



SECTION 42A REPORT

Natural Hazards

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List of Abbreviations

Table 1: List of Submitters and Abbreviations of Submitters' Names

Submitter Number	Abbreviation	Full Name of Submitter
S421	Federated Farmers	Northland Federated Farmers of New Zealand
S512	FENZ	Fire and Emergency New Zealand
S368	FNDC	Far North District Council
S159	HortNZ	Horticulture New Zealand
S331	MOE	Ministry of Education
S359	NRC	Northland Regional Council
S282	Telco Companies	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited
S483	Top Energy	Top Energy Limited
S454	Transpower	Transpower New Zealand Limited

Table 2: Other abbreviations

Abbreviation	Full Term
ASCIE	Areas Susceptible to Coastal Inundation and Erosion
CMA	Coastal Marine Area
FNDC	Far North District Council
NES-TF	Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2016
NPS	National Policy Statement
NPS-UD	National Policy Statement for Urban Development 2020
NRP	Proposed Northland Regional Plan
NZCPS	New Zealand Coastal Policy Statement 2010
ODP	Operative District Plan
PDP	Proposed District Plan
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for Northland 2016



1 Executive summary

1. The Far North Proposed District Plan (PDP) was publicly notified in July 2022. The Natural Hazards Chapter is located in the District-Wide Matters section of the PDP under the Hazards and Risks heading.
2. There are 321 original submission points and 514 further submission points on the Natural Hazards Chapter. The submission points received on the Natural Hazards can largely be categorised into the following themes:
 - a. General support for the risk-based approach to manage natural hazards and many of the provisions within the Natural Hazards Chapter
 - b. Concerns that the permitted activity rules and thresholds for buildings, structures and infrastructure in identified River Flood Hazard Areas and Coastal Hazard Areas are overly restrictive and arbitrary
 - c. Support for the general intent of the provisions relating to wildfire risk and 'Land susceptible to land stability' but some concerns about the workability of certain provisions and definitions
 - d. Requests that the Natural Hazard Chapter better recognises and provides for existing use rights under section 10 of the Resource Management Act 1991 (RMA)
 - e. Concerns from a range of landowners that the mapping of natural hazards on their property (River Flood Hazard Areas and Coastal Hazard Area) are not accurate and/or not based on site-specific knowledge/assessments.
3. The key recommendations in this report are:
 - a. Largely retaining the objectives and policies as notified with some minor amendments to clarify intent
 - b. Amendments to the natural hazards rule for existing infrastructure (NH-R1) and coastal hazards rule for existing buildings (CE-R10) to allow for minor increases in the existing footprint or Gross Floor Area (GFA) as a permitted activity
 - c. Amendments to the rules for wildfire risk with the intent of improving workability while retaining the policy intent
 - d. A number of minor amendments to the natural hazards and coastal hazards rules to improve workability and to delete rules that are redundant or conflict with other PDP chapters.



2 Introduction

2.1 Author and qualifications

4. My full name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei.
5. I hold the qualification of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a Full member of the New Zealand Planning Institute.
6. I have over 20 years of experience in resource management and planning with roles in central government, local government and the private sector. My primary area of work is policy planning for local and central government, and I am the New Zealand Policy Portfolio Lead at SLR Consulting. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues, including earthworks.
7. I have been closely involved in the development and implementation of numerous national direction instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. This includes close involvement in national direction instruments relating to highly productive land, indigenous biodiversity, renewable electricity generation and electricity transmission climate change, plantation forestry and telecommunication facilities.
8. I have been working with the Far North District Council (FNDC) on the PDP since 2021. I am the reporting officer for a number of PDP topics, including special purpose zones, coastal environment, indigenous biodiversity, earthworks and infrastructure topics which have been considered in previous hearings. I was not involved in the Natural Hazards Chapter prior to the notification of the PDP.
9. I note that Nicole Wooster is a submitter (S259) who is employed by FNDC and related to Tammy Wooster (Manager – Integrated Planning at FNDC). Therefore, in preparing this Section 42A report, the approval of the recommendations for Ms Wooster's submission points (259.002 and 259.020) has been provided by Roger Ackers - Group Manager Planning and Policy, rather than James R Witham – Team Leader District Plan. Mr Witham has not approved the recommendations on these submissions due to potential or perceived conflict of interest.

2.2 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 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.

11. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners (Hearings Panel).

3 Scope/Purpose of Report

12. This report has been prepared in accordance with section 42A of the RMA to:
 - a) Assist the Hearings Panel in making their decisions on the submissions and further submissions on the PDP
 - b) Provide submitters with an opportunity to see how their submissions have been evaluated, and the recommendations being made by reporting officers prior to the hearing.
13. This report responds to submissions on the Natural Hazards Chapter.
14. Separate to the section 42A report recommendations in response to submissions, Council has made a number of Clause 16 corrections to the PDP since notification¹. These changes are neutral and do not alter the effect of the provisions. The Clause 16 corrections relevant to Natural Hazards Chapter are reflected in Appendix 1 to this Report (Officer's Recommended Provisions in response to Submissions). For clarity and consistency with the PDP, these corrections are not shown in strikethrough or underlined in **Appendix 1**.

4 Statutory Requirements

4.1 Statutory documents

15. The section 32 evaluation report for the Natural Hazards Chapter provides a summary of the relevant statutory considerations applicable to this topic, including key provisions in the RMA, NZCPS, RPS and NRP provisions. As such, it is not necessary to repeat that statutory assessment here. However, it is important to highlight the higher order documents which have been gazetted or amended following notification of the PDP.

4.1.1 Resource Management Act

16. On the 24 March 2025, the Government announced that RMA will be replaced with two new pieces of legislation:
 - a. A Natural Environment Act – focused on managing the natural environment

¹ [Clause 16 Amendments | Far North District Council \(fndc.govt.nz\)](https://fndc.govt.nz).



- b. A Planning Act – focused on planning to enable development and infrastructure.
17. In the announcement, the Government stated that the new legislation will narrow the scope of the resource management system and the effects it controls, with the enjoyment of private property rights as the guiding principle. It was also signalled that there will be a shift has from a precautionary to a more permissive approach to better enable development, streamline processes, and enhance New Zealand’s ability to meet its housing, infrastructure, and environmental objectives. This includes nationally standardised land use zones, one combined plan per region (including a regional spatial plan) and more cohesive and streamlined national direction. The intention is that the two new pieces of legislation will be introduced to Parliament by the end of 2025, with a Select Committee process in 2026, and passage into law before the 2026 general election. The RMA continues to be in effect until when and if this new replacement legislation is passed.

4.1.2 National Policy Statements

4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

18. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to the Natural Hazards Chapter, that have been gazetted since notification of the PDP. As District Plans must be “*prepared in accordance with*”² and “*give effect to*”³ a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
19. The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into effect on 4 August 2023 after the PDP was notified (27 July 2022). The NPS-IB is a comprehensive NPS with an overarching objective to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity from the commencement date. The NPS-IB was considered in detail as part of the Ecosystems and Indigenous Biodiversity topic (Hearing 4) where, as reporting officer, I make a number of recommendations in relation to how the NPS-IB should be given effect to through that chapter. The NPS-IB has limited relevance to the Natural Hazards Chapter, although it does include provisions relating the resilience of indigenous biodiversity to the effects of climate change, and is not considered further in this report.
20. The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect on 17 October 2022. The NPS-HPL has a single objective: “*Highly productive land is protected for use in land-based primary production, both now and for future generations*”. must do to give effect

² Section 74(1)(a) of the RMA.

³ Section 75(3)(a) of the RMA.



to the objective and policies of the NPS-HPL. I note that the NPS-HPL will be primarily given effect to through the suite of Rural Zones in the PDP and the Subdivision chapter, which have or are being considered in Hearing 9 and 17 respectively. As such, the NPS-HPL is not considered further in this report.

4.1.3 National Planning Standards

21. The National Planning Standards 2019 provide standards for the format, structure and content of district plans. In relation to natural hazards provisions in district plans, the National Planning Standards 2019:

"If provisions relating to natural hazards are addressed (except coastal hazards), they must be located in the Natural hazards chapter."

"The Natural hazards chapter must include cross-references to any coastal hazards provisions in the Coastal environment chapter."

"If the district has a coastline, a Coastal environment chapter must be provided that:

a. sets out the approach to managing the coastal environment and giving effect to the NZCPS

b. sets out provisions for implementing the local authorities functions and duties in relation to the coastal environment, including coastal hazards..."

22. For these reasons, the Natural Hazards Chapter includes all the general provisions relating to natural hazards and Coastal Environment Chapter includes the rules relating to coastal hazards. However, for the purposes of considering submissions, these have all been allocated to Hearing 13 and are all addressed in this report.

4.1.4 Treaty Settlements

23. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

4.1.5 Iwi Management Plans – Update

24. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview report. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, only two have been revised since notification of the PDP –



- a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
 - b. Ahipara Takiwā Environmental Management Plan
25. A summary of the key issues, objectives and policies that are relevant to natural hazards and climate change in these two hapū/iwi management planning documents is below.

Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine

26. 'Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the Natural Hazards Chapter the Ngāti Hine Environmental Management Plan, includes the following objectives and policies relating to climate change which are of relevance:
- a. *Objective 2.7(1) That Ngāti Hine is as informed as possible on climate change and constructively debates how the iwi can best respond.*
 - b. *Objective 2.7(2) Ngāti Hine will develop responses and strategies for adapting to being resilient to climate change.*
 - c. *Objective 2.7(3) Ngāti Hine to positively influence global climate change korero and initiatives through providing pragmatic leadership and leading by example.*
 - d. *Policy 2.1(1) A collaborative approach is required by all decision-makers in central Northland, Te Taitokerau as to how to ensure that we are prepared for the negative impacts of climate change.*
 - e. *Policy 2.7(2). Review and reprioritise effective catchment management solutions to recognise and respond to major changes in climatic conditions.*
 - f. *Policy 2.7(8) Ngāti Hine continues to exercise matauranga to contribute to building community resilience.*

Ahipara Takiwā Environmental Management Plan

27. The Ahipara Takiwā Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with Council in 2023, after notification of the PDP in July 2022. In respect of the Natural Hazards Chapter, the Environmental Management Plan includes the following objectives and policies relating to climate change which are of relevance:



3.12.3 Objectives relating to climate change

- a. *Objective TO2. Proactively protecting and restoring nature's first line of defense for the coastline (prioritising nature's ability to absorb the effects of climate change).*
- b. *Objective TO4. Deliver the strategy and restore the mauri of Te Oneroa a Tōhe.*

3.12.6 Policies relating to climate change

- c. *A collaborative approach is required by all decision-makers in Te Hiku o Te Ika as to how to ensure that we are prepared for the negative impacts of climate change.*
 - d. *Effective catchment management includes large scale ecological restoration of indigenous ecological systems.*
 - e. *Ngā Marae o Ahipara develop Mātauranga Māori indicators to enable monitoring and evaluation of impacts on biodiversity, mahinga kai, flora, fauna and human health in response to climate changes.*
28. These updated iwi management plans are considered through this report, to the extent relevant and within the scope of submissions on relevant provisions.

4.2 Section 32AA evaluation

29. This report uses "key issues" to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where amendments to the provisions of the PDP are recommended, these are evaluated in accordance with section 32AA of the RMA.
30. Where applicable, the section 32AA further evaluation for each key issue considers:
- a. Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - b. The reasonably practicable options for achieving those objectives.
 - c. The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - d. The efficiency and effectiveness of the provisions for achieving the objectives.
 - e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.



31. The section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the recommended amendments. Recommendations that relate to editorial, minor and consequential changes without changing the policy intent are not evaluated under section 32AA of the RMA in this report.

4.3 Procedural matters

32. There have been no formal meetings with submitters in relation to the Natural Hazards Chapter. Some informal discussions with Northland Regional Council (NRC) took place in relation to the submissions challenging the natural hazards mapping and Tonkin and Taylor was subsequently engaged by Council to undertake a technical review of selected submissions which is attached as **Appendix 3** and **Appendix 4**.

5 Consideration of submissions received

5.1 Overview of submissions received.

33. There are a total of 321 original submissions and 514 further submissions on the Natural Hazards Chapter.
34. The main submissions on the Natural Hazards Chapter are from:
 - a. A range of private individuals, landowners and businesses affected, or potentially affected, by natural hazards.
 - b. Planning and engineering firms, including Northland Planning and Development (S502), Thomson Survey (S204) and Haigh Workman (S215).
 - c. Infrastructure providers, including Transpower (S454), Top Energy (S483), the Telco Companies (S282), KiwiRail (S416) and Waka Kotahi - NZTA (S356).
 - d. Central and local government organisations, including NRC (S359) and Ministry Of Education (MOE) (S331).
 - e. Environmental organisations, including Forest and Bird (S511), Kapiro Conservation Trust (S446), Carbon Neutral Trust (S529), Vision Kerikeri (S524).
 - f. Primary sector submitters, including Federated Farmers (S421) and HortNZ (S159).
35. The key issues identified in this report to respond to submissions on the Natural Hazards Chapter are:
 - a. Key Issue 1: General submissions on the Natural Hazards Chapter



- b. Key Issue 2: Overview to the Natural Hazards Chapter
 - c. Key Issue 3: Objectives
 - d. Key Issue 4: Policies
 - e. Key Issue 5: Advice notes
 - f. Key Issue 6: Natural Hazards Rules
 - g. Key Issue 7: Coastal Hazards Rules
 - h. Key Issue 8: Natural Hazards Standard NH-S1
 - i. Key Issue 9: Coastal Hazards Standards CE-S4 and CE-S5
 - j. Key Issue 10: Subdivision Rules SUB-R8, SUB-R11 and SUB-R12
 - k. Key Issue 11: Mapping of Natural Hazards (flood hazards and coastal hazards)
 - l. Key Issue 12: Definitions.
36. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under the key issues sections outlined above. This thematic response assists in providing a more concise response to, and recommended decisions on the submission points on the Natural Hazards Chapter.

5.2 Officer Recommendations

37. A copy of the recommended amendments to the Natural Hazards Chapter is provided in **Appendix 1 – Recommended provisions** to this report (including associated amendments to the coastal hazard rules in the Coastal Environment Chapter and rules in the Subdivision relating to natural hazards).
38. A full list of submissions and further submissions on the Natural Hazards Chapter and my recommended decisions on those submissions is contained in **Appendix 2 – Recommended Decisions on Submissions** to this report.



5.2.1 Key Issue 1: General Submissions on the Natural Hazards Chapter

Overview

Provision(s)	Officer Recommendation(s)
New advice note	New advice note to clarify that the Natural Hazard Chapter rules do not apply to telecommunication facilities regulated under the NES-TF
Overview	New Coastal Hazard Areas subsection to clarify the location of provisions relating to coastal hazard areas

Analysis of Submissions on Key Issue 1: General Submissions on the Natural Hazards Chapter

Matters raised in submissions

39. Puketona Business Park (S45.013) generally support the provisions of the Natural Hazards Chapter as notified in the PDP.
40. The Telco Companies (S282.007 to S282.009) request that the Natural Hazards Chapter is amended to not apply to telecommunications infrastructure.
41. Ngā Tai Ora – Public Health Northland (S516.045, S516.043, S516.005, S516.044, S516.004) request that the objectives, policies and rules of the Natural Hazards Chapter are amended where necessary to appropriately give effect to the Regional Policy Statement (RPS), including Objective 3.13 and the general direction to manage subdivision, use and development to minimise risk from natural hazards.
42. Lynley Newport (S94.004, S93.001–S93.010, S93.013, S93.014) and Thomson Survey (S194.001) request that the Natural Hazards Chapter is amended to transfer any provisions relating to coastal hazards from the Coastal Environment Chapter in the PDP into the Natural Hazards Chapter to reduce confusion. Lynley Newport also requests that a cross reference is inserted into the Coastal Environment Chapter noting that the coastal hazard rules are located in the Natural Hazards Chapter.
43. Phill Grimshaw (S391.001) considers that the natural hazards provisions should enable people to exercise existing use rights and requests additional provisions which allow the development of houses, buildings activities within hazard overlays where it is in accordance with section 10 of the RMA.
44. Te Waka Pupuri Putea Trust (S477.013) requests that the PDP is amended to be forward-thinking regarding climate-related issues as the geography of the rohe makes them it more susceptible to these issues and their potentially dire consequences.



45. NRC (S359.009) notes that central government has advised that sea level is rising faster than anticipated. As such, NRC consider that the PDP should consider potential updates of the NRC hazard mapping and working with NRC to understand this issues.
46. NRC (S359.013) also raises concerns that the PDP appears to provide for greater development intensity in areas subject natural hazards or areas unserved by three waters infrastructure. NRC raises concerns that enabling further development in areas prone to flooding is at odds with direction in Policy 7.1.2 and Method 7.1.7 of the RPS. NRC consider that hazard mapping is not sufficient as the underlying zoning creates a development expectation. For these reasons, NRC requests that the planning maps are amended to ensure that areas prone to natural hazards are not zoned for intensification.
47. Te Rūnanga o Ngāti Rēhia (S559.027) are concerned that many of their Māori land blocks and marae are coastal or in low-lying areas impacted by the proposed coastal hazard zones. Te Rūnanga o Ngāti Rēhia are concerned that the imposition of strict rules could have major consequences on their ability to live on their whenua and generate wealth. As such, they seek that the chapter is amended in alignment with submission number 407 by Tapuaetahi Incorporation on the Natural Hazards Chapter.
48. Vision Kerikeri (S521.006, S428.006), Kapiro Conservation Trust (S443.006), and Carbon Neutral NZ (S529.052) request that the PDP is amended to refer to the most recent NRC natural hazard maps and that the PDP is amended to apply the precautionary approach with regard to mapped inland flood and coastal hazards to take account of longer term changes expected from climate change, as well as the limitations in mapping.
49. Top Energy (S483.109) supports the creation of resilient communities, responding to and managing risk from natural hazards to ensure the health, safety and wellbeing of Northland residents and highlights the critical contribution that critical electricity lines provide in enabling this. Top Energy request a number of amendments throughout the chapter to adequately enable electricity infrastructure.

Analysis

50. In terms of the submission from the Telco Companies, I note that Regulation 57 in the National Environmental Standards for Telecommunication Facilities 2016 (NES-TF) states that "*A territorial authority cannot make a natural hazard rule that applies to a regulated activity*" and "*A natural hazard rule that was made before these regulations came into force, does not apply in relation to a regulated activity*". It is therefore clear that natural hazard rules in district plans (existing or proposed) cannot apply to telecommunication facilities regulated under the NES-TF (i.e. a regulated activity). I therefore



recommend a new advice note is inserted before the natural hazards rules table to make this clear to plan users. I note that the NES-TF does not apply to all telecommunication facilities (e.g. new telecommunication poles outside the road reserve and rural zones) as was discussed in Hearing 11 and the natural hazard rules in the PDP would apply to these facilities.

51. Ngā Tai Ora – Public Health Northland has requested that the Natural Hazards Chapter better give effect to the RPS, with limited specificity as to how that is to be achieved. As detailed in section 32 evaluation report for the Natural Hazard Chapter⁴, the provisions in this chapter have been developed to give effect to the specific direction in the RPS relating to natural hazards, including Objective 3.13, Policy 7.1.1, Policy 7.1.2 and Policy 7.1.2. This includes, for example, more stringent requirements for “vulnerable activities” (i.e. inappropriate development in hazard areas), specific policies relating to flood hazards and coastal hazards, minimum freeboard levels, more stringent provisions for 1 in 10-year River Flood Areas, protection of existing defences etc. which all directly give effect to the RPS.
52. A key focus of the Natural Hazards Chapter is to take a risk-based approach to manage natural hazards consistent with the direction in the RPS that takes into account the magnitude, frequency and probability of natural hazards and the vulnerability of people, property and the environment to the hazard event. I therefore consider that the Natural Hazard Chapter in the PDP appropriately gives effect to the RPS, and this is considered in more detail below in response to specific submission points. I therefore recommend that this submission point from Ngā Tai Ora – Public Health Northland is accepted in part.
53. I agree with Lynley Newport that it would be preferable from a plan user perspective for the coastal hazards rules to be relocated to the Natural Hazard Chapter. However, as outlined above, Standard 7 in the National Planning Standards (District-wide matters) is very clear that provisions relating to coastal hazards must be addressed in the Coastal Environment Chapter. The PDP must give effect to (i.e. implement) the National Planning Standards and there is no discretion in how this is done when these standards are clear and directive.
54. In light of this direction from the National Planning Standards, it needs to be clear where natural hazards provisions sit within the PDP. In my view, this is already largely achieved through:
 - a. Advice Note 3 in the Natural Hazards Chapter which states that “*Coastal hazard rules are located in the Coastal Environment Chapter*”.

⁴ Refer: [Section-32-Natural-Hazards.pdf](#)



- b. The following statement in the Coastal Environment Chapter overview section *"The coastal hazard rules are located in this chapter in accordance with the Planning Standards, while other natural hazards such as flooding are controlled in the Natural Hazards chapter. The Natural Hazards chapter consolidates all of the objectives and policies related to natural hazards including rules that must be considered when assessing proposals within a Coastal Hazard Area."*
55. However, I consider that the Natural Hazards Chapter overview should include a similar statement. I consider that this is best achieved through a simple statement under a new "Coastal Hazard Areas" heading in the overview section as detailed further below under Key Issue 2.
56. The submission from Phill Grimshaw relating to existing use rights is a common theme in a number of submissions on the Natural Hazards Chapter. In my view, it is not necessary to explicitly acknowledge or provide for existing use rights under section 10 of the RMA within the Natural Hazard Chapter. This is because the existing use rights provisions in section 10 of the RMA apply regardless of what the Natural Hazards Chapter says. Further, existing use rights is a wider issue for existing land uses throughout the District and is not confined to the Natural Hazards Chapter. Therefore, specifically recognising existing use rights within the Natural Hazards Chapter but not other PDP chapters would create inconsistencies and potential confusion in my view. I therefore do not recommend any amendments in response to this submission point.
57. It is unclear to me what specific relief is being sought by Te Waka Pupuri Putea Trust in terms of the PDP being more "forward thinking" on climate change issues. However, I note that climate change projections (i.e. sea level rise) are incorporated into the coastal hazard modelling⁵ and mapping and the effects of climate change on natural hazards are explicitly recognised throughout the Natural Hazards Chapter (e.g. NH-O1, NH-P1, NH-P7 and NH-P11). I therefore recommend that this submission point is accepted in part.
58. In terms of the submission points from NRC, my understanding is that the PDP mapping of natural hazards (river flood and coastal) is based on the most up-to-date NRC maps when the PDP was notified. I also understand that the risks from natural hazards have been taken into account in the zoning notified in the PDP, including areas that have been upzoned for more intensive development. The risks of natural hazards is also a key consideration in responding to the range of rezoning submissions on the PDP which are due to be considered in Hearing 15. I have discussed this submission point with the other Council reporting officers for Hearing 15, and we agreed that this submission point should be reallocated to Hearing

⁵ For example, use of the RCP 8.5 'worst case' climate change scenario from the Intergovernmental Panel on Climate Change.



15D and considered through all rezoning hearings as appropriate. I therefore recommend that this submission point from NRC is deferred until Hearing 15D.

59. I consider the concerns from Te Rūnanga o Ngāti Rēhia about the impact of the coastal hazard rules further below in relation to more specific submissions on the coastal environment rules. However, at a broad level, I consider that a stringent framework for inappropriate development (including “vulnerable activities” as defined in the PDP) in identified coastal hazard areas is appropriate and necessary to give effect to the direction in the NZCPS and RPS. Taking a risk-based approach to natural hazards that considers both the likelihood and magnitude of natural hazards and the vulnerability of the proposed land use or development to the hazard event is also widely accepted as best practice which necessitates stringent rules in certain circumstances.
60. In terms of the submissions from Vision Kerikeri, Kapiro Conservation Trust, and Carbon Neutral NZ, as stated above my understanding is that mapping of river flood and coastal hazards in the PDP is based on the most up-to-date NRC maps at the time which has taken into account Intergovernmental Panel on Climate Change projections of climate change. NH-P3 also provides clear direction to take a precautionary approach in the management of natural hazard risk. I therefore consider that the relief sought by the submitters is already sufficiently addressed and I do not recommend any further amendments in response to these submissions.
61. I address more specific submission points from Top Energy below, including provisions specifically related to infrastructure in identified natural hazard areas.

Recommendation

62. I recommend:
 - a. A new advice note to make it clear the Natural Hazards Chapter does not apply to telecommunication facilities regulated under the NES-TF.
 - b. A New Coastal Hazard Areas subsection in the Overview to clarify the location of provisions relating to coastal hazard areas.

Section 32AA evaluation

63. The recommended amendments to the advice notes and the Natural Hazards Chapter overview do not require an evaluation under section 32AA of the RMA as this requirement only applies to recommended amendments to notified objectives and provisions, not explanatory text.



5.2.2 Key Issue 2: Overview to the Natural Hazards Chapter

Overview

Provision(s)	Officer Recommendation(s)
Multiple	No recommended amendments

Analysis of Submissions on Key Issue 2: Overview to the Natural Hazards Chapter

Matters raised in submissions

64. Federated Farmers (S421.064) support the Natural Hazards Overview for a variety of reasons outlined in their submission, including the focus on vulnerable activities and enabling ancillary farming buildings. As such, Federated Farmers requests that the Natural Hazards Overview section or wording with similar effect is retained.
65. Tapuaetahi Incorporation (S407.007) support the Overview in part but request that it is amended to recognise that landowners have the ability to exercise existing use rights under sections 10 and 20 of the RMA. Tapuaetahi Incorporation consider that this will provide more certainty to landowners within the natural hazard overlays.
66. FENZ (S512.019) support the mitigation measures outlined by FNDC in relation to wildfire risks. However, FENZ consider that this should apply to all development and not just subdivisions. As such, FENZ request the deletion of "*in new subdivisions*" from the Overview.
67. Kāinga Ora (S561.028) are of the opinion that the explanations of River Flooding Hazards, Land Instability, and Wildfire are better suited to being contained in the definitions section of the PDP. Kāinga Ora therefore request that these explanations are removed from the Overview and included in the definitions.
68. Kingheim (S601.002, S601.003) requests two amendments to the Overview:
 - a. An amendment to the 'River Flooding Hazards' section of the Overview to be 'Flooding Hazards' since this section covers both fluvial and coastal flooding.
 - b. In relation to the reference to Coastal Flood Hazard Zones 2 and 3, the reference to water levels at 2080 including 1.2m or 1.5m sea level rise be corrected to refer to 2130 including sea level rise.



Analysis

69. As noted above, I do not consider that the Natural Hazards Chapter (including the Overview section) needs to explicitly acknowledge existing use rights under section 10 of the RMA as requested by Tapuaetahi Incorporation. Section 10 of the RMA (which is relevant to district plan rules) applies regardless of what the Natural Hazards Chapter Overview says and allows existing land uses to contravene a rule in a district plan provided the relevant tests in that section are met. As such, in my view a reference to existing use rights in the Overview to the Natural Hazards Chapter would add little (if any) value and would likely create confusion for other PDP chapters that do not explicitly recognise existing use rights.
70. In terms of the submission from FENZ, I agree that the reference to "new subdivisions" is unnecessary within the Wildfire section in the Natural Hazards Overview as the Transport Chapter requirements for vehicle access are broader than just new subdivisions. Accordingly, I recommend the words "in new subdivisions" are deleted from the Wildfire section.
71. In my view, the explanations to river flooding hazards, coastal hazard areas, land instability and wildfire in the Natural Hazards Chapter Overview are helpful for plan users to understand the different natural hazards managed through the Natural Hazards Chapter. So, while I acknowledge that there is some overlap between this explanatory text and certain definitions in the PDP (e.g. "Flood Hazard Area", "Coastal Hazard Areas") I do not recommend that this explanatory text is moved to the definitions as requested by Kāinga Ora. However, through reviewing this text, I have identified the following issues which I consider should be addressed:
 - a. Unnecessary duplication in the definition of "Flood Hazard Area" and "River Flood Hazard Area" in the Overview which may cause confusion. I note that "Flood Hazard Area" is a hyperlinked definition within the Overview section but is not defined within the Interpretation section. I therefore recommend that hyperlinked definition of "Flood Hazard Area" is deleted from the Overview.
 - b. The acronyms of "CFZ1" and "CEZ1" seem unnecessary as these are not used in any of the provisions in the Natural Hazards Chapter. I therefore recommend that these are deleted to improve clarity.
 - c. No mention of the PDP definition of "*Land susceptible to instability*" which is particularly important to highlight to plan users in my view in terms of the PDP approach to managing land stability. I therefore recommend that the text of the land stability section is amended to state "*....and other criteria in the definition of "land susceptible to instability" in the Definitions*".
72. In terms of the submission from Kingheim, I note that there was an error in the formatting of the Natural Hazards Overview which shows "Coastal



Hazard Areas" section as sitting under the "River Flooding Hazards" section. I therefore recommend that this is addressed by including separate sections for "River Flood Hazards" and "Coastal Hazards", along with the statement referred to above inserted to clarify where provisions relating to coastal hazard areas are located in the PDP.

73. I agree with Kingheim that Coastal Flood Zone 2 and 3 descriptions should reference a projected sea-level rise scenario of 1.2m and 1.5m by 2130 (not 2080). My understanding is that Coastal Flood Zone 2 and 3 (and Coastal Erosion Zone 2 and 3) are both based on a 100-year sea level rise projection therefore 2130 is the correct year to reference. This is also consistent with the direction in Policy 24 of the NZCPS and the RPS to identify areas affected by coastal hazards over at least a 100-year timeframe.

Recommendation

74. For the above reasons, I recommend a number of minor amendments to the Natural Hazards Chapter overview which are shown in **Appendix 1.1**.

Section 32AA evaluation

75. The Natural Hazards Chapter overview section does not require an evaluation under section 32AA of the RMA as this requirement only applies to recommended amendments to notified objectives and provisions, not explanatory text.

5.2.3 Key Issue 3: Objectives

Overview

Provision(s)	Officer Recommendation(s)
NH-O1	Amend to also refer to the environment
NH-O2 to NH-O4	Retain as notified

Analysis of Submissions on Key Issue 3: Objectives

Matters raised in submissions

General submissions on objectives

76. FENZ (S512.020) support the objectives and request that these be retained as notified. In particular, FENZ support the adoption of a risk-based approach to hazard management.
77. Top Energy (S483.110) support the acknowledgement of the functional and operational need for infrastructure to be located in areas subject to natural hazards. However, Top Energy request a new objective is inserted to specifically acknowledge the need to provide for the operation,



maintenance, repair and upgrade of existing infrastructure within mapped natural hazard areas. Top Energy consider that this requested objective will align with and provide a direct link to NH-P10. The requested objective is: "Operation, maintenance, repair and upgrade of existing infrastructure is enabled to ensure a resilient and reliable network".

NH-O1

78. The majority of submitters on NH-O1 support the objective as notified, including NZTA (S356.043), Kāinga Ora (S561.029), Federated Farmers (S421.065) and Transpower (S454.070). These submitters request NH-O1 be retained as notified.
79. Te Hiku Iwi Development Trust (S399.037) notes that cultural and heritage sites are also at risk from natural hazards (e.g., coastal urupā or particular coastal trees) and the maintenance of these sites is important to tangata whenua. To address this issue, Te Hiku Iwi Development Trust request that NH-O1 is amended to also refer to cultural resources as follows: "The risks from natural hazards to people, infrastructure and property and cultural and heritage resources..."
80. Tapuaetahi Incorporation (S407.008) request an amendment to NH-O2 to explicitly state "noting that existing use rights may apply in certain situations". Tapuaetahi Incorporation consider that this amendment will provide more certainty for landowners within the identified coastal hazard zones when rebuilding structures that would meet the requirements for existing use rights in section 10 and 20 of the RMA.

NH-O2

81. Kāinga Ora (S561.030) and Federated Farmers (S421.066) support NH-O2 and request that it be retained as notified.
82. Tapuaetahi Incorporation (S407.009) request the same amendment to NH-O2 as they request for NH-O1 to explicitly recognise existing use rights under section 10 and 20 of the RMA.

NH-O3

83. Kāinga Ora (S561.031), NZTA (356.044), KiwiRail (S416.030), Federated Farmers (S421.067), and Transpower (S454.071) support NH-O3 and request it be retained as notified. In particular, KiwiRail supports the recognition that there is an operational need or functional need for new infrastructure activities to locate within identified natural hazard areas in some circumstances.

NH-O4

84. Kāinga Ora (S561.032) and Federated Farmers (S421.068) support NH-O4 and request that it be retained as notified.



Analysis

85. I do not consider that it is necessary or appropriate to include a new objective relating to a resilient and reliable infrastructure network as requested by Top Energy. Firstly, as the reporting officer for the Infrastructure Chapter, I note that the general approach in the PDP is for the Infrastructure Chapter to contain the more generic provisions for infrastructure and other PDP chapters to include provisions relating to infrastructure when necessary for that particular topic. In that respect, I note that:
- a. I-O1 in the Infrastructure Chapter is for the Far North District to have *"safe, efficient and resilient infrastructure that services the current and future needs of people and communities in the district"*.
 - b. The Natural Hazards Chapter includes provisions specific to infrastructure (including NH-O3, NH-P10, NH-P10, NH-R1) to recognise that (among other things) the risks of natural hazards to infrastructure are often different to other land-uses/activities (e.g. compared to "vulnerable activities"), that infrastructure can generally be designed to be resilient to the risks from natural hazards, that infrastructure may have an operational need or functional need to locate in identified natural hazard areas, and that infrastructure can help mitigate the risks from natural hazards to communities.
86. This is an entirely appropriate approach in my view. As such, I consider that the additional objective from Top Energy is unnecessary and would likely add confusion when read with the existing provisions relating to infrastructure rather than assist with interpretation.

NH-O1 and NH-O2

87. I agree with Te Hiku Iwi Development Trust that cultural and heritage sites can also be at risk from natural hazards and such risks should be considered alongside the risks to *"people, infrastructure and property"*. However, my preference is for NH-O1 be reframed to manage the risks of natural hazards to *"the environment"* more broadly. A general reference to environment would capture cultural and heritage sites but also other important aspects of the environment, including natural environmental values such as natural character and indigenous biodiversity. I also note that a general reference to managing the risks of natural hazards to *"people, property, infrastructure and the environment"* is used in other provisions in the Natural Hazards Chapter (e.g. NH-P2(b) and NH-P5(e)). I therefore recommend that NH-O1 is amended to use this wording for consistency and to respond to this submission point from Te Hiku Iwi Development Trust.
88. I do not recommend any amendments to NH-O1 or NH-O2 to refer to existing use rights as requested by Tapuaetahi Incorporation. As discussed above, the existing use right provisions in the RMA apply



regardless of what the Natural Hazards Chapter in the PDP says so explicitly recognising this within the objectives would add no value and likely add unnecessary complexity/confusion in my view.

NH-O3

89. The five submitters on NH-O3 all support the objective and request that it be retained as notified therefore no further analysis is required.

NH-O4

90. The two submitters on NH-O4 both support the objective and request that it be retained as notified therefore no further analysis is required.

Recommendation

91. For the above reasons, I recommend:
- a. A minor amendment to NH-O1 to refer to *“people, infrastructure and property, infrastructure and the environment”*.
 - b. NH-O2, NH-O3 and NH-O4 are retained as notified.

Section 32AA evaluation

92. My recommended amendments to NH-O1 are a minor amendment to better reflect the intent of the objective and align with the relevant implementing policies in the Natural Hazard Chapter. I therefore consider that this recommended amendment to NH-O1 is an appropriate way to achieve the purpose of the RMA, including section 6(h), in accordance with section 32AA of the RMA.

5.2.4 Key Issue 4: Policies

Overview

Provision(s)	Officer Recommendation(s)
NH-P2, NH-P9, NH-P10	Minor amendments to improve workability and clarity intent
All other policies	Retain as notified

Analysis of Submissions on Key Issue 4: Policies

Matters raised in submissions

General submissions on policies

93. FENZ (S512.021) support the Natural Hazard policies and request that these be retained as notified. In particular, FENZ support the adoption of a risk-based approach to hazard management.



94. A number of tāngata whenua submitters including Te Rūnanga o Whaingaroa (S486.088), Te Runanga o Ngai Takoto Trust (S390.074), and Te Rūnanga Ā Iwi O Ngapuhi (S498.075) request a new policy to increase the ability of communities to adapt to climate change. The submitters consider that the PDP does not adequately provide for the adaptation of communities to the effects of climate change which they consider should be part of a planning response to give effect to section 7(i) of the RMA. The requested new policy from these submitters is as follows:

"Adaptation to climate change.

Increase the ability of the community to adapt to the effects of climate change by ensuring the potential environmental and social costs of climate change, including effects on indigenous biodiversity, historic heritage, mahinga kai, public health and safety, public access to the coast and waterway margins, and the built environment are known and addressed."

95. Te Rūnanga o Ngāti Rēhia (S559.052) request a new policy which requires low impact stormwater design in new developments (no specific wording is provided for this policy).

NH-P1

96. The only submission on NH-P1 is from Kāinga Ora (S561.033) who support the policy in part but note that the wording of the policy is general. This submission point from Kāinga Ora also requests that the natural hazard maps are removed from the PDP and instead placed in a non-statutory layer and that FNDC undertake further investigation into flooding risk in the Far North District.

NH-P2

97. Kāinga Ora (S561.034) support NH-P2 and request that it be retained as notified.
98. Tapuaetahi Incorporation (S407.010) support NH-P2 in part but requests that the policy is amended to explicitly include "consideration of existing use rights" as an additional matter of consideration.
99. MOE (S331.033) support NH-P2 in part as it acknowledges the risk that natural hazards can pose on people, property and the environment. However, MOE are concerned that at times there is an operational need to provide educational facilities for existing communities in environments susceptible to natural hazard risk and climate change. As such, MOE request an additional matter of consideration be included in NH-P2 as follows "the operational need for the activity to be located near or within, an area identified as being affected by a natural hazard."



NH-P3, NH-P4 and NH-P5

100. Kāinga Ora (S561.035, S561.036) support NH-P3 and NH-P5 and request it be retained as notified. Kāinga Ora support the PDP approach to address the risks from natural hazards and consider that it is more appropriate than the existing approach under the ODP.
101. There are no submissions on NH-P4 specifically.

NH-P6

102. Kāinga Ora (S159.042) support NH-P6 as notified as they consider it is consistent with NH-O1 and NH-O2 and supports the rules to appropriately address the risks from river flood hazards.
103. HortNZ (S159.042) support NH-P6 in part but consider that non-habitable buildings (e.g., farm sheds and artificial crop protection structures) are less at risk from natural hazards and should be provided for. To provide for this relief, HortNZ request that NH-P6 is amended to include provisions for non-habitable buildings.
104. Lynley Newport (S94.001) opposes NH-P6 and considers that it reads as a rule and is too specific and directive to be a policy. Lynley Newport considers that FNDC should be relying on rules to achieve compliance and it is not valid to simply replicate the RPS. As such, Lynley Newport requests that NH-P6 is amended as follows with all subsequent clauses in the policy to be deleted: *"Manage land use and subdivision in river flood hazard areas to avoid, remedy or mitigate the risk from flood hazard to protect the subject site and its development, and other property"*.

NH-P7

105. Kāinga Ora (S561.038) support NH-P7 and request that it be retained as notified as it supports the rules to manage coastal hazards.
106. Tapuaetahi Incorporated (S407.011) support NH-P7 in part but request an amendment to better recognise existing use rights consistent with their other submission points.
107. Lynley Newport (S94.003) and DOC (S364.028) note that there is a spelling error in the heading of NH-P7 and request that the spelling of 'coastal' be corrected.
108. Lynley Newport (S94.002) opposes NH-P7 on the basis that it reads as a rule or standard and is too specific and directive to be a policy. Lynley Newport considers that FNDC should be relying on rules to achieve compliance, and to remedy or mitigate adverse effects where compliance is not possible or practicable. To address these concerns, Lynley Newport requests the same relief to NH-P7 as for NH-P6 detailed above.



NH-P8

109. There are no submissions on NH-P8 specifically.

NH-P9

110. A group of submitters raise the same issues and request the same relief in relation to NH-P9. These submitters include P S Yates Family Trust (S333.008), Setar Thirty Six (S168.015), Wendover Two (S222.007), Bentzen Farm (S167.008), Matauri Trustee (S243.017), and The Shooting Box (S187.008). The submitters oppose the policy and consider that it should be targeted towards vulnerable activities only so that it is consistent with the rules that implement the policy (i.e. rules NH-R5 and NH-R6). The submitters request that this is achieved through the insertion of the words "*...for the following vulnerable activities...*".

NH-P10

111. Kāinga Ora (S561.039) support NH-P10 as notified as it is consistent with NH-O3 and requests that it be retained as notified. NZTA (S356.045) also supports NH-P10 and requests that it be retained as notified.
112. Top Energy (S483.111) support NH-P10 but notes that the term "*minor upgrade*" is not defined in the PDP. As such, Top Energy consider that the term "*minor*" should be deleted from the policy so that it simply refers to operation, maintenance and upgrading of existing infrastructure and the threshold in the chapter is instead relied on to establish what scale are upgrading is deemed appropriate.

NH-P11, NH-P12, NH-P13, and NH-P14

113. All submissions on NH-P11 to NH-P14 are in support of the policies as follows:
- a. Top Energy (S483.112), Kāinga Ora (S561.040), NZTA (S356.046), and Transpower (S454.072) all support NH-P11 and request it be retained as notified.
 - b. DOC (S364.029, S364.030) support NH-P12 and NH-P13 and requests that the policies be retained as notified.
 - c. NZTA (S356.047) supports NH-P13 and requests that it be retained as notified.
 - d. Kāinga Ora (S561.041, S561.042) support NH-P13 and NH-P14 and requests that the policies be retained as notified.



Analysis

General submissions on policies

114. I agree with Te Rūnanga o Whaingaroa and others that it is important that communities have the ability to adapt to the effects of climate change. This is reflected in Strategic Direction SD-CP-O4 in the PDP which seeks to promote communities which are adaptive to climate change. However, in my view, the relief sought by the submitters (i.e. increasing the ability of communities to adapt to the effects of climate change) cannot directly be achieved through provisions in the Natural Hazards Chapter.
115. The focus of the Natural Hazards Chapter is on identifying areas subject to natural hazards and managing land use and subdivision to avoid or mitigate the risks from natural hazards. In this way, it indirectly helps to increase the ability of communities to adapt to climate change by providing clarity on the areas in the Far North District that are subject to River Flooding and Coastal Hazards (including taking into account projected levels of sea level rise due to climate change) and how land use and subdivision is to be managed to avoid and mitigate those risks (e.g. minimum freeboard levels). However, in my view, directly increasing the ability of communities to adapt to climate change is best addressed through non-regulatory measures, including the community adaptation projects and Dynamic Adaptive Pathway Planning projects that I understand Council is initiating in priority areas. Accordingly, I do not recommend any amendments to the natural hazard policies in response to these submission points.
116. In terms of the submission from Te Rūnanga o Ngāti Rēhia, in my view the requirements for low impact stormwater design is a broader issue than the Natural Hazards Chapter. I have made a similar statement in relation to the Infrastructure Chapter in Hearing 11 in response to similar submission points. In particular, I note that zone chapters in Part 3 of the PDP include specific consideration of stormwater management through the rules relating to impermeable coverage with the matters of discretion generally referring to "*low impact design principles*"⁶. The Subdivision Chapter also includes specific stormwater management standards (SUB-S4) which will be considered in more detail in Hearing 16.
117. Conversely, the focus of the Natural Hazards Chapter is on ensuring land use and subdivision does not compromise the function of overland flow pathways to convey stormwater or increase the risks from natural hazards. I understand that "low impact design principles" or "water sensitive

⁶ I understand that there are submissions on the use of terms "low impact design principles" and "water sensitive design" which is a broader issue for the PDP which will be considered through Hearing 17.



design” may assist with managing the risks from river flood hazards in particular. However, this does not warrant a specific policy in my view.

Policies with submissions all in support or no submissions

118. Many of the natural hazard policies are generally supported or did not attract any submissions therefore no further analysis is required on these policies. This includes NH-P3, NH-P5, NH-P11, NH-P12, NH-P13 and NH-P14 which are supported in submissions and NH-P4 and NH-P8 which attracted no submissions.

NH-P1

119. I disagree with the relief sought by Kāinga Ora to remove the natural hazards maps from the PDP and move these to a non-statutory layer. In my view, it is much more certain and effective for natural hazard mapping to be included in the PDP as a regulatory layer given these maps are supported by regulatory rules and policy direction that determine the permitted activity conditions that apply, whether resource consent will be required, and how risks need to be avoided or mitigated to acceptable levels.
120. I acknowledge that information and knowledge on natural hazards in terms of their frequency, intensity and spatial extent will continue to be updated and improved over time. Inevitably, this means that some of the natural hazard mapping in the PDP may not reflect more recent, detailed natural hazard assessments undertaken after the PDP was notified. However, the natural hazard mapping in the PDP gives effect to the most recent mapping in the RPS, provides certainty to all parties where an area is subject to risks from natural hazards, and provides a trigger for where a more detailed assessment of natural hazard risks is required. This will enable more recent, detailed assessments of natural hazards to be provided in terms of the nature, magnitude, extent and probability of the natural hazard to support a resource consent application as appropriate.

NH-P2

121. I have addressed the requested amendments from Tapuaetahi Incorporation relating to existing use rights above and I consider that the same reasoning applies to NH-P2. I therefore do not recommend any amendments in response to this submission.
122. In terms of the requested amendments from MOE, I agree that it is appropriate as a general consideration to consider whether an activity has a functional need or operational need to locate within an identified natural hazard area when managing land use and subdivision. However, the general starting point for activities such as social infrastructure in my view is that they should avoid locating in identified natural hazard areas unless there are no practicable alternative locations. I note that this is particularly important for schools given that these are a focal point for communities



with vulnerable children and I understand that schools can also be used as evacuation centres. I therefore recommend that NH-P2 is amended in line with the relief sought by MOE but with the additional direction as for infrastructure in NH-P11 that there "*is not practicable alternative for the activity*". It is also important to note that this recommended inclusion is just a **matter to consider** under NH-P2 whereas NH-P11 is framed in a more specific way to set out the tests where infrastructure may **be allowed** to locate in identified natural hazard areas.

NH-P6

123. I agree with HortNZ that it is important to recognise the difference in vulnerability of different activities to the risks from natural hazard (e.g. infrastructure, ancillary farming buildings, "vulnerable activities") when managing land use and subdivision and this is reflected in the natural hazard rules (e.g. NH-R4). However, it is unclear what specific amendments HortNZ is seeking in relation to NH-P6 and the outcome sought in relation to non-habitable buildings. I therefore do not recommend any amendments in response to this submission point from HortNZ, but can consider any more specific relief provided by HortNZ through evidence prior to the hearing.
124. In terms of the submission from Lynley Newport, I agree that NH-P6 is a very specific and directive policy. However, that is exactly the intent of NH-P6 - to provide clear, specific direction on the requirements for land use and subdivision in identified River Flood Hazard Areas that must be met to appropriately manage the risks from flood hazards. NH-P6 also directly gives effect to specific policy direction in Policy 7.1.2 in the RPS (e.g. the requirements for minimum freeboard for buildings, that earthworks do not divert flood flows or delete storage capacity etc.). Accordingly, I do not agree with the more generic amendments to NH-P6 requested by Lynley Newport and recommend that this submission point is rejected.

NH-P7

125. I have addressed the requested amendments from Tapuaetahi Incorporation relating to existing use rights and the same reasoning and recommendation applies to NH-P7.
126. I have addressed a similar submission point from Lynley Newport on NH-P7 as for NH-P6 discussed above, and the same reasoning and recommendation applies to NH-P7. In particular, I note that the intent of NH-P6 is to provide clear, specific direction on the requirements for land use and subdivision in identified Coastal Hazard Areas that must be met to appropriately manage the risks from coastal hazards. NH-P7 also gives effect to specific direction in the RPS relating to coastal hazards, including Policy 7.1.3.



NH-P9

127. I agree that NH-P9 relating to wildfire risks should be focused on land use and subdivision for "*vulnerable activities*" (as defined in the PDP) which is the focus of implementing rules NH-R5 and NH-R6. I therefore recommend that NH-P9 is amended to refer to "*...land use and subdivision for vulnerable activities...*".

NH-P10

128. I agree with Top Energy that the reference to "*minor*" upgrade in the context of NH-P10 is unnecessary (and potentially problematic), particularly as NH-P11 is directed at new infrastructure (leaving a potential gap for all other upgrades). I therefore recommend that the reference to "*minor*" in NH-P10 is deleted so that it applies to the upgrading of infrastructure more generally and the rules determine the allowable scale of an infrastructure upgrade in identified natural hazard areas as a permitted activity.

Recommendation

129. For the above reasons, I recommend that the following policies are amended:
- a. NH-P2 is amended to include an additional clause "*whether the activity has a functional need or operational need to be within an identified natural hazard area*".
 - b. NH-P9 is amended to focus on land use and subdivision for "*vulnerable activities*" (as defined in the PDP).
 - c. NH-P10 is amended to remove the reference to "*minor*" upgrade.
130. My recommended amendments to the natural hazard policies are shown in full in **Appendix 1.1**.

Section 32AA evaluation

131. My recommended amendments to NH-P2, NH-P9 and NH-P10 are minor amendments to better clarify intent and focus and to improve workability. I therefore consider that these recommended amendments are an appropriate way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

5.2.5 Key Issue 5: Advice Notes

Overview

Provision(s)	Officer Recommendation(s)
Advice note 2	Minor amendment to replace "site" with "area" and remove the reference to matters of control



Analysis of Submissions on Key Issue 5: Advice Notes

Matters raised in submissions

132. A group of submitters, including The Shooting Box (S187.009), Wendover Two (S222.008), Bentzen Farm (S167.009), P S Yates Family Trust (S333.009), Matauri Trustee (S243.018), and Setar Thirty Six (S168.016), raise the same issues and request the relief to Advice Note 2. The submitters raise concerns that Advice Note 2 as worded applies to sites as a whole rather than just the part of the site subject to the identified natural hazard which has the potential to impose unnecessary cost. As such, this group of submitters requests amendments to Advice Note 2 so that it applies only to a *"...location that is affected by natural hazards..."* and that *"...Any application for a subdivision consent must additionally include an assessment of whether the site any new site to be created includes..."*
133. Kāinga Ora (S561.043) raise a concern that Advice Note 2 under the rules heading repeats the same information as that contained in NH-S1. To address this concern, Kāinga Ora requests that Advice Note 2 is deleted.
134. Haigh Workman (S215.025) considers that, for completeness, the Natural Hazards Chapter should contain a note that refers to rules for earthworks and stormwater management in other PDP chapters and the rules in the Northland Regional Plan that control activities that may cause or exacerbate natural hazards.

Analysis

135. Firstly, in relation to Advice Note 2, I agree with The Shooting Box and others that the requirement to provide a specialist report on natural hazards should only apply when the proposed land use or development is in an identified natural hazard area or where the subdivision created would be in an identified natural hazard area. This is consistent with my recommended amendments to certain subdivision rules through Hearing 4 so that these only apply where the new lot is within the overlay (either in full or part).
136. However, this is broader than the requirement for an expert assessment in NH-S1, it relates to the application of the natural hazard rules more generally. I note that the rules already only apply to mapped hazard areas through the reference to 'River Flood Hazard Areas' (as per my recommendation below under Key Issue 6) and 'Coastal Hazard Area' in the left-hand column of the rules (in the Coastal Environment Chapter). Both terms are defined in the PDP as mapped natural hazard areas meaning the rules (and therefore the requirement to provide an expert assessment) do not apply to part of a site that is not within the mapped natural hazard area.
137. However, I do agree that it would be clearer for plan users for Advice Note 2 to refer to the "area" affected by natural hazards rather than "site" and recommend that amendment be made which responds to the relief sought



by the submitters. I also recommend a minor amendment to Advice Note 2 to remove the reference to matters of control as there are no controlled activity rules in the Natural Hazards Chapter.

138. Secondly, I agree with Kāinga Ora that Advice Note 2 overlaps with NH-S1 which is referred to in restricted discretionary rules NH-R7, NH-R8 and NH-R9 but not the discretionary and non-complying rules. I understand that the discretionary and non-complying rules do not refer to NH-S1 as it was assumed that these applications would include an expert assessment, particularly given the direction in Advice Note 2. On this basis I consider that it is appropriate to retain both Advice Note 2 and NH-S1 despite there being a degree of overlap.
139. While I agree with Haigh Workman that there are other relevant provisions in the PDP and Northland Regional Plan relating to natural hazards, I do not consider that this warrants a new advice note. As discussed at previous hearings, the general approach of the PDP is to limit the use of advice notes to when this is necessary/clearly beneficial to plan users, as cross-referencing all relevant PDP provisions, requirements in other plans, legislation etc. can quickly become very cumbersome and circular. This can lead to cross references that only add confusion rather than assist plan users.

Recommendation

140. For the above reasons, I recommend a minor amendment to Advice Note 2 to replace "*site*" with "*area*" and remove the reference to matters of control.

Section 32AA evaluation

141. The recommended amendments to the advice notes do not require an evaluation under section 32AA of the RMA as this requirement only applies to recommended amendments to notified objectives and provisions, not explanatory text.

5.2.6 Key Issue 6: Natural Hazards Rules

Overview

Provision(s)	Officer Recommendation(s)
NH-R1	Amendment to enable increase in footprint of 10m ² as a permitted activity
NH-R5, NH-R6	Amendments to improve workability
NH-R7	Minor amendment to clarify intent and relationship with other rules
NH-R12	Delete as addressed through NH-R7
All other natural hazard rules	Retain as notified



Analysis of Submissions on Key Issue 6: Natural Hazards Rules

Matters raised in submissions

General submissions on Natural Hazards Rules

142. Haigh Workman (S215.024) supports the natural hazard rules and requests that controls on buildings and access routes in natural hazards areas are retained.
143. James Phillips (S484.001) and Debbie and Chris Fewtrell (S480.001) request an additional permitted activity provision which allows for development of a house, building or activity in accordance with section 10 of the RMA where effects are the same or similar in character, intensity and scale despite being subject to a natural hazard overlay.
144. Kapiro Residents Association (S428.005, S443.005), Carbon Neutral NZ (S529.051), and Vision Kerikeri (S521.005) consider that the PDP should include stronger rules, including "no build" areas, to prevent new buildings, wastewater systems, roads and other infrastructure being built in areas that are likely to be impacted by sea level rise, storm surges, and flooding. Carbon Neutral NZ (S529.239) and Vision Kerikeri (S521.012) also request that the natural hazard rules are amended so that water sensitive and low impact stormwater designs are a standard requirement.
145. McDonalds Restaurants (S385.016) note that they understand the importance of ensuring community safety when it comes to natural hazards. However, McDonalds Restaurants consider that appropriate consideration needs to be given to existing development in both the 1 in 100-year and 1 in 10-year River Flood Hazard areas. To provide for this relief, McDonalds Restaurants request that the natural hazard rules are amended to provide more flexibility to additions and alterations of an appropriate scale for existing infrastructure within River Flood Hazard Areas.
146. Ngā Tai Ora – Public Health Northland (S516.046) request that the Natural Hazards chapter is amended to include appropriate rules that give effect to NH-P8. More specifically, Ngā Tai Ora – Public Health Northland note that there are no rules to give effect to NH-P8 which requires subdivision and land use to avoid land susceptible to land instability or otherwise mitigate risks and this is a significant gap in the Natural Hazards Chapter.

NH-R1 (Maintenance, repair or upgrading of infrastructure – 1 in 100-year Flood Hazard Areas))

147. NZTA (S356.048), Federated Farmers (S421.069), and Transpower (S454.073) support NH-R1 and request that it be retained as notified.
148. Top Energy (S483.113) raise concerns that it is unclear how the maintenance, repair or upgrade of infrastructure in a 1 in 10-year River



Flood Hazard is provided for in the natural hazard rules and therefore it assumed that this would default to a discretionary activity. Top Energy request that the maintenance, repair or upgrade of infrastructure be a permitted activity within NH-R1 where there is no increase in the footprint of infrastructure (see below).

149. Top Energy (S483.114) appreciate the risk caused by natural hazards but consider that PER-1 in NH-R1 is overly restrictive for the 1 in-100-year River Flood Hazard Areas and will require unnecessary resource consent applications. Top Energy is also concerned that the rule does not adequately provide for upgrades of existing infrastructure as directed by NH-P10. Additionally, Top Energy raise concerns that, for aboveground infrastructure, the rule is more restrictive than NH-R2 and NH-R3. To address these concerns, Top Energy request that NH-R1 is amended as follows:

"NH-R1 Maintenance repair, or upgrading of infrastructure, including structural mitigation assets

1 in 100 Year River Flood Hazard Areas

1 in 10 year River Flood Hazard Areas

Activity status: Permitted

Where:

PER-1

The works are located in a 1 in 10 Year River Flood hazard area

1. There is no increase to the footprint of any above ground infrastructure; and

2. Any works to maintain, repair or upgrade infrastructure do not alter or divert an overland flow path; and

3. Ground is reinstated to the equivalent state that existed prior to the works

PER-2

The works are located in a 1 in 100 Year River Flood hazard area

1. Any works to maintain, repair or upgrade infrastructure do not result in an increase of footprint or GFA by more than 10m²; and

2. Any works to maintain, repair or upgrade infrastructure do not alter or divert an overland flow path; and

3. Ground is reinstated to the same ground level that existed prior to the works.

PER—3

~~Ground is reinstated to the equivalent state that existed prior to the works"~~

NH-R2 (Extensions and alterations to existing buildings and structures – 1 in 100-year Flood Hazard Areas)

150. The Fuel Companies (S335.025) and Federated Farmers (S421.070) support NH-R2 as notified as it enables alterations to existing buildings and structures and new minor buildings and structure in flood hazard areas, subject to compliance with the performance standards.



151. The other submissions on NH-R2 generally request the same relief – that the GFA threshold and standard that restricts any increase in the GFA of a building be removed.
152. This includes Waipapa Pine and Adrian Broughton Trust (now Fletcher Building) (S342.007) who oppose NH-R2 as they consider that the rule is focused on the potential effect of a structure in terms of diverting or altering overland flows or reducing flood plain storage. The submitter considers that this involves a design solution that is better assessed through a building consent process under the Building Act, which they consider is reflected in NH-S1 (information requirements). To provide for this relief, Waipapa Pine and Adrian Broughton Trust request that the 10m² threshold be removed from NH-R2.
153. Multiple submitters including Wakaiti Dalton (S355.015), Foodstuffs (S363.012), Te Aupōuri Commercial Development (S339.022), Paihia Properties and UP Management (S344.010), and Willowridge Developments (S250.003) raise concerns regarding the approach in NH-R2 taken to extensions and alterations to existing buildings or structures in the 1 in-100 year River Flood Hazard Area. In particular, the submitters consider that the rule should recognise and provide for existing activities and that the performance standard restricting any increase to the GFA or the footprint of buildings and structures is overly restrictive. To address this concern, the submitters request that NH-R2 is amended to provide for additions and alterations to existing buildings as a permitted activity
154. A number of submitters, including Elbury Holdings (S541.025, S485.027, S519.027), Te Hiku Community Board (S257.021), Sean Frieling (S357.022), Leah Frieling (S358.022), LJ King (S543.026, S464.028, S547.026), and Michael Foy (S472.022) do not support the proposed flood hazard rules and request more flexibility to allow for large extensions and alterations to existing buildings. As such, the submitters request that NH-R2 is amended to permit extensions and alterations to existing buildings that increase GFA or footprint where it is designed so that it will not impede flood flows.
155. McDonalds Restaurants (S385.017) consider that it is unclear where the 10m² GFA threshold in NH-R2 has come from and how this is justified, particularly when considering allowances that have been made for other structures such as decks. McDonalds requests that the threshold for non-habitable buildings and structures be reconsidered to enable better flexibility for extensions and alterations in both the 1 in 100-year and 1 in 10-year flood hazard areas. To provide for this relief, McDonalds Restaurants request that NH-R2 is amended to provide different permitted thresholds for 1 in 100-year River Flood Hazard Area and 1 in 10-year River Flood Hazard Areas. The requested threshold for the former is as follows:

"PER-2



The works are located in a 1 in 100 Year River Flood hazard area and:
1.The increase in GFA to any building or structure is no more than 100m²
2.No part of the building or structure is enclosed in a manner that alters or diverts an overland flow path or reduces flood plain storage."

NH-R3 (New buildings or structures – 1 in 100-year Flood Hazard Areas))

156. The Fuel Companies (S336.026) and Federated Farmers (S421.071) support NH-R3 and request that it be retained as notified.
157. New Zealand Defence Force (S217.021) note that temporary military training activities may require the placement of temporary buildings and structures in flood hazard areas. As such, New Zealand Defence Force request that temporary buildings or structures associated with these activities are included as a permitted activity under PER-1 in NH-R3.
158. A number of submitters, including Elbury Holdings (S541.025, S485.028, S519.028), Te Hiku Community Board (S257.022), Sean Frieling (S357.023), Leah Frieling (S358.023), LJ King (S543.027, S464.029, S547.027), and Michael Foy (S472.023) request the same relief. Specifically, the submitters request that PER-1 in NH-R3 is amended to allow new decks greater than 30m² and more than 1m in height as permitted activities, where they are designed so that they will not impede flood flows.
159. Top Energy (S483.115) requests the inclusion of a new permitted activity rule that provides for new network utilities as a permitted activity in 1 in 100-year Flood Hazard Areas, noting that infrastructure is non-habitable. The requested rule from Top Energy includes permitted activity conditions that the network utility must be underground or have footprint less than 100m² and not alter or divert overland flow paths, with a restricted discretionary activity consent required when these permitted activity conditions not complied with.
160. Waipapa Pine and Adrian Broughton Trust (now Fletcher Building) request the same relief for NH-R3 as for NH-R2, i.e. the deletion of the 10m² GFA threshold from the rule.

NH-R4 (New buildings and structures ancillary to farming activity, excluding residential activities – 1 in 100-year Flood Hazard Areas)

161. There are two submissions on NH-R4 which both come from primary production submitters as follows:
 - a. HortNZ (S159.043) request the inclusion of an additional permitted activity under NH-R4 as follows "artificial crop protection structures and crop support structures".



- b. Federated Farmers (S421.077) support the permitted activity status of new buildings or structures (excluding residential activities) that are ancillary to farming. However, Federated Farmers are concerned that the 100m² footprint is small for a building ancillary to farming activities. As such, Federated Farmers consider that it would be more appropriate to increase the permitted footprint size to 250m² which is the average size for ancillary buildings such as hay barns and request that NH-R4 is amended accordingly.

NH-R5 (Wildfire – Buildings used for a vulnerable activity)

162. Federated Farmers (S421.072) and Top Energy (S483.116) support NH-R5 and request that it be retained as notified.
163. Multiple submitters request the deletion of PER-2 from NH-R5. These submitters include Wakaiti Dalton (S355.016), Te Aupōuri Commercial Development (S339.023), Lynley Newport (S95.001), Tracy and Kenneth Dalton (S479.010), New Zealand Maritime Parks (S251.005), and Willowridge Developments (S250.004). The submitters raise concerns that the requirement to be setback from contiguous scrub etc. is problematic as this appears to be based on the ODP rule which often triggered consent requirements which were generally satisfied through FENZ approval. As FENZ requirements for firefighting water supply are now incorporated into PER-1, the submitters consider that the setback requirement in PER-2 of NH-R5 is unnecessary.
164. Another group of submitters consider that a restricted discretionary activity status would be more appropriate for NH-R5 where permitted activity standards cannot be complied with, as the effects addressed by the rule are confined to the single issue of fire risk. These submitters include Bentzen Farm (S167.010), Setar Thirty Six (S168.017), The Shooting Box (S187.010), and others. These submitters request the same relief being that the activity status for non-compliance be restricted discretionary activity with the following matters of discretion:
 - a. The availability of water for firefighting;
 - b. The scale of the extension or alteration;
 - c. The use of building materials to reduce fire risk;
 - d. The extent and type of vegetation present;
 - e. The nature and density of any planting to reduce fire risk, including use of low flammability species.
165. Northland Planning and Development (S502.043) support NH-R5 in part but request that there be an exemption for vulnerable activities to the 20m setback requirement in PER-2 where they are within 135 m of a fire hydrant. Northland Planning and Development note that the 20m setback



requirement can trigger resource consent requirement in urban areas due to bush on other properties and then the consent process usually involves comments from FENZ who stipulate that they have no issue given the fire hydrant connection. Trent Simpkin (S283.040) requests a similar amendment to NH-R5 so that resource consent is not required if a vulnerable activity is within the 20m setback and FENZ have given their approval.

166. James Phillips (S484.002) requests that NH-R5 does not apply within the General Residential Zone.
167. FENZ (S512.022) support NH-R5 as it will require vulnerable activities to have adequate water for firefighting. However, FENZ raise concerns that demand on reticulated water systems can mean that existing fire hydrants do not have sufficient pressure for firefighting purposes. Accordingly, FENZ requests the following amendments to NH-R5 to address this issue:

"1. is located on a site that has suitable access to a fire hydrant(s) with sufficient water pressure and supply for firefighting as per the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice; or

2. provides for an alternative water supply and access to water supplies for fire fighting purposes in compliance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice."

NH-R6 (Wildfire – Extensions and alternations to buildings used for a vulnerable activity that increase the GFA)

168. Submitters on NH-R6 broadly request similar relief as they do for NH-R5 as outlined above.
169. Federated Farmers (S421.073) and Top Energy (S483.117) support NH-R6 as notified.
170. FENZ (S512.023) support NH-R6 in part but request the following additions to the permitted activity rule and matters of discretion for the same reasons as outlined above for NH-R5:

"1. is located on a site that has suitable access to a fire hydrant(s) with sufficient water pressure and supply for firefighting as pr the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice; or

2. provides for an alternative water...

Matters of discretion are restricted to:

a. The availability adequacy (volume, pressure, and access) of water..."



171. Multiple submitters request that PER-2 is removed from NH-R6. Those submitters include Wakaiti Dalton (S355.017), Te Aupōuri Commercial Development (S339.024), Tracy and Kenneth Dalton (S479.011), New Zealand Maritime Parks (S251.006), Willowridge Developments (S250.005). As with NH-R5, the submitters consider that the requirement to comply with FENZ firefighting water supply standards are sufficient and therefore an additional requirement to be setback 20m from continuous scrub, forestry etc. is unnecessary.
172. Another group of submitters, including P S Yates Family Trust (333.011), Setar Thirty Six (S168.018) and others, support NH-R6 in part, but request an additional matter of discretion be added where compliance is not achieved with the permitted activity standards. The additional matter of discretion requested by these submitters is: *"the nature and density of any planting to reduce fire risk, including use of low flammability species."*
173. Northland Planning and Development (S502.044) support NH-R6 in part but request the same relief as they do for NH-R5, i.e. that where the vulnerable activity is within 135m of a fire hydrant, PER-2 does not apply.

NH-R7 (New buildings and extensions to existing buildings that increase the GFA – 1 in 100-year Flood Hazard Areas)

174. Ngāi Tai Ora – Public Health Northland (S516.047) support the concept of managing vulnerable activities within identified flood hazard areas and request that NH-R7 is retained as notified. Federated Farmers (S421.074) also support NH-R7 and request that it be retained as notified.
175. MOE (S331.034) support NH-R7 in part but consider that the wording of RDIS-1 is unclear. More specifically, MOE supports the requirement that vulnerable activities are not located in the 1 in 10-year Flood Hazard Area but consider that this is already addressed by NH-R12. To address this issue, MOE requests that NH-R7 is amended as follows: *"the new building, extension or alteration is not located in the 1 in 10 year River Flood Hazard Area and is or will be used for a vulnerable activity..."* MOE considers that vulnerable activities should be allowed to establish in the 1 in 100-year flood hazard area as a restricted discretionary activity if they comply with the appropriate building standards (as set out in NH-R7).

NH-R8 to NH-R12

176. All submission points on NH-R8 and NH-R9 are in support of the rules as notified. More specifically, Ngāi Tai Ora – Public Health Northland (S516.048) support NH-R8, Transpower (454.074) and NZTA (S356.049) support NH-R9, and Federated Farmers (S421.075, S421.076) support both rules.
177. There are no submission points on NH-R10 and NH-R11.



178. Ngā Tai Ora – Public Health Northland (S516.049) support NH-R12 as notified.

Analysis

Natural hazard rules that are supported or have no submissions

179. Submissions on NH-R8, NH-R9 and NH-R12 are all in support therefore no further analysis is required. Additionally, there are no submission points on NH-R10 and NH-R11 therefore no further analysis is required on these two rules.

General submissions on Natural Hazards Rules

180. In terms of the submissions from James Phillips and Debbie and Chris Fewtrell, I do not consider that a new permitted activity rule is required for any use of land that has existing use rights under section 10 of the RMA. As discussed above, section 10 of the RMA applies regardless of what the PDP says. This allows for a use of land to continue in way that may contravene a district plan rule (including the PDP natural hazard rules) provided that the requirements in that section are met, including that the effects of the land use are the same or similar in character, intensity and scale as the land use that existed when the plan was made operative or when the proposed plan was notified. As such, a permitted activity rule that mirrored the requirements in section 10 of the RMA is unnecessary, confusing and potentially ultra vires in my view.
181. In terms of the submissions from Kapiro Residents Association, Carbon Neutral NZ, and Vision Kerikeri requesting stronger rules for development in areas likely to be affected by natural hazards, I consider that the natural hazard rules provide an appropriate risk-based approach to manage the risks from natural hazards. As outlined above, the risk-based approach of the PDP considered both the magnitude and probability of the hazard event and the vulnerability of the proposed land use or development to the hazard. For example, this includes more stringent rules for "*vulnerable activities*" (as defined in the PDP) in high-risk hazard areas, including a non-complying activity status for buildings used for a vulnerable activity in a 1 in 10-year River Flood Hazard Area or High-Risk Coastal Hazard Area. This overall risk-based approach to the natural hazard rules is detailed further in the section 32 report for the Natural Hazards Chapter and I consider the appropriateness and stringency of the natural hazard rules further below in response to specific submission points. As such, I do not recommend any specific amendments in response to these submissions.
182. As noted above under Key Issue 2, requirements for water sensitive and low impact stormwater design for new developments is a wider issue for the PDP that is addressed through multiple provisions. I have also previously made this point in response to similar submissions from Vison



Kerikeri in the Infrastructure Section 42A report⁷. I consider that the same reasoning applies here, and it is not the role of the Natural Hazards Chapter to require water sensitive and low impact stormwater design for all new developments. I therefore do not recommend any amendments in response to these submissions.

183. I agree with McDonalds Restaurants that there should be more flexibility for additions and alterations of existing infrastructure at an appropriate scale within River Flood Hazard Areas. In this respect, I consider that the permitted thresholds for upgrading existing infrastructure in NH-R1 should be at least the same as for other existing buildings and structures in NH-R2 given that infrastructure is often less vulnerable to natural hazards and/or can be designed to be resilient to natural hazards. Accordingly, I recommend amendments to NH-R1 below to provide for this relief.
184. I appreciate the concerns from Ngā Tai Ora – Public Health Northland that there are no specific rules in the Natural Hazards Chapter relating to "*Land susceptible to instability*" (as defined in the PDP) to support the implementation of NH-P8. However, as detailed in the Natural Hazards Section 32 Evaluation Report⁸, the proposed approach to manage land stability in the PDP is primarily at the time of subdivision by requiring an assessment of whether the land includes any "*Land susceptible to instability*". This is supported by SUB-R8 (Subdivision of site containing land susceptible to land instability) discussed further below under Key Issue 10.
185. SUB-R8 provides a controlled activity pathway for subdivision provided that building platforms are located outside areas of the site that is assessed as being land susceptible to land instability. Where this condition is not met, a discretionary activity consent is required and the risk of land instability must be mitigated in accordance with the direction in NH-P8. This then avoids the need to reassess land stability risk at the land use stage as this risk should have been adequately assessed and managed through the subdivision consent process. Accordingly, I consider that the approach to manage land stability notified in the PDP is appropriate to manage this risk.

NH-R1 (Maintenance, repair or upgrading of infrastructure – 1 in 100-year Flood Hazard Areas)

186. Firstly, I agree with Top Energy that the River Flood Hazard Area rules are somewhat confusing in referring to "*1 in 100 Year River Flood hazard*"

⁷ Paragraph 68 of the Infrastructure Section 42A Report where I stated "*the requests for requirements for water sensitive design and low impact stormwater design are also broader than the Infrastructure Chapter to address. In particular, I note that zone chapters include specific consideration of stormwater management through the rules relating to impermeable coverage with the matters of discretion generally referring to "low impact design principles". The Subdivision Chapter includes specific stormwater management standards (SUB-S4) which will be considered in more detail in Hearing 16*".

⁸ Refer pg. 24 in the Natural Hazards section 32 evaluation report.



areas” in the left-hand column as it may be unclear to some plan users (such as Top Energy) what rules apply in 1 in 10-Year River Flood Hazard Areas. My understanding is that River Flood Hazard Area rules capture both the 1 in 100-year and 1 in 10-year river flood hazard areas with more specific (stringent) conditions and rules relating to the latter for some activities (e.g. PER-2 in NH-R4). It also reflects the fact that a 1 in 100-year River Flood Hazard Area will, by its nature, be generally larger in spatial extent compared to a 1 in 10-year River Flood Hazard Area. I also note that the PDP definition of “River Flood Hazard Areas” is clear that this includes mapped 1 in 100-year and 1 in 10-year River Flood Hazard Areas. I therefore recommend that the left-hand column simply refer to “River Flood Hazard Areas” for NH-R1 and all other applicable rules (i.e. all natural hazard rules excluding NH-R5, NH-R6 and NH-R12).

187. As noted above, I also agree with Top Energy that PER-1 in NH-R1 seems overly restrictive and it is not clear to me why NH-R1 is more stringent for upgrades of infrastructure compared to extensions and alterations of other buildings and structures in NH-R2. I therefore recommend that PER-1 is amended to allow an upgrade of existing infrastructure where this does not increase the footprint of the existing infrastructure structure or building by more than 10m² as per the relief sought by Top Energy. I also recommend that the title of NH-R1 is amended to refer to existing infrastructure for consistency and clarity. This also responds to the submission point from McDonalds Restaurants above.

NH-R2 (Extensions and alterations to existing buildings and structures – 1 in 100-year Flood Hazard Areas)

188. Submitters on NH-R2 are primarily concerned with GFA threshold in PER-1 for any extension or alteration to not increase the existing footprint by more than 10m² or 100m² if the building is ancillary to a farming activity otherwise a restricted discretionary consent is required. The relief sought is generally to delete this condition and rely on performance-based standards relating to flood risk (i.e. PER-2 relating to overland flow paths and flood plain storage).
189. I agree with these submitters that the 10m² threshold in NH-R2 (which is the threshold in NH-R3 PER-1 referred to in the rules) seems somewhat restrictive and somewhat arbitrary. However, the intent of the permitted activity thresholds in NH-R3 (which are referred to in NH-R2) is to ensure new buildings and extensions and additions to existing buildings do not exacerbate natural hazard risk in accordance with the relevant objectives and policies. This recognises that it is not just an increase in building footprint within a hazard zone that increases hazard risk, but that an increase in size increases building value and hence the potential consequences and impacts of a natural hazard event.
190. The permitted activity thresholds for buildings and structures in the Natural Hazard Chapter have been set accordingly. These thresholds have



been informed by a review of selected district plans⁹ and are at a conservative level to help ensure that the permitted buildings are not a size that may become habitable (which would increase vulnerability and risk). These permitted activity thresholds also act as a trigger for a more detailed assessment of the risks from natural hazards through a restricted discretionary activity consent process which can consider both the magnitude and probability of the flood hazard event and the vulnerability of the proposed land use or development to the hazard, which is appropriate in my view.

191. The more permissive threshold of a 100m² building footprint in NH-P4 (also referred to in NH-R2) is intended to recognise that: 1) non-habitable/ancillary farming buildings such as sheds are less vulnerable to natural hazards (compared to "*vulnerable activities*", for example); and 2) any changes in natural hazard risk are more likely able to be internalised within the property and less likely to increase risk to other properties. I understand that the 100m² threshold for ancillary farming buildings is also consistent with an equivalent threshold in the Auckland Unitary Plan¹⁰.
192. I discuss the scope of NH-R4 further below, but the main point is that applying a permitted activity threshold of a 100m² GFA to all non-habitable buildings and structures in identified River Flood Hazard Areas is not appropriate in my view. This is because the vulnerability of these types of "non-habitable" buildings to natural hazard events varies (e.g. commercial activities, social infrastructure compared to farm sheds). As such, amending NH-R4 to apply to all non-habitable buildings may permit land use and development that increases the risks from natural hazards which is contrary to the direction in the relevant objectives and policies. It may also lead to development that results in more costly mitigation measures and responses in the future.
193. Overall, I accept the 10m² (NH-R3) and 100m² (NH-R4) thresholds are somewhat arbitrary and potentially restrictive. However, in my view, they act as an appropriate permitted threshold for buildings and structures in identified River Flood Hazard Areas to not exacerbate hazard risk or otherwise act as a trigger for a more detailed assessment of risk through NH-R7 and NH-R9. There is also no clear evidence in submissions on a more appropriate threshold that would be consistent with the objectives and policies in the Natural Hazards Chapter to not result in an increase in natural hazard risk.
194. I have also identified some inconsistencies in the natural hazard rules in terms of how these refer to the "GFA" or "footprint" of buildings, structures and infrastructure. Gross floor areas or GFA is a term that is defined in the National Planning Standards and is specific to buildings, as opposed to structures such as electricity distribution line support

⁹ As noted in the section 32 evaluation report for the Natural Hazards Chapter, pg.22.

¹⁰ Ibid, pg.23.



structures. I also note that the PDP generally refers to footprint in relation to infrastructure. I therefore consider that it would be clearer for the natural hazard rules to consistently refer to "GFA" in relation to buildings and "footprint" (undefined but generally well understood) when referring to structures and infrastructure. I consider that there is scope to make these amendments under Clause 16, Schedule 1 of the RMA which are included in the recommended amendments to the Natural Hazard Chapter in **Appendix 1.1**.

NH-R3 (New buildings or structures – 1 in 100-year Flood Hazard Areas)

195. Submitters on NH-R3 raise similar concerns as NH-R2 that the 10m² GFA and footprint threshold in PER-1 is overly restrictive. In addition to concerns with the 10m² threshold, the submitters request more enabling provisions for decks greater than 30m² where they are designed to not impede flows, requests for greater flexibility for non-habitable buildings and structures, greater flexibility for infrastructure (including a 100m² threshold), and permitted activity conditions enabling temporary buildings and structures.
196. My response to submissions on NH-R3 are essentially the same as NH-R2 above as these relate to the same thresholds. In short, I accept the 10m² threshold for buildings and structures and the 30m² threshold for decks are somewhat arbitrary and potentially restrictive, but these act as an appropriate permitted threshold to ensure new buildings, structures and decks do not increase natural hazard risk and/or act trigger for a more detailed assessment process through NH-R7 and NH-R9. There is also no clear evidence or justification in submissions to enable me to recommend a more enabling threshold that is consistent with the relevant objectives and policies.
197. For these reasons, I do not support a new, more enabling rule for infrastructure in identified River Flood Hazard Areas as requested by Top Energy. The current rule framework (with my recommendations) for new infrastructure in identified River Flood Hazard Areas as a permitted activity under NH-R3 and a restricted discretionary activity under NH-R9 when the permitted activity thresholds are exceeded (e.g. infrastructure with a footprint of greater than 10m²). Increasing the permitted threshold for new infrastructure in identified River Flood Hazard Areas to a footprint of 100m² seems overly permissive and is likely to exacerbate the risks from natural hazards. It is also unclear to me what infrastructure of this size is appropriate to locate in identified River Flood Hazard Areas as a permitted activity. I therefore do not recommend a new rule as sought by Top Energy but can reconsider this if appropriate examples and evidence is provided before the hearing to support this relief.
198. In terms of temporary structures and buildings, I note that TA-R2 already provides for buildings and structures associated with military training activities. Accordingly, no amendments to the Natural Hazards Chapter



are required in my view and this would also be inappropriate given the clear direction in the National Planning Standards that all provisions relating to temporary activities are to be located in that chapter.

NH-R4 (New buildings and structures ancillary to farming activity, excluding residential activities – 1 in 100-year Flood Hazard Areas)

199. As noted above, I understand that a more permissive approach for buildings ancillary to farming is to reflect both the activity being less sensitive/vulnerable to flood hazards (compared to "*vulnerable activities*" for example) and the rural nature of the farming activities "*as the risks of natural hazards are more likely to be internalised on large rural properties*"¹¹). I note that "farming"¹² is defined in the PDP as being a subset of primary production (which is defined in the PDP and National Planning Standards). In practice, this means that NH-R4 provides a more permissive threshold for ancillary buildings associated with pastoral farming (for example) but other non-habitable buildings associated with other primary production activities (e.g. quarrying) or processing activities would be subject to the more stringent thresholds in NH-R3.
200. I considered similar requirements for buildings to be "*ancillary to farming activities (excluding residential activity)*" in relation to CE-R1 in the Coastal Environment Chapter in Hearing 4. My recommendation in that hearing was to refocus the condition on the activity of concern (i.e. residential activity) rather than be focused on the activity being ancillary to farming and a similar approach could be applied in this context. For example, NH-R4 could potentially be broadened to refer to "*new non-habitable buildings and structures*" or "*new buildings and structures (excluding any building used for a vulnerable activity)*".
201. However, as noted above, there are certain non-habitable buildings that could inappropriately locate in identified river flood hazard areas and increase hazard risk if the permitted threshold was increased to 100m² (e.g. commercial activities, community facilities). Further, there are no specific submissions raising concerns with the focus of NH-R4 on buildings ancillary to farming or requesting that NH-R4 be broadened in this way. Therefore, in my view, there is no clear scope to amend the scope of NH-R4 to apply to other non-habitable buildings and structures (if deemed to be appropriate).
202. I consider that increasing the footprint to 250m² as requested by Federated Farmers is overly permissive as a permitted activity threshold for buildings in identified river flood hazard areas. This could result in large buildings inappropriately locating in areas subject to flood hazards

¹¹ Natural Hazards Section 32 Report, pg.19.

¹² Farming is defined in the PDP as "*means the use of land for the purpose of agricultural, pastoral, horticultural or apiculture activities, including accessory buildings, but excludes mining, quarrying, plantation forestry activities, intensive indoor primary production and processing activities. Note: this definition is a subset of primary production*".



increasing the risks to people, property and the environment. There should be an incentive to locate large farm buildings away from identified river flood hazard areas and it is the interest of the farmer/landowner to do so. I therefore do not recommend any amendments in response to this submission point from Federated Farmers.

203. In terms of the submission from HortNZ seeking a permitted pathway for artificial crop protection structures, I agree that these structures are less vulnerable to flood hazards and are less likely to impede flow. However, it is not clear to me how these structures would not comply with the more permissive threshold of 100m² provided for in NH-R4. I therefore do not recommend a new permitted activity condition for artificial crop protection structures but can reconsider this if HortNZ can demonstrate the permitted thresholds in NH-R4 do not adequately provide for this activity.

NH-R5 (Wildfire – Buildings used for a vulnerable activity)

204. Submitters on NH-R5 are generally in support of the rule but request a number of amendments. In terms of the requests to delete the setback requirements in PER-2 of NH-R5 on the basis this sufficiently addressed in PER-1, I understand that similar requests were considered as part of feedback on the Draft District Plan. More specifically, the Natural Hazards Section 32 Report outlines the following feedback on this issue and recommended response:

***Feedback:** If a proposed development has water supply that meets fire fighting code of practice then setback from vegetation should not be an issue. Concern over the 20m setback rule creating unnecessary consenting requirements.*

***Response:** This rule has been further refined and now relates only to vulnerable activities (excluding accessory buildings) vs any building. This will reduce the type of development which will have to comply with this rule. Having a water supply is a form of mitigation, but it does not avoid creating a risk, hence why setbacks are considered required. Additionally, the rule is also about protecting vegetation and associated biodiversity values.¹³*

205. I therefore understand the intent of NH-R5 is to manage wildfire risk through a combination of setbacks and ensuring there is adequate water supply for firefighting purposes.
206. While I appreciate the intent of NH-R5 in terms providing an effective approach to manage wildfire risk, I have concerns about:
- a. The 20m setback imposing unnecessary consenting requirements

¹³ Natural Hazards Section 32 Report, pg.35.



- b. The ability to assess compliance with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies as permitted activity standard for new buildings for vulnerable activities.
207. In terms of the first issue, I understand that the 20m setback in PER-2 is based on Rule 12.4.6.1.2 in the ODP (Fire Risk to Residential Units). This states "*Residential units shall be located at least 20m away from the drip line of any trees in a naturally occurring or deliberately planted area of scrub or shrubland, woodlot or forest*". I understand from Council processing staff that non-compliance with this rule is usually addressed through the applicant completing a FENZ form¹⁴ which FENZ then reviews/signs and which is then used to support a resource consent application. Nonetheless, I understand this rule requires resource consent unnecessarily, particularly in more urban environments where the options to be setback from scrub etc. (including on adjacent properties) are generally more limited and access to water is generally a lot better. I therefore recommend that NH-R5 PER-2 is amended to only apply outside "urban"¹⁵ zones which is broadly consistent with the relief sought by James Phillips.
208. In terms of compliance with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, my understanding is that this is not currently assessed by Council staff but a matter that FENZ considers as part of the above process when the ODP fire risk rule is triggered. I do not have any experience with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, but from my review of the code I expect it would be difficult for Council staff to assess compliance as it requires a range of calculations and some input from FENZ or Council engineering staff would likely be required. This compares to the New Zealand Electrical Code of Practice for Electrical Safety Distances 1993 (NZECP 34:1993) where the minimum safe distances to comply with are clear and more straightforward to assess.
209. So, while I support the intent of PER-1 in NH-R5, I have concerns about how it will be implemented in practice. To address this concern, I consider that there are two main options:
- a. **Option 1:** Delete PER-1 in NH-R5 (and NH-R6)

¹⁴ Application form titled "*Non-Reticulated Firefighting Water Supplies, Vehicular Access & Vegetation Risk Reduction Application for New and Existing Residential Dwellings and Sub-Divisions*".

¹⁵ Defined in the PDP as "*means an area of land zoned either: General Residential; Kororareka Russell Township; Mixed Use; or Light Industrial that currently has adequacy and capacity of available development infrastructure or is signalled to receive at a minimum reticulated wastewater infrastructure, in the Long Term Plan or the 30 Year Infrastructure Strategy*". An alternative which I recommended through Hearing 4 is to refer to specific zones which is likely to be preferable to better reflect the final list of urban zones in the PDP.



- b. **Option 2:** Refine the condition to be more focused to assist compliance.
- 210. While I support Option 1, I note that this condition was broadly supported in submissions and there is no clear scope to recommend it be deleted. Therefore, my recommendation at this stage is to retain PER-1 with amendments to require vulnerable buildings to either:
 - a. Be located on a site that has access to a fire hydrant where reticulated water supply is available; or
 - b. Provide for water supply for firefighting purposes in accordance with the minimum water storage for non-reticulated water supply specified in Table 2 of compliance with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice.
- 211. The intent of these recommendations is to make the condition more workable to assist with compliance and provide more targeted controls based on whether the site has reticulated water supply or not. However, I welcome feedback from submitters, including FENZ, on alternative options that may achieve the intent in a more effective and efficient way.
- 212. I agree with Bentzen Farm and others that a restricted discretionary activity status for non-compliance with NH-R5 (and NH-R6) is appropriate as the effects addressed by the rule are known and specific. I also agree that the matters of discretion in NH-R6 are appropriate for NH-R5 and recommend that NH-R5 is amended to include those matters with the addition of "The nature and density of any planting to reduce fire risk, including use of low flammability species" as requested by these submitters.
- 213. I do not recommend any exemption to PER-2 where vulnerable activities are within 135m of a fire hydrant as requested by Northland Planning and Development. It is unclear to me what is the basis of the exemption for vulnerable activities within 135m of fire hydrant to override PER-1(1) in NH-R5.
- 214. I am not recommending further amendments to PER-1 in response to the submission point from FENZ as these would include additional tests (e.g. "suitable access") and requirements, which is contrary to the intent of my recommendations to generally simplify PER-1 in NH-R5.

NH-R6

- 215. The issues raised and relief sought for NH-R6 is broadly consistent with NH-R5 outlined above. Therefore, I recommend the same amendments to NH-R6 for consistency. However, at a more general level, I have concerns about applying the requirements of NH-R6 to additions and alterations to existing buildings and I question the practicalities of landowners and developers understanding and complying with this rule. I would therefore



support its deletion, but there is no clear scope in submissions requesting this relief.

NH-R7 (New buildings and extensions and alterations that increase the GFA of existing buildings)

216. The only issue in submissions to consider in relation to NH-R7 is the request from MOE to allow vulnerable activities to establish in the 1 in 100-year River Flood Hazard Area (but not the 1 in 10-year Flood Hazard Area) as a restricted discretionary activity if they comply with the appropriate building standards (i.e. RDIS-2). This submission point from MOE appears to reflect a misunderstanding of how NH-R7 and NH-R12 are intended to work in practice. My understanding is that the intent of these two rules is that new buildings, and extensions and alternations that increase the GFA of existing buildings, are provided for as a restricted discretionary or non-complying activity as follows:
- a. Vulnerable activities are a **restricted discretionary activity** within a 1 in 100-year River Flood Hazard Area (but outside the 1 in 10-year River Flood Hazard Area) provided that the conditions in RDIS-2, (including a finished floor level of 500m above 1 in 100-year flood event) RDIS-3 and RDIS-4 are met.
 - b. Vulnerable activities are a **non-complying activity** within a 1 in 10-year River Flood Hazard Area (due to not compliance with RDIS-1 in NH-R7 which then refers to NH-R12).
 - c. Other activities (excluding buildings ancillary to farming under NH-R4) are a **restricted discretionary activity** in any River Flood Hazard Area provided the four RDIS conditions in NH-R7 conditions are complied with.
217. I consider that this provides an appropriate rule framework for new buildings and extensions or alterations to existing buildings that increase the GFA where these exceed the permitted activity thresholds. However, I consider that this rule framework can be drafted in a clearer manner for plan users. My recommended amendments to achieve this are:
- a. Amending RDIS-1 to read "*New buildings for vulnerable activities and extensions and alterations to existing buildings for vulnerable activities are not located in a 1 in 10-year River Flood Hazard Area*" as this wording is clearer in my view.
 - b. Deleting NH-R12 as this rule is somewhat redundant given NH-7 already makes it clear that non-compliance with RDIS-1 is a non-complying activity.
 - c. Amending the title of NH-R7 to make it clear that the rule does not apply to buildings that are ancillary to farming (managed under NH-R4).



Recommendation

218. For the above reasons, I recommend that:
- a. NH-R1 is amended to enable the upgrading of infrastructure to increase the footprint of above ground infrastructure by up to 10m² as a permitted activity.
 - b. NH-R5 and NH-R6 are amended to improve workability while retaining the overall approach to manage wildfire risk.
 - c. NH-R7 is amended to clarify intent and relationship with other rules.
 - d. NH-R12 is deleted.
219. I recommend all other natural hazard rules are retained as notified.

Section 32AA evaluation

220. My recommended amendments to the river flood hazard rules are primarily to clarify intent and improve workability and to enable minor upgrades of existing infrastructure under NH-R1 while ensuring this is at a scale does not exacerbate the risks from river flood hazards. The recommended amendments to NH-R5 and NH-R6 are amended to improve workability and assist with compliance while retaining the overall approach to manage wildfire risk. I therefore consider that these recommended amendments to the natural hazard rules are an appropriate, effective and efficient way to achieve the relevant objectives in accordance with section 32AA of the RMA.

5.2.7 Key Issue 7: Coastal Hazards Rules

Overview

Provision(s)	Officer Recommendation(s)
CE-R10, CE-R11	Amend to enable a 10m ² increase in the GFA of buildings or footprint of infrastructure as a permitted activity
CE-R12, CE-R13	Delete permitted activity conditions requiring compliance with underlying zone standards
CE-R17, CE-R18	Delete
All other coastal hazard rules	Retain as notified

Analysis of Submissions on Key Issue 7: Coastal Hazards Rules

Matters raised in submissions

General Submissions on Coastal Hazard Rules

221. William Goodfellow (S493.009, S493.010), Philip Thornton (S496.007, S496.008), Willowridge Developments (S250.016), Ian Jepson (S494.009,



S494.010), and Mark Wyborn (S497.007, S497.008) oppose the Coastal Environment rules (CE-R10 and CE-R14) as the activity status and standards imposed are considered unnecessarily onerous, including the limitations on setbacks for buildings from Mean High Water Springs (MHWS), and limitations on the area, height, colour and reflectivity of buildings. The submitters request that limitations on the area of new buildings located within the Coastal Environment Overlay are deleted. These submissions have generally been allocated to CE-R10 but raise broader concerns with the Coastal Environment rules (not the specific coastal hazard rules).

CE-R10 (External alterations to existing buildings in coastal hazard area)

- 222. New Zealand Maritime Parks (S251.009) and Paihia Properties and UP Management (S344.019) request that CE-R10 is amended to provide for additions and alterations to existing activities as a permitted activity. The submitters consider that the condition requiring that there is no increase in GFA of buildings is overly restrictive and will require unnecessary resource consent applications.
- 223. John Riddell (S431.044) requests that the "matters of discretion" in CE-R10 refer to CE-R16 instead of CE-R17.

CE-R11 (Maintenance, repair or upgrading of infrastructure, including structural mitigation assets in coastal hazard area)

- 224. Top Energy (S483.176) support CE-R11 and request that the rule be retained as notified.
- 225. John Riddell (S431.045) considers that the reference within the matters of discretion to CE-R17 should instead refer to CE-R16.

CE-R12 (New buildings or structures in coastal hazard areas)

- 226. Ngā Tai Ora – Public Health Northland (S516.060) support CE-R12 as notified as they support the concept of managing vulnerable activities within natural hazard areas.
- 227. John Riddell (S431.046) considers that the reference to CE-R17 within the matters of discretion of CE-R12 should instead refer to CE-R16.
- 228. Paihia Properties and UP Management (S344.020) request that CE-R12 is amended to provide for new buildings and structures within urban zones as a permitted activity. Paihia Properties and UP Management considers that the permitted activity thresholds in CE-12 will require resource consent for any form of new building, change of use of buildings, or extension of buildings and this is overly restrictive and will require unnecessary consent applications.



229. Tapuaetahi Incorporation (S407.002) request that CE-R12 is amended to explicitly provide for existing use rights as a permitted activity. Tapuaetahi Incorporation considers that the PDP should include a provision which enables, as a permitted activity, the ability for people to exercise their existing use rights where rebuilding a house is "like for like" and result in effects which are the same or similar in character, intensity, and scale. To provide for this relief, Tapuaetahi Incorporation request an exemption to CE-R12 for buildings and structures in accordance with sections 10 and 20 of the RMA.

CE-R13 (Buildings or structures ancillary to farming activities in coastal hazard areas)

230. Northland Planning and Development (S502.021) and Waitangi Limited (S503.019) support CE-R13 in part but note that if any other rule in the relevant rural zone is breached then CE-R13 is also breached which would result in unnecessary consent requirements. To address this concern, the submitters request that PER-5 is deleted or alternatively, an assessment of the District is completed to ensure that there are no special purpose zones or lifestyle zoning which may lie outside of the rural environment that would trigger CE-R13.

CE-R14, CE-R15 and CE-R16

231. Ngā Tai Ora – Public Health Northland (S516.061) support CE-R14 as notified as they support the concept of managing vulnerable activities within identified natural hazard areas.
232. Paihia Properties and UP Management (S344.021, S344.022, S344.023) request that rules CE-R14 to CE-R16 are amended to provide for new buildings and structures within urban zones as a permitted activity. Paihia Properties and UP Management raises the same concern as above for CE-R13, i.e. that the rules will require a resource consent for any new building, change of use of buildings, or extension of buildings and this is overly restrictive and will require unnecessary consent applications.

CE-R17 to CE-R19

233. Ngā Tai Ora – Public Health Northland (S516.062) oppose CE-R17 and CE-R18 as that these rules duplicate HS-R8 in the Hazardous Substances Chapter. To address this duplication, Ngā Tai Ora – Public Health Northland request that CE-R17 and CE-R18 are deleted.
234. Northland Planning and Development (S502.023) also oppose CE-R18 as they consider that it duplicates CE-R17 and therefore request that CE-R18 is deleted. In addition, Northland Planning and Development (S502.022) note that the hyperlinking in CE-R17 needs to cover the right information and should be checked.



235. Paihia Properties and UP Management (S344.024) note that the coastal hazard areas are overlays in the PDP and considers that the management of land use activities are more appropriately managed through the underlying zone. As such, Paihia Properties and UP Management considers that a catch all default discretionary activity status for activities not otherwise listed in coastal hazard areas is inappropriate and overly restrictive. Accordingly, Paihia Properties and UP Management requests that CE-R19 is deleted.

Analysis

General Submissions on Coastal Hazard Rules

236. The group of submissions raising general concerns with the coastal hazard rules (William Goodfellow, Philip Thornton, Willowridge Developments etc.) relate to the rules in the Coastal Environment Chapter that were considered in Hearing 4 (e.g. setbacks to MHWS, building height, colour of buildings etc.) not the coastal hazard rules that have been allocated to Hearing 13. The allocation of these submissions to CE-R10 and other coastal hazard rules appears to be an error.
237. However, I note that the issues raised in these submissions were considered in detail through Hearing 4. I was the reporting officer for the Coastal Environment Chapter at Hearing 4 and I recommended a number of amendments to the coastal environment rules and standards to respond to concerns that these are overly onerous, including submission points from many of the same submitters. Accordingly, I recommend that these submissions are accepted in part.

CE-R10 (External alterations to existing buildings in coastal hazard area)

238. I agree to some extent that PER-1 in CE-R10 seems overly restrictive, and it is not clear to me why this differs from the approach in the Natural Hazard Chapter for River Flood Hazard Areas (NH-R2) which allows for an increase in the GFA of existing buildings by up to 10m² as a permitted activity. For consistency and clarity, I recommend that the wording and thresholds in CE-R10 are amended to align with the approach in NH-R2. This includes:
- a. Amending the title of the rule to refer to "extensions and alterations to existing buildings and structures (excluding infrastructure)"
 - b. Amending PER-1 to allow an increase in the existing footprint of up to 10m² as a permitted activity.
239. In terms of the matters of discretion, CE-R10 relates to buildings therefore I consider that a reference to the matters of discretion in CE-R14 is appropriate as these relate to buildings in coastal hazard areas. I therefore do not recommend any amendments in response to the submission from John Andrew Riddell.



CE-R11 (Maintenance, repair or upgrading of infrastructure, including structural mitigation assets in coastal hazard area)

240. Again, I do not recommend any amendments in response to the submission from John Andrew Riddell as CE-R11 refers to the matters of discretion in CE-R16 which relate to structures (excluding buildings) and infrastructure whereas CE-R17 (and CE-R18) relates to hazardous facilities (which I recommend is deleted below).

CE-R12 (New buildings or structures in coastal hazard areas)

241. In my view, it is not appropriate to exempt new buildings and structures located in urban zones from CE-R12. Coastal hazard areas have been mapped based on the likelihood of risk of coastal hazards (erosion and inundation) not the underlying zoning. While I acknowledge that this may require resource consents for new buildings and structures that are anticipated by the underlying urban zoning, this is appropriate in my view to ensure the risks from coastal hazards are appropriately assessed and managed. I therefore recommend that the submission point from Paihia Properties and UP Management is rejected.
242. As discussed above, I do not consider that it is necessary or appropriate to permit buildings and structures that have existing use rights under section 10 of the RMA as these provisions in the RMA apply regardless of what the PDP says. I also note that this request from Tapuaetahi Incorporation is not relevant for CE-R12 as this rule relates to new buildings and structures in coastal hazard areas (not existing buildings and activities which may have existing use rights).
243. As with the submission points above, I consider that the references to the matters of discretion for buildings (CE-R14) and structures (CE-R16) are accurate and appropriate. Accordingly, I do not recommend any amendments in response to the submission point from John Andrew Riddell on the matters of discretion in CE-R12.

CE-R13 – Buildings and structures ancillary to farming activities

244. I agree with Northland Planning and Development and Waitangi Limited that PER-5 is unnecessary. My understanding of the intent of PER-5 is not to permit a building under the coastal hazard rules that may otherwise require a resource consent under the applicable zone rules in Part 3 of the PDP. However, with limited exceptions¹⁶, the district-wide rules in Part 2 of the PDP apply **in addition to** (not instead of) the zone rules in Part 3 of the PDP. This is reflected in Advice Note 1 in the Natural Hazards Chapter and the Coastal Environment Chapter, which is standard advice note wording that was developed and agreed with the FNDC District Plan team prior to notification.

¹⁶ Those exceptions include



245. I therefore recommend that PER-5 is deleted from CE-R13 and also that PER-3 is deleted from CE-R12 for consistency as a consequential amendment.

CE-R14, CE-R15 and CE-R16

246. I have addressed the request from Paihia Properties and UP Management to provide for new buildings and structures within urban zoned land in coastal hazard areas as a permitted activity above and the same reasoning and recommendation applies to their submission points on CE-R14, CE-R15 and CE-R16. In my view, a requirement to assess and manage the risks from natural hazards through a restricted discretionary resource consent through these rules is appropriate when the relevant permitted activity conditions in CE-R12 are not complied with or where there is a change in use to accommodate a vulnerable activity as this will increase the risks from coastal hazards.

CE-R17 to CE-R19

247. I agree with Ngā Tai Ora – Public Health Northland and Northland Planning and Development that CE-R17 and CE-R18 duplicate and also overlap/conflict with the corresponding rules in the Hazardous Substances Chapter. I therefore recommend these rules are deleted. I have also discussed this with the reporting officer for the Hazardous Substances Chapter who agrees with this recommendation.
248. I have addressed submission points from Paihia Properties and UP Management that land use activities should be managed by the underlying zone and the same reasoning applies to their requested relief for CE-R19. However, for consistency with the corresponding river flood hazard area rule, I recommend that the title of the rule is amended to state "*activities not otherwise listed as a permitted or restricted discretionary activity within a coastal hazard area*".

Recommendation

249. I recommend that:
- a. CE-R10 and CE-R11 are amended to enable an increase in the GFA of buildings or existing infrastructure by 10m² as permitted activity and the title of CE-R10 is amended to align with other PDP rules.
 - b. CE-R12 and CE-R13 are amended to delete the condition requiring compliance with the underlying zone standards.
 - c. CE-R17 and CE-R18 are deleted.
 - d. CE-R19 is amended to be more consistent with the wording in other catch-all discretionary rules.



Section 32AA evaluation

250. My recommended amendments to the coastal rules are primarily to clarify intent and improve workability and to enable minor additions to existing buildings under CE-R10 and minor upgrades of existing infrastructure under CE-R11 while ensuring this is at a scale does not exacerbate the risks from coastal hazards. I therefore consider that these recommended amendments to the natural hazard rules are an appropriate, effective and efficient way to achieve the relevant objectives in accordance with section 32AA of the RMA.

5.2.8 Key Issue 8: Natural Hazards Standard NH-S1

Overview

Provision(s)	Officer Recommendation(s)
NH-S1	Minor amendment to clarify it applies to an area (rather than site) affected by natural hazards

Analysis of Submissions on Key Issue 8: Natural Hazards Standard NH-S1

Matters raised in submissions

251. A group of submitters, including P S Yates Family Trust (S333.012), Setar Thirty Six (S168.019) and others, support NH-S1 in part but consider that the standard should be amended so that it only applies to the part of the site that is subject to the natural hazard and not to the site as a whole as this will impose unnecessary cost. To provide for this relief, the submitters request the following amendment: *"Any application for a resource consent in relation to a site location that is..."*
252. Kāinga Ora (S561.044) consider that the reference in NH-S1 to "potentially affected" is not specific and that the standard should clarify that this relates to the mapped hazard areas. Kāinga Ora request the following amendment to address this concern: *"Any application for a resource consent in relation to a site that is potentially affected by the mapped natural hazards (as noted in the Plan definitions) must..."*
253. Top Energy (S438.118) are concerned that NH-S1 is not linked to any of the rules in the table and that it is located at the end of the rules which makes it easy to miss. Top Energy considers that the standard should be linked in the second column of the rules table to make it clear that where resource consent is required, compliance must be achieved with NH-S1.
254. Omata Estate (S548.005) oppose NH-S1 as they consider that applying a blanket requirement to provide a site-specific engineering report for any resource consent applications for a site potentially affected by a natural hazard would result in undue cost constraints to applicants and does not



meet the requirements of section 32 of the RMA. Accordingly, Omata Estate request that NH-S1 be deleted.

Analysis

255. As discussed under Key Issue 5, I agree that the natural hazard rules and any associated requirement to prepare and provide an expert assessment under NH-S1 should only apply where the proposed land use is located in the mapped river flood hazard area not the entire site. The recommendation to refer to "River Flood Hazard Area" in the left-hand column effectively does this as that definition makes it clear it only applies to mapped river flood hazard areas. In relation to NH-S1, I consider that this intent can be easily achieved through replacing the reference to "site" with "area" and I also recommend that the reference to matters of control is deleted from the standard as there are no controlled activities in the Natural Hazard Chapter.
256. In terms of the submission from Top Energy, I note that NH-S1 is already included as a restricted discretionary activity condition in NH-R7, NH-R8 and NH-R9 which are the rules within the Natural Hazards Chapter that are likely to apply to most activities requiring resource consent (i.e. buildings and structures (including infrastructure) that do not comply with the permitted activity standards and changes in use to accommodate a vulnerable activity). I therefore recommend that this submission is accepted in part.
257. My recommended amendment above is intended to make it clear NH-S1 only applies to the area of the site subject to the natural hazard overlay (river flooding) which may address the concerns from Omata Estate to some extent. However, I do not consider that it is unreasonable to require an expert assessment of the risks from natural hazards when development is proposed in an identified natural hazard area that exceeds the permitted activity thresholds. I therefore do not recommend any amendments in response to this submission.

Recommendation

258. For the above reasons, I recommend that NH-S1 is amended to replace "site" with "area" and to delete the reference to matters of control.

Section 32AA evaluation

259. My recommended amendments to NH-S1 are minor amendments to better clarity the intent of the standard and its application to mapped hazard areas. I therefore consider that this recommended amendment is appropriate, efficient and effective in accordance with section 32AA of the RMA.

5.2.9 Key Issue 9: Coastal Hazards Standards - CE-S4 and CE-S5

Overview

Provision(s)	Officer Recommendation(s)
CE-S4	Retain as notified
CE-S5	Minor amendment to clarify it applies to an area (rather than site) affected by coastal hazards

Analysis of Submissions on Key Issue 9: Coastal Hazards Standards - CE-S4 and CE-S5

Matters raised in submissions

260. There is only one submission on CE-S4 (minimum floor levels) from RS Eng Ltd (S562.001) who considers that CE-S4 is incorrectly worded and could be misinterpreted. RS Eng Ltd also notes that CE-R4 requires minimum floor levels which are greater than required by the building code. Further, RS Eng considers that buildings have a design life of 50 years whereas subdivision have a planning timeframe of 100 years therefore the minimum levels should reflect this (i.e. 0.5m sea level rise for buildings and 1m sea level rise for subdivision).
261. A group of submitters, including Setar Thirty Six (S168.080), The Shooting Box (S187.071), Wendover Two (S222.074) and others, request the same relief to CE-S5 as they do for NH-S1. Specifically, the submitters request that the standard refer to a "location" as opposed to a "site" so that an engineering report is not triggered for an activity anywhere on a site subject to a coastal hazard overlay.
262. Omata Estate (S548.004) oppose CE-S5 as they consider applying a blanket requirement for preparation of an engineering report for any resource consent applications for a site potentially affected by a coastal hazard would result in undue cost constraints. Accordingly, Omata Estate requests that CE-S5 is deleted.

Analysis

263. Firstly, in terms of the submission from RS Eng Ltd, I note that the minimum floor levels in CE-S4 are intended to give effect to Policy 7.1.3 in the RPS which directs that coastal hazards are to be managed over a 100-year timeframe. This is also consistent with Policy 25 of the NZCPS which also directs that the risks from coastal hazards are to be managed over a 100-year timeframe. Therefore, I do not recommend any amendments in response to the submission from RS Eng Ltd as the 100-year timeframe stipulated in CH-S4 gives effect to clear direction in these higher order documents to manage the risks from coastal hazards based on a 100-year timeframe.
264. The submissions on CE-S5 are essentially the same as on NH-S1 as is my recommendation to those submissions. Specifically, I recommend that CE-



S5 is amended to make it clear it only applies to the area of the site subject to the coastal hazard area overlay (noting that this is already achieved through the application of the relevant rules to the "coastal hazard area"¹⁷).

Recommendation

265. For the above reasons, I recommend that CE-S5 is amended to replace "site" with "area" and to delete the reference to matters of control.

Section 32AA evaluation

266. My recommended amendments to CE-S5 are minor amendments to better clarify the intent of the standard and its application to mapped Coastal Hazard Area (which is defined in the PDP as including mapped). I therefore consider that this recommended amendment is appropriate, efficient and effective to help achieve the relevant objectives in accordance with section 32AA of the RMA.

5.2.10 Key Issue 10: Subdivision Rules - SUB-R8, SUB-R11 and SUB-R12

Overview

Provision(s)	Officer Recommendation(s)
SUB-R8	Minor amendment to require the building platform (rather than development area) to be located outside the area identified as land susceptible to land stability
SUB-R11, SUB-R12	Retain as notified

Analysis of Submissions on Key Issue 10: Subdivision Rules - SUB-R8, SUB-R11 and SUB-R12

Matters raised in submissions

SUB-R8 - Subdivision of a site containing land susceptible to land instability

267. Haigh Workman (S215.030) consider that the PDP definition of "*Land susceptible to instability*" appropriately includes a combination of geological units, overall ground slope and proximity to steeper land. However, Haigh Workman consider that where land meets the definition this does not necessarily mean that the ground is unstable. Haigh Workman also raise a concern that the definition would deem large portions of Northland as "*Land susceptible to instability*". To address these concerns, Haigh Workman requests that SUB-R8 be amended to provide a controlled activity status for subdivision of land susceptible to instability where a geotechnical report by a qualified professional establishes that

¹⁷ Which is defined in the PDP as coastal flood hazard zones and coastal erosion hazard zones that are included in the PDP maps.



the land subject to subdivision is not prone to instability or can be engineered to be stable.

268. FENZ (S512.031) support SUB-R8 in part but request an additional matter of control and/or discretion that ensures adequate provision for access of emergency services to the site.
269. Lynley Newport (S117.001) and Thomson Survey (S204.001) oppose SUB-R8 as they consider that the rule lacks clarity and could be interpreted as applying to the entire site. In particular, the submitters consider that the words "*proposed development area*" are too vague. Lynley Newport requests the following amendments to CON-1 to provide greater clarity and address these concerns: "*~~The proposed development area, including the building platforms and any area that is required for access and services associated with buildings, is are located...~~*"
270. Ngā Tai Ora – Public Health Northland (S516.056) consider that SUB-R8 is ineffective and efficient as the definition of '*Land susceptible to instability*' is onerous and places considerable cost on landowners. To address this concern, Ngā Tai Ora – Public Health Northland requests that rules are inserted applying to areas of risk which are appropriately identified through mapping of land instability. Alternatively, Ngā Tai Ora – Public Health Northland requests that the definition of "*Land susceptible to instability*" be amended to be easily understandable and identifiable and that SUB-R8 is amended to require building platforms, access and services to be located in the least at-risk portion of the site.
271. Reuben Wright (S178.003) considers that SUB-R8 is not necessary given that section 106 of the RMA requires consideration of any significant risk of natural hazards when assessing subdivision applications. To address this concern, Reuben Wright requests that SUB-R8 be deleted, or alternatively SUB-R2 could include a requirement to define a suitable building site on each vacant lot by way of an engineering report.

SUB-R11 (Subdivision of a site within flood hazard areas) and SUB-R12 (Subdivision of a site within coastal hazard areas)

272. Submissions on SUB-R11 and SUB-R12 generally request the same relief to each rule as outlined below.
273. Kāinga Ora (S561.049, S561.050) and Haigh Workman (S215.031, S215.032) support SUB-R11 and SUB-R12 and request the rules be retained as notified.
274. Thomson Survey (S193.001, S205.001) and Lynley Newport (S115.001, S113.001) consider that SUB-R11 and SUB-R12 are overly restrictive and that the rules do not accurately reflect the requirements of the RPS. The submitters request that SUB-R11 is amended to be a non-complying activity for subdivision in a 1 in 10-year flood event hazard area and discretionary activity status for subdivision in the 1 in 100-year flood event



hazard area. The submitters also request similar relief for SUB-R12, i.e. that the rule is amended to be a non-complying activity for subdivision in high-risk coastal hazard areas and a discretionary activity for subdivision in the lesser risk coastal hazard areas.

275. Paihia Properties and UP Management (S344.011, S344.012) consider that SUB-R11 and SUB-R12 are inefficient and ineffective and that the rules should have a restricted discretionary activity status.
276. FENZ (S512.032, S512.033) considers that that it is essential that emergency responders are able to access potential emergencies on these sites and request an additional matter of control and/or discretion to enable adequate access for emergency responders to each lot created by subdivision.
277. Northland Planning and Development (S502.084) note that in some cases river control works or earthworks consented by NRC have been undertaken to ensure that a building platform can be established outside of a mapped flood hazard area. In these circumstances, Northland Planning and Development consider that a subdivision should be a restricted discretionary activity. Northland Planning and Development request the following amendment to SUB-R11 to provide for this relief:
- "1. Building platforms are located wholly outside the spatial extent of the 1 in 100 year floodplain, or a site specific report has been provided by a suitably qualified and experienced practitioner which confirms that the building platform is located outside of the 1 in 100 year floodplain"*
278. Ngā Tai Ora – Public Health Northland (S516.057) consider that SUB-R11 and SUB-R12 are ineffective and inefficient and should be amended so that subdivision is a permitted activity where building platforms and associated access for each allotment is located wholly outside of the spatial extent of the mapped river flood or coastal hazard area.
279. Bayswater Inn (S29.006) request that SUB-R12 is amended as it relates to 40 Marsden Road, Paihia as the submitter considers that rule is not appropriate for the site given its frontage and existing use rights which make it impractical to achieve the requirements in the rule.

Analysis

SUB-R8 - Subdivision of a site containing land susceptible to land instability

280. Firstly, I discuss the definition of "*Land susceptible to land instability*" in more below under Key Issue 12 (Definitions) where I note that this definition has been informed by engineering advice which is included in



the Natural Hazards section 32 evaluation report¹⁸. In short, the PDP definition of "*Land susceptible to land instability*" uses criteria to identify where there may be land instability and has been customised to the Far North District and I am recommending that it be retained.

281. I do not recommend that SUB-R8 is amended to provide a controlled activity pathway where an engineer report is provided that states the land is not prone to instability or can be engineered to be stable as requested by Haigh Workman. Advice note 4 in the Subdivision Chapter already makes it clear that any subdivision application for a site potentially affected by natural hazards, must include an assessment by a suitably qualified and experience engineer, including as assessment of whether the site includes an area of land susceptible to instability. Where an application is made under SUB-R8, I expect this will address the stability of the land and any proposed measures to make the land stable.
282. However, the purpose of the controlled activity pathway in SUB-R8 is to enable subdivision (consent must be granted) where the building platform is located outside any area on the site that is identified as being land susceptible to land instability. Where a building platform is proposed within these areas, then a discretionary activity consent process supported by an engineering assessment is appropriate in my view. This will allow Council staff to consider all relevant matters when determining whether to approve or decline consent, including the specific direction in NH-P8 in the Natural Hazards Chapter and whether engineering measures are proposed to make the land stable.
283. In terms of the submission from FENZ, the matters of control in SUB-R8 already refer to "access" which I consider is sufficiently broad to consider suitable access for emergency services at the time of subdivision. I would expect this would include consideration of the relevant provisions in the PDP Transport Chapter for vehicle access, including the existing access requirements in TRAN-Table 9 which I understand from the reporting officer are sufficient for emergency vehicle access.
284. I agree with Lynley Newport and Thomson Survey that the reference to "proposed development area" in SUB-R8 is somewhat vague and is inconsistent with other subdivision rules which generally refer to building platforms more specifically. I therefore recommend that SUB-R8 is amended as follows "*The ~~proposed development area, including the building platform(s)~~ and any area that is required for access and services, is located wholly outside...*"
285. I do not support the relief sought by Ngā Tai Ora – Public Health Northland to amend SUB-R8 to require building platforms, access and services to be located in the least at-risk portion of the site. This could enable subdivision

¹⁸ Appendix 4 of the section 32 evaluation report, Land Development and Exploration (2019), 'Criteria to Identify Land which may be Subject to Instability in the Far North District'. Refer: [section-32-natural-hazards-appendix-1-4-a3785915.pdf](#)



on site with high risk of land instability simply because the building platforms are located on a lower risk part of the site.

286. I acknowledge that there is the ability to decline subdivision consents where there is a significant risk from natural hazards under section 106 of the RMA. However, in my view, this does not negate the importance and value of targeted rules for subdivision in identified natural hazard areas which can provide more specific conditions (e.g. building platforms are located outside the identified natural hazard areas) and requirements (e.g. engineering report) to mitigate risks and/or enable more informed assessment and management of natural hazard risks (including whether there is a significant risk). I therefore do not recommend any amendments in response to this submission point from Reuben Wright.

SUB-R11 (Subdivision of a site within flood hazard areas) and SUB-R12 (Subdivision of a site within coastal hazard areas)

287. I do not agree with the request from Thomson Survey and Lynley Newport to apply a different activity status based on whether the subdivision is proposed in a high-risk or lower-risk river flood or coastal hazard area. There is not sufficient reasoning in these submissions to justify a less stringent activity status (discretionary) where subdivision is proposed in identified river flood area or coastal hazard area and the subdivision does not comply with the restricted discretionary conditions in SUB-R11 and SUB-R12.
288. In terms of the submission point from Paihia Properties and UP Management, I note that both SUB-R11 and SUB-R12 provide for subdivision as a restricted discretionary activity when the conditions are complied with, which is appropriate in my view. I therefore recommend that this submission is accepted in part.
289. Consistent with my recommendations for SUB-R8 above, I note that the matters of discretion in SUB-R11 and SUB-R12 already refer to "access". I consider this general reference to "access" is sufficiently broad to consider access for emergency services at the time of subdivision, including the relevant provisions in the PDP Transport Chapter (TRAN-Table 9) that are considered to be sufficient for emergency vehicle access. I therefore do not recommend any amendments in response to this submission point from FENZ.
290. In my view, the wording of SUB-R11 already provides for the relief sought by Northland Planning and Development as this would enable an expert report to confirm the building platform is located outside the identified River Flood Hazard Area. I therefore do not recommend any amendments in response to this submission point.
291. I do not agree with the request from Ngā Tai Ora – Public Health Northland that subdivision should be a permitted activity where building platforms and associated access for each allotment is located wholly outside of the



spatial extent of the mapped river flood or coastal hazard area. There needs to be a sufficiently certain process to demonstrate that this condition is complied with (along with the other relevant standards that apply to subdivisions), which the subdivision consent process provides for.

292. I do not recommend any amendments in response to the submission point from Bayswater Inn as I do not consider that site-specific carve outs from SUB-R12 are appropriate. As per comments elsewhere in this report, the natural hazard rules do not affect existing use rights and SUB-R12 only applies where subdivision is proposed which is generally to enable further development within an identified Coastal Hazard Area. In these situations, I consider that the rule framework in SUB-R12 is appropriate to adequately consider and manage the risks from the identified coastal hazard.

Recommendation

293. For the above reasons, I recommend:
- a. SUB-R8 is amended to require the building platform (rather than development area) to be located outside the area identified as land susceptibility to land stability.
 - b. SUB-R11 and SUB-R12 are retained as notified.

Section 32AA evaluation

294. My recommended amendment to SUB-R8 is a minor amendment to make the rule more specific and certain while retaining the same intent. I therefore consider that this is an appropriate, effective and efficient amendment to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

5.2.11 Key Issue 11: Mapping of Natural Hazards (river flood hazards and coastal hazards)

Overview

Natural hazard mapping	Officer Recommendation(s)
Imerys Performance Minerals Asia Pacific (S65.005, S65.006)	Delete identified River Flood Hazard area that is a man-made dam
All other mapping requests	Retain as notified

Analysis of Submissions on Key Issue 11: Mapping of Natural Hazards (river flood hazards and coastal hazards)

Matters raised in submissions

Coastal Hazard Mapping – Coastal Erosion (Zones 1- 3)

295. Brownie Family Trust (S74.005) support the Coastal Erosion (Zones 1 -3) overlays and requests that these be retained as notified.



296. Nicole Wooster (S259.020) accepts that coastal hazards exist and will change over time as sea level rises. However, Nicole Wooster requests that if any issues are identified with the mapping, then the coastal erosion hazard mapping on her property is reviewed and amended as appropriate to correctly identify current and future natural hazard risks.
297. A number of submitters request that the mapping in relation to the Coastal Erosion 2 Zone Line be amended to be reflective of the geology and existing gabion baskets at the same location in Ahipara as follows:
- a. Leah Frieling (S358.038), Sean Frieling (S357.031), and Michael Foy (S472.039) request that the mapping of the Coastal Erosion Hazard 2 Zone adjacent to 275 Foreshore Road, Ahipara is changed to be reflective of geology. The submitters note that a site-specific engineering report has considered potential erosion of substrate at this location, and they consider that it will not erode in the same way as sand or other sedimentary rock may.
 - b. LJ King Limited (S547.012, S543.012, S464.012), Elbury Holdings (S541.012, S519.013, S485.013) request that the Coastal Erosion Zone 2 Line be reflective of the geology at 2, 4, and 5 Panorama Lane.

Coastal Hazard Mapping – Coastal Flood (Zones 1 – 3)

298. Brownie Family Trust (S74.049) support the Coastal Flood (Zones 1-3) as notified.
299. Te Rūnanga o Whaingaroa (S486.097) raise concern that the flood maps were created at a scale of 1:250,000 and this means there is insufficient accuracy to identify at-risk areas of an individual land parcel. Te Rūnanga o Whaingaroa are concerned that this would place heavy financial burden on tāngata whenua to undertake expert analysis of each site. As such, Te Rūnanga o Whaingaroa requests that the maps are amended by Council to improve the accuracy of all flood risk maps by surveying and ground truthing the at-risk areas before the PDP becomes operative in collaboration with tāngata whenua.

Coastal Flood Hazard - Various

300. Walter Hicks (S588.001 to S588.011) supports the coastal flood hazard mapping for Te Werahi Beach, Kokota, and Rangaunu Harbour and surrounding areas, Karikari Peninsula, Ngārui-o-te-Marangai Beach, Areas of Te Puna Inlet, Kerikeri Inlet, East of Cape Brett to Owhai Bay, Rangiora to Motukaraka Point, Rāwene, and Waima River and Waipoua River.
301. Maria and David Manning (S603.001) provide information on flooding in relation to their property in their submission, noting that they having lived at 247 Wharua Road for 70 years. Maria and David Manning support what



is considered appropriate by Council in terms of flood hazard overlay mapping on their property.

302. A number of submitters oppose the Coastal Flood Hazard mapping around Rangaunu Harbour and surrounding areas as this relates to their properties. This includes:

- a. Zoe Maginn (S599.001) who considers that the hazard mapping has been modelled using 'extremes' and may not be 'likely' effects, as required by New Zealand legislation. Zoe Maginn is concerned that the hazard layers are based on predicted and modelled scenarios and that they are not backed up by actual evidence of inundation and sea level rise on the ground. Zoe Maginn provides extensive reasoning for their opposition to the mapping in their submission and requests that the hazard maps are deleted from Rangaunu Harbour and at 409A Rangiputa Road, Karikari Peninsula.
- b. Rangiputa Community Inc. (S604.001) raise the same concerns as Zoe Maginn, and request that the coastal flood hazard layer in relation to Rangaunu Harbour is deleted or amended until Council has gone through a thorough process to determine the exact impacts and individuals affected.
- c. Elbury Holdings, LJ King, Fiona King, LJ King LTD, West Coast Farms, Leah Frieling (S605.001, S605.003 to S605.006) also raise a number of specific issues with the mapping in Rangaunu Harbour Coastal Flood Hazard area. This includes (this relief is inferred from their submissions):
 - i. Amend mapping and geotech to improve accuracy before labelling peoples properties at risk if they are not.
 - ii. Delete the coastal flood hazard layers from 189 State highway 1 Awanui.
 - iii. Amend maps to account for new buildings sites, work completed, and the stop banks done by NRC.
 - iv. Amend the maps at Whangatane spillway to show flooding in this area.
 - v. Amend the flood hazard modelling to reflect the drainage work.
- d. Tristan Williams (S591.001) opposes the Coastal Flood Hazard mapping around Rangaunu Harbour and surrounding areas as they consider there is no context or explanation of what the change is or why. Tristan Williams request that the flood hazard mapping layer is deleted from 3 Matarau Road, Awanui and reject all proposed changes in the PDP in relation to this property.



- e. David Travers (S594.001) also opposes the overlay and requests that it is removed from the PDP if there is a paper road around the bottom of 23 Ronas Place, Kaingaroa and therefore flood hazards should not affect the property at all.
- 303. Kingheim (S601.001) oppose the Coastal Flood Hazard – Karikari Peninsula mapping. Kingheim consider that there is incompatibility between the modelling plans (NRC maps) being used and the written words of NH-P7. Kingheim request that Coastal Flood Hazard Zone 0 is included for design referencing, Coastal Hazard Zones 1 and 2 be for information only, and Coastal Hazard Zone 3 be deleted.
- 304. Elbury Holdings, LJ King, Fiona King, LJ King LTD, West Coast Farms, Leah Frieling (S605.009) also submitted on Coastal Flood Hazard – Karikari Peninsula and note that the Puheke Hill Lakes discharges sometimes under the inland road out to Whatuwhiwhi beach in high water table levels which is not showing on the maps. The submitters request that the coastal flood layers for Whatuwhiwhi areas are inserted.
- 305. Karen Barrow (S598.001) requests that the Coastal Flood Hazard – Areas of Te Puna Inlet is removed from the land at 213 Mackenzie Road, Kerikeri.
- 306. A number of submitters request that the Coastal Flood Hazard – Kerikeri Inlet overlay be removed from their properties. This includes:
 - a. Kathy Davies (S589.001) requests deletion of the Coastal Flood Hazard – Kerikeri Inlet overlay from their property at 22 Quinces Landing for a variety of reasons set out in their submission.
 - b. Tim Brandon (S595.001) requests that the coastal flood hazard overlay be deleted from the Hauparua Lane area as he considers that it is not a flood plain and there are no rivers in the vicinity.
 - c. Hamish Starr (S602.001) requests that the coastal flood hazard overlay be deleted from the land at 351 Wharau Road, Kerikeri as he considers that there has been no significant increase in the sea level or significant flooding at the property.

River Flood Hazard Area Mapping

- 307. A number of tāngata whenua submitters, including Te Rūnanga o Whaingaroa (S486.098, S486.099), Te Runanga o Ngai Takoto Trust (S390.084), and Te Rūnanga Ā Iwi O Ngāpuhi (S498.085), collectively raise concerns that the flood maps were created at a scale of 1:250,000. The submitters consider that this means there is insufficient accuracy to identify at-risk areas of an individual land parcel. Te Rūnanga o Whaingaroa are concerned that this would place heavy financial burden on tāngata whenua to undertake expert analysis of each site. The submitters request that the maps are amended by Council to improve the accuracy of all flood risk maps by surveying and ground truthing the at-



risk areas before the PDP becomes operative in collaboration with tāngata whenua.

308. Kāinga Ora (S561.001, S561.002) request that the River Flood Maps are removed from the PDP and placed in a non-statutory layer available via a GIS layer. Kāinga Ora consider that this approach would be consistent with that taken elsewhere in the country. Kāinga Ora also considers that further investigation into actual flood risk needs to be undertaken by Council to address flood risk accordingly.
309. Imerys Performance Minerals Asia Pacific (S65.005, S65.006) note that the natural hazards maps appear to identify an existing operational clay dam within their landholdings as a river flood hazard areas which is an error. Accordingly, Imerys Performance Minerals Asia Pacific request that the river flood hazard zone be deleted from their landholdings at Matauri Bay Road.
310. Nicole Wooster (S259.002) considers that the PDP maps incorrectly identify a river flood hazard next to the house on her property. Nicole Wooster considers that, at most, the area covered by the river flood hazard is an overland flow path in heavy rain. Nicole Wooster highlights that the property has been in their family since 1902 and has not been affected by river flooding. Accordingly, Nicole Wooster requests that the map overlay is amended in consultation with her to correct and take into account existing drainage and other flood mitigation infrastructure.
311. Kiwi Fresh Orange Company (S554.050) request that the Flood Hazard Zone Overlay from their site, and instead the overlay in Figure 3 of the Section 32 report is applied, based on the site-specific flood hazard assessment prepared in support of their Structure Plan and Precinct.

Analysis

General submissions on natural hazard mapping

312. A number of submissions have raised more general concerns with the mapping of natural hazards in the PDP. This includes a number of tangata whenua submitters, Te Rūnanga o Whaingaroa, Te Runanga o Ngai Takoto Trust, and Te Rūnanga A Iwi O Ngapuhi, who raise concerns with the scale of mapping in the PDP (1: 250,000) as the submitters consider that this will place burden on tangata whenua to undertake more detailed assessments with a heavy financial burden.
313. While I appreciate the concerns of these submitters, I do not consider it appropriate or necessary for Council to undertake more detailed assessments of natural hazards in the District. The PDP natural hazard maps are based on the NRC natural hazard maps. My understanding is that 1:250,000 is the scale that hard copies of the NRC natural hazard maps were produced at whereas the actual mapping adopted in the RPS and PDP is done at a much higher resolution using LIDAR (which



essentially measure the height of the land at 1m intervals) using appropriate methodologies. It is also important to emphasise that the natural hazard maps in the PDP are also intended to indicate the likelihood of natural hazards in particular areas and act as a trigger as appropriate for a more detailed assessment when development is proposed in identified natural hazard areas.

314. I have addressed similar submissions from Kāinga Ora requesting that the natural hazard maps in the PDP are moved to a non-statutory layer and the same reasoning and recommendation applies here. In short, I consider that it is much more effective and certain for the natural hazard maps to be in the PDP as these maps are associated with regulatory rules. Accordingly, I recommend this submission from Kāinga Ora on the River Flood Hazard Area maps is rejected.

Site-Specific Submissions on Coastal Hazard Mapping (Flood and Erosion)

315. To assist in responding to site-specific submissions on the coastal hazard area (flooding and erosion) mapping in the PDP, Council engaged Tonkin and Taylor (T+T) to review selected submission points and provide a response and recommendation which is attached as **Appendix 3**¹⁹. The assessment and recommendation from T+T on these selected submissions and my recommendations are outlined in the table below.
316. In terms of the submission from Nicole Wooster raising concerns with the coastal hazard mapping at her property, my understanding is that she is seeking that the coastal erosion hazard mapping on their property be reviewed and amended as appropriate if any issues are identified with the coastal erosion mapping in the PDP. I am not aware of any general issues with the coastal erosion mapping in the PDP that have been identified therefore I do not recommend any amendments or actions in response to this submission point from Nicole Wooster.
317. The submission from Tristan Williams appears to oppose the coastal flood hazard mapping around Rangaunu Harbour and surrounding areas primarily due to a lack of explanation on the reasons for this mapping. As noted throughout this report, the natural hazard maps in the PDP give effect to the natural hazard mapping undertaken by NRC and the provisions in the RPS relating to natural hazards. My understanding is also that the PDP approach to natural hazards has been communicated as the PDP was developed. The introduction of coastal flood hazard mapping that was inadvertently omitted from the PDP (including areas around Rangaunu Harbour) was also introduced through Variation 1 to allow for a full public Schedule 1 process. In addition, the technical advice from T+T in **Appendix 3** concludes that the approach to mapping coastal flooding around Rangaunu Harbour is appropriate. On this basis, I do not

¹⁹ Tonkin and Taylor (2025), 'Far North District Plan – Technical advice on coastal and flood submissions'



consider that it is appropriate to delete the coastal flood mapping around Awanui as requested by Tristan Williams.

318. In terms of the submission from David Travers, I note that the natural hazard maps in the PDP are based on the NRC natural hazard mapping prepared at regional level. The report from T+T attached as **Appendix 3** explains the coastal flood mapping methodology and the scales of assessment to inform this mapping in more detail. Accordingly, the scale of coastal flood hazard mapping in the PDP does not account for property specific factors such as paper roads and the presence of a paper road is not a valid reason to exclude an area from the coastal flood hazard maps. I therefore do not recommend any amendments in response to this submission point from David Travers.

Submission	T+T assessment and recommendation	Section 42A recommendation
Coastal Erosion Mapping		
S358.038 Leah Frieling and S357.031 Sean Frieling – Amend Coastal Hazard Line adjacent to 275 Foreshore Road, Ahipara	<p>T+T notes that these submission points relate to an assessment of Areas Susceptible to Coastal Inundation and Erosion (ASCIE) that was undertaken by T+T for Northland Regional Council. The assessment split the coastline of Ahipara into 11 cells based on differences in exposure, coastal process and underlying geology.</p> <p>T+T's assessment considers the underlying geology, the gabion wall, and other site-specific factors raised by the submitters, noting that T+T have not seen the engineering assessment contained in the submission.</p> <p>In terms of underlying geology, T+T notes the site appears to be at a transition between Ahipara Cell D (basalt geology) and Cell E (sand dune) which is more susceptible to erosion. T+T consider that if the underlying geology at the properties of concern is rock and not sand dune, then the erosion distances in Cell 30D of the mapping could be applied. However, T+T consider that there is insufficient information to re-draw the ASCIE lines</p>	No amendments recommended to the Coastal Erosion Zone 2 Mapping at the property.

	without completing a site-specific ASCIE assessment.	
S547.012, S543.012, and S464.012 LJ King Ltd., S541.012, S519.013, and S485.013 Elbury Holdings – Amend Coastal Erosion Zone 2 mapping at 2, 4 and 5 Panorama Lane.	T+T provide the same response for these submissions as for the two submission points above as it relates to the same area. T+T consider that if the underlying geology at these properties is rock, not sand dune then erosion distances in Cell 30D could be applied. However, there is insufficient information to re-draw the ASCIE lines without completing a site-specific ASCIE assessment.	No amendments recommended to the Coastal Erosion Zone 2 mapping at the properties.
Coastal Flooding Mapping (and River Flooding Mapping as applicable)		
S599.001 Zoe Maginn – Delete Coastal Flood Hazard and River Flood Hazard mapping around Rangaunu Harbour and at 409A Rangiputa Road, Karikari Peninsula	<p>T+T's assessment concludes that the coastal inundation maps are reasonable for informing hazard exposure at the submitter's site. In particular, the T+T assessment notes that the inundation scenarios mapped for Northland are consistent with methods and scenarios applied across New Zealand and consistent with the Ministry for Environment guidance on coastal hazard risk.</p> <p>The T+T assessment also recognises that the submitter has not observed flooding at the site in their time but notes that this is reasonable as the exposure of the site to coastal inundation for zones 1 to 3 would not be possible to observe as it is based on future sea level rise scenarios. T+T also recognise the submitters comment on monitoring but considers that in the absence of such site-specific information, the models and assessment methods are based on the best available data.</p> <p>T+T also assess the suitability of the river flood hazard zone at the submitters property and consider there is currently insufficient evidence to</p>	No amendments recommended to the Coastal Flood Hazard and River Flood Hazard mapping at the property and Rangaunu Harbour more generally.

	remove the floodplain from the property.	
S604.001 Rangiputa Community Incorporated - Delete Coastal Flood Hazard mapping around Rangaunu Harbour and Karikari Peninsular	<p>The T+T assessment outlines that coastal inundation values from Rangaunu Harbour were calculated using site-specific tide gauge monitoring data at Ben Gun Wharf, with data from 2004 – 2020 processed by NIWA to inform storm tide and coastal inundation levels. Therefore, T+T concludes that the best available information was used to create the coastal inundation models and maps. T+T also note that councils are required to plan for extreme events and future sea level conditions that have not occurred in past or present day, therefore modelling is the only plausible method for assessing coastal inundation.</p> <p>In conclusion, T+T recommend no changes to mapping as the coastal inundation models are considered appropriate for informing coastal hazard maps in Rangaunu Harbour and Karikari Peninsula.</p>	No amendments recommended to the Coastal Flood Hazard Area mapping around Rangaunu Harbour and Karikari Peninsular.
S605.001 Elbury Holdings, LJ King, Fiona King, West Coast Farms, Leah Frieling – Amend mapping around Rangaunu Harbour	<p>In regard to Rangaunu Harbour, the coastal inundation assessment was undertaken by T+T, using a hydrodynamic model by eCoast. The assessment utilised site-specific tide gauge data from Rangaunu and applied a hydrodynamic model for the mapping.</p> <p>An assessment of coastal inundation hazards was also undertaken by T+T for Taipa. The assessment identified the extreme sea levels associated with present day storms of different return periods and physical drivers. Inundation for Taipa was mapped using a bath-tub method, identifying locations where land is below the calculated extreme sea level.</p>	No amendments recommended to the Coastal Flood Hazard Area mapping around Rangaunu Harbour.

	Overall, T+T recommend no changes to the mapping and consider that the available data and coastal flooding maps are suitable for understanding natural hazard exposure at Taipa and Rangaunu Harbour.	
S605.0003 Elbury Holdings, LJ King, Fiona King, West Coast Farms, Leah Frieling – Delete coastal flood hazard layers from 189 SH1, Awanui	<p>T+T provide similar comments as above, in relation to the modelling for this site. T+T note that the property is in the coastal inundation zone because the land is below the extreme sea level assessed for present day. T+T note that the land is connected to the sea via the Awanui River, meaning seawater can flow up the river and over low land to reach the property. T+T also note that the inundation maps do not show coastal inundation reaching the area of the property with buildings, which is consistent with the submitter's comments that some of the property is higher than the road level.</p> <p>Overall, T+T conclude that the maps are suitable for this location.</p>	No amendments recommended to the coastal flood hazard mapping at 189 SH1, Awanui.
S605.004 Elbury Holdings, LJ King, Fiona King, West Coast Farms, Leah Frieling – Amend maps around Rangaunu Harbour to take into account new building sites, works completed and stop banks by NRC.	<p>In relation to this submission point, T+T outline that the coastal inundation maps were created using a LiDAR survey from 2020, with data collected between 2018 – 2020 and notes that this may not account for changes in terrain since that time.</p> <p>T+T also note that the coastal inundation assessment for Rangaunu was based on a hydrodynamic model by eCoast, which did not represent stop banks in the terrain. However, T+T note that they are not aware of any changes to stop banks that have been constructed or designed. As such, T+T consider that the coastal inundation information is appropriate but should be updated after flood reduction schemes are constructed.</p>	No recommended amendments to the mapping at this time.



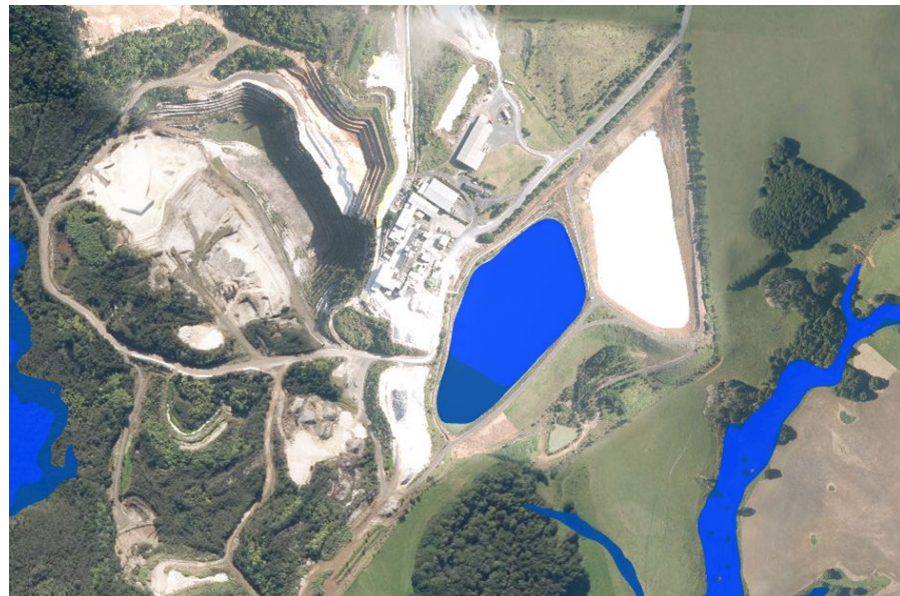
S601.001 Kingheim Limited – amend coastal flood hazard mapping as this is inconsistent with NH-P7.	<p>The coastal inundation maps by NRC are based on specific timeframes of sea level rise and reference the RCP8.5 climate change projection. T+T note that if the policy (NH-P7) refers to 1m sea level rise, then this is not consistent with the available mapping.</p> <p>T+T confirm that the coastal inundation maps do not show a scenario with sea level rise of 1m.</p>	No recommended amendments to the coastal flood hazard mapping which are based on sea level rise projections of 0.6m to 1.5m.
S605.009 Elbury Holdings, LJ King, Fiona King, West Coast Farms, Leah Frieling – insert coastal flood hazard layers at Whatuwhiwhi.	Coastal inundation is modelled to cross northern sections of Tokerau Beach Road. Some sections of the road are exposed at present day (CFHZ0), with increasing exposure due to sea level rise evident in CFHZs 1-4. T+T have no information on drainage from Puheke hill lakes. As such, T+T consider that the coastal inundation maps are appropriate for this area.	No recommended amendments to the coastal flood hazard mapping at Whatuwhiwhi.
S598.001 Karen Barrow – delete coastal flood hazard layer from land at 213 McKenzie Road, Kerikeri.	<p>The terrain of the site, as mapped by 2018- 2020 LiDAR is below the coastal inundation levels calculated for the site in some locations. Therefore, the coastal inundation map is valid for the property and future sea level rise will still pose a risk to coastal inundation. T+T consider that a site-specific assessment would be required to re-assess coastal inundation levels using local data, and to re-map inundation extents based on any changes to the terrain.</p> <p>Therefore, T+T concludes that the regional inundation maps are suitable for informing coastal inundation exposure at the location outlined by the submitter.</p>	No changes recommended to the coastal flood hazard layer at 213 McKenzie Road, Kerikeri.
S589.001 Kathy Davies – Delete the coastal hazard maps at	T+T outline the inundation levels calculated for the site and the method used to inform the calculations. T+T also note that Cyclone Gabrielle was an extreme event that caused storm surge inundation in some locations, noting	No recommended amendments to the coastal flood hazard maps at 22 Quinces Landing.

22 Quinces Landing.	that the Cyclone occurred during neap tides, which limited inundation in some areas. The coastal inundation assessment was undertaken by T+T in 2021 and is published online. It was completed before NZ Sea Rise was published. However, the sea level rise values used in the T+T assessment are consistent with NZ Sea Rise data for climate change pathway SSP5-RCP8.5. Therefore, T+T concludes that the regional assessment for NRC is suitable for informing coastal hazard exposure in this location.	
S595.001 Tim Brandon – delete coastal flood hazard layer from Hauparua Lane.	T+T outline the inundation levels calculated for the site and the method used to inform the calculations. For similar reasons as other submissions, T+T conclude that the coastal inundation assessment is suitable for informing coastal hazards at this location. T+T note that a site-specific assessment would be required to update the inundation hazard information and maps.	No recommended amendments to the coastal flood hazard maps at Hauparua Lane.
S602.001 Hamish Starr – delete coastal flood hazard layers from land at 351 Wharau Road, Kerikeri.	<p>T+T outlines how the coastal inundation extents at the site were assessed as part of the regional assessment undertaken by T+T for NRC. The present-day coastal inundation level of 1.7 m is 0.7 m above the MHWS level, which considers a potential storm surge and small locally wind generated waves. T+T consider that this is a standard approach and is suitable for the partly sheltered location.</p> <p>The coastal inundation overlay does not appear to reach the main dwelling on the property but does impact a section of forested valley and a partly developed coastal plain. T+T note that the submitter could consider a site-specific assessment to re-evaluate the inundation levels and inform exposure of existing or planned development. On</p>	No recommended amendments to the coastal flood hazard maps at 351 Wharau Road, Kerikeri.

	<p>this basis, no changes are recommended to the mapping by T+T and they consider that the coastal inundation assessment is suitable for informing hazard risk at this location.</p>	
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Site-Specific Submissions on River Flood Hazard Area Mapping

319. In terms of the submission from Imerys Performance Minerals Asia Pacific, I have reviewed the relevant maps, and it appears clear that the identified River Flood Hazard Area is a man-made dam. This was also discussed with NRC who agrees. I therefore recommend that this identified River Flood Hazard Area is removed from the PDP maps (as shown below).



320. T+T were also engaged to provide an analysis and recommendation on submission relating to the River Flood Hazard Area mapping in the PDP. The assessment and recommendation from T+T on these submissions and my recommendations are outlined in the table below.

Submission	T+T assessment and recommendation	Section 42A recommendation
S140.002 Mark and Emma Klinac – delete the River Flood Hazard Zone mapping at four properties,	T+T provide an outline of the modelling that has been adopted to derive the PDP floodplain at the submitter's property. However, T+T notes that the submitter refers to flood protection upgrades reducing flooding in the area but provides no information about the	No amendments recommended to the River Flood Hazard Zone mapping at four properties at 1897, State Highway 10, Kerikeri.

State Highway 10, Kerikeri	upgrades. Due to the extensive and significant floodplain in the area, T+T consider it is likely that extensive and significant flood protection works would be required to meaningfully reduce the floodplain in the area. Based on historical flooding recorded on and near the property, T+T consider it likely that a floodplain exists on the property and there is insufficient evidence to remove the floodplain overlay from the property.	
S259.002 Nicole Wooster – amend river flood hazard maps at 384 Orira Road, Umawera in consultation with submitter to correct and take into account existing drainage and other flood mitigation infrastructure.	T+T outline that the submitters' acknowledgement of an overland flowpath on the property is validating for the regionwide-scale flood modelling approach. T+T notes that the PDP defines "Flood Hazard Area" but does not define 'Overland Flow paths', therefore significant overland flow paths will also be identified as 'Flood Hazard Areas.' As such, T+T consider that even with refined modelling, the floodplain for the 100-year ARI with climate change is unlikely to change significantly because the influence of local drainage would likely be minimal for extreme events. T+T also note the site appears to be in a location that is likely influenced by downstream coastal water levels and the rainfall-induced flood plain. Overall, T+T concludes that there is insufficient evidence to remove the floodplain overlay from this property.	No changes recommended to the river flood hazard maps at 384 Orira Road, Umawera.
S605.005 and S605.006 Elbury Holdings, LJ King, Fiona King, LJ King LTD, West Coast Farms, Leah Frieling – amend maps at Whangatane spillway to show river	T+T note that the flood mapping for the PDP appears to be based on a combination of regionwide modelling and the Priority Rivers model, both of which were carried out prior to the Awanui River Flood Scheme Upgrade. The Awanui Flood Scheme upgrade is due for completion in 2026. Once the scheme has been completed, there will likely be a significant change to the floodplain and flood depths. For areas that benefit from the flood scheme, the	No changes recommended to the maps at the Whangatane spillway.

flooding in this area.	floodplain is likely overestimated for the next 12 - 18month period (whilst the scheme is built) because there are allowances for climate change in the floodplain predictions. Despite this, the existing models still provide the best current estimates of the floodplain. Accordingly, T+T recommend the existing flooding maps are retained in the PDP at this point in time.	
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321. Technical advice has also been sought from T+T²⁰ to respond to a submission point from Kiwi Fresh Orange Limited requesting that the River Flood Hazard Area overlay be removed from their site based on the site-specific flood assessment prepared to support their Structure Plan and Precinct. More specifically, this involved a 'proof of concept' review by T+T of the flood mitigation scheme proposed by Kiwi Fresh Orange Limited to support their rezoning proposal for their 197ha site on the western boundary of Kerikeri. This review focused on reviewing the E2 Environmental Report provided within the Kiwi Fresh Orange Limited submission.
322. The key findings from this review are detailed in the T+T technical memo attached as **Appendix 4**. This states "*We consider that the E2 Environmental report (2022) provides a clear and transparent record of its investigations, results and basis for conclusions. The report emphasises the "conceptual" design stage and that the design is likely to change over time, potentially with different results*". However, the memo also highlights some key issues associated with the scheme that would need to be worked through including ownership arrangements, levels of protection (including residual risk), and financing arrangements.
323. Of particular relevance, T+T state "*...a concept design inherently has considerable uncertainties and therefore the design is likely to change in the future. Therefore, modelled flood characteristics and flood extents may change considerably. The flood scheme may never be constructed, and therefore in combination with the previous comments we do not recommend incorporating any changes to the mapped NRC floodplains within the FNDC District Plan Change*". On this basis, I do not recommend any changes to the River Flood Hazard Area mapping at the Kiwi Fresh Orange Limited site. I also note that a comprehensive response to the Kiwi Fresh Orange Limited rezoning request will be considered in Hearing 15D which may consider their flood mitigation scheme further.

²⁰ Tonkin and Taylor (2025), 'High Level Review - Kerikeri subdivision & flood scheme investigation and proof-of-concept design. Attached as Appendix 4.



Recommendation

324. For the above reasons, I recommend that the Coastal Erosion Zone and Coastal Flood Zone mapping in the PDP is retained as notified. I recommend a minor amendment to the River Flood Hazard Area mapping to remove an identified area from Imerys Performance Minerals Asia Pacific landholdings at Matauri Bay Road that is a man-made dam.

Section 32AA evaluation

325. My recommended amendment to the River Flood Hazard Area mapping is limited to the removal of one River Flood Hazard Area areas that is clearly a man-made dam. This minor amendment will ensure that this dam is not inappropriately assessed as a natural hazard risk which is efficient and effective in terms of section 32AA of the RMA.

5.2.12 Key Issue 12: Definitions

Overview

Provision(s)	Officer Recommendation(s)
Coastal Hazard Area	Amend to address identified areas
Land susceptible to land instability	Amend criteria 7
River flood hazard area	Retain as notified

Analysis of Submissions on Key Issue 12: Definitions

Matters raised in submissions

Coastal Hazard Area

326. Kingheim (S601.004) note that the reference to Coastal Flood Hazard Zones 2 and 3 includes errors in the event horizon and consider that these should be corrected for consistency with the Tonkin & Taylor Report. Specifically, Kingheim note that the definition includes reference to water levels at 2080 including sea level rise, which should be corrected to refer to 2130 including sea level rise.

Land Susceptible to Instability

327. Willowridge Developments (S250.030) is concerned that the definition proposed to identify and manage "*Land susceptible to land instability*" is complex and mapping would more efficiently manage this risk. To address this concern, Willowridge Developments requests that a map of land instability is inserted as a non-statutory layer showing areas of low, medium, and high instability.
328. Northland Planning and Development (S502.005) consider that clarification is needed in relation to point 7 in the definition of "*Land susceptible to instability*". Northland Planning and Development consider



that it is unclear if land automatically falls under this definition if earthworks have occurred within 20m of a development area. To address this concern, Northland Planning and Development requests that the definition is amended to provide clarification on the relationship of point 7 with EW-S7.

River Flood Hazard Area

329. Kāinga Ora (S561.007) request a range of amendments to the definition of River Flood Hazard Area as set out in their submission. Kāinga Ora consider that the natural hazard maps should be removed from the PDP maps and instead included as a non-statutory layer. Kāinga Ora consider that this would be consistent with the approach taken to identify hazards elsewhere in the country.

Analysis

Coastal Hazard Area

330. As with my response to a similar submission from Kingheim on the overview section, I agree that the references to Coastal Flood Hazard Zones 2 and 3 in the definition of Coastal Hazard Area are inaccurate and should refer to 2130 (based on a 100-year timeframe) not 2080. I therefore recommend that this submission point is accepted, and the definition of Coastal Hazard Area is amended to correct this error.

Land Susceptible to Instability

331. I agree that it would be more certain and potentially more effective for all land susceptibility to land stability to be mapped in the PDP. However, as detailed in the Natural Hazards section 32 evaluation report²¹, slope instability at a given site depends on a range of factors and quantifying the hazard to a reasonable degree of accuracy requires detailed site investigation and a site-specific engineering geological hazard assessment. To determine when such an assessment is required, I understand that geology, slope and landforms (geology) are the best indicators of areas of land that are of greater risk of instability. Beyond the natural condition of the site, I understand that significant site modifications such as uncontrolled cuts and fills are also risk factors for land instability²².
332. For these reasons, the proposed approach in the PDP is not to map all areas of land instability in the District (which would be a significant, costly exercise), but rather to use criteria to identify where land is **susceptible to instability** to act as a trigger for a more detailed assessment at the

²¹ Refer pg.24 and Appendix 4.

²² Appendix 4 of the section 32 evaluation report, Land Development and Exploration (2019), 'Criteria to Identify Land which may be Subject to Instability in the Far North District'. Refer: [section-32-natural-hazards-appendix-1-4-a3785915.pdf](#)



time of subdivision (as this would enable further development). These criteria have been developed to be customised to the Far North District, including the identification of 'low hazard, 'medium hazard' and 'high hazard' geological units. In my view, this is an appropriate approach to identify and manage land stability and I understand it has been adopted in other plans, including the Auckland Unitary Plan. I therefore recommend that the PDP definition of land susceptible to instability is retained.

333. I agree with Northland Planning and Development that criteria 7 in the definition is somewhat unclear. This states that land susceptible to stability includes "*Land which has been subject to, or is within 20m of land that has been subject to past modification including un-documented (non-engineered) cuts and fill slopes exceeding 1.5m in vertical height*". The inclusion of this criteria is based on engineering advice (Appendix 4 of section 32 evaluation report) that site modification is a relevant consideration to identify where an area maybe susceptible to land stability. The intent is therefore supported but I consider that the wording is too loose, as it would potentially apply to any land which has been modified in the past regardless of the scale or timing of this modification. I therefore recommend this criterion is amended to delete the words "*...past modification including...*" so that it would capture undocumented cuts and fills which seems to be consistent with the intent.

River Flood Hazard Area

334. I have addressed similar submissions from Kāinga Ora requesting that the natural hazard maps in the PDP are moved to a non-statutory layer and the same reasoning and recommendation applies here. In short, I consider that it is much more effective and certain for the natural hazard maps to be in the PDP as these maps are associated with regulatory rules. Accordingly, I recommend this submission from Kāinga Ora is rejected.

Recommendation

335. For the above reasons, I recommend
- The definition of 'Coastal Hazard Area' is amended to correct errors in the 100-year planning timeframe (i.e. 2130 not 2080).
 - Criteria 7 in the definition of 'Land susceptible to land instability' is amended to capture undocumented cuts and fills (rather than any land that has been modified in the past).
 - The definition of 'River Flood Hazard Area' is retained as notified.

Section 32AA evaluation

336. The recommended amendments to definitions do not require a further evaluation under section 32AA of the RMA as this only relates to amendments to proposed objectives and provisions.



6 Conclusion

337. This report has provided an assessment of submissions received in relation to the Natural Hazards Chapter. The key recommendations in this report are:
- a. Largely retaining the objectives and policies as notified with some minor amendments to clarify intent.
 - b. Amendments to the natural hazards rule for existing infrastructure (NH-R1) and coastal hazards rule for existing buildings (CE-R10) to allow for minor increases in the existing footprint or Gross Floor Area (GFA) as a permitted activity.
 - c. Amendments to the rules for wildfire risk with the intent of improving workability while retaining the policy intent.
 - d. A number of minor amendments to the natural hazards and coastal hazards rules to improve workability and to delete rules that are redundant or conflict with other PDP chapters.
338. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I recommend that the submissions on the Natural Hazards Chapter be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in **Appendix 2**.
339. I recommend that provisions for the Natural Hazards Chapter be amended as set out in **Appendix 1** below for the reasons set out in this report.

Recommended by: Jerome Wyeth, Technical Director – Planning, SLR Consulting

Approved by: James R Witham – Team Leader District Plan, Far North District Council (for all submissions except 259.002 and 259.20)

Approved by: Roger Ackers – Group Manager Planning and Policy, Far North District Council (for submissions 259.002 and 259.20)

Date: 26 May 2025