

Part 3 - REGIONAL AND DISTRICT RULES»

Chapter H: Auckland-wide rules»4 Natural resources» 4.11 Natural hazards»

And;

Chapter G: General provisions»2 General rules and special information requirements»2.7 Information requirements for resource consent applications»2.7.5 Natural hazards

Drafting notes:

1. Additions are underlined and deleted text is in ~~striketrough~~
2. **Turquoise highlighting** represents changes that are a consequential change resulting from prior hearings
3. **Yellow highlighting** represents proposed changes that are out of scope
4. Numbering of this chapter will be reviewed as part of an overall review of the Unitary Plan numbering protocols.
5. Officers are of the view that the two sections 'natural hazards' C5.12 and 'flooding' C5.13 should be combined under one section entitled 'Natural hazards'. As sought by 4185-307 Auckland Utility Operators Group Incorporated and other submitters "Amend to combine C5.12 'Natural hazards' with C5.13 'Flooding'" For the purposes of mediation amendments proposed will be discussed separately and the combination of the sections represented in primary evidence post mediation. A proposed format for the combination of the two sections will be provided at mediation.

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Activity Table 1: Land instability

Activity	Activity status
Development – general Activities on land which may be subject to land instability	
<u>Development</u>	
New structures and buildings (excluding dwellings) with a GFA of less than 100m ² ancillary to farming activities	P
New other buildings, and new structures and infrastructure on land which may be subject to natural hazards	RD
Exterior additions to buildings or alterations to any building or structure on land which may be subject to natural hazards	RD
The placement of any septic tank, wastewater treatment and disposal system, effluent disposal field, underground storage tank, water tank or stormwater pipe or soakage field on land which may be subject to natural hazards	RD
<u>Network utilities and infrastructure</u>	
Maintenance, repair and minor upgrade of network utilities and road network activities	P
All other infrastructure and network utilities	RD

Comment [LC1]: 7038-8Tonkin and Taylor Limited

Comment [LC2]: Defined term- see final pages of this document

Comment [LC3]: 6523-109 Federated Farmers
5431-245 Horticulture New Zealand: Pukekohe Vegetable Growers Association

Comment [LC4]: Auckland Council submission point- inclusion of 'new'

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Activity Table 2: Coastal hazards

Activities on land which may be subject to coastal hazards	
Development	
New structures and buildings (excluding dwellings) with a GFA of less than 100m ² ancillary to farming activities	P
External additions to existing buildings	RD
New buildings containing more vulnerable activities located in the City Centre or Centre Zones	RD
New buildings containing more vulnerable activities in all other zones	D
New buildings containing all other activities	RD
The change of use of existing buildings to an activity that is not a more vulnerable activity	P
The change of use of existing buildings to accommodate more vulnerable activities	RD
The placement of any septic tank, wastewater treatment and disposal system, effluent disposal field, underground storage tank, water tank or stormwater pipe or soakage field	RD
Network utilities and Infrastructure	
Maintenance, repair and minor upgrade of network utilities and road network activities	P
All other infrastructure and network utilities	RD
Development – Coastal areas – Defences against coastal hazards	
Activities	
Beach Nourishment	P
Dune stabilisation	P
The placement of any new materials, objects or structures, in or on any beach above mean MHWS that may serve as a defence against coastal erosion	D
The repair maintenance or upgrade of any materials, objects or structures, in or on any beach above mean MHWS that may serve as a defence against coastal erosion	D
The modification, alteration or removal of sand dunes and vegetation on sand dunes within 40m of MHWS	D

Comment [LC5]: 7038-8Tonkin and Taylor Limited

Comment [LC6]: Proposed defined term- see final pages of this document

Comment [LC7]: 6523-109 Federated Farmers of New Zealand

5431-245 Horticulture New Zealand: Pukekohe Vegetable Growers Association on land' as a Permitted activity.

Comment [LC8]: Consequential change resulting from T&T submission point to re-examine the definition of land which may be subject to natural hazards.

Comment [LC9]: Consequential change to give effect to the proposed RPS and respond to submission points seeking alignment with the NZCPS

7038-21 Tonkin and Taylor Limited

Comment [LC10]: 6100-185 Auckland Regional Public Health Service

Comment [LC11]: Proposed defined term refer flooding track change document

Comment [LC12]: Proposed defined term refer flooding track change document

Comment [LC13]: Consequential change to give effect to the proposed RPS and respond to submission points seeking alignment with the NZCPS

7038-21 Tonkin and Taylor Limited

Comment [LC14]: Consequential change resulting from T&T submission point to re-examine the definition of land which may be subject to natural hazards.

Comment [LC15]: AUOG and other network utility operators

Comment [LC16]: 6100-208 Auckland Regional Public Health Service

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Activity Table 3: Coastal inundation and sea level rise

Development – coastal inundation and sea level rise Activities in areas subject to 1 per cent AEP coastal inundation events at present day MSL plus an additional 1 metre sea level rise (relative to a baseline of the average MSL from 1986-2005)	
<u>Development</u>	
New dwellings and habitable floors of non-dwellings on land identified as being subject to coastal inundation and sea level rise	P
New buildings (or change of use of an existing building) to accommodate more vulnerable activities	P
<u>Network utilities and Infrastructure</u>	
Maintenance, repair and minor upgrade of network utilities and road network activities	P
All other infrastructure	RD
Activities in areas subject to 1 per cent AEP coastal inundation events at present day MSL plus an additional 2 metre sea level rise (relative to a baseline of the average MSL from 1986-2005)	
<u>Network utilities and Infrastructure</u>	
Development of Significant infrastructure	RD

Comment [LC17]: AUOG and network utility operators

Activity Table 4: Bush Fire Hazards

Activities in areas subject to bushfire hazard	
<u>All subdivision</u>	
Where subdivision is a controlled or restricted discretionary activity	Refer to: Matters for Discretion at Chapter H5.3.1 and H5.4 .1 and: Assessment criteria at Chapter H5.3.2 and H5.4 .2
Vegetation management	Refer to Activity tables at Chapter H 4.3.1 Vegetation management

Comment [LC18]: 5893-11 IAG New Zealand Limited

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2.0 Controls

1A Permitted Activities- Dune Stabilisation

1. The reshaped dune toe must not extend seaward of the existing natural dune toe, and the seaward slope shall ideally lie within the slope range of 1:5 (around 11 degrees) to 1:3 (around 18degrees).
2. Any clay fill or soil material that has been placed on the dune shall be removed and lawfully disposed off site.
3. Works shall be timed in accordance with favourable weather patterns and, where necessary, carried out in stages to enable planting work to commence immediately to minimise risk of wind erosion.
4. Planting of native vegetation shall be sourced from the same ecological district and must use plants that are appropriate for the location considering dune form and function.
5. Dune stabilisation must be for the purpose of:
 - a. erosion management;
 - b. beach (including dune system) replenishment or re-contouring;
 - c. habitat enhancement; or
 - d. depositing of material excavated during stream mouth and stormwater outfall clearance operations.
6. Written advice must be given to the council at least 10 working days prior to the work starting.
7. Placement of sediment must be sensitive to existing areas of indigenous vegetation and any bird nesting area.
8. The deposited sediment must not temporarily or permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.
9. There must be no release of contaminants from equipment being used for the activity.

Comment [LC19]: 6100-208
Auckland Regional Public Health
Service

2A Permitted activities- Beach Nourishment

1. Depositing must be for the purpose of:
 - a. erosion management;
 - b. beach (including dune system) replenishment or re-contouring;
 - c. habitat enhancement; or
 - d. depositing of material excavated during stream mouth and stormwater outfall clearance operations.
2. Written advice must be given to the council at least 10 working days prior to the work starting.
3. Placement of sediment must be sensitive to existing areas of indigenous vegetation and any bird nesting area.
4. The deposited material shall have similar physical characteristics to the sediment at the location it will be deposited, and shall generally be of slightly coarser grain size.

Comment [LC20]: 6100-208
Auckland Regional Public Health
Service

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5. The deposited sediment must not temporarily or permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.
6. There must be no release of contaminants from equipment being used for the activity.
7. All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.

3A Permitted activities – The change of use of existing buildings to an activity that is not a more vulnerable use on land which may be subject to coastal hazards

1. All buildings in areas subject to coastal inundation 1 per cent AEP areas must be designed to ensure that structural integrity will be maintained during a coastal inundation 1 per cent AEP event taking account of the 100 year sea level rise figure of 1m.

2. Buildings must not accelerate or exacerbate any natural hazard or the potential impact of the natural hazard.

2.1 Permitted activities – development in coastal areas

1. Finished floor levels for new dwellings and habitable rooms within coastal inundation areas must be at least 500mm above the mapped 1 per cent AEP storm tide inundation plus 1 metre projected sea level rise but with the following exceptions that is not required to meet this control:

a. minor additions of less than 25m² to existing buildings.

2. All new buildings in coastal inundation areas must be designed to ensure that structural integrity will be maintained during a 1 per cent ARI storm tide event taking account of the 100 year sea level rise figure.

4A Permitted activities – New Dwellings and New buildings (or change of use of an existing building) to accommodate more vulnerable activities in areas subject to 1 per cent AEP coastal inundation events at present day MSL plus an additional 1 metre sea level rise (relative to a baseline of the average MSL from 1986-2005)

1. Habitable floor levels for new dwellings and finished floors of non-dwellings containing more vulnerable activities within the mapped 'coastal inundation 1 per cent AEP+1m sea level rise' areas must be at least 500mm above the mapped coastal inundation 1 per cent AEP+1m depth but with the following exception that is not required to meet this control: minor additions of less than 25m² to existing buildings.

2. All new buildings (including dwellings) in coastal inundation areas must be designed to ensure that structural integrity will be maintained during a coastal inundation 1 per cent AEP event plus an additional 1m sea level rise (relative to a baseline of the average MSL from 1986-2005)

Comment [LC21]: Proposed to be a defined term see final pages of document

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3. Buildings must not accelerate or exacerbate any natural hazard or the potential impact of the natural hazard.

5A Permitted activities- New structures and buildings ancillary to farming activities on land which may be subject to land instability and coastal hazards

Comment [LC22]: Federated farmers and Horticulture NZ

Comment [LC23]: Defined term

1. Any structures and buildings on land which may be subject to land instability and coastal hazards must not:

a. accelerate or exacerbate any natural hazard or the potential impact of the natural hazard;

b. have any adverse effects on public safety;

2. Additions or alteration to existing buildings must not result in a GFA of greater than 100m²

6A Permitted activities –Maintenance, repair and minor upgrade of network utilities and road network activities

Comment [LC24]: AUOG and network utility operators

1. Any maintenance and repair and minor upgrading of network utilities on land subject to natural hazards must not:

Comment [LC25]: Auckland Council

Comment [LC26]: Includes all hazards in the activity tables

a. accelerate or exacerbate any natural hazard or the potential impact of the natural hazard;

b. have any adverse effects on public safety;

c. lead to significant impacts due to the failure of the network utility during a natural hazard event;

2. Network utilities must be designed to withstand the natural hazard event to which they are subject, taking into account the effects of climate change.

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2.2 Restricted discretionary activities

~~1. All consent applications for restricted discretionary activities must include a report by a suitably qualified engineer that confirms that the land on which the activity is located is not subject to the following:~~

- ~~a. coastal erosion or inundation over a 100-year timeframe; or~~
- ~~b. land instability.~~

Comment [LC27]: 6225-76
Bayswater Marina Limited

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3.0 Assessment – Restricted Discretionary Activities

3.1 Matters of discretion

The council will restrict its discretion to the matters below for restricted discretionary activities:

1A. General

1. The type of activity being undertaken and its vulnerability to natural hazard events.
2. The consequences of a natural hazard event in relation to more or less vulnerable activities.
3. Possible effects on public safety and other property.
4. The likelihood of a natural hazard event occurring and the likely extent of any damage.

4A. The methods provided to manage activities in areas subject to natural hazards

5. Any exacerbation of an existing natural hazard or creation of a new natural hazard.

5A. The management of people and property during a hazard event, including safe egress from buildings and structures.

6. Effects on landscape values.

6A. The ability to design and construct buildings or structures so that they are resilient to natural hazards.

7. Effects on public access.

7A. The ongoing management, maintenance and monitoring of buildings and structures

8. The use of non-structural solutions instead of hard engineering solutions.

8A. Possible effects on public safety and other property.

9. The ability to relocate coastal buildings or structures.

9A. Any exacerbation of an existing natural hazard risk or creation of a new natural hazard risk.

10. The ability to design and construct buildings or structures so that they are resilient to natural hazards.

10A. Effects on landscape values, associated earthworks and land form modifications.

11. Effects on public access.

12. The use of non-structural solutions instead of hard engineering solutions.

13. The ability to relocate coastal buildings or structures.

14. The operational need to locate within an area subject to natural hazards

Comment [LC28]: AC moved to 8A

Comment [LC29]: AC moved to 9A

Comment [LC30]: AC moved to 10A

Comment [LC31]: AC moved from matter 10

Comment [LC32]: AC moved to 11

Comment [LC33]: AC moved to 12A

Comment [LC34]: AC moved from matter 3

Comment [LC35]: AC moved to matter 13

Comment [LC36]: AC moved from matter 5

Comment [LC37]: AC moved to matter 6A

Comment [LC38]: AC moved from matter 6

Comment [LC39]: AC moved from matter 7

Comment [LC40]: AC moved from matter 8

Comment [LC41]: AC moved from 9

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2. Hazardous substances

1. The location, design, management of hazardous substances

2. The quantity of hazardous substances

3.2 Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities.

1 All hazards

1. The likelihood of a natural hazard event occurring, its magnitude and duration, the consequences of the event and its possible effects on public health and safety. Consideration will include the extent to which site-specific analysis of the natural hazard, such as engineering stability or flooding reports, and its effects have been undertaken, and any other information the council may have on the site and surrounding land.
2. The extent to which the proposal and any subsequent land use is likely to affect the potential impacts of the natural hazard present, or has the potential to create a new natural hazard on the subject land and any adjacent land. In considering this, regard will be had as to whether the proposal is likely to:
 - a. avoid, remedy or mitigate the potential impacts of the natural hazard; or
 - b. accelerate or worsen the natural hazard and/or the potential impacts of the natural hazard.
3. The extent to which the proposal ensures that any above ground or underground storage tanks installed in natural hazard-prone areas are protected from damage, flooding, spilling, dislocation and leakage in the event of a natural hazard event.
4. The extent to which the proposal ensures that hazardous substances stored in natural hazard-prone areas are protected from flooding, spillage and leakage in the event of a natural hazard event.
5. The extent to which the proposal includes non-structural solutions such as planting to avoid, remedy or mitigate the hazard rather than hard engineering solutions.
6. The extent to which landscape values, and public access are affected by any building modification or structure used to avoid, remedy or mitigate any natural hazard.
7. The extent to which any building, structure or activity located in a natural hazard area near the coast, can be relocated in the event of severe coastal erosion and shoreline retreat.

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2. Dwellings/Buildings containing vulnerable activities located within an area affected by Coastal hazards

1. The proposals ability to manage hazard risk through location, intensity and management of activities with in a building or dwelling.

2. The ability to provide safe egress from the building, dwelling or site in a hazard event

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4.0 Special information requirements

All hazards

1. A resource consent application for any restricted discretionary or discretionary activity detailed in the Activity Tables 1 to 4 must be accompanied by a report by a suitably qualified professional which:

a. provides an assessment of the actual and or potential adverse effects and risk resulting from the use or development of land subject to natural hazards taking into account the effects of climate change over at least a 100 year timeframe

b. demonstrates how the proposed activity will avoid or minimise risks resulting from the natural hazard event and/or any mitigation measures

c. assesses any remaining consequences of the natural hazard event on the proposed activity and should be assessed based on the vulnerability of the intended activity.

Comment [LC42]: 4279-32 Minister for Courts G2.7.5 Information requirements Remove Rule 2.7.5 in its entirety and place within the special information requirements of H.4.11 Natural Hazards.

Comment [LC43]: Clarification of when a report is required Network Utility operators

Comment [LC44]: Accept in part-6523-83 Federated Farmers of New Zealand G2.7.5 Information requirements Amend paragraph 1 as follows :An application for any activity must be accompanied by a report by a suitably qualified engineer which:

Comment [LC45]: Network Utility operators- clarification of the degree of information required

Comment [LC46]: 6100-187 Auckland Regional Public Health Service H4.11.2 Controls /H4.11.3 Assessment Add clear guidance as to how a 'suitably qualified engineer' should determine whether land is subject to coastal erosion and inundation, or land stability, over a 100 year timeframe.

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1. An application for any activity must be accompanied by a report by a suitably qualified engineer which:

~~a. demonstrates how the proposed activity will avoid the natural hazard event and/or any mitigation measures~~

~~b. assesses any remaining consequences of the natural hazard event on the proposed activity and should be assessed based on the vulnerability of the intended activity.~~

Comment [LC47]: 4279-32 Minister for Courts G2.7.5 Information requirements Remove Rule 2.7.5 in its entirety and place within the special information requirements of H.4.11 Natural Hazards.

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Definitions

Land which may be subject to natural hazards-land instability

Any land:

- ~~within a horizontal distance of 20m landward from the top of any coastal cliff with a slope angle steeper than 1 in 3 (18-degrees)~~
- On any slope with an angle greater than or equal to 1 in 4 in 2 (26-degrees)
- Soils subject to:
 - Liquefaction
 - Creep
 - Shrinkage and expansion (slightly to extremely expansive as defined by AS 2870/NZS3604)
 - Compresibility e.g. peat soils
 - Dispersion e.g. Loess
 - Sensitivity or quick soils
- ~~at an elevation less than 3m above MHWS if the activity is within 20m of MHWS~~
- ~~any natural hazard area identified in a council natural hazard register/database or GIS viewer.~~

Comment [LC48]: Multiple submitters requesting amendment to the definition or clarification of the criteria through amendment to policy 1 or general submission points

Land which may be subject to coastal hazards

Any land:

- within a horizontal distance of 20m landward from the top of any coastal cliff with a slope angle steeper than 1 in 3 (18-degrees)
- at an elevation less than 3m above MHWS if the activity is within 20m of MHWS
- any land identified as being subject to 1 per cent AEP coastal inundation

Comment [LC49]: Multiple submitters requesting amendment to the definition or clarification of the criteria used in the definition of land which may be subject to natural hazards through amendment to policy 1 or general submission points

Comment [LC50]: Ac moved from prior definition of land which may be subject to natural hazards