



SECTION 42A REPORT

Officer's written right of reply – 18 July 2025

Hearing 13 – Natural Hazards

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1 Introduction

1. My name is Jerome Wyeth and I am the author of the section 42A report for the Natural Hazards Chapter in the Proposed Far North District Plan (**PDP**), which was considered at Hearing 13 that was held on 24 June 2025.
2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the section 42A report and request that the Hearings Panel take this as read.

2 Purpose of Report

3. The purpose of this report is to respond to the evidence and statements of submitters that was pre-circulated and presented at Hearing 13 in relation to the Natural Hazards Chapter. It also provides a response to questions raised by the Hearings Panel relating to the Natural Hazards Chapter.

3 Consideration of evidence received

4. The following submitters provided hearing statements, evidence and/or attended Hearing 13 raising issues relevant to the Natural Hazards Chapter:
 - a. Fletcher Building Limited (S342)
 - b. Foodstuffs North Island Limited (S363)
 - c. John Andrew Riddell (S431)
 - d. KiwiRail Holdings Limited (S416)
 - e. Northland Federated Farmers (S421)
 - f. The Fuel Companies (BP Oil New Zealand Limited, Mobil Oil New Zealand Limited, Z Energy Limited) (S335)
 - g. The Telco Companies (Chorus New Zealand Limited, Spark New Zealand Trading Limited, One New Zealand Group Limited, Connexa Limited and FortySouth) (S282)
 - h. Top Energy Limited (S483).
5. Four submitters generally support the recommendations in the Natural Hazards Section 42A Report (**section 42A report**). This includes Federated Farmers¹, the Fuel Companies, John Andrew Riddell² and KiwiRail.
6. Foodstuffs, Fletcher Building, The Telco Companies, and Top Energy support some of the section 42A report recommendations but have outstanding issues and request further amendments to the provisions in the Natural

¹ Although further questions were raised about their relief sought at the hearing as detailed below.

² Statement from John Andrew Riddell clarified that his submission points had been addressed through earlier Clause 16 amendments.



Hazards chapter. As such, this right of reply only addresses outstanding issues in this evidence and statements where I consider additional comment is required. I have grouped the outstanding issues from submitters as follows:

- a. Issue 1: Natural Hazards Chapter – new objective for existing infrastructure
 - b. Issue 2: Natural Hazards Chapter – rules and standards
 - c. Issue 3: Natural hazards mapping
 - d. Issue 4: Questions raised by the Hearing Panel.
7. For all other submissions not addressed in this right of reply, I maintain my position set out in the section 42A report.

3.1 Issue 1: Natural Hazards Chapter – new objective for existing infrastructure

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 3
Evidence	Top Energy

Matters raised in evidence

8. Mr Badham on behalf of Top Energy reiterates Top Energy's original request for a new objective as follows "*operation, maintenance, repair and upgrade of existing infrastructure is enabled to ensure a resilient and reliable network*". In response to the section 42A report recommendations, Mr Badham acknowledges that I-O1 in the Infrastructure Chapter seeks to provide for safe, efficient and resilient infrastructure. However, he disagrees with the section 42A report recommendation to reject Top Energy's request for a new objective in the Natural Hazards Chapter for the following reasons:
- a. NH-P10 provides for the operation, maintenance and upgrade of existing infrastructure in identified natural hazard areas but there is no supporting objective
 - b. The section 42A report recommendation is inconsistent with the approach that has been taken for NH-P11, which clearly implements NH-O3
 - c. It is important that NH-P10 implements a specific objective as policies provide the practical means for achieving the goals set out in the objectives.



9. Therefore, Mr Badham recommends that a new objective be included, as follows: "The operation, maintenance, repair and upgrade of existing infrastructure within areas subject to identified natural hazards is enable to ensure a resilient and reliable network".

Analysis

10. As discussed at the hearing, it is not necessary in my view for each policy to be supported by a specific objective in each chapter of the PDP. This is because some issues, in particular infrastructure, are cross-cutting issues for the PDP with provisions included in multiple chapters. As discussed in previous hearings, the approach of the PDP that gives effect to the National Planning Standards is to include infrastructure provisions primarily in the Infrastructure Chapter with provisions relating to infrastructure included in other chapters as appropriate. In this respect, the Infrastructure Chapter sets out the broader outcomes sought to be achieved for infrastructure within the Far North District with provisions to achieve those outcomes not confined to Infrastructure Chapter but included in other PDP chapters as appropriate.
11. On this basis, I maintain my position set out in the section 42A report that a new objective specific to existing infrastructure is not required within the Natural Hazards Chapter as:
 - a. In my view, there is a clear connection between NH-P10 and the outcome sought in I-O1 for the Far North District to have **resilient** infrastructure
 - b. The relief sought by Top Energy would largely replicate the direction in NH-P10 and therefore have limited value in practice (and create a lot of duplication if this drafting approach was replicated throughout the PDP).

Recommendation

12. For the above reasons, I maintain my position set out in the section 42A report that a new objective specific to existing infrastructure is not necessary in the Natural Hazards Chapter.

Section 32AA evaluation

13. I am not recommending any amendments in response to this request from Top Energy therefore no further evaluation is required under section 32AA of the RMA.



3.2 Issue 2: Natural Hazards Chapter - rules and standards

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issues 6, 7, and 8
Evidence and hearing statements with outstanding issues	Foodstuffs, Fletcher Building, Telco Companies, Top Energy

Matters raised in evidence

NH-R2 (Extensions and alterations to existing buildings or structures) and NH-R3 (New buildings or structures)

14. Mr Badham on behalf of Foodstuffs and Mr McPhee on behalf of Fletcher Building both reiterate their opposition to the 10m² Gross Floor Area (**GFA**) and footprint thresholds for buildings and structures in NH-R2 and NH-R3.
15. More specifically, Mr Badham on behalf of Foodstuffs continues to request a more flexible (yet unspecified) GFA threshold than notified under NH-R2 on the basis this is overly restrictive. As such, Foodstuffs reiterates their position that they do not support the section 42A report recommendation to retain the 10m² GFA and footprint threshold in NH-R2.
16. Mr McPhee on behalf of Fletcher Building raises concerns about the generic application of the GFA threshold in NH-R2 and NH-R3 to all zones and that the natural hazard rules do not distinguish between "sensitive" and "non-sensitive" activities. In the context of Fletcher Building Limited submission, who primarily undertake activities located in the Heavy Industrial Zone, Mr McPhee notes that any risk associated with new buildings or structures in the Heavy Industrial Zone is diminished due to there being no provision for sensitive activities, and any effects associated with River Flood Hazard can be addressed through the building consent process. Mr McPhee also considers that the existing Operative District Plan (**ODP**) site coverage rule, which permits 100% site coverage in the industrial zone, is appropriate and more certain and efficient than the PDP threshold which he considers is arbitrary.
17. Mr McPhee further disagrees with the rationale in the section 42A report that the thresholds in NH-R2 and NH-R3 are somewhat arbitrary and potentially restrictive but that there is a lack of evidence in submissions to identify a more appropriate threshold. Mr McPhee considers that the issue is not the arbitrary threshold, but more the mechanism for assessing detailed design solutions to address risks from river flood hazards. This is because Mr McPhee considers that the building consent process under the Building Act 2004 can appropriately address effects from any new buildings or structures in a mapped River Flood Hazard Areas. Therefore, to address



the concerns of Fletcher Building Limited, Mr McPhee requests the addition of a note to NH-R3 stipulating that *"NH-R3 PER-1 does not apply to land within the Heavy Industrial Zone"*.

Telecommunication facilities

18. The evidence of Mr Horne on behalf of the Telco Companies notes that they generally request that natural hazards provisions in district plans apply a permissive framework to "non-regulated" telecommunications infrastructure (i.e. where the National Environmental Standards for Telecommunication Facilities 2016 (NES-TF) does not apply). This is because the NES-TF (Regulation 57) requires that natural hazard rules in district plans do not apply to regulated telecommunication facilities and "non-regulated" telecommunication infrastructure has the same effects profile in relation to the risks from natural hazards. Therefore, Mr Horne considers that the same exemption to natural hazard rules should apply to non-regulated telecommunications poles and attached equipment (all cabinets are regulated under the NES-TF).
19. Mr Horne requests an approach equivalent to the decisions version of Plan Change 1 to Whangarei District Plan and Proposed Plan Change 29 to the Nelson District Plan. More specifically, in relation to NH-R3, Mr Horne requests a new permitted activity condition PER-3 as follows: *The structure is a telecommunications pole including any attached antennas, ancillary equipment or line."*
20. In relation to NH-R9, Mr Horne requests the following addition to the title of the rule to exclude unregulated telecommunications facilities:

"New structures (excluding buildings) or infrastructure, and extensions or alterations that increase the footprint of an existing structure (excluding buildings) or infrastructure (excluding structural mitigation assets). This rule does not apply to telecommunications poles and attached antennas, ancillary equipment or lines provided for in Rule NH-R3."
21. Mr Horne also requests the same amendments to the equivalent coastal hazard rules (CE-R12 and CE-R16).

NH-R4 - New buildings or structures (excluding buildings used for a residential activity) ancillary to farming activity

22. While the hearing statement from Federated Farmers indicated broad support for the section 42A report recommendations, the 100m² threshold in NH-R4 was discussed further during the hearing in relation to the relief sought by Federated Farmers for a more permissive threshold. Ms Brennan on behalf of Federated Farmers noted that their members generally seek to locate outside areas at risk from natural hazards, but that in some circumstances this is not practicable and that ancillary farming buildings are often larger than 100m² for efficiency reasons (e.g. to allow all farming



equipment to be located in one place). Therefore, NH-R4 could result in consent requirements for their members in some circumstances.

23. In response to questions from the Hearing Panel, Ms Brennan indicated that the corresponding thresholds for exemptions to certain farm buildings to building consent requirements in the Building Act 2004 would be supportable.

NH-S1 (Information requirements)

24. Mr Badham on behalf of Top Energy agrees in part with the section 42A report recommended amendments to NH-S1. More specially, Mr Badham now acknowledges that the requirement to comply with NH-S1 applies where resource consent is required under NH-R7, NH-R8, and NH-R9.
25. Mr Badham also agrees with the section 42A report recommendations to amend the wording of NH-S1 so that it only applies to parts of the site located in a mapped River Flood Hazard Area.
26. However, Mr Badham considers that the wording recommended in the section 42A report still creates uncertainty as to how far an expert assessment of natural hazards has to go. Mr Badham highlights two key concerns with the section 42A report recommendations:
- a. First is the reference in NH-S1 to areas "*potentially affected by natural hazards*" whereas the rules that refer to NH-S1 only relate to mapped River Flood Hazard Areas.
 - b. Second is the requirement in NH-S1 that a suitably qualified and experienced engineer should address the "*matters identified in the relevant objectives, policies...*" Mr Badham considers that it is inappropriate to require an assessment of objectives and policies from an engineer, who is a technical expert providing advice on engineering matters. As such, Mr Badham considers that the reference to "objectives and policies" should be deleted from NH-S1 as the objectives and policies assessment is evaluative and is best undertaken by an evaluative expert (i.e., a planner).
27. To address the concerns raised on behalf of Top Energy, Mr Badham requests that NH-S1 be amended as follows:

"Any application for a resource consent in relation to an area of the site that is located within a mapped River Flood Hazard Area ~~potentially affected by natural hazards~~ must be accompanied by a report prepared by a suitably qualified and experienced engineer that addresses the matters identified in the relevant objectives, policies, performance standards and matters of control ~~discretion~~."



Analysis

NH-R2 (Extensions and alterations to existing buildings or structures) and NH-R3 (New buildings or structures)

28. Firstly, in my view, the hearing statement from Mr Badham on behalf Foodstuffs still does not provide any clear rationale or alternatives to amend the permitted activity thresholds in NH-R2 other than state these are “overly restrictive”. I therefore do not recommend any amendments in response to this hearing statement.
29. I agree with Mr McPhee on behalf of Fletcher Building Limited that activities anticipated and permitted in the Heavy Industrial Zone will generally be less vulnerable to natural hazards. However, as outlined in the section 42A report, the approach of the Natural Hazard Chapter is to apply the rules based on the likelihood of natural hazards (in this case, mapped River Flood Hazard Areas) not the underlying zoning. When resource consent is required under NH-R2 or NH-R3, the Natural Hazard Chapter then makes a distinction between “vulnerable activities” and other activities (e.g. industrial activities) through NH-R7 with the more stringent consent requirements applying to vulnerable activities. So, in my view, there is a clear distinction between the rule framework for sensitive (vulnerable) activities and other activities within the Natural Hazards Chapter.
30. Further, my concern with applying a blanket exemption to NH-R2 or NH-R3 for buildings within a mapped River Flood Hazard Area in the Heavy Industrial Zone is that this would still allow for new or more intensive development that increases building value and therefore consequences and impacts in a river flooding event. This would be contrary to the general objectives of the Natural Hazards Chapter to not increase, mitigate or reduce the risks from natural hazards.
31. The second issue raised by Mr McPhee to respond to is whether the Building Act 2004 more appropriately addresses the risks from buildings in identified River Flood Hazard Areas. In my view, there are both:
 - 1) Clear limitations in the extent to which the Building Act 2024 can manage the risks from natural hazards; and
 - 2) Clear requirements in the RMA to manage the risks from natural hazards³.
32. The latter is given effect to through the Northland Regional Policy Statement which provides specific direction to manage the risks from natural hazards which the PDP must give effect to, as detailed in the section 32 evaluation report for the Natural Hazards Chapter and the section 32 report. I also note that central government is currently consulting on a proposed national policy

³ In particular, section 6(h) of the RMA as a matter of national importance and section 31(b)(i) as one of the functions of territorial authorities.



statement for natural hazards⁴. This proposed national policy statement seeks to ensure local authorities take a risk-based approach to assessing and managing the risks from natural hazard risk.

33. While there are specific provisions relating to natural hazards in the Building Act 2004, these focus on the risks to the building itself not the wider natural hazards issues addressed through the PDP. This includes the vulnerability or sensitivity of the land use to the natural hazard, the risks to people and property, or the transfer or exacerbation of the natural hazard to other properties.
34. On this basis, I do not recommend any amendments to NH-R2 and NH-R3 in response to the hearing statement of Mr McPhee on behalf of Fletcher Building Limited.

Telecommunication facilities

35. As discussed at the hearing, central government is currently consulting on two national direction instruments, within a wider package of proposals, that are of particular relevance to this issue:
- a. Amendments to the NES-TF which would broaden the scope of the regulations to cover telecommunication facilities in all zones (except new poles in residential zones). My understanding is that the intent of existing Regulation 57 (district rules about natural hazard rules disappplied) will be carried through to the expanded NES-TF such that district plan rules relating to natural hazards will not apply to all regulated telecommunication facilities.
 - b. A new national policy statement for natural hazards, which will not apply to infrastructure (and primary production). Importantly, the exemption for infrastructure within the proposed national policy statement is not intended to imply that the risks of natural hazards to infrastructure do not need to be managed under the RMA but rather that a more nuanced approach is required and this is not a priority at this point of time⁵.
36. Central government has indicated its intent for these national direction changes to be in effect by the end of 2025. So, while it is not certain if and

⁴ Refer: [attachment-1.8-national-policy-statement-for-natural-hazards.pdf](#)

⁵ For example, the proposed provisions for the national policy statement states "*infrastructure and primary production activities require a nuanced approach. For example, linear infrastructure networks are likely to have sections of their networks that cross areas of differing hazard intensities creating issues in how the proposed NPS-NH would be applied. Another example being that there is often a functional or other needs for infrastructure development in high hazard areas*". Refer pg.2: [attachment-1.8-national-policy-statement-for-natural-hazards.pdf](#) The discussion document also states "*The proposed NPS-NH is a foundational tool that will be built on, so management of the risk of natural hazards to infrastructure and primary production activities is not a priority. Application of the national direction to a wider scope of activities can be revisited in future policy work*", refer pg.68: [package-1-infrastructure-and-development-discussion-document.pdf](#)



when this proposed national direction will come into effect, it does signal a clear intent from central government for telecommunications facilities to be exempt from natural hazard rules in district plans. Additionally, I note that:

- a. From my past experience consenting telecommunication infrastructure, I concur with the statements made by the Telco Companies that they generally seek to avoid areas at risk from natural hazards, but this is not always achievable through the site selection process (which considers a range of factors). In such circumstances, the risks from natural hazards can be mitigated through engineering design so that the facility can be resilient to the relevant natural hazard risk.
- b. I agree that a consistent approach with that recently adopted by Whangarei District Council through their natural hazard plan change is generally desirable.

37. I therefore broadly support the relief sought by the Telco Companies. I therefore agree that NH-R3 should be amended in line with the requested amendments from Mr Horne to provide a new permitted activity condition as follows: *The structure is a telecommunications pole including any attached antennas, ancillary equipment or line.* However, I do not consider that any amendments to NH-R9 are necessary given this rule only applies when NH-R3 is not complied with. The same reasoning and recommendation apply to the amendments sought by the Telco Companies to the equivalent coastal hazard rules (CE-R12 and CE-R16).

38. It could be argued that exempting telecommunication facilities from the natural hazard rules is inconsistent with the direction in I-O1 for the Far North District to have resilient infrastructure. However, I consider that this risk is low for the reasons outlined above and in particular the relatively low risk profile from telecommunication facilities to natural hazards (compared to “vulnerable activities”, for example).

NH-R4 (New buildings or structures (excluding buildings used for a residential activity) ancillary to farming activity)

39. The outstanding issue to consider in relation to NH-R4 is whether the permitted activity threshold for buildings ancillary to farming should be amended to align with those in the Building Act 2004. In this respect, I note that Clause 4A, Schedule 1 of the Building Act 2004 provides an exemption to the requirement for building consent for “*single storey pole sheds and hay barns in rural zones*”. This provides an exemption for these buildings to obtain a building consent provided the GFA does not exceed 110m² and other requirements are met⁶.

⁶ These include that a Licensed Building Practitioner must be engaged to design the building and the building is carried out in accordance with that design.



40. In my view, it makes sense to align NH-R4 with the 110m² thresholds in the Building Act 2004 given the focus of the rule on ancillary farming buildings and this being a relatively low increase to the notified GFA threshold of 100m². I therefore recommend that NH-R4 is amended accordingly.

NH-S1 (information requirements)

41. Overall, I agree that Mr Badham has highlighted some potential workability issues with NH-S1, which should be addressed. Firstly, as the information requirements in NH-S1 are directly linked to rules associated with mapped River Flood Hazard Areas, I agree that the reference to “an area potentially affected by natural hazard area” should be replaced with a more specific reference to these mapped hazard areas. I recommend that NH-S1 is amended accordingly, and the same amendment is made to CE-S5 for consistency. I note that the more general requirement to include a technical assessment of natural hazard risks for other hazards (i.e. land stability and wildfire risk) still applies as per Advice Note 2 in the Natural Hazards Chapter.
42. Secondly, I also agree that the focus of this technical assessment on “*relevant objectives, policies, performance standards and matters of discretion*” should be refined to remove reference to objectives and policies. My understanding is that the reference to objectives and policies in NH-S1 may reflect the specific requirements in the policies (e.g. minimum freeboard requirements, capacity and function of overland flow paths). However, I consider that the requirement for the technical assessment to assess the relevant performance standards and matters of discretion is sufficient to ensure the technical assessment addresses all relevant matters, which would be guided by the relevant planner in any event. I therefore recommend that NH-S1, CE-S5 and the relevant advice notes are amended to remove the specific requirement for technical assessments of natural hazards to assess the relevant objectives and policies.

Recommendation

43. For the reasons above, I recommend:
- a. Amendments to NH-R3 and CE-12 permit telecommunications poles including any attached antennas, ancillary equipment or line, that are not currently regulated under the NES-TF
 - b. An amendment to NH-R4 to increase the permitted GFA threshold from 100m² to 110m²
 - c. Amendments to NH-S1 and CE-S5 to make in clear these standards apply in mapped River Flood Hazard Areas and Coastal Hazard Area respectively



- d. Amendments to NH-S1, CE-S5 and relevant advice notes so that there is no specific requirement for engineering and expert assessments to evaluate relevant objectives and policies.

Section 32AA evaluation

44. The amendments that I am recommending to the provisions above are primarily minor amendments to improve workability, align with thresholds in other legislation and expected changes in national direction, and clarify intent. Accordingly, I consider that these amendments are appropriate, effective and efficient way to achieve the relevant PDP objectives in accordance with section 32AA of the RMA.

3.3 Issue 3: Natural Hazards mapping

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 11
Hearing statement	Elbury Holdings (S541), Elbury Holdings, LJ King, Fiona King, LJ King LTD, West Coast Farms, Leah Frieling (S605)

Matters raised in evidence

45. Elbury Holdings tabled a statement during the hearing raising concerns that the engineer report included in their submission (S541.012) was not provided to Tonkin and Taylor (T+T) as part of their technical review of the submissions relating to natural hazards (Appendix 3 to the section 42A report). This hearing statement also states that "*It is formally requested to change this line where it runs past this site to reflect this, as per the PK engineering assessment that was also provided to toby Kay at NRC when the coastal hazard mapping was done by NRC*". Additionally, I note that the hearing statement indicated that PK engineering would be present at the hearing to outline the geology and potential erosion risk of the site, but this did not occur.
46. Elbury Holdings, LJ King, Fiona King, LJ King LTD, West Coast Farms, Leah Frieling tabled a statement at the hearing relating to submission point S505.003 and their property at 189, State Highway 1, Awanui. This statement requests amendments to the coastal flood hazard mapping at the property to reflect the increased height of the land around the house.

Analysis

47. Submission S541.012 (and related submissions) were addressed under Key Issue 11 in the section 42A report and pg.1 to 5 of the T+T report (Appendix 3). In relation to the underlying geology, the assessment of T+T stated (among other things) that (**emphasis added**): "*The site-specific information mentioned by the submitter identifies that the property has a*



*basalt geology, not sand dune. This property specific information could be used to inform a site-specific coastal erosion hazard assessment. The submitter mentions a report by PK engineering from 2017. **This has not been seen by T+T**. I have sought further comment from Mr Beetham at T+T on the statement referred to above who advises that "The one-page letter from Pandeep Kumar was read with the submission and considered in the response. This does not provide sufficient detail to change the recommendation". On this basis, I retain my position in the section 42A report that no amendments to the hazard maps are required in response to this submission point.*

48. Submission S605.003 was addressed under Key Issue 11 in the section 42A report and pg.14 and 15 of the T+T report (Appendix 3). The T+T report noted that "*The coastal flood hazard maps do not show coastal inundation reaching the area of the property with buildings, which is consistent with the submitter comment that some of the property is higher than the road level*" and concluded that "*The coastal flood hazard maps are suitable for this location*".

49. I have sought further comment from Mr Beetham at T+T on the statement referred to above who advises that "*The coastal flood model was based on a LiDAR survey of terrain collected from December 2018 to February 2020 and included stopbanks and ground levels that existed at that time. If the property ground level was raised in 2021, this would not be factored into LiDAR or coastal flood hazard layers. The coastal flood hazard layers show some coastal inundation to the property, but not to the buildings visible in aerial images. My review of Google Earth images over the last 5 years indicates that some earthworks have occurred on the southern half of the property, which may be the ground raising referred to in the further submission. The altered ground level and extent would need to be confirmed with a topographic survey. If the altered ground is above the coastal inundation level at the site, then the coastal inundation hazard overlay could be altered, reflecting that the raised ground mitigates the inundation hazard. There is currently insufficient information to confirm the changes.* On this basis, I retain my position in the section 42A report that no amendments to the hazard maps are required in response to this submission point.

Recommendation

50. For the above reasons, I do not recommend any amendments to the mapping of natural hazards in response to these submission points.

Section 32AA evaluation

51. I am not recommending any amendments to the mapping of natural hazards in the PDP therefore no further evaluation is required under section 32AA of the RMA.



3.4 Issue 4: Questions from Panel at Hearing 13

Matters raised at hearing

52. During the hearing, the Hearing Panel raised questions and clarifications relating to the following matters:

- a. Question 1: What is the relationship between the coastal hazard rules being considered in Hearing 13 and the Coastal Environment Chapter considered in Hearing 4?
- b. Question 2: Can you clarify how the thresholds in NH-R2 and NH-R3 referred to in the hearing statement of Foodstuffs and Fletcher Building Limited are being addressed?
- c. Question 3: Why it not sufficient to rely on the Building Act 2004 to manage the risks from natural hazards?
- d. Question 4: Can you please clarify the amendments to the rules relating to wildfire risk in relation to the corresponding ODP rules which relate to residential units, a potential definition of "scrub and shrubland", and the provisions in the Ecosystem and Indigenous Biodiversity Chapter relating to creation and maintenance of firebreaks?
- e. Question 5: What is the process to update natural hazard mapping in the PDP in response to changes in the NRC maps? Has geomorphology been considered in NRC mapping?

Analysis

Question 1: Coastal hazard rules and Coastal Environment Chapter

53. As outlined in the section 42A report⁷, the National Planning Standards are clear that provisions relating to coastal hazards must be located in the Coastal Environment Chapter of district plans. This is reflected in the notified PDP Coastal Environment Chapter which has a subsection for coastal hazard rules and standards (CE-R10 to CE-R19, CE-S4 to CE-S5).
54. However, for the purposes of responding to submissions through hearings, the PDP team agreed that it is preferable for the coastal hazard rules to be considered together with other natural hazard provisions given the strong overlap. For this reason, the submissions on the coastal hazard rules have been allocated to Hearing 13 (hazards and risks) rather than Hearing 4 which considered submissions on the Coastal Environment Chapter (excluding the coastal hazard rules).
55. As part of integration and decisions on the PDP, the amended coastal hazard rules will need to be included in the Coastal Environment Chapter, which

⁷ Paragraph 53.



may continue to be through a separate subsection (Rules in coastal hazard areas) as notified in the PDP.

Question 2: Clarification of thresholds in NH-R2 and NH-R3

56. The hearing statement from Fletcher Building Limited refers to the GFA thresholds in NH-R2 (existing buildings and structures) and NH-R3 (new buildings and structures) whereas the hearing statement from Foodstuffs only refers to the GFA thresholds in NH-R2. The question from the Hearing Panel on this matter may relate to the drafting approach of NH-R2 which refers the thresholds in PER-1 of NH-R3 rather than duplicating these within the rule. Therefore, my recommendations above in relation to the GFA thresholds in NH-R2 and NH-R3 responds to the hearing statements from Fletcher Building Limited and Foodstuffs.

Question 3: Reliance on Building Act 2004 to manage natural hazards

57. This question has been answered above under Key Issue 2 and through the section 32 evaluation report for the Natural Hazards Chapter and section 42A report.

Question 4: Clarification of rules relating to wildfire risk

58. As outlined in the section 42A report, NH-R5 and NH-R6 are largely based on existing Rule 12.4.6.1.2 in the ODP (Fire Risk to Residential Units). This rule states that "*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*".
59. The first issue raised by the Hearing Panel in NH-R5 and NH-R6 relates to the focus of the rules on "*vulnerable activities*" rather than "*residential units*". Vulnerable activity is defined in the PDP as "*means residential activities, care facilities (including day care centres), retirement villages, visitor accommodation, marae and medical facilities with overnight stay facilities*". The intent of this definition is to capture those activities most vulnerable to natural hazards, including residential units, whereby more specific (and stringent) requirements apply. For this reason, I consider that it is appropriate for NH-R5 and NH-R6 to apply to buildings used for vulnerable activities as defined in the PDP to capture additional vulnerable activities in addition to residential units.
60. The second question relates to clarification for the 20m setback applying to "*any contiguous scrub or shrubland, woodlot or forestry*" and whether "*scrub and shrubland*" should be defined. I note that this wording is largely the same as the ODP rule while replacing "*naturally occurring or deliberately planted area*" with "*contiguous*" which is more certain in my view. My understanding is that "*scrub or shrubland*" is not defined in the equivalent ODP rule nor is this proposed to be defined in the PDP, which I expect would be problematic (particularly with no clear scope in submissions to recommend this be defined). My discussions with FNDC consenting team on



the wildfire rules also did not identify any workability issues with the reference to "*scrub or shrubland*" in the rules.

61. Finally in relation to this issue, I note that the Ecosystem and Indigenous Biodiversity Chapter provides for indigenous vegetation clearance to be undertaken as a permitted activity "*To create or maintain a 20m setback from a building used for a vulnerable activity (excluding accessory buildings) to the edge of the indigenous vegetation area*" (IB-R1, PER-1(6)). In my view, this is sufficiently aligned with the requirements in NH-R5 and NH-R6 for a 20m setback "*from the dripline of any contiguous scrub or shrubland, woodlot or forestry*". It ensures that where the contiguous scrub or shrubland etc. near a building used for a vulnerable activity is indigenous vegetation, that a 20m setback can be created or maintained without unnecessary consent requirements. There is slightly different wording in the rules in referring to "dripline" or "edge" of vegetation, but I do not anticipate that this would result in any interpretation or implementation issues in practice.

Question 5: Process to update natural hazard mapping

62. As discussed during the hearing and in the section 42A report⁸, the mapping of river flood and coastal hazards is incorporated as a statutory layer in the PDP based on the most up-to-date NRC mapping available at the time. While I am aware that some local authorities rely on natural hazard mapping as 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.
63. What this does mean is that future changes to the mapping of natural hazards in the PDP will need to go through a Schedule 1 RMA process, including any updates in response to changes in RPS mapping of natural hazards. This does create a risk that the PDP mapping is not aligned with updated mapping of natural hazards in the RPS. However, in my view, this risk is not significant as:
- a. There are options to streamline future updates of natural hazard mapping in the PDP in response to changes in the RPS as the PDP must give effect to (i.e. implement) the RPS.
 - b. The mapping of natural hazards in the PDP do not act as absolute boundaries as to where development is appropriate or inappropriate. Rather, the mapping of natural hazards provides a trigger for where a more detailed assessment of natural hazard risks is required. This allows for more recent or detailed assessments of natural hazards to be considered, including any updated mapping of natural hazards in the RPS from NRC.

⁸ Paragraph 119 to 120.



64. In terms of whether the NRC mapping of coastal erosion hazards has considered the underlying geology, my understanding is that this is one of the key factors considered in the assessment. This is reflected in the technical advice from T+T in response to the coastal erosion submissions (refer pg. 2 and 3 of Appendix 3 of section 42A report) which outlines how the underlying geology has informed the mapping of coastal erosion hazards by NRC. My understanding is that this was informed by an earlier assessment of Areas Susceptible to Coastal Erosion and Instability (ASCIE) that was undertaken for NRC by T+T⁹.

⁹ Refer: [t-t-coastal-erosion-report-2020-a1430918.pdf](#) and Ahipara assessment: [30-ahipara-a1430947.pdf](#)