	MAPS	Delete the 'Flood Hazard Overlay' from the Planning Maps.	Reject	No

APPENDIX C

- **'Building Importance Levels' from the Building Code**
- **Ministry for the Environment's 'Modified Business Importance Categories' Table**
- **Geological & Nuclear Sciences' Example 'Resource Consent Table'**

Clause A3—Building importance levels

For the purposes of clause C, a *building* has one of the importance levels set out below:

Importance level	Description of <i>building</i> type	Specific structure
Importance level 1	<i>Buildings</i> posing low risk to human life or the environment, or a low economic cost, should the <i>building</i> fail. These are typically small non-habitable <i>buildings</i> , such as sheds, barns, and the like, that are not normally occupied, though they may have occupants from time to time.	<ul style="list-style-type: none"> • Ancillary <i>buildings</i> not for human habitation • Minor storage facilities • Backcountry huts
Importance level 2	<i>Buildings</i> posing normal risk to human life or the environment, or a normal economic cost, should the <i>building</i> fail. These are typical residential, commercial, and industrial <i>buildings</i> .	<ul style="list-style-type: none"> • All <i>buildings</i> and facilities except those listed in importance levels 1, 3, 4, and 5
Importance level 3	<i>Buildings</i> of a higher level of societal benefit or importance, or with higher levels of risk-significant factors to <i>building</i> occupants. These <i>buildings</i> have increased performance requirements because they may house large numbers of people, vulnerable populations, or occupants with other risk factors, or fulfil a role of increased importance to the local community or to society in general.	<ul style="list-style-type: none"> • <i>Buildings</i> where more than 300 people congregate in 1 area • <i>Buildings</i> with primary school, secondary school, or daycare facilities with a capacity greater than 250 • <i>Buildings</i> with tertiary or adult education facilities with a capacity greater than 500 • Health care facilities with a capacity of 50 or more residents but not having surgery or emergency treatment facilities • Jails and detention facilities • Any other <i>building</i> with a capacity of 5 000 or more people • <i>Buildings</i> for power generating facilities, water treatment for potable water, wastewater treatment facilities, and other public utilities facilities not included in importance level 4 • <i>Buildings</i> not included in importance level 4 or 5 containing sufficient quantities of highly toxic gas or explosive materials capable of causing acutely hazardous conditions that do not extend beyond property boundaries
Importance level 4	<i>Buildings</i> that are essential to post-disaster recovery or associated with hazardous facilities.	<ul style="list-style-type: none"> • Hospitals and other health care facilities having surgery or emergency treatment facilities • Fire, rescue, and police stations and emergency vehicle garages • <i>Buildings</i> intended to be used as emergency shelters • <i>Buildings</i> intended by the owner to contribute to emergency preparedness, or to be used for communication, and operation centres in an emergency, and other facilities required for emergency response • Power generating stations and other utilities required as emergency backup facilities for importance level 3 structures • <i>Buildings</i> housing highly toxic gas or explosive materials capable of causing acutely hazardous conditions that extend beyond property boundaries • Aviation control towers, air traffic control centres, and emergency aircraft hangars • <i>Buildings</i> having critical national defence functions • Water treatment facilities required to maintain water pressure for fire suppression • Ancillary <i>buildings</i> (including, but not limited to, communication towers, fuel storage tanks or other structures housing or supporting water or other fire suppression material or equipment) required for operation of importance level 4 structures during an emergency
Importance level 5	<i>Buildings</i> whose failure poses catastrophic risk to a large area (eg, 100 km ²) or a large number of people (eg, 100 000).	<ul style="list-style-type: none"> • Major dams • Extremely hazardous facilities

⁵ clause A3 of Schedule 1, The Building Code, Building Regulations 1992

Table 9.1: Building Importance Categories: a modified version of New Zealand Loading Standard classifications

Building Importance Category (BIC)	Description	Examples
1	Structures presenting a low degree of hazard to life and other property	Structures with a total floor area of less than 30m ² Farm buildings, isolated structures, towers in rural situations Fences, masts, walls, in-ground swimming pools
2a	Residential timber-framed construction	Timber framed single-story dwellings
2b	Normal structures and structures not in other categories	Timber framed houses of plan area of more than 300 m ² Houses outside the scope of NZS 3604 "Timber Framed Buildings" Multi-occupancy residential, commercial (including shops), industrial, office and retailing buildings designed to accommodate less than 5000 people and also those less than 10,000 m ² gross area. Public assembly buildings, theatres and cinemas of less than 1000 m ² Car parking buildings
3	Structures that, as a whole, may contain people in crowds or contents of high value to the community or pose risks to people in crowds	Emergency medical and other emergency facilities not designated as post disaster facilities Buildings where more than 300 people can congregate in one area Buildings and facilities with primary school, secondary school or day care facilities with capacity greater than 250 Buildings and facilities with capacity greater than 500 for colleges or adult education facilities Health care facilities with a capacity of 50 or more residents but not having surgery or emergency treatment facilities Airport terminals, principal railway stations, with a capacity of more than 250 people Any occupancy with an occupancy load greater than 5000 Power generating facilities, water treatment and waste water treatment facilities and other public utilities not included in Importance Category 4 Buildings and facilities not included in Importance Category 4 containing hazardous materials capable of causing hazardous conditions that do not extend beyond the property boundaries
4	Structures with special post disaster functions	Buildings and facilities designated as essential facilities Buildings and facilities with special post-disaster function Medical emergency or surgical facilities Emergency service facilities such as fire, police stations and emergency vehicle garages Utilities required as backup for buildings and facilities of importance level 4 Designated emergency shelters Designated emergency centres and ancillary facilities Buildings and facilities containing hazardous materials capable of causing hazardous conditions that extend beyond the property boundaries.

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⁶ pg 21, 'Planning for Development of Land on or Close to Active Faults – A guideline to assist resource management planners in New Zealand', report prepared by GNS for the Ministry for the Environment, July 2003 [ISBN: 0-478-18901, ME number: 483]

4.3 RESOURCE CONSENT CATEGORIES

The final component of the Resource Consent tables is the Building Importance Category (or BIC) level. The BIC categories relate directly to the NZ Building Code and are divided into BIC 1 (unoccupied structures) through BIC 4 (critical structures). BIC 2a and BIC 2b typically distinguish single storey homes from larger normal structures, respectively. A broader description of BIC categories can be seen in Kerr et al. (2003). Table 4.3 provides an example of a Resource Consent table for RI Class III faults and makes a division between the two types of current land use. Further examples for RI Classes I, II, IV, and V are shown in Appendix 2.

Table 4.3 Examples, based on the MfE Active Fault Guidelines, of Resource Consent Category for both developed and/or already subdivided sites, and Greenfield sites along RI Class III faults. Categories account for various combinations of Building Importance Category and Fault Complexity.

Resource Consent categories for: Recurrence Interval Class III (>3500 to ≤5000 years) e.g., Rangefront, Oruawharo, and Glendevon faults, Poukawa and Tukituki Fault Zones					
Developed and/or Already Subdivided Sites					
Building Importance Category	1	2a	2b	3	4
Fault Complexity	Resource Consent Category				
Well Defined	Permitted	Permitted*	Permitted*	<i>Non-Complying</i>	Non-Complying
Distributed	Permitted	Permitted	Permitted	<i>Discretionary</i>	Non-Complying
Uncertain - constrained	Permitted	Permitted	Permitted	<i>Discretionary</i>	Non-Complying
Greenfield Sites					
Building Importance Category	1	2a	2b	3	4
Fault Complexity	Resource Consent Category				
Well Defined	Permitted	Permitted*	<i>Non-Complying</i>	<i>Non-Complying</i>	Non-Complying
Distributed	Permitted	Permitted	<i>Discretionary</i>	<i>Discretionary</i>	Non-Complying
Uncertain - constrained	Permitted	Permitted	<i>Discretionary</i>	<i>Discretionary</i>	Non-Complying
Notes					
* Indicates that the Resource Consent Category is permitted, but could be Controlled or Discretionary given that the fault location is well defined.					
<i>Italics:</i> The use of italics indicates that the Resource Consent Category – activity status of these categories is more flexible. For example, where Discretionary is indicated, Controlled may be considered more suitable by Council, or vice versa.					

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⁷ pg 30, Langridge, R. M.; Ries, W. F. 2014. 'Active Fault Mapping and Fault Avoidance Zones for Central Hawkes Bay District: 2013 Update', GNS Science Consultancy Report 2013/151. 48 p.

APPENDIX D

'Interim Flood Hazard Mapping for Central Hawke's Bay', HBRC, August 2021

August 6, 2021

INTERIM FLOOD HAZARD MAPPING FOR CENTRAL HAWKE'S BAY

Background and Purpose

An interim flood hazard map was prepared for the Central Hawke's Bay area in August, 2021. The purpose was to produce a flood hazard map to include as a submission to the proposed Central Hawke's Bay District Council District Plan, with submissions closing on August 6, 2021.

At present, there is no comprehensive computer flood model available to produce detailed flood hazard maps for the area. An interim solution is provided based on mapping of areas that are potentially floodable through use of computer models from limited areas, as well as contours and air photos where no model was available. There are limitations to the mapping produced, and no flood depths are provided. A sample of the output is shown in Figure 1.

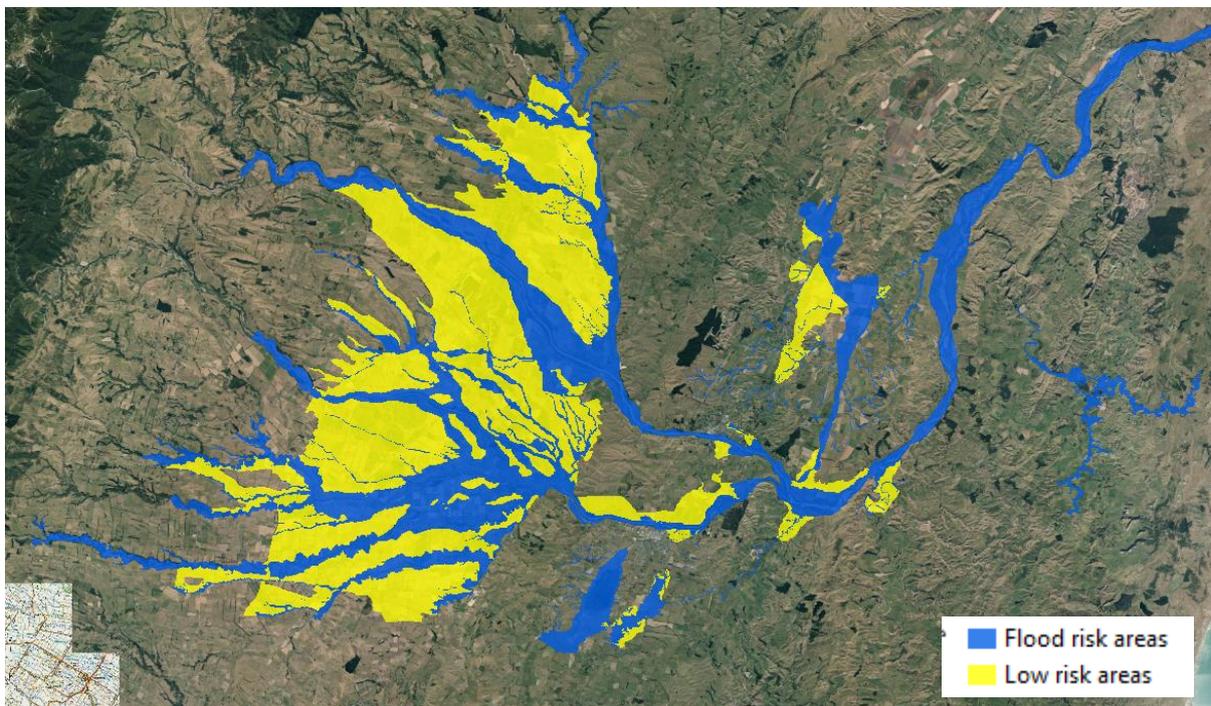


Figure 1: Flood Hazard Map for Central Hawke's Bay

Limitations:

The specific line drawn to delineate the zones should be assumed to have a buffer ranging from approximately 5 m in steep areas, up to approximately 50 m in flat areas. There may be exceptions to this estimate.

Not all floodable areas have been mapped. There may be overland flow paths that are not able to be delineated due to limited resolution of the base contours (250 mm intervals), and there may be areas at risk from flooding that have not been examined due to lack of contour information.

The scale to use the mapping should be limited to approximately 1:20,000. There are instances where using the data at a smaller scale is possible, however, caution should be used in the interpretation of the specific location of the flood zone edge.

Description of Mapping Techniques:

Major Rivers:

Figure 2 shows a section of the Waipawa River, with the main river channel as a flood risk area. This area is within the stopbanks, and poses the greatest flood hazard due to deep, high velocity water flowing, along with gravel and sediment movement.

The flood risk area is also shown in areas of close proximity to the stopbanks. These areas are at risk of flooding in the event of stopbank failure. The nominal level of service for the stopbanks in the Upper Tukituki Flood Control Scheme are protection up to the 1% annual exceedence probability (AEP) (100 year return period) for overtopping, however, there is the residual risk from other types of failures involving erosion of the stopbanks. The mapping provided help landowners in these areas to understand the risk, and the protection level provided by the scheme. In general, the UTTFCS has provided protection to rural land which was then used for agricultural purposes.

The low risk areas are distanced from the stopbanks, and there is little risk of flooding from the major river, however, there could be risk from minor streams or overland flow.

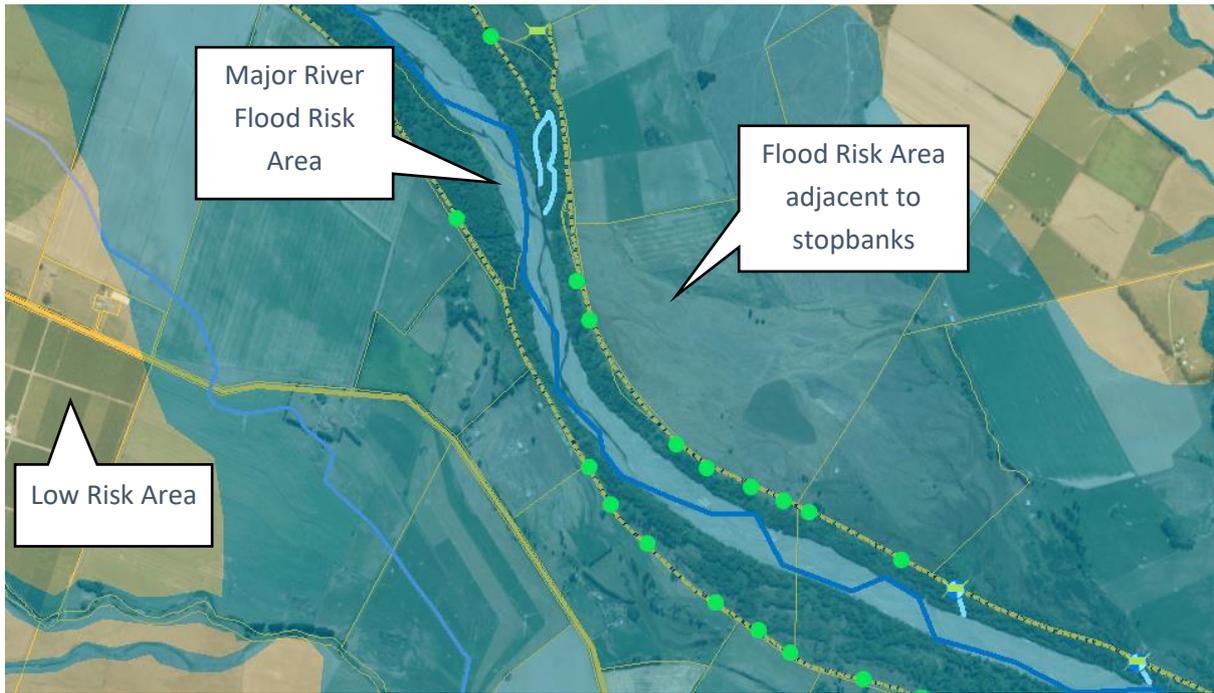


Figure 2: Major River

Minor Rivers:

In Figure 3 the river channel was mapped out to the outer terraces. The land above the terraces generally has a low risk of flooding from rain landing on the terrace, as opposed to flooding from the river.

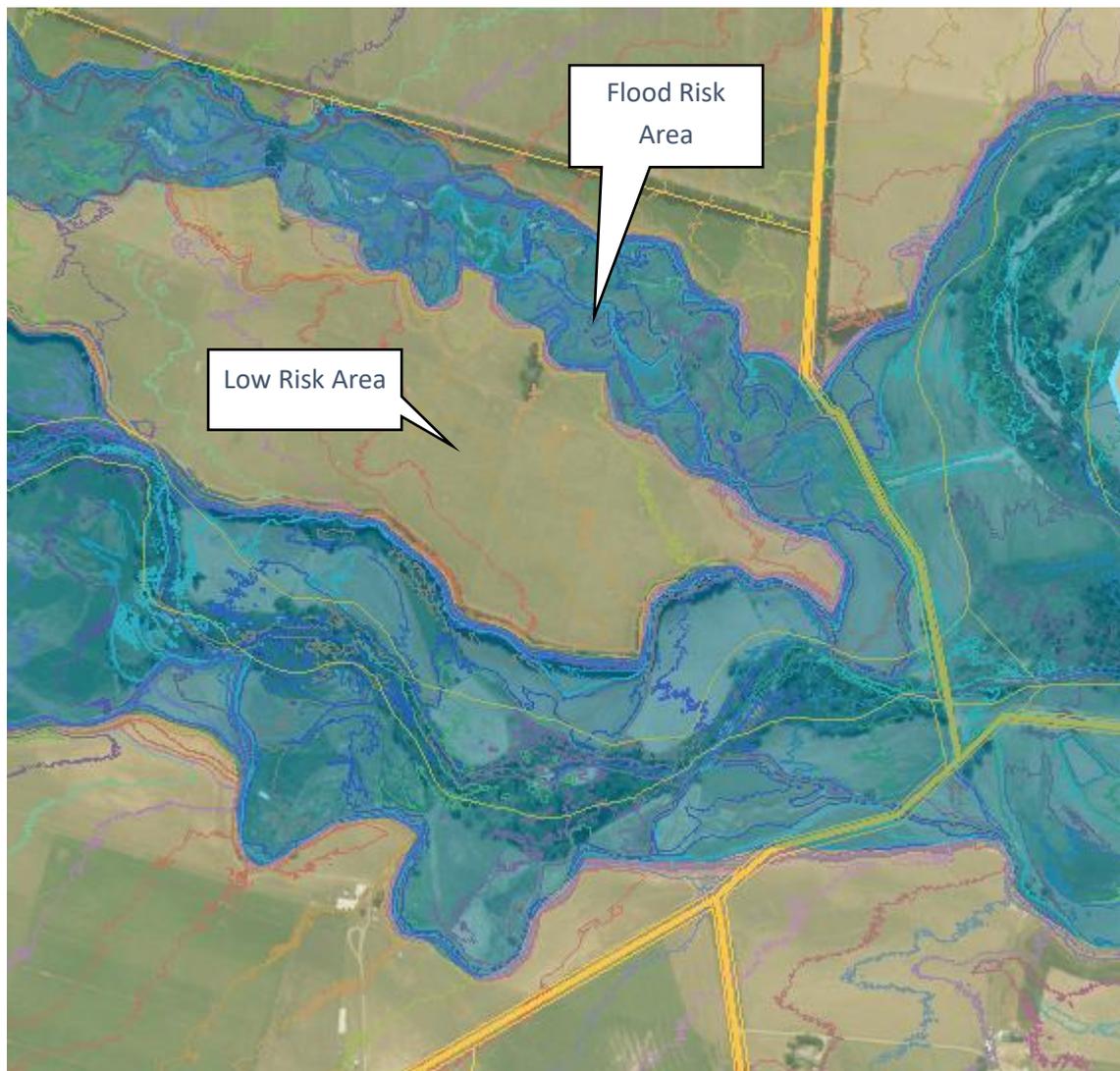


Figure 3: Minor river and terraces

Small Channels:

Figure 4 and Figure 5 show several small channels, with the flood zone shown with a buffer on the outer edges of the channel.



Figure 4: Minor channels (1 m contour interval)

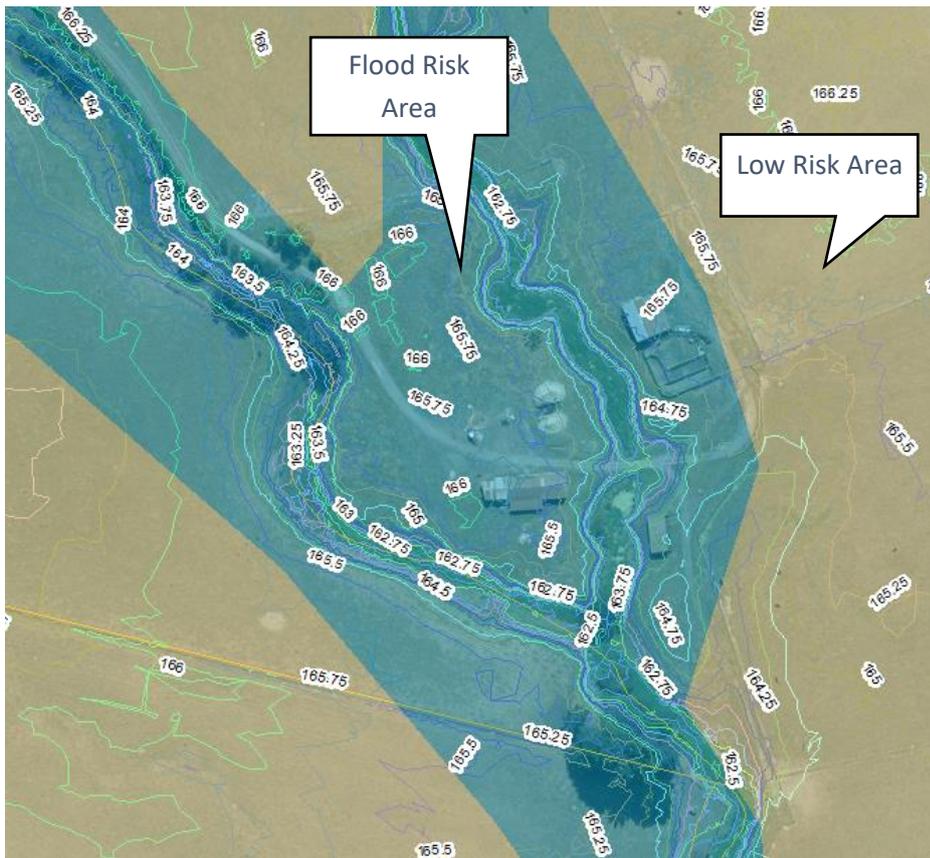


Figure 5: Minor channels (250 mm contour interval)

Areas adjacent to steep hills:

Figure 6 shows mapping where a steep hill is adjacent to a low risk area and a flood risk area. The steep hill has virtually no chance of flooding, and the low risk area shows the transition zone, where consideration needs to be given to avoiding potential overland flow paths from runoff coming from the steep hill.

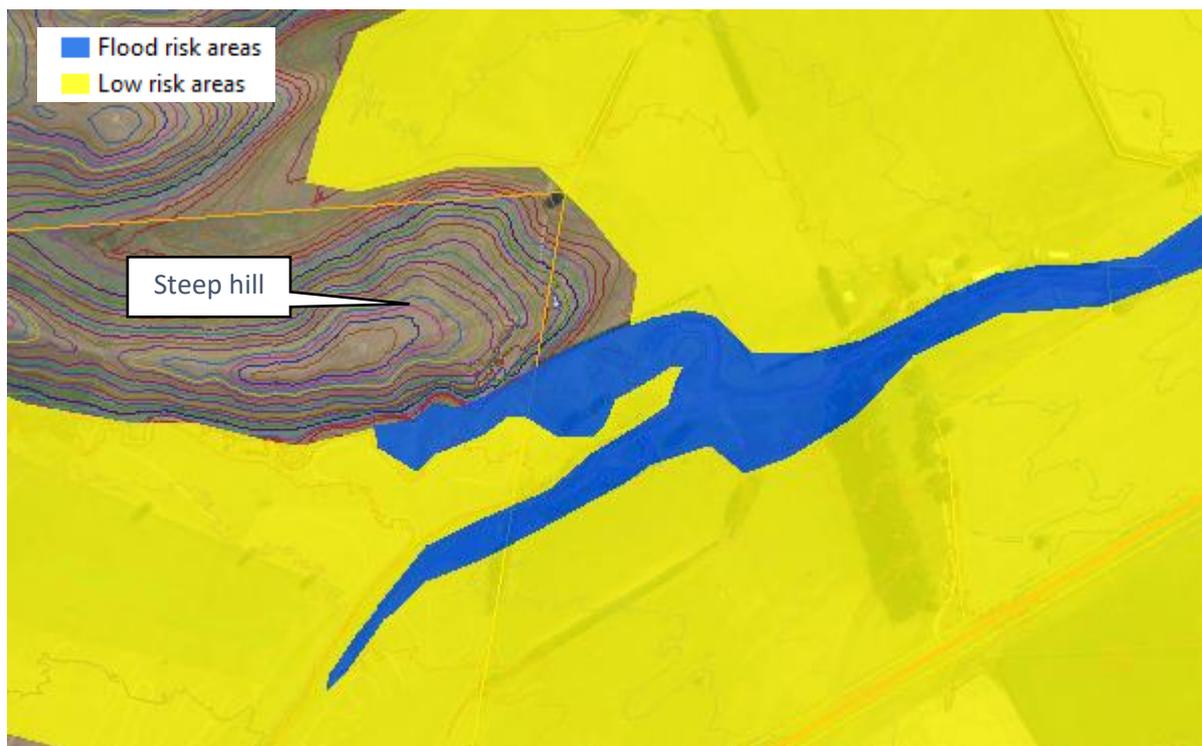


Figure 6: Area adjacent to steep hill

Culverts/Bridges

Culverts and bridges have been shown in the mapping as being within the flood risk area, as shown in Figure 7, in order to maintain continuous flood hazard areas. In most cases the culvert or bridge will not be flooded, but the land under the bridge, or the invert of the culvert will be flooded.

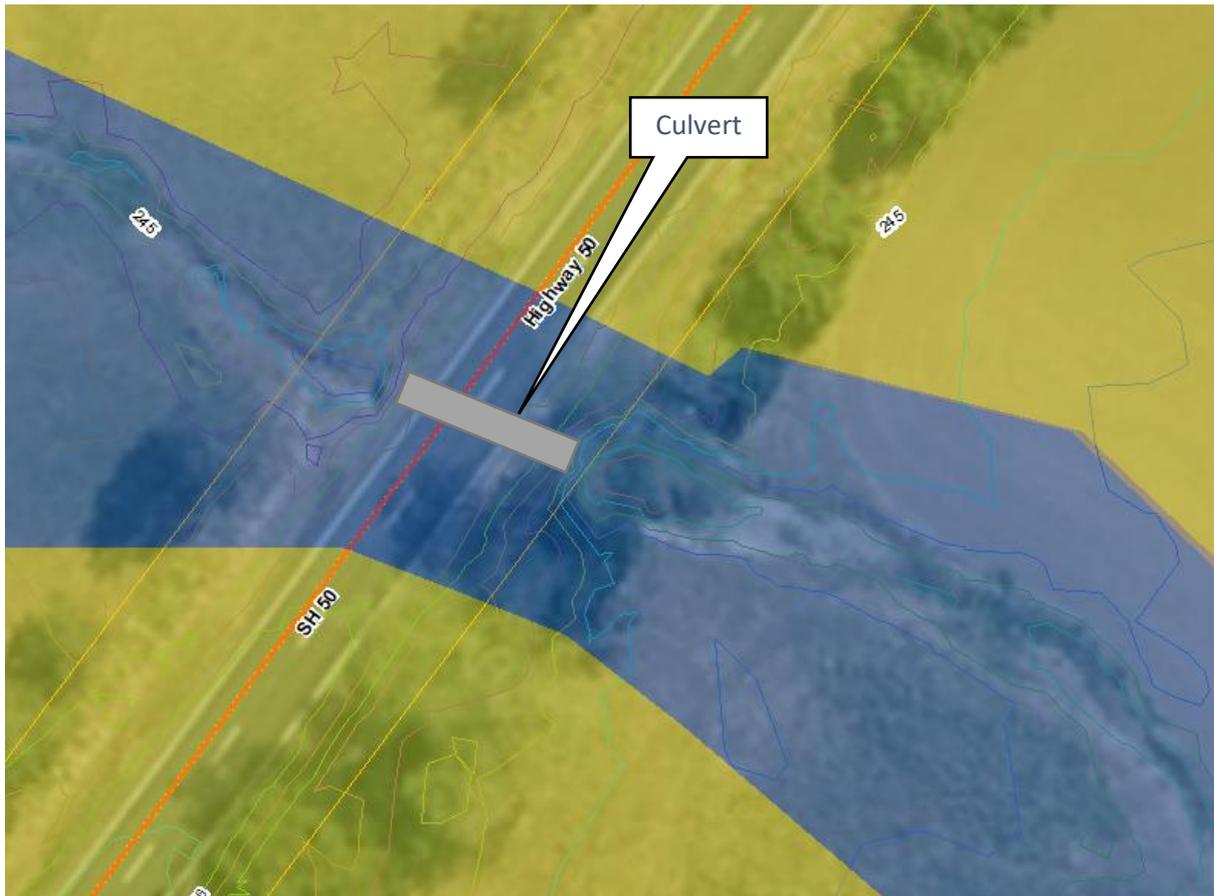


Figure 7: Culvert – showing flood hazard over top of culvert

Dams and small reservoirs

Many small dams have been included in the flood risk zone, with an example shown in Figure 8. The reservoir area is generally permanently flooded, or will remain flooded for some time after rainfall. The areas downstream of any dam should be considered to have a high risk, which diminishes as the distance increase from the dam.

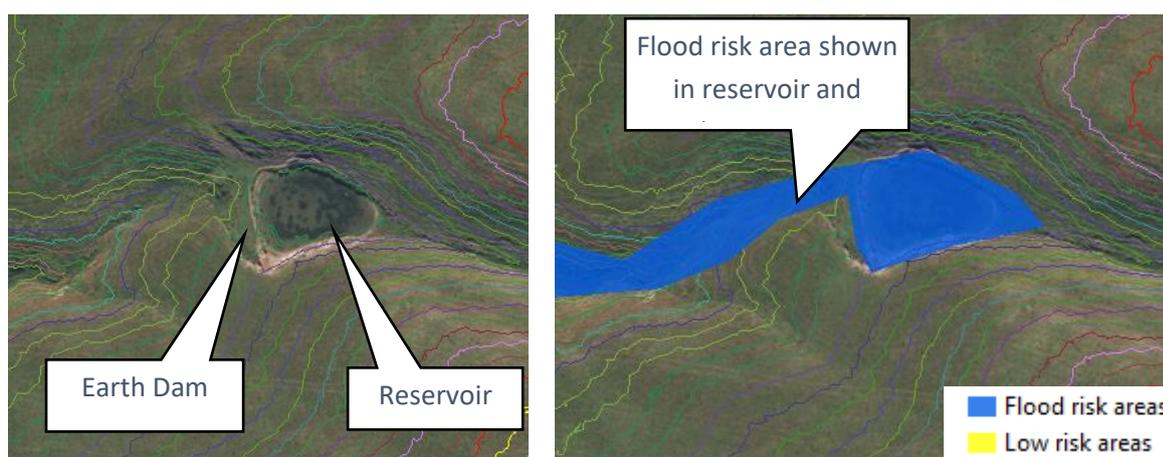


Figure 8: Dam and small reservoir (Left and right image are same location - Left image with no flood hazard map, right image with flood hazard map)

Papanui Stream

The Papanui Stream (see Figure 9) is an old channel of the Waipawa River, and is protected from flooding from a section of stopbank on the Waipawa River. Protection is provided up to the 100 year return period event for overtopping. In the event of a stopbank breach, the flood hazard area identified along the Papanui Stream is at risk.

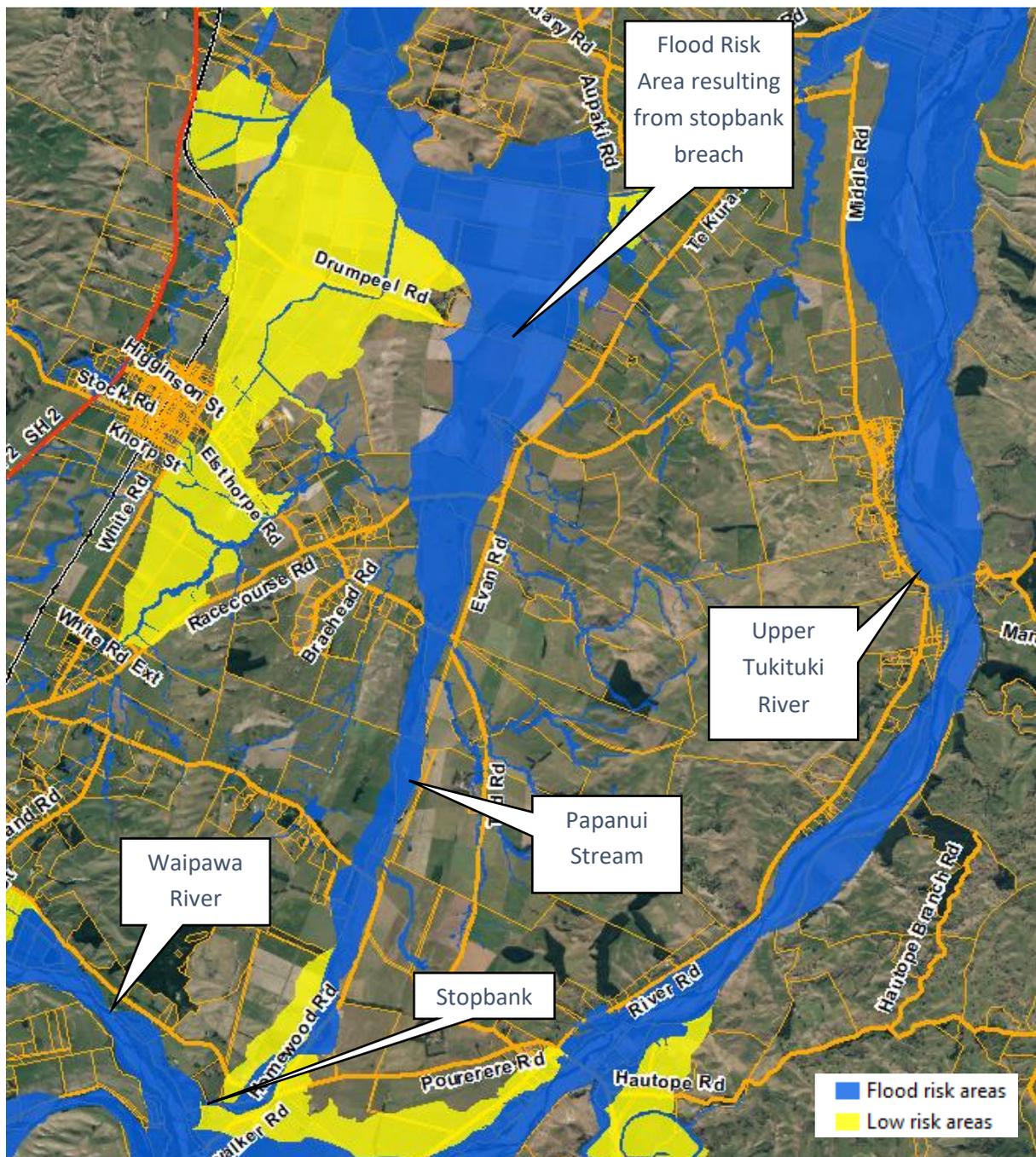


Figure 9: Papanui Stream

Urban/Semi urban areas (Waipawa, Waipukurau, Otane, Tikokino, Takapau)

No specific modelling or flood hazard mapping has been done by HBRC in these urban/semi-urban areas with stormwater control managed by CHBDC, with the exception of the open drain (referred to as Bush Drain) on the north-east side of Waipawa (Figure 10)

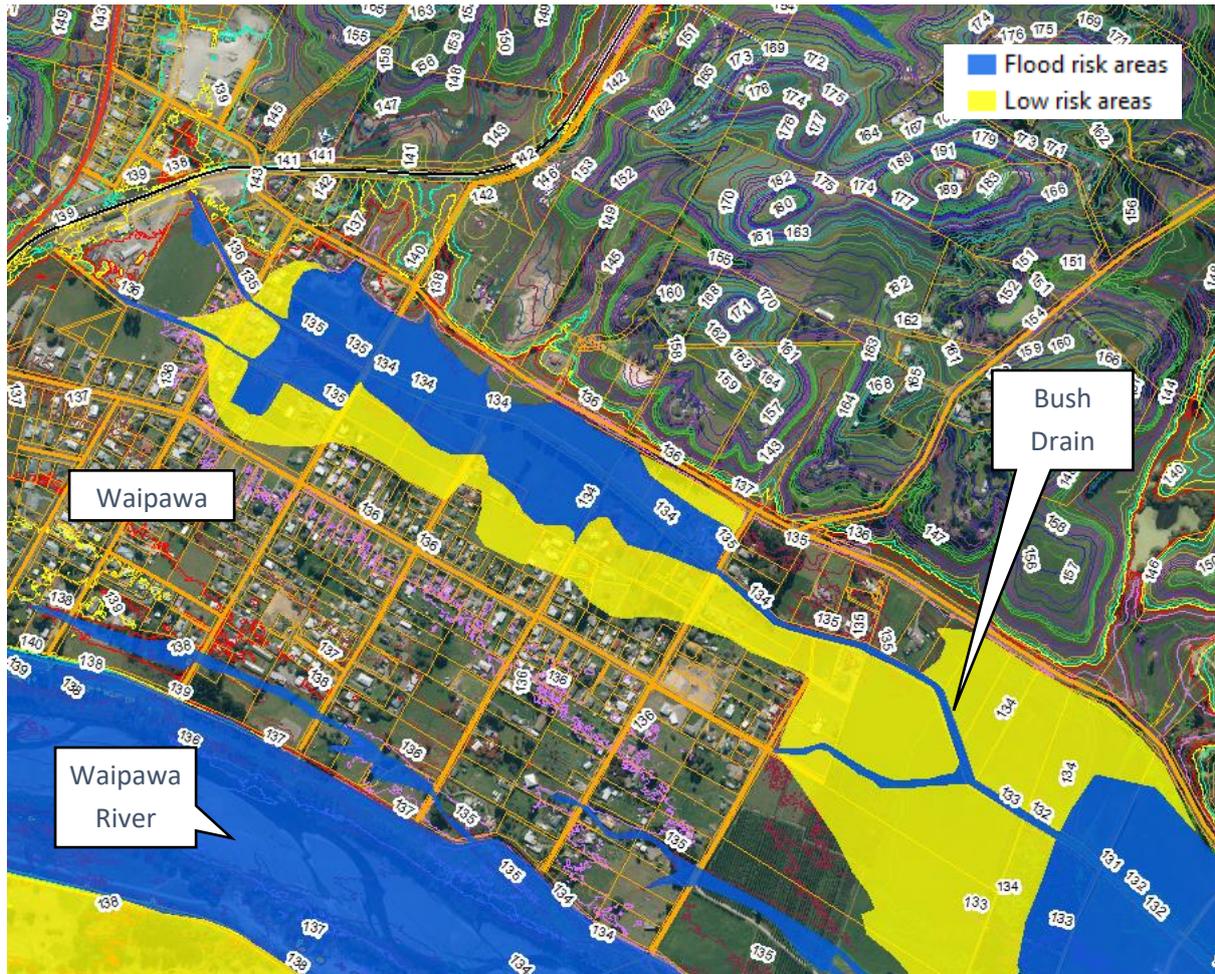


Figure 10: Waipawa – Bush Drain

Ongaonga

Following a severe flood in November 2013, a 2D computer model of the Ongaonga area was created. The results showing the hazard areas are shown in Figure 11.

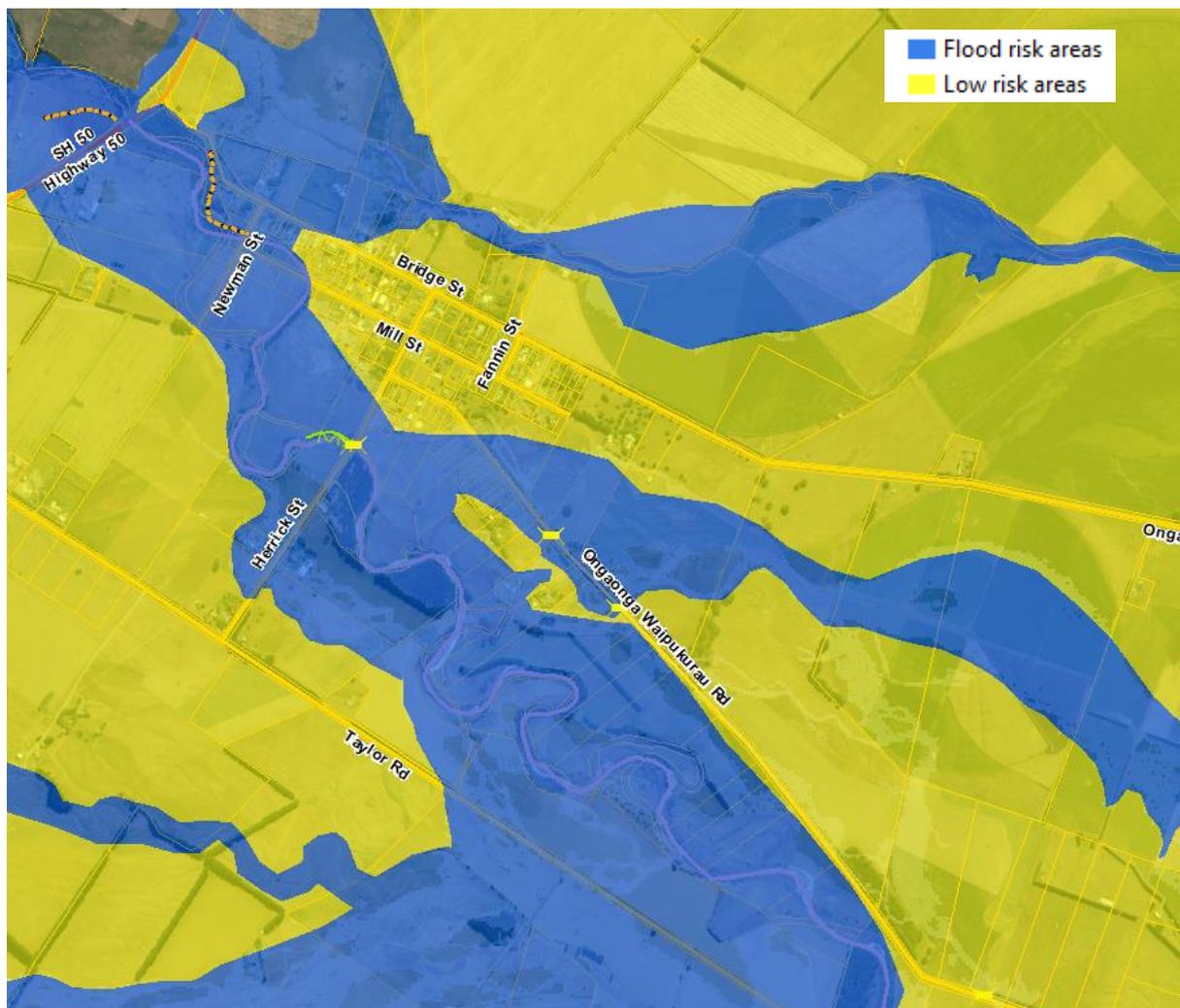


Figure 11: Ongaonga

Lake Whatuma and upper Mangatarata Stream including Farm Road

Figure 12 shows the mapping for this area, which is mainly low lying land around Lake Whatuma, and flat, floodable areas on the eastern side of Porangahau Road to Farm Road.

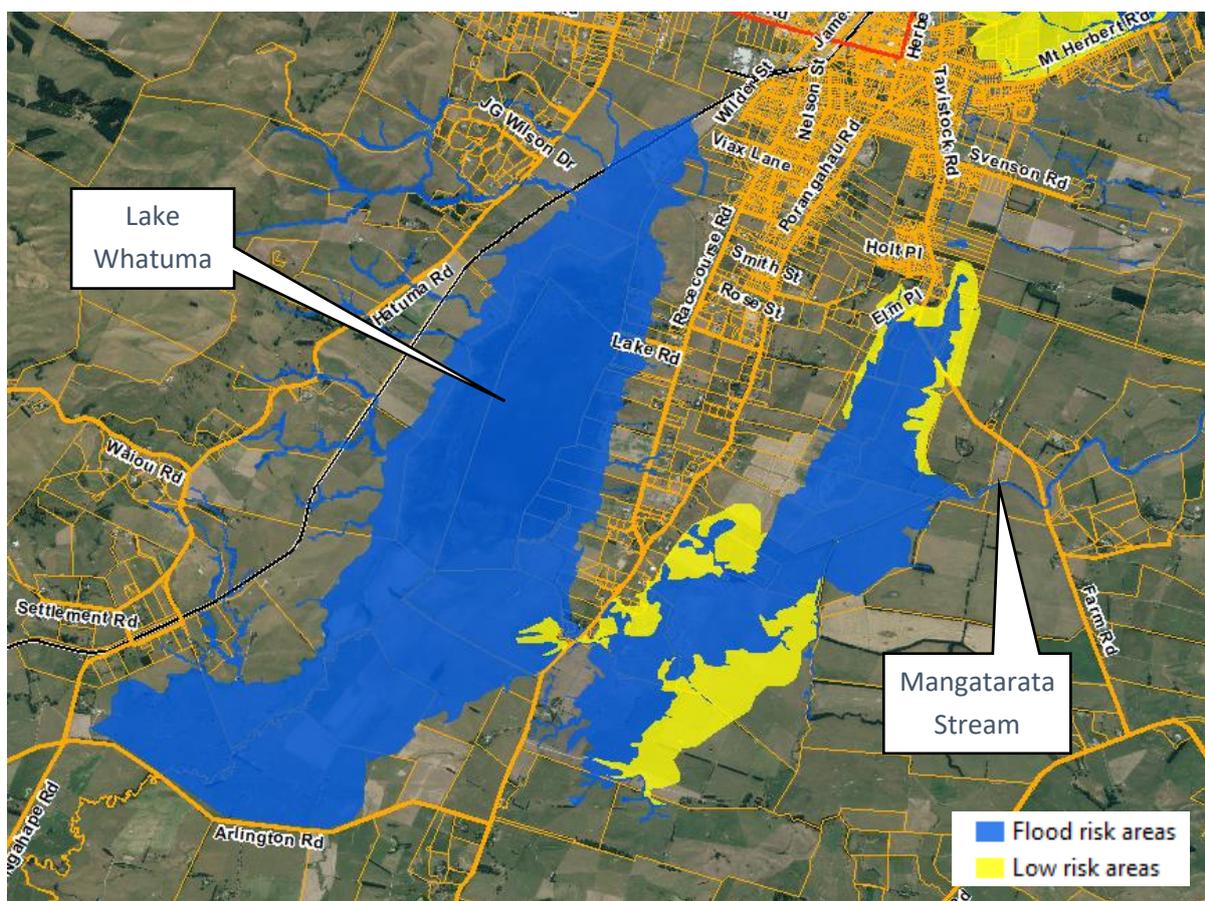


Figure 12: Lake Whatuma and upper Mangatarata Stream (near Farm Road)

Porangahau

Flood hazard mapping for the Porangahau River from Saleyards Bridge to the ocean was derived from a 2D computer model, with results shown in Figure 13.

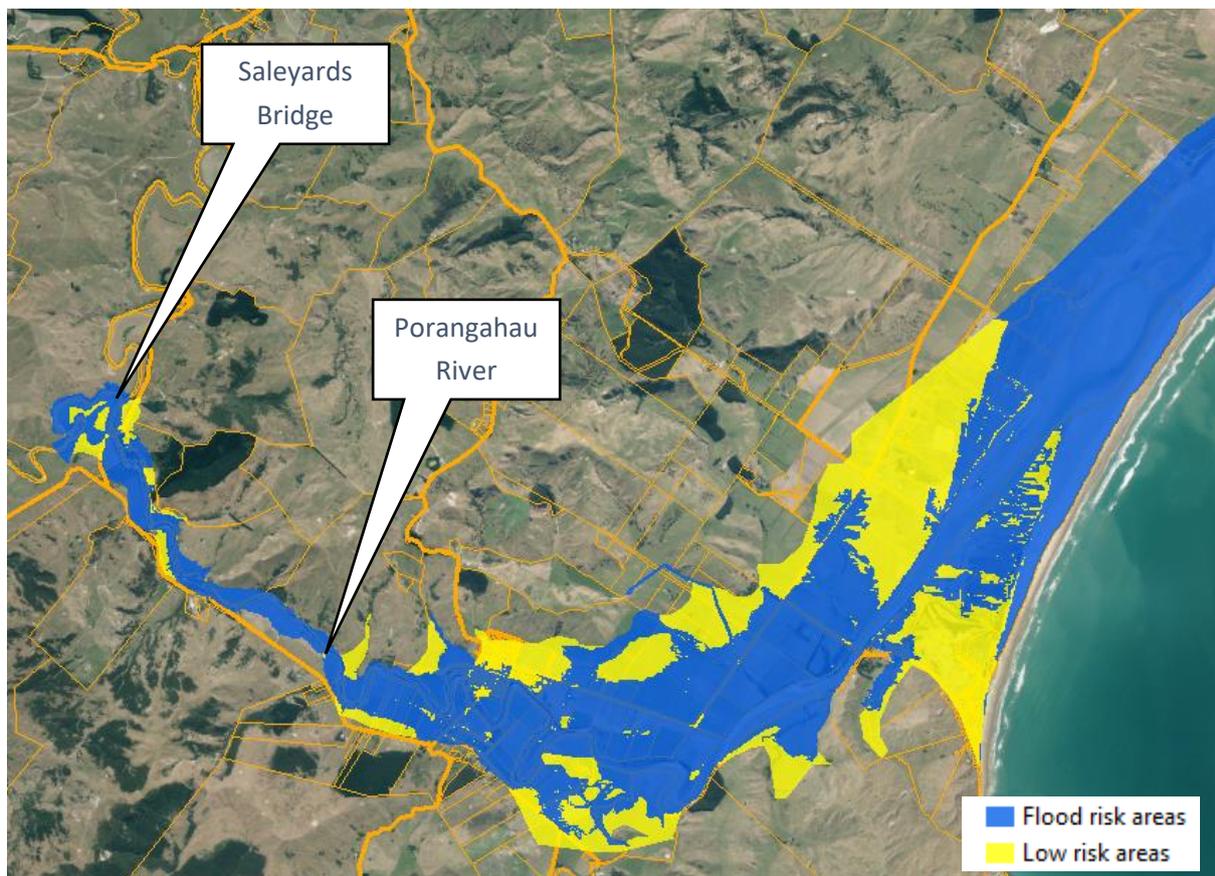


Figure 13: Porangahau

Elsthorpe including Makara Dams

Flood hazard mapping in this area was derived from a 2D computer model from Makara Dam 1, as well as estimates from air photos for the Wharemate Stream.

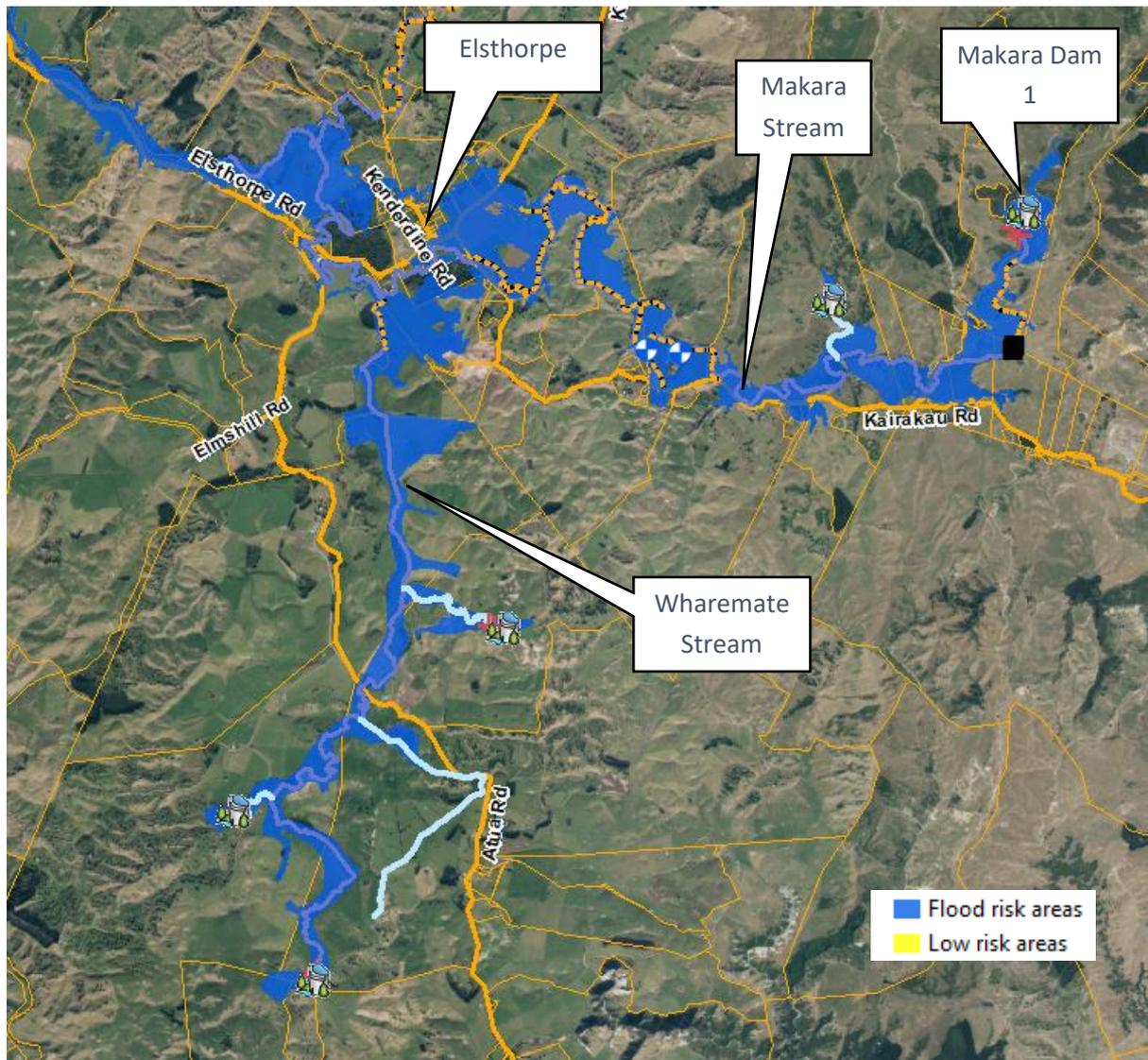


Figure 14: Elsthorpe and Makara Dams

Prepared by: Craig Goodier, Principal Engineer, HBRC