

# **Proposed Change 2 (Natural Hazards) to the Bay of Plenty Regional Policy Statement**

## **Council Decisions On Provisions**

This report presents the Bay of Plenty Regional Council's decisions on provisions with submissions and further submissions

Bay of Plenty Regional Council  
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New Zealand



# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Chapter: Proposed Change 2 (Natural Hazards) to the RPS

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Section: Proposed Change 2 (Natural Hazards) to the RPS

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## Council Decision

Amend as recommended under specific provisions and as described in "Reasons" below.

## Reasons for Council Decision

2:1 Support is acknowledged. Transport links between the Waikato and Bay of Plenty Regions are appropriately addressed in the Lifelines utilities factor of the Table 7 Consequence table. River hazards: no change needed. Interactive hazards are addressed by the insertion of a sentence in Appendix K.

2:2 Provisions in the Operative BOP RPS sufficiently address cross-boundary issues.

3:1, 8:4, 16:1, 31:1, 32:1, 33:1 Support is acknowledged.

10:1 Inclusion of a natural hazards section in the RPS is appropriate given the regional council RMA functions : "the establishment ... of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region" (section 30(1)(a)) and "the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance" (s 30(1)(b)) to set up the framework for regional and district councils to "control of the use of land for the purpose of the avoidance or mitigation of natural hazards" (s 30(1)(c)(iv)).

13:1 Implementation would be usefully guided by a programme developed jointly by the region's local authorities. Funding of implementation is to be addressed through long-term and annual plan processes under the Local Government Act 2002.

13:16 Terms have been reviewed in relation to specific submissions. The table of hazards in 2.8 has been amended to be consistent with such tables in Policy NH 3A and Method 73. A definition of "Hazard susceptibility area" has been included in Appendix A Definitions. Where terms have not been changed and are not defined, the usual dictionary meaning applies (as per the Operative RPS) unless the context requires otherwise.

13:17 The guidance requested is more appropriately included in guidance to be published when the change is made operative. Recognition that emergency management has a role in contributing to risk reduction is implied by the new sentence added to the Policy NH 1B Explanation, third paragraph.

13:18 The Section 32 Evaluation Report released when Proposed Change 2 was publicly notified meets the requirements of section 32 and includes specific references to the assessments required by s 32(2).

13:20 and 18:1 The requested testing has shown that, with some amendment and additional guidance, the policy and methodological approach is workable.

14:16 The provisions requiring risk assessment at a development proposal scale before regional and district plans give effect to the policy are an appropriate risk management approach during the transition period.

18:28 Re-ordering as requested and as otherwise implemented improves the logical flow of the policy narrative.

21:21 and 22:1 Proposed Change 2 contributes to achieving the purpose and principles of the RMA.

21:22 and 22:2 Amendments to Proposed Change 2 better assist the Council to achieve integrated management.

21:23 and 22:3 The Section 32 Evaluation Report released when Proposed Change 2 was publicly notified meets the requirements of section 32.

21:24 and 22:4 These submission points are not applicable as the Council, in deciding on submissions on Proposed Change 2, is not acting in the role of consent authority.

21:25 and 22:5 Amendments better avoid, remedy or mitigate relevant adverse effects.

21:26 and 22:6 Change 2 addresses the considerations of relevant Environment Court case law.

23:6 Councils have obligations to manage natural hazards. The approach required by Proposed Change 2 will enable this to be carried out in an integrated, effective and efficient way, where necessary.

25:1 The requested testing has shown that, with some amendment, the policy and methodological approach is workable. Amendments have been made in addressing submissions on specific provisions.

25:2, 29:1 and 30:1 The assessment of benefits and costs in the Section 32 Evaluation Report that was released when Proposed Change 2 was publicly notified meets the requirements of section 32.

25:3 Some reduction in the terms used to describe organs of local government has been made. Terms used are consistent with their use in the Operative RPS and the RMA.

34:1 The process of preparing natural hazards provisions for inclusion in the BOP RPS has been underway since 2010. At an early stage, opportunity for general public feedback was provided. Subsequently, the formal submission process was followed. When the Council decided to prepare a variation that since turned into Proposed Change 2, the Council resolved to limit its consultation to the parties that it is required to consult under RMA, Schedule 1, clause 3. Representatives of other Councils in the region and the Group office of Civil Defence and Emergency Management have overseen the preparation of Proposed Change 2. Further opportunities for participation will arise as plan provisions are prepared to give effect to the RPS.

## Submissions

Submission Number:	2: 1	Submission Type:	Support in Part
Submitter:	Waikato Regional Council		
Submission Summary:	The submitter commends and supports Change 2 and takes the opportunity to submit on the following key themes: <ul style="list-style-type: none"><li>• Support for the applied risk management approach with classification of risk levels;</li><li>• Address that natural hazards within the Bay of Plenty Region can potentially affect the functioning of transportation routes and life line links beyond its boundaries; and</li><li>• Suggestions on the themes of river hazard, and of interactive hazards.</li></ul>		



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: That the Regional Council develops a policy, process, program and funding package on natural hazards research that supports the implementation of the proposed risk-based hazard policy approach.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	7 - 1	Submission Type:	Support
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Further Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary:

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Decision Sought:

Council Decision:	Accept in Part
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Submission Number:	13: 16	Submission Type:	Seek Amendment
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Submitter: Tauranga City Council

Submission Summary: There are a range of terms/language that are sometimes confused and it is submitted that these terms/language are required to be reviewed throughout the document for appropriateness:

- e.g. "for some natural hazards (such as flooding) steps can be taken to reduce the likelihood of an event occurring". The likelihood of a rainfall event which causes flooding cannot be reduced, but the consequences of the hazard (such as spatial extent), or the treatment, can be modified to reduce the risk.
- Land development and land use are terms used repetitively throughout the document. Resource use is not mentioned and needs to be. Infrastructure is mentioned mid-way through the policies but also needs to be incorporated into Policy NH1B and others (such as NH 3A) to ensure the logical connection between land use/development and the provision of infrastructure is recognised.
- Policy NH 9B refers to coastal inundation. It is not clear whether this includes inundation resulting from a tsunami. Section 2.8 of the RPS infers that inundation from a tsunami is covered by Policy NH 9B. TCC submits that it is inappropriate that Policy NH 9B contemplates tsunami sourced inundation.
- There are multiple references to subjective terms such as "recent past", "low as practicable" and "change in land use".

Decision Sought: Review terms/language throughout the document for appropriateness.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	14 - 13	Submission Type:	Support in Part
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Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	15 - 25	Submission Type:	Support in Part
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Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 25 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 25 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 25 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 13: 17 Submission Type: Seek Amendment  
 Submitter: Tauranga City Council  
 Submission Summary: The plan change introduction outlines there are other tools that are suggested to be utilised in the process of risk reduction, but these are not clarified. It would be useful to provide some guidance on criteria for consideration of when/if emergency management, rather than land use management has a preference. TCC submits that there are other means/methods than land use planning for mitigating risks associated with tsunamis in existing developed areas and that emergency planning is a far more practical and useful method for that scenario.  
 Decision Sought: Provide some guidance on criteria for consideration of when/if emergency management, rather than land use management has a preference.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 7 - 2 Submission Type: Support  
 Further Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: The submitter agrees that in some cases emergency planning is a far more practical and useful method than regulation.

Decision Sought:

Council Decision:	Reject
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 14 - 14 Submission Type: Support  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support the submitter's requests in this submission, for additional guidance to be provided with regard to risk reduction options in addition to land management.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 26 Submission Type: Support  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the submitter's requests in this submission, for additional guidance to be provided with regard to risk reduction options in addition to land management.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 16 - 26 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the submitter's requests in this submission, for additional guidance to be provided with regard to risk reduction options in addition to land management.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 17 - 26 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's requests in this submission, for additional guidance to be provided with regard to risk reduction options in addition to land management.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 18 - 26 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's requests in this submission, for additional guidance to be provided with regard to risk reduction options in addition to land management.  
 Decision Sought:

Council Decision:	Reject
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Submission Number: 13: 18 Submission Type: Seek Amendment  
 Submitter: Tauranga City Council  
 Submission Summary: As the Bay of Plenty Regional Council is aware a Section 32 assessment is required to support change 2. There are a potential range of other issues other than the current three matters requiring assessment within Table 7 of Appendix K, that influence the section 32 consideration. TCC recognises that as a result of its submission further consequential amendments may be required, and as a result of this submits that these occur as a matter of process. Key to this are the new Section 32 provisions of s.32(2)(a)-(c). This requires, as a 'must' under the RMA that an assessment identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—  
 (i) economic growth that are anticipated to be provided or reduced; and  
 (ii) employment that are anticipated to be provided or reduced.  
 TCC submits that this requirement is not achieved and therefore the entire policy is deficient in meeting the requirements of the RMA. As a result prior to proceeding the Regional Council must undertake a thorough assessment of the implications of the policy approach on these matters.  
 Decision Sought: Meet the requirements of the Resource Management Act (Section 32 Assessment).

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 14 - 15 Submission Type: Support

Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: We support the submitter's requests in this submission, with regard to the s32 Assessment and Report.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 27 Submission Type: Support

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the submitter's requests in this submission, with regard to the s32 Assessment and Report.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 16 - 27 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the submitter's requests in this submission, with regard to the s32 Assessment and Report.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 17 - 27 Submission Type: Support

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support the submitter's requests in this submission, with regard to the s32 Assessment and Report.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 18 - 27 Submission Type: Support

Further Submitter: Ford Land Holdings Pty

Submission Summary: We support the submitter's requests in this submission, with regard to the s32 Assessment and Report.

Decision Sought:

Council Decision:	Reject
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Submission Number: 13: 20 Submission Type: Oppose

Submitter: Tauranga City Council

Submission Summary: Opposes the current wording of [Proposed Change 2] and its related appendices and information because of the untested nature of the policy against real world planning situations which show the policy (and methodological approach) is workable.

Decision Sought: [Test policy against real world planning situations.]

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 9 - 2 Submission Type: Support

Further Submitter: NZ Transport Agency



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## **Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions**

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Submission Summary:                      The Transport Agency supports the relief sought by the submitter, in particular testing the application of the Proposed Plan Change 2 Objectives, Policies and Methods framework- including Appendix K.

Decision Sought:

Council Decision:	Accept
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Further Submission No:                      12 - 1    Submission Type:                      Support

Further Submitter:                              Withdrawn

Submission Summary:                      The further submission has been withdrawn.

Decision Sought:                              The further submission has been withdrawn.

Council Decision:	Not Applicable
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Further Submission No:                      14 - 8    Submission Type:                      Support

Further Submitter:                              Property Council New Zealand (Bay of Plenty Branch)

Submission Summary:                      We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.

Decision Sought:

Council Decision:	Accept
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Further Submission No:                      15 - 19    Submission Type:                      Support

Further Submitter:                              Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary:                      We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.

Decision Sought:

Council Decision:	Accept
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Further Submission No:                      16 - 19    Submission Type:                      Support

Further Submitter:                              Te Tumu Kaituna 14 Trust

Submission Summary:                      We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.

Decision Sought:

Council Decision:	Accept
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Further Submission No:                      17 - 19    Submission Type:                      Support

Further Submitter:                              Te Tumu Kaituna 11B2 Trust

Submission Summary:                      We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 19 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.  
 Decision Sought:

Council Decision:	Accept
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Submission Number: 14: 16 Submission Type: Support in Part  
 Submitter: Fonterra Co-operative Group Limited  
 Submission Summary: Fonterra is supportive of an approach which will ensure that a strategic, comprehensive approach is adopted and that will enable the resultant provisions to be scrutinised through a Schedule 1 process. However, until such provisions are in place, the effect of the proposed Change to the RPS would place a significant and unreasonable burden on developers and could result in inconsistent, ad hoc decision making.  
 Fonterra does not consider that "interim" decision making on individual proposals, pending the preparation of regional and district plan provisions, will be assisted by a region-wide directive that the matter must be addressed.  
 Decision Sought: Address the need for detailed assessment on the merits of a specific proposal.

Council Decision:	Accept in Part
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Submission Number: 16: 1 Submission Type: Support  
 Submitter: Bay of Plenty Civil Defence Emergency Management Group  
 Submission Summary: The Bay of Plenty Civil Defence Emergency Management Group supports proposed Change 2 (Natural Hazards) to the Bay of Plenty Regional Policy Statement as this approach closely aligns with the Group's principles and objectives for risk reduction as set out in the Bay of Plenty Civil Defence Emergency Management Group Plan 2012-17.  
 Decision Sought: Implement for reasons provided.

Council Decision:	Accept in Part
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Submission Number: 18: 1 Submission Type: Oppose  
 Submitter: Carrus Corporation Limited  
 Submission Summary: The Section 32 analysis and commentary is very generalized and not robust. Of major concern is that at a Stakeholder meeting, it was specifically asked that the methodology in Appendix K be tested as this was done on an earlier version. Following that earlier testing, it became very clear that some of the methodology did not work. We are very concerned that despite being requested, this work has not been undertaken and all that has been provided is some generalized comments by the experts on the policy and not whether they will work or not. This potentially could have a significant impact on the development of the region when a risk assessment methodology is untested.  
 Decision Sought: That the methodology be tested fully by experts and the results of this be made known to all submitters so that they can further submit on the findings.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 12 - 2 Submission Type: Support  
 Further Submitter: Withdrawn  
 Submission Summary: The further submission has been withdrawn.  
 Decision Sought: The further submission has been withdrawn.

Council Decision:	Not Applicable
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## **Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions**

Further Submission No: 13 - 54 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 18: 28 Submission Type: Seek Amendment

Submitter: Carrus Corporation Limited

Submission Summary: Appendix M is not in the correct order as it should come before the flow chart.

Decision Sought: Amend order so Appendix M comes before the flow chart.

Council Decision:	Accept
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Submission Number: 21: 21 Submission Type: Seek Amendment

Submitter: Powerco Limited

Submission Summary: Achieve the purpose and principles of the RMA and consistency with the relevant provisions in Sections 6-8 RMA.

Decision Sought: [Amend where necessary to] achieve the purpose and principles of the RMA and consistency with the relevant provisions in Sections 6-8 RMA.

Council Decision:	Accept
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Submission Number: 21: 22 Submission Type: Seek Amendment

Submitter: Powerco Limited

Submission Summary: Assist the Council to carry out its function of achieving the integrated management of the effect of the use, development or protection of land.

Decision Sought: [Amend where necessary to] assist the Council to carry out its function of achieving the integrated management of the effect of the use, development or protection of land.

Council Decision:	Accept
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Submission Number: 21: 23 Submission Type: Seek Amendment

Submitter: Powerco Limited

Submission Summary: Meet the requirements of the statutory tests in section 32 RMA.

Decision Sought: [Amend where necessary to] meet the requirements of the statutory tests in section 32 RMA.

Council Decision:	Accept
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Submission Number: 21: 24 Submission Type: Seek Amendment

Submitter: Powerco Limited

Submission Summary: Address relevant statutory functions of the consent authority.

Decision Sought: [Amend where necessary to] address relevant statutory functions of the consent authority.

Council Decision:	Accept in Part
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Submission Number: 21: 25 Submission Type: Seek Amendment

Submitter: Powerco Limited

Submission Summary: Avoid, remedy or mitigate any relevant and identified environmental effects.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: [Amend where necessary to] avoid, remedy or mitigate any relevant and identified environmental effects.

Council Decision: Accept in Part

Submission Number: 21: 26 Submission Type: Seek Amendment

Submitter: Powerco Limited

Submission Summary: Address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law).

Decision Sought: [Amend to] address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law).

Council Decision: Accept

### Further Submission(s)

Further Submission No: 7 - 3 Submission Type: Support in Part

Further Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: The submitter agrees that the Plan Change should be consistent with relevant case law but the submission does not say what specific provisions are affected.

Decision Sought:

Council Decision: Accept

Submission Number: 22: 1 Submission Type: Neutral

Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Achieve the purpose and principles of the RMA and consistency with the relevant provisions in Sections 6-8 RMA.

Decision Sought: [Amend where necessary to] achieve the purpose and principles of the RMA and consistency with the relevant provisions in Sections 6-8 RMA.

Council Decision: Accept

Submission Number: 22: 2 Submission Type: Neutral

Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Assist the Council to carry out its function of achieving the integrated management of the effect of the use, development or protection of land.

Decision Sought: [Amend where necessary to] assist the Council to carry out its function of achieving the integrated management of the effect of the use, development or protection of land.

Council Decision: Accept

Submission Number: 22: 3 Submission Type: Neutral

Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Meet the requirements of the statutory tests in section 32 RMA.

Decision Sought: [Amend where necessary to] meet the requirements of the statutory tests in section 32 RMA.

Council Decision: Accept

Submission Number: 22: 4 Submission Type: Neutral

Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Address relevant statutory functions of the consent authority.

Decision Sought: [Amend where necessary to] address relevant statutory functions of the consent authority.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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Submission Number:	22: 5	Submission Type:	Neutral
Submitter:	Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd		
Submission Summary:	Avoid, remedy or mitigate any relevant and identified environmental effects.		
Decision Sought:	[Amend where necessary to] avoid, remedy or mitigate any relevant and identified environmental effects.		

Council Decision:	Accept in Part
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Submission Number:	22: 6	Submission Type:	Neutral
Submitter:	Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd		
Submission Summary:	Address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law).		
Decision Sought:	[Amend to] address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law).		

Council Decision:	Accept
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Submission Number:	23: 6	Submission Type:	Neutral
Submitter:	Catherine Stewart		
Submission Summary:	<p>The flow on effect from Proposed Change 2 (Natural Hazards) to the Regional Policy Statement, if it remains in its present form, will have huge financial impact on Tauranga City Council, developers, ratepayers and people who build.</p> <p>Proposed Change 2 will have research and policy implications for Tauranga City Council. The proposed changes do little to make a resilient community, but rather have people relying on Local and Central Government to control what they can and cannot do with regard to their own land, and when natural disasters do occur, if the mapping was not quite right – whose fault will it be?</p>		
Decision Sought:	Seeks that common sense can prevail.		

Council Decision:	Accept
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Submission Number:	25: 1	Submission Type:	Seek Amendment
Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	<p>Unable to support the Appendix K methodology in the absence of Appendix K being robustly tested through the application of the Propose Change 2 Natural Hazards Objective, Policies and Methods framework.</p> <p>Thorough testing of Appendix K is sought before any hearings or decisions on Change 2.</p>		
Decision Sought:	Make any further, other or consequential changes to any Change 2 objective, policy, method or appendices that may be necessary or desirable to give effect to the outcomes of any Appendix K testing and resulting amendments requested, or to address issues of concern raised by TTLG in their submissions.		

Council Decision:	Accept
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### Further Submission(s)

Further Submission No:	9 - 3	Submission Type:	Support
Further Submitter:	NZ Transport Agency		
Submission Summary:	The Transport Agency supports the relief sought by the submitter, in particular testing the application of the Proposed Plan Change 2 Objectives, Policies and Methods framework-including Appendix K.		
Decision Sought:			

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 12 - 3 Submission Type: Support

Further Submitter: Withdrawn

Submission Summary: The further submission has been withdrawn.

Decision Sought: The further submission has been withdrawn.

Council Decision:	Not Applicable
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Further Submission No: 13 - 1 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept
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Submission Number: 25: 2 Submission Type: Seek Amendment

Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: The s 32 report accompanying Change 2 is deficient and fails to meet the requirements of the RMA. TTLG submits that it is not possible to determine the costs and benefits of Change 2 in the absence of testing the Appendix K methodology.

Decision Sought: Revise the s32 Report to address the deficiencies identified in the TTLG submissions.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 13 - 2 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 25: 3 Submission Type: Seek Amendment

Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Change 2 uses an number of terms for Councils which require a more consistent approach, these include:

- Local authorities,
- Territorial authorities,
- Councils, and
- City and District Councils.

Decision Sought: Use consistent terminology for Councils in Change 2. Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 13 - 3 Submission Type: Support

Further Submitter: TKC Holdings Ltd

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision: Accept in Part

Submission Number: 29: 1 Submission Type: Seek Amendment  
Submitter: Property Council New Zealand (Bay of Plenty Branch)  
Submission Summary: The s 32 report accompanying the Change 2 is deficient and fails to meet the requirements of the RMA. PCNZ submits that it is not possible to determine the costs and benefits of Change 2 in the absence of testing the Appendix K methodology.  
Decision Sought: Revise the s32 Report to address the deficiencies identified in the PCNZ submissions.

Council Decision: Accept in Part

Submission Number: 30: 1 Submission Type: Seek Amendment  
Submitter: Zariba Holdings Limited  
Submission Summary: The s 32 report accompanying the Change 2 is deficient and fails to meet the requirements of the RMA. Zariba submits that it is not possible to determine the costs and benefits of Change 2 in the absence of testing the Appendix K methodology.  
Decision Sought: Revise the s32 Report to address the deficiencies identified in the Zariba submissions.

Council Decision: Accept in Part

Submission Number: 31: 1 Submission Type: Support in Part  
Submitter: Trustpower Limited  
Submission Summary: Supports Proposed Change 2: Natural Hazards generally as notified. Trustpower fully participated in the preparation of the provisions contained in the Proposed Change 2: Natural Hazards  
Decision Sought: That Change 2: Natural Hazards in its entirety be made operative with the amendments requested.

Council Decision: Accept

Submission Number: 32: 1 Submission Type: Support in Part  
Submitter: Contact Energy Limited  
Submission Summary: Contact generally considers that Change 2 appropriately addresses the management of natural hazards within the Bay of Plenty Region. Subject to the points of specific submission below, and any further submission Contact may make at the appropriate time, Contact generally supports Change 2 (some aspects of which are specifically highlighted and supported in the following parts of this submission).  
Decision Sought: Retain the provisions of Change 2, except to the extent that specific changes are made in accordance with the relief sought by Contact in the balance of this submission and any further submission that Contact may make at the appropriate time.

Council Decision: Accept in Part

Submission Number: 33: 1 Submission Type: Support in Part  
Submitter: Director General of Conservation  
Submission Summary: The Department supports the intent of the Proposed Change in ensuring that the Regional Policy Statement (RPS) gives effect to the New Zealand Coastal Policy Statement 2010 (NZCPS) in relation to the management of coastal hazards, and seeks that this Statement is retained as notified, with the inclusion of any modifications sought by this submission, and resultant changes caused by these.  
Decision Sought: Retain Proposed Change provisions, except for changes sought as part of this submission.

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	34: 1	Submission Type:	Oppose
Submitter:	Rob Paterson		
Submission Summary:	<p>1 Natural hazards are difficult to predict both as to quantity and the type of dangers faced.</p> <p>2 The degree of involvement by Regional Council should simply be an overarching philosophy approach.</p> <p>3 Regional Council should react only to and record adverse events as they occur, not try to predict when events will occur and to what degree. Being prepared for natural disasters is in a completely different category altogether.</p> <p>4 The mistake is trying to cover the whole natural hazards field and throwing everything but the kitchen sink approach at it - an overkill situation.</p> <p>5 Any policy needs to encompass a practical, economic and reasonable approach.</p> <p>6 Bay of Plenty Ratepayers residential/commercial land owners rural land owners and are those that will be hit hardest by the current proposals.</p> <p>7 Regional Council needs to talk meaningfully; to all the Local Councils involved and to the whole public spectrum about the proposals and effects and spell out the likely costs. ie. full public consultation.</p> <p>8 Nature is always unpredictable and impossible to predict and this will never be any different in the foreseeable future.</p> <p>9 There seems to have been no real consultation with local Councils and Bay of Plenty public generally, other than the 'Living with Risks' Community Seminar held in early 2014.</p> <p>10 Regional Council needs to take a step back and reassess the whole position plus consider the complexity of what is being floated.</p> <p>11 A huge amount of extra money will be needed to implement the present approach.</p> <p>12 The proposal as it currently stands limits people's choices and curtails their activities essentially with a map - is that wise?</p>		
Decision Sought:	Council to defer whole proposed change until further full consultation with other local authorities and the public.		

Council Decision:	Reject
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Chapter: 2.8 Natural Hazards	903
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Section: 2.8 Natural Hazards	903
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### Council Decision

Amend paragraph 2 to read: "Under the Act, regional councils have the function of controlling the use of land to avoid or mitigate natural hazards and city and district councils have the function of controlling any actual or potential effects of the use, development or protection of land to avoid or mitigate natural hazards. These controls, when exercised through plans, are subject to section 32 evaluation. Such controls are among a wide range of available responses to the risk of natural hazards."

Amend paragraph 4 to read: "Local authorities' RMA functions of avoiding or mitigating natural hazards contribute to the first of those "Rs" - risk reduction."

Include "Caldera unrest" in the table as a resulting natural hazard of volcanic activity.

Delete "(storm surge/ tsunami)" from the table as a resulting natural hazard of coastal/ marine processes.

Amend "Debris flow" to read "Debris flow/ flood" in the table as a resulting natural hazard of Extreme (prolonged or intense) rainfall.

Amend paragraph 10 "For some ..." by replacing "manage" with "reduce".

Amend paragraph 11 to read: "Although far from the only tool available to local authorities to manage risk associated with natural hazards, land use control is important. It responds to the evaluated level of natural hazard risk to protect lives and property. Similarly, conditions relating to how land is used can be imposed to reduce or avoid the consequences should an event occur. ..."

Amend paragraph 12 to read: "...Hence local authorities need to recognise the benefit of other interventions and ensure the level of land use control is proportional to the remaining risk that exists (and that risk is assessed by considering both the likelihood of an event and the event's potential consequences)."

Delete the last sentence from paragraph 18.

Amend the first sentence in paragraph 21 to read: "Similarly, the management of urban growth in the region has been provided for in district plans and, in the western Bay of Plenty sub-region, through..."

Amend the third sentence in paragraph 21 to read: "However by specifically providing for western Bay of Plenty urban limits..."

Insert 2 new sentences at the beginning of paragraph 22 to read: "Growth will increase pressure to develop in areas susceptible to natural hazards. Also, some existing settlements and lifeline utilities are located on land that may be subject to natural hazards."

Replace "In that sense" with "Hence" in paragraph 22.

Amend the fourth sentence in Paragraph 23 to read: "For that reason, although the responsibility for natural hazard risk assessment falls predominantly on the regional, city and district councils as part of plan-making processes, some targeted risk assessment may be necessary for large-scale developments..."

In Paragraph 24 insert a comma after "Drought could occur more frequently, particularly in coastal areas".

### Reasons for Council Decision

18:2 Some reduction in the terms used to describe organs of local government has been made. Terms used are consistent with their use in the Operative RPS and the RMA.

19:1 Support is acknowledged.

21:2 and 22:9 Two sentences have been added to the beginning of paragraph 22 "In that sense ..." to acknowledge the broader context in which the policy applies.



**Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions**

**Submissions**

Submission Number: 18: 2 Submission Type: Seek Amendment  
Submitter: Carrus Corporation Limited  
Submission Summary: There is no consistency through the policy in the reference to territorial authorities, local authorities, district and local Councils  
Decision Sought: Amend references to local and district authorities.

Council Decision:	Accept in Part
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**Further Submission(s)**

Further Submission No: 13 - 55 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 19: 1 Submission Type: Support  
Submitter: Eastland Generation Limited  
Submission Summary: Eastland supports the intent of [Proposed] Change 2 (PC2) to provide an exemption for geothermal energy development from the Natural Hazards provisions and to direct that the natural hazard risk from geothermal energy development is managed under Section 2.4 Geothermal Resources Policies and Methods of the BOP RPS (Geothermal Provisions). This exemption is reflected in Section 2.8 and reiterated in Policies NH 5B and NH 10B.  
Eastland considers the exemption for geothermal energy development is appropriate and consistent with the purpose of the Resource Management Act 1991 as:  
(a) The Geothermal Provisions have been specifically developed to manage geothermal energy development and the associated effects (which includes geothermal hazards). The effects management regime in the Geothermal Provisions of the BOP RPS provides comprehensive measures to manage the potential effects (and risks) of geothermal energy development, which can be highly technical and complex. In particular, for multi-tapper systems, via a series of interrelated measures such as the appointment and oversight of a peer review panel, a single system management plan and comprehensive modelling, monitoring and reporting conditions. The risk of, and potential for, increased geothermal hazards, is able to be appropriately assessed and managed through these provisions.  
(b) BOPRC has identified geothermal systems which are appropriate for development in the Bay of Plenty Regional Water and Land Plan and provision is made for such development in the BOP RPS. If geothermal energy development is subject to the natural hazards provisions, the development potential of such systems may be curtailed.  
(c) The proposed exemption for geothermal energy development will avoid duplication and potential inconsistency within the BOP RPS and better reflect integrated management.

Decision Sought: Retain the intent of Proposed Change 2, and the wording of Section 2.8, to exempt geothermal energy development from the Natural Hazards provisions and direct that the risks from geothermal energy development be managed under Section 2.4 Geothermal Resources Policies and Methods of the RPS.

Council Decision:	Accept
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Submission Number: 21: 2 Submission Type: Seek Amendment  
Submitter: Powerco Limited  
Submission Summary: Amend to better reflect the needs of existing development and of Lifeline Utilities.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: [Insert] a new paragraph on page 3, after the existing paragraph that [begins] 'Geothermal energy', as follows, or by making amendments to achieve the same purpose:  
"The Region's growth will increase pressure to develop areas more susceptible to natural hazards. As new residential development is accommodated, for example, there may be conflict between where people want to live (including close to the coast or adjacent to streams and exposed ridgelines) and where they can live safely. Furthermore, some existing development, including lifeline utilities, is already located on land that may be subject to natural hazards, and infrastructure generally may need to locate within these areas due to its particular locational or operational requirements. This needs managing to enable the continued operation, maintenance and upgrading of existing development and new development which has a particular need to locate within or traverse areas susceptible to natural hazards, including enabling the installation of new lifeline utilities to meet community requirements."  
Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	3 - 1	Submission Type:	Support
Further Submitter:	Transpower New Zealand Ltd		
Submission Summary:	Transpower supports inclusion of general text in section 2.8 to better address the needs of lifeline utilities at the forefront of the policy statement.		
Decision Sought:	Amend to better reflect the needs of existing development and of Lifeline Utilities.		

Council Decision:	Accept in Part
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Further Submission No:	15 - 74	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	Subject to our original submissions on Section 2.8, we support these submissions that: a) Seek to recognise a range of methods to address natural hazard risks; b) Better reflect the needs of existing development and lifeline utilities; and c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	16 - 74	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	Subject to our original submissions on Section 2.8, we support these submissions that: a) Seek to recognise a range of methods to address natural hazard risks; b) Better reflect the needs of existing development and lifeline utilities; and c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	17 - 74	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	Subject to our original submissions on Section 2.8, we support these submissions that: a) Seek to recognise a range of methods to address natural hazard risks; b) Better reflect the needs of existing development and lifeline utilities; and c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.		

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 74 Submission Type: Support in Part

Further Submitter: Ford Land Holdings Pty

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision: Accept in Part
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Submission Number: 22: 9 Submission Type: Seek Amendment

Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Amend to better reflect the needs of existing development and of Lifeline Utilities.

Decision Sought: [Insert] a new paragraph on page 3, after the existing paragraph that [begins] 'Geothermal energy', as follows, or by making amendments to achieve the same purpose:  
"The Region's growth will increase pressure to develop areas more susceptible to natural hazards. As new residential development is accommodated, for example, there may be conflict between where people want to live (including close to the coast or adjacent to streams and exposed ridgelines) and where they can live safely. Furthermore, some existing development, including lifeline utilities, is already located on land that may be subject to natural hazards, and infrastructure generally may need to locate within these areas due to its particular locational or operational requirements. This needs managing to enable the continued operation, maintenance and upgrading of existing development and new development which has a particular need to locate within or traverse areas susceptible to natural hazards, including enabling the installation of new lifeline utilities to meet community requirements." Make consequential amendments.

Council Decision: Accept in Part
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### Further Submission(s)

Further Submission No: 15 - 83 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision: Accept in Part
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Further Submission No: 16 - 83 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision: Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 83 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
 a) Seek to recognise a range of methods to address natural hazard risks;  
 b) Better reflect the needs of existing development and lifeline utilities; and  
 c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 83 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
 a) Seek to recognise a range of methods to address natural hazard risks;  
 b) Better reflect the needs of existing development and lifeline utilities; and  
 c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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### Section: Paragraph 2 Under the Act...

904

#### Council Decision

Amend paragraph 2 to read: "Under the Act, regional councils have the function of controlling the use of land to avoid or mitigate natural hazards and city and district councils have the function of controlling any actual or potential effects of the use, development or protection of land to avoid or mitigate natural hazards. These controls, when exercised through plans, are subject to section 32 evaluation. Such controls are among a wide range of available responses to the risk of natural hazards."

#### Reasons for Council Decision

21:1 and 22:8 The amendments made in response to the submissions better reflect that councils and others employ a range of methods to avoid or mitigate natural hazards.

#### Submissions

Submission Number: 21: 1 Submission Type: Seek Amendment  
 Submitter: Powerco Limited  
 Submission Summary: Amend paragraph 2 so it no longer implies that territorial authorities are required to avoid or mitigate all natural hazards through land use control, and to recognise other methods of achieving the intent of the policy.  
 Decision Sought: [Insert "can" and "where this is appropriate and necessary. The methods used to control the actual or potential effects of natural hazards may include land use controls or other techniques, such as education and warning systems"] or by making amendments to achieve the same purpose [to read]:  
 Under the Act, local authorities can control the use of land to avoid or mitigate natural hazards (regional councils) or control any actual or potential effects of the use, development or protection of land to avoid or mitigate natural hazards (territorial authorities) where this is appropriate and necessary. The methods used to control the actual or potential effects of natural hazards may include land use controls or other techniques, such as education and warning systems.  
 Make consequential amendments.

Council Decision:	Accept in Part
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#### Further Submission(s)

Further Submission No: 15 - 73 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 73    Submission Type:          Support in Part

Further Submitter:    Te Tumu Kaituna 14 Trust

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 73    Submission Type:          Support in Part

Further Submitter:    Te Tumu Kaituna 11B2 Trust

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 73    Submission Type:          Support in Part

Further Submitter:    Ford Land Holdings Pty

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 22: 8    Submission Type:          Seek Amendment

Submitter:    Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Amend Paragraph 2 in Section 2.8 Natural Hazards so it no longer implies that territorial authorities are required to avoid or mitigate all natural hazards through land use control, and to recognise other methods of achieving the intent of the policy.

Decision Sought: [Amend by inserting "can" and "where this is appropriate and necessary. The methods used to control the actual or potential effects of natural hazards may include land use controls or other techniques, such as education and warning systems." or amendments to achieve the same purpose [to read]: Under the Act, local authorities control the use of land to avoid or mitigate natural hazards (regional councils) or control any actual or potential effects of the use, development or protection of land to avoid or mitigate natural hazards (territorial authorities) where this is appropriate and necessary. The methods used to control the actual or potential effects of natural hazards may include land use controls or other techniques, such as education and warning systems. Make consequential amendments.

Council Decision:	Accept in Part
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### **Further Submission(s)**

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Further Submission No: 15 - 82    Submission Type:          Support in Part



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

management of natural and physical resources. Local and territorial authorities have "functions" intended to give effect to the achievement of that purpose.

Decision Sought: Amend to read: "The functions of local and territorial authorities and the control of land use contributes to the first of those "R's" - risk reduction.

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 1 - 1 Submission Type: Support

Further Submitter: Powerco Limited

Submission Summary: Amending section 2.8 to read "the function of local and territorial authorities and the control of land use contributes to the first of those "R's" - risk reduction" better reflects the purpose of the RMA and the functions of Councils.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 8 - 1 Submission Type: Support

Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Amending section 2.8 paragraph 4 to read "The functions of local and territorial authorities and the control of land use contributes to the first of those "R's" - risk reduction" better reflects that purpose of the RMA and the functions of Councils.

Decision Sought:

Council Decision: Accept in Part

### Section: Paragraph 7 The Bay of Plenty CDEM...

906

### Council Decision

Include "Caldera unrest" in the table as a resulting natural hazard of volcanic activity.

Delete "(storm surge/tsunami)" from the table as a resulting natural hazard of coastal/ marine processes.

Amend "Debris flow" to read "Debris flow/ flood" in the table as a resulting natural hazard of Extreme (prolonged or intense) rainfall.

### Reasons for Council Decision

4:1 and 5:1 The amendment recognises that debris flow/ flood is a more appropriate inclusive term.

35:1 Inclusion of "caldera unrest" appropriately captures that specific volcano related hazard so that, with the other volcanic hazards, it will be taken into account. Subsoil conditions will be taken into account when susceptibility mapping is undertaken under Policy NH 3A.

### Submissions

Submission Number: 4: 1 Submission Type: Seek Amendment

Submitter: Neville Harris

Submission Summary: Debris floods can be as damaging as debris flows.

Decision Sought: All references to debris flow to become debris flow/flood.

Council Decision: Accept in Part

Submission Number: 5: 1 Submission Type: Seek Amendment

Submitter: Sustainable Matata Incorporated

Submission Summary: Debris floods can be as damaging as debris flows.

Decision Sought: All references to debris flow to become debris flow/flood.

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 35: 1 Submission Type: Support in Part  
Submitter: Rotorua District Council  
Submission Summary: Clarify if and how sub-soil conditions (e.g. soft soils and shallow ground water) are taken into account. These can increase the risk of subsidence, liquefaction and landslides (without extreme rainfall). Clarify that development within an inactive caldera is acceptable and that only the associated geothermal hazards are taken into account. Clarify how the actual volcanic eruption/blast (not just volcanic activities) is taken into account, especially as it relates to a caldera.  
Decision Sought: Clarify the intent of the plan change as it relates to sub-soil conditions, development in a caldera and the risk of volcanic eruption/blast.

Council Decision: Accept in Part

### Section: Paragraph 8 Taking a risk management...

907

#### Council Decision

No change.

#### Reasons for Council Decision

23:1 The submitter has correctly identified that the risk management approach allows low likelihood but high consequence events to be taken into account. The risk management approach allows hazards with a range of likelihoods to be managed consistently.

#### Submissions

Submission Number: 23: 1 Submission Type: Neutral  
Submitter: Catherine Stewart  
Submission Summary: I am concerned about the strengthening of the proposed Change 2 (Natural Hazards) to the Bay of Plenty Regional Policy Statement given that natural hazards can be difficult, if not impossible at times, to predict and quantify. Whilst it is acknowledged that planning is an essential part of Councils roles, it is the degree and potentially unintentional consequences of planning that [is of] concern. The paragraph is difficult to quantify and is subjective. I will use Mayor Island as an example. This is a dormant volcano and some scientists believe this will erupt again "one day". There is no certainty as to when this will erupt again, nor how large the eruption will be. The North Island of New Zealand has many volcanoes (some active).  
Decision Sought: Not stated.

Council Decision: Reject

### Section: Paragraph 10 For some natural...

908

#### Council Decision

No change.

#### Reasons for Council Decision

23:2 Support is acknowledged.

33:2 Rather than insert the expression where it has been requested, it is inserted in the following paragraph 11, "Although far from ...". The sought-after concept is already captured by "as low as reasonably practicable".

#### Submissions

Submission Number: 23: 2 Submission Type: Support  
Submitter: Catherine Stewart  
Submission Summary: Supports paragraph, "that steps can be taken to minimise impact of flooding".  
Decision Sought: Retain paragraph.

Council Decision: Accept



## **Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions**

Submission Number:	33: 2	Submission Type:	Seek Amendment
Submitter:	Director General of Conservation		
Submission Summary:	The final sentence of this paragraph is considered to require amendment to indicate that in some cases, avoidance of natural hazard risk is preferable to the management of risk to reduce the consequences of hazard events.		
Decision Sought:	Amend [final] sentence [by inserting "or, in some cases, avoided"] as follows, or similar: "In these circumstances, the way to manage risk is to ensure that the consequences of events, when they occur, are as low as practicable, or, in some cases, avoided"		

Council Decision:	Accept in Part
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### **Further Submission(s)**

Further Submission No:	1 - 2	Submission Type:	Oppose
Further Submitter:	Powerco Limited		
Submission Summary:	The consequences of natural hazard events cannot be avoided. The significance of effects arising as a consequence of a natural event may be mitigated through appropriate management and part of that policy response may well mean an avoidance approach for certain activities in certain locations. However Powerco considers that the existing wording is sufficient and an "avoidance" approach is not excluded or pre-empted by the wording.		
Decision Sought:	Retain existing wording.		

Council Decision:	Reject
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Further Submission No:	8 - 2	Submission Type:	Oppose
Further Submitter:	Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd		
Submission Summary:	The consequences of natural hazard events cannot be avoided. The significance of effects arising as a consequence of a natural event may be mitigated through appropriate management and part of that policy response may well mean an avoidance approach for certain activities in certain locations. However the Oil Companies consider that the existing wording is sufficient and an "avoidance" approach is not excluded or pre-empted by the wording.		
Decision Sought:	Retain existing wording.		

Council Decision:	Reject
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### **Section: Paragraph 11 Although far from...**

909

#### **Council Decision**

Amend paragraph 11 to read: "Although far from the only tool available to local authorities to manage risk associated with natural hazards, land use control is important. It responds to the evaluated level of natural hazard risk to protect lives and property. Similarly, conditions relating to how land is used can be imposed to reduce or avoid the consequences should an event occur. ..."

#### **Reasons for Council Decision**

18:3 The deleted word is acknowledged as being unnecessary.

25:4: The rewording in line with that requested by the submitter better reflects the risk management process.

#### **Submissions**

Submission Number:	18: 3	Submission Type:	Seek Amendment
Submitter:	Carrus Corporation Limited		
Submission Summary:	The use of the word "needlessly" implies that this is done currently — which it is not.		
Decision Sought:	Delete the word "needlessly".		

Council Decision:	Accept
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

## Further Submission(s)

Further Submission No: 13 - 56 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision: Accept

Submission Number: 25: 4 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Paragraph states:  
'Although far from the only tool available to local authorities to manage risk associated with natural hazards, land use control is important because it can be used to ensure that lives and property are not put or allowed to remain needlessly in the way of natural hazards. ...'  
The use of the word 'ensure' in paragraph 3 is not appropriate as the community cannot be given assurances with regard to natural hazards particularly low likelihood high consequence natural hazards.  
Decision Sought: Amend [by deleting "because it can be used to ensure that lives and property are not put or allowed to remain needlessly in the way of natural hazards." and inserting "to enable, through analysis and evaluation of natural hazard risk, the risk to people and property to be avoided or mitigated."] as follows:  
'Although far from the only tool available to local authorities to manage risk associated with natural hazards, land use control is important to enable, through analysis and evaluation of natural hazard risk, the risk to people and property to be avoided or mitigated.'  
Or words to similar effect. Make consequential amendments.

Council Decision: Accept in Part

## Further Submission(s)

Further Submission No: 13 - 4 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision: Accept in Part

## Section: Paragraph 12 However, controlling...

910

### Council Decision

Amend paragraph 12 to read: "...Hence local authorities need to recognise the benefit of other interventions and ensure the level of land use control is proportional to the remaining risk that exists (and that risk is assessed by considering both the likelihood of an event and the event's potential consequences)."

### Reasons for Council Decision

25:5 The rewording in line with that requested by the submitter better reflects that not only land use controls reduce risk but other interventions contribute too.

### Submissions

Submission Number: 25: 5 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Recognise that it isn't practical or economic to apply land use controls with regard to all natural hazard risks at a property or site level particularly for low likelihood high consequence natural hazards in existing urban areas.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend [by deleting "costly" and inserting "un-economic, impractical" and "particularly when applied at a site level in existing urban areas"] as follows:  
'However, controlling land use to limit the potential consequences of a natural hazard can be un-economic, impractical and disruptive to communities and affected property owners particularly when applied at a site level in existing urban areas.'  
Make consequential amendments.

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 13 - 5 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision: Accept in Part

### Section: Paragraph 13 An ongoing challenge...

911

#### Council Decision

No change.

#### Reasons for Council Decision

23:3 Support is acknowledged.

#### Submissions

Submission Number: 23: 3 Submission Type: Support  
Submitter: Catherine Stewart  
Submission Summary: Supports this paragraph.  
Decision Sought: Retain.

Council Decision: Accept

### Section: Paragraph 17 Potential Risk Reduction...

912

#### Council Decision

No change.

#### Reasons for Council Decision

17:1 As noted in the footnote, although risk management terminology refers to "treating" risk, in the context of the Statement this stage of the process is referred to as risk reduction. This aligns with the terminology of the Civil Defence Emergency Management Act 2002, in the interest of integrated management.

Additional consideration of this submission point is included in clause 6.1 of the Supplementary Report on Submissions.

#### Submissions

Submission Number: 17: 1 Submission Type: Seek Amendment  
Submitter: Whakatane, Opotiki and Kawerau District Councils  
Submission Summary: The Statement is intended to follow the risk management process described in NZS 31000:2009. The Council generally supports this approach.  
However, the structure of the Statement is not strongly aligned with the standard.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

There are many examples of inconsistent use of terminology in the introduction and throughout the document. Care needs to be taken to ensure consistent language is applied to avoid misinterpretation and increasing complexity.

Decision Sought: Amend [by deleting "reduction " and inserting "treatment "] to read: "Potential risk treatment measures are contained in Appendix L."  
Consequential amendments etc

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	15 - 36	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	Subject to our original submissions on Section 2.8, we support this submission regarding the consistency of language and terminology used in Change 2.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	16 - 36	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	Subject to our original submissions on Section 2.8, we support this submission regarding the consistency of language and terminology used in Change 2		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	17 - 36	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	Subject to our original submissions on Section 2.8, we support this submission regarding the consistency of language and terminology used in Change 2.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	18 - 36	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	Subject to our original submissions on Section 2.8, we support this submission regarding the consistency of language and terminology used in Change 2.		
Decision Sought:			

Council Decision:	Accept in Part
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913

**Section: Paragraph 19 Allowance must also...**

### Council Decision

No change.

### Reasons for Council Decision

32:2 Support is acknowledged.

### Submissions

Submission Number:	32: 2	Submission Type:	Support
Submitter:	Contact Energy Limited		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: Contact supports the first and second paragraphs on page 3 of Change 2 (as part of the Introduction) which recognise that the development and use of geothermal resources, including the management of any associated geothermal risks, is addressed in Section 2.4 of the RPS. On that basis, there is no need to duplicate such a management regime in Section 2.8 of the RPS.

Decision Sought: Retain the first and second paragraphs on page 3 of Change 2 (as part of the Introduction) to Section 2.8 (i.e. the paragraphs starting "Allowance must also be made ..." and "Geothermal energy development ...").

Council Decision: Accept

**Section: Paragraph 20 Geothermal energy...**

914

### Council Decision

No change.

### Reasons for Council Decision

32:3 Support is acknowledged.

### Submissions

Submission Number: 32: 3 Submission Type: Support

Submitter: Contact Energy Limited

Submission Summary: Contact supports the first and second paragraphs on page 3 of Change 2 (as part of the Introduction) which recognise that the development and use of geothermal resources, including the management of any associated geothermal risks, is addressed in Section 2.4 of the RPS. On that basis, there is no need to duplicate such a management regime in Section 2.8 of the RPS.

Decision Sought: Retain the first and second paragraphs on page 3 of Change 2 (as part of the Introduction) to Section 2.8 (i.e. the paragraphs starting "Allowance must also be made ..." and "Geothermal energy development ...").

Council Decision: Accept

**Section: Paragraph 21 Similarly, the..**

915

### Council Decision

Amend the first sentence in paragraph 21 to read: "Similarly, the management of urban growth in the region has been provided for in district plans and, in the western Bay of Plenty sub-region, through ..."

Amend the second sentence in paragraph 21 to read: "However by specifically providing for western Bay of Plenty urban limits in Appendix E, the Statement anticipates that any required risk reduction can ..."

### Reasons for Council Decision

17:2 The rewording in line with that requested by the submitter better reflects that the provision relates not only to western Bay of Plenty.

25:6 Support is acknowledged.

### Submissions

Submission Number: 17: 2 Submission Type: Seek Amendment

Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: Reference is made to urban growth areas in the western Bay of Plenty and anticipates that any required risk management can be achieved within those urban limits while providing for urban development. Whakatane District also has urban growth areas and within defined limits that have been subject to similar broad scale suitability assessments as those in the western Bay of Plenty. These are committed elements of the District Plan and LTP. The same approach to hazard management should be taken to these areas.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend [by deleting "western Bay of Plenty sub-", inserting "District Plans, and in the case of western Bay of Plenty sub-region through ", and deleting "However, by specifically providing for urban limits in Appendix E, the. " and "urban limits while providing for "] to recognise all formally committed urban growth areas as follows:  
Similarly, the management of urban growth in the region has been provided for through District Plans, and in the case of western Bay of Plenty sub-region through the Urban and Rural Growth Management policies and methods and in section 2.9. As more detailed planning and consenting is undertaken for those growth areas, the natural hazard risk will need to be identified and managed. The Statement anticipates that any required risk management can be achieved within those defined urban development areas. This does not obviate the need to manage natural hazard risk by, for example, influencing the design and location of development within growth areas. Method 18 of the Statement is a key means by which that can occur.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	15 - 38	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support in part the submitter's requests raised in this submission, subject to RPS Appendix E being referenced in any revision to this paragraph.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	16 - 38	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	We support in part the submitter's requests raised in this submission, subject to RPS Appendix E being referenced in any revision to this paragraph.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	17 - 38	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	We support in part the submitter's requests raised in this submission, subject to RPS Appendix E being referenced in any revision to this paragraph.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	18 - 38	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	We support in part the submitter's requests raised in this submission, subject to RPS Appendix E being referenced in any revision to this paragraph.		

Decision Sought:

Council Decision:	Accept in Part
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 25: 6 Submission Type: Support  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: The reference to the management of urban growth in the Western Bay of Plenty in paragraph 3 of page 3 and the accompanying reference to section 2.9 (the urban and rural growth management section of the RPS) and Appendix E of the RPS, is supported as it provides a natural hazards risk management context with regard to these important areas and how they are to be managed under the RPS.  
Decision Sought: [Retain] paragraph as notified.

Council Decision: Accept in Part

## Further Submission(s)

Further Submission No: 13 - 6 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept in Part

**Section: Paragraph 22 In that sense...**

916

## Council Decision

Insert 2 new sentences at the beginning of paragraph 22 to read: "Growth will increase pressure to develop in areas susceptible to natural hazards. Also, some existing settlements and lifeline utilities are located on land that may be subject to natural hazards."  
Replace "In that sense" with "Hence" in paragraph 22.

## Reasons for Council Decision

21:3 and 22:10 The rewording addresses the issues raised by the submitters of existing uses and lifeline utilities.

## Submissions

Submission Number: 21: 3 Submission Type: Seek Amendment  
Submitter: Powerco Limited  
Submission Summary: Exempt Lifeline Utilities and changes to existing activities, (including repair, upgrade and expansion) from the need to undertake a risk assessment. This change is required to acknowledge that the location of Lifeline Utilities is determined by particular operational requirements, and as a consequence their location in areas subject to natural hazard may be required. Recognition of the needs of and investment in existing activities within hazard areas is also required. It is very important that risk assessment is only relative to the scale of the risk associated with the new component of the activity, and minor changes / upgrades should not trigger a complete assessment.  
Decision Sought: [Amend by] inserting ["generally" and "(with the exception of existing land use and lifeline utilities),"] or by making amendments to achieve the same purpose:  
In that sense, although the risk assessment approach should generally be consistently applied across the region (with the exception of existing land use and lifeline utilities), the management response to identified risk will vary according to the nature of land uses potentially affected.  
Make consequential amendments.

Council Decision: Accept in Part

## Further Submission(s)

Further Submission No: 3 - 2 Submission Type: Support  
Further Submitter: Transpower New Zealand Ltd

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: Transpower supports this approach. As discussed in Transpower's original submission, known natural hazard risks are considered as part of Transpower's route, site and selection method. All National Grid infrastructure is designed and built to Transpower specifications standards which already take into account the known natural hazard risk.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	15 - 75	Submission Type:	Support in Part
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Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	16 - 75	Submission Type:	Support in Part
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Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	17 - 75	Submission Type:	Support in Part
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Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	18 - 75	Submission Type:	Support in Part
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Further Submitter: Ford Land Holdings Pty

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Submission Number: 22: 10 Submission Type: Seek Amendment

Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Exempt Lifeline Utilities and changes to existing activities, (including repair, upgrade and expansion) from the need to undertake a risk assessment. This change is required to acknowledge that the location of Lifeline Utilities is determined by particular operational requirements, and as a consequence their location in areas subject to natural hazard may be required. Recognition of the needs of and investment in existing activities within hazard areas is also required. It is very important that risk assessment is only relative to the scale of the risk associated with the new component of the activity, and minor changes / upgrades should not trigger a complete assessment.

Decision Sought: [Insert] "generally" and "(with the exception of existing land use and lifeline utilities)," or make amendments to achieve the same purpose:  
In that sense, although the risk assessment approach should generally be consistently applied across the region (with the exception of existing land use and lifeline utilities), the management response to identified risk will vary according to the nature of land uses potentially affected.  
Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 15 - 84 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 84 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 84 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 84 Submission Type: Support in Part  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: Subject to our original submissions on Section 2.8, we support these submissions that:  
a) Seek to recognise a range of methods to address natural hazard risks;  
b) Better reflect the needs of existing development and lifeline utilities; and  
c) Provide an exception to the natural hazards management response for existing land-use and lifeline utilities.

Decision Sought:

Council Decision: Accept in Part

**Section: Paragraph 23 Risk management is not..**

917

### Council Decision

Amend 3rd sentence in Paragraph 23 to read: "For that reason, although the responsibility for natural hazards risk assessment falls predominantly on the regional, city and district councils as part of plan-making processes, some targeted risk assessment may be necessary for large scale developments..."

### Reasons for Council Decision

14:2 Support is acknowledged.

25:7 The amended wording better aligns with the terminology of the Operative RPS.

### Submissions

Submission Number: 14: 2 Submission Type: Support in Part  
Submitter: Fonterra Co-operative Group Limited  
Submission Summary: The proposed provisions place emphasis on the need to ensure that requirements placed on applicants are proportional to the significance of the activity and the potential effects of natural hazards.  
Decision Sought: Retain in respect of the focus on larger scale developments.

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 1 - 3 Submission Type: Support  
Further Submitter: Powerco Limited  
Submission Summary: The submission is supported for the reasons given in the submission.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 8 - 3 Submission Type: Support  
Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
Submission Summary: The submission is supported for the reasons given in the submission.  
Decision Sought:

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	25: 7	Submission Type:	Seek Amendment
Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	Consistent with our submission on Policies NH 5B and NH 7B herein, the reference to 'larger scale developments' should be changed to 'Large-scale development'. 'Large-scale is defined in the now operative RPS.		
Decision Sought:	Amend [delete "larger scale" and insert "large-scale"] as follows: 'For that reason, although the responsibility for natural hazard risk assessment falls predominantly on the regional council and territorial authorities as part of plan-making processes, some targeted risk assessment may be necessary for large-scale developments particularly in the period before regional and district plans are changed to give effect to the natural hazards provisions of the Statement.' Make consequential amendments.		

Council Decision:	Accept
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### Further Submission(s)

Further Submission No:	13 - 7	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		
Decision Sought:			

Council Decision:	Accept
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### Section: 2.8.1 Regionally significant natural hazard issues

918

#### Council Decision

Replace "severe" with "major or catastrophic" in the heading and body text of Issue 1.

Replace "A wide range of" with "Many" in the body text of Issue 1.

Amend Issue 2 heading to read: "Availability of natural hazard risk information".

Reword Issue 2 body text to read: "In making their individual choices about where they live and work, and how they develop the land, people require sound information on natural hazard risks."

Delete "low likelihood high consequence" from Issue 3 heading.

Amend Issue 3 text to read: "Existing land uses and lifeline utilities are at risk from a wide range of natural hazards, including low-likelihood but high-consequence natural hazards (particularly earthquake, tsunami and volcano related hazards)."

Reword issue 4 text to read: "Integrated management requires many agencies to co-ordinate their roles in avoiding and mitigating existing and potential natural hazards and managing any residual risk."

#### Reasons for Council Decision

17:3 The submitter's concern is addressed in Issue 3.

21:4 and 22:11 The submitters' concern is addressed in Issue 3.

#### Submissions

Submission Number:	17: 3	Submission Type:	Oppose
Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	The introductory statement does not give sufficient recognition to the management of natural hazards in areas that are already fully developed with lawfully established activities. The focus of the Statement is mainly on areas of new development where plan rules and resource consent processes are most effective in avoiding or mitigating risk. It is probable that there is more aggregate risk from existing development on hazard prone sites than will new development will ever present. Management of existing activities in hazard areas is challenging for many reasons. Hazard identification can lead to financial and other consequences for land owners. Regulatory tools to address historic risk issues are weak. For existing development, existing use rights limit the effectiveness of plan making and development control methods. Plan rules in existing area of medium or high risk should enable owners to undertake appropriate risk reducing actions with low compliance costs Other management methods may be required to mitigate risk in these situations such as protection		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

works, warning systems or land purchase.  
The Statement should include more leadership and direction on this issue.

Decision Sought: Amend to recognise the management of natural hazard in areas that are already fully developed with lawfully established activities.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	1 - 4	Submission Type:	Support in Part
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Further Submitter: Powerco Limited

Submission Summary: Powerco supports the intent that there needs to be specific reference to existing land use and lawfully established activities and how potential effects associated with those are managed. This needs to include recognition that some lifeline utilities may need to remain in natural hazard areas and/or to be developed within a natural hazard area due to a functional or locational need and/or previous land use decisions. Powerco retains a concern over the specific wording of any changes required to give effect to the Councils' submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	4 - 4	Submission Type:	Oppose
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Further Submitter: Sustainable Matata Incorporated

Submission Summary: WDC has at least two mitigation works that are useless and do not provide any protection, the Matata Lagoon and the Waitepuru Detention structure. The lagoon is little more than a very expensive silt trap, and the Waitepuru Detention structure has caused more problems than it has solved by creating more flooding and erosion downstream. To date the main culvert of the Waitepuru Detention structure has been partly blocked off with sheet pile and the weir has been lowered at least three times to reduce the effects of it, designed by Tonkin & Taylor and Opus. These are both lawfully established activities, but are also unmitigated failures, in our opinion.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	8 - 4	Submission Type:	Support in Part
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Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: The Oil Companies support the intent that there needs to be specific reference to existing land use and lawfully established activities and how that is managed. This needs to include recognition that some lifeline utilities may need to remain in natural hazard areas and be developed in an area due to a functional or locational need, and previous land use decisions. The Oil Companies retain a concern over the specific wording that may need to be drafted to give effect to the Councils submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	15 - 37	Submission Type:	Support in Part
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Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our original submissions on Section 2.8, we support this submission seeking recognition of the management of natural hazards in areas that are developed and have lawfully established activities.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 37 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our original submissions on Section 2.8, we support this submission seeking recognition of the management of natural hazards in areas that are developed and have lawfully established activities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 37 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our original submissions on Section 2.8, we support this submission seeking recognition of the management of natural hazards in areas that are developed and have lawfully established activities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 37 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our original submissions on Section 2.8, we support this submission seeking recognition of the management of natural hazards in areas that are developed and have lawfully established activities.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 21: 4 Submission Type: Seek Amendment  
 Submitter: Powerco Limited  
 Submission Summary: [Include] specific reference to existing land use and development, and to lifeline utilities.  
 Decision Sought: [Insert] the following new issue, or [make] amendments to achieve the same purpose:  
 "5 Existing development and the establishment of new activities with a functional need for a particular location  
 "Some land uses and development already exist in natural hazards areas and others, like lifeline utilities, may have a functional or locational need to locate within higher risk areas."  
 Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 2 - 1 Submission Type: Support  
 Further Submitter: Contact Energy Limited  
 Submission Summary: For the reasons stated in the submission.  
 Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 11 - 1 Submission Type: Support

Further Submitter: Fonterra Co-operative Group Limited

Submission Summary: For the reasons stated in the submission

Decision Sought: Allow

Council Decision: Accept in Part
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Further Submission No: 15 - 76 Submission Type: Support

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the new 'Issue' proposed to recognise existing development and the functional and locational need for some development and lifeline utilities to be located in higher risk areas.

Decision Sought:

Council Decision: Accept in Part
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Further Submission No: 16 - 76 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the new 'Issue' proposed to recognise existing development and the functional and locational need for some development and lifeline utilities to be located in higher risk areas.

Decision Sought:

Council Decision: Accept in Part
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Further Submission No: 17 - 76 Submission Type: Support

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support the new 'Issue' proposed to recognise existing development and the functional and locational need for some development and lifeline utilities to be located in higher risk areas.

Decision Sought:

Council Decision: Accept in Part
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Further Submission No: 18 - 76 Submission Type: Support

Further Submitter: Ford Land Holdings Pty

Submission Summary: We support the new 'Issue' proposed to recognise existing development and the functional and locational need for some development and lifeline utilities to be located in higher risk areas.

Decision Sought:

Council Decision: Accept in Part
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Submission Number: 22: 11 Submission Type: Seek Amendment

Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: [Include] specific reference to existing land use and development, and to lifeline utilities.

Decision Sought: [Insert] the following new issue, or make amendments to achieve the same purpose:  
"5. Existing development and the establishment of new activities with a functional need for a particular location  
"Some land uses and development already exist in natural hazards areas and others, like lifeline utilities, may have a functional or locational need to locate within medium to higher risk areas."  
Make consequential amendments.

Council Decision: Accept in Part
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### Further Submission(s)

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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Further Submission No: 2 - 2 Submission Type: Support

Further Submitter: Contact Energy Limited

Submission Summary: For the reasons stated in the submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 11 - 2 Submission Type: Support

Further Submitter: Fonterra Co-operative Group Limited

Submission Summary: For the reasons stated in the submission.

Decision Sought: Allow

Council Decision:	Accept in Part
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Further Submission No: 15 - 85 Submission Type: Support

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the new 'Issue' proposed to recognise existing development and the functional and locational need for some development and lifeline utilities to be located in higher risk areas.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 85 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the new 'Issue' proposed to recognise existing development and the functional and locational need for some development and lifeline utilities to be located in higher risk areas.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 85 Submission Type: Support

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support the new 'Issue' proposed to recognise existing development and the functional and locational need for some development and lifeline utilities to be located in higher risk areas.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 85 Submission Type: Support

Further Submitter: Ford Land Holdings Pty

Submission Summary: We support the new 'Issue' proposed to recognise existing development and the functional and locational need for some development and lifeline utilities to be located in higher risk areas.

Decision Sought:

Council Decision:	Accept in Part
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

919

**Section: 2.8.1.1 Potential natural hazard events to generate severe consequences**

## Council Decision

Replace "severe" with "major or catastrophic" in the heading and body text of Issue 1.  
Replace "A wide range of" with "Many" in the body text of Issue 1.

## Reasons for Council Decision

17:4 The amended wording is consistent with the terminology relating to consequences later in the Proposed Change.  
25:8 The rewording addresses the submitter's grammatical concern.

## Submissions

Submission Number: 17: 4 Submission Type: Oppose  
Submitter: Whakatane, Opotiki and Kawerau District Councils  
Submission Summary: The "severe" consequences description is inconsistent with the terms used in the risk screening matrix. It is assumed that the term severe would include "major" and "catastrophic" consequences.  
Decision Sought: Amend [by deleting "severe "] to read: Potential for natural hazard events to generate major or catastrophic consequences

Council Decision: Accept

## Further Submission(s)

Further Submission No: 15 - 34 Submission Type: Support  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: We support the amendments sought in this submission, that aligns the description of consequences to those used in the risk screening matrix.  
Decision Sought:

Council Decision: Accept

Further Submission No: 16 - 34 Submission Type: Support  
Further Submitter: Te Tumu Kaituna 14 Trust  
Submission Summary: We support the amendments sought in this submission, that aligns the description of consequences to those used in the risk screening matrix.  
Decision Sought:

Council Decision: Accept

Further Submission No: 17 - 34 Submission Type: Support  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: We support the amendments sought in this submission, that aligns the description of consequences to those used in the risk screening matrix.  
Decision Sought:

Council Decision: Accept



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 34 Submission Type: Support  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We support the amendments sought in this submission, that aligns the description of consequences to those used in the risk screening matrix.  
Decision Sought:

Council Decision: Accept

Submission Number: 25: 8 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Grammatical error.  
Decision Sought: Amend Issue 1 text [delete "has" and insert "have"] as follows:  
'1 Potential for natural hazard events to generate severe consequences  
A wide range of natural hazards in the Bay of Plenty have the potential to generate severe consequences for people and communities.'  
Make consequential amendments.

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 13 - 8 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept in Part

### Section: 2.8.1.2 Individual choices rarely take natural hazards risks into account

920

#### Council Decision

Amend Issue 2 heading to read: "Availability of natural hazard risk information".  
Reword Issue 2 body text to read: "In making their individual choices about where they live and work, and how they develop the land, people require sound information on natural hazard risks."

#### Reasons for Council Decision

7:1 The complexity of the issue is unfortunately reflected in the expression of the provisions. Implementation guidance will be made available.  
18:4 The amended wording better recognises that the ready availability of relevant information is now the issue.  
25:9 The amended wording better recognises that the ready availability of relevant information is now the issue.

Additional consideration of these submission points is included in clause 6.2 of the Supplementary Report on Submissions.

#### Submissions

Submission Number: 7: 1 Submission Type: Oppose  
Submitter: Te Arawa ki Tai Trust  
Submission Summary: [The] document is a barrier to individuals trying to make good decisions. Most New Zealanders do try to assess risks if the information is easily accessible and understandable. In this case they would need to hire a planner or lawyer! This complicated document opens Councils to the current accusations of the government that local bodies are the reason houses cost so much.  
Decision Sought: Councils should provide information which a layperson can understand. The document should be revised and simplified consistent with the rest of the RPS. The details should be in a separate document.

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 18: 4 Submission Type: Seek Amendment  
Submitter: Carrus Corporation Limited  
Submission Summary: The knowledge, education, publicity and available information has increased significantly over the past few years and therefore people are more aware of the risks associated with natural hazards.  
Decision Sought: Delete the words "how they develop the land" as this policy is addressing this.  
Amend to "people are now getting more information that they will take natural hazard risks into account".

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 13 - 57 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept in Part

Submission Number: 25: 9 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: 1. Issue 2 makes a statement and assumption that is not correct, in stating that people rarely take natural hazard risks into account when making individual choices about where they live and work. Natural hazard awareness has increased significantly in the last 10-15 years particularly following the 2004 Indian Ocean Boxing Day Tsunami, the earthquakes and tsunamis in Samoa and Japan and more recently the Christchurch earthquakes. Extensive local and national press combined with Civil Defence awareness programmes and Council programmes such as the Tauranga City Council Tsunami Survive initiative mean that people are now very aware of natural hazard risks.  
2. The issue does not link up with the proposed Change 2 Policy framework or proposed Methods.  
Decision Sought: Delete Issue 2.  
OR  
Amend Issue 2 text [by deleting "Individual choices rarely take natural hazards risks into account", "people rarely take" and "into account" and inserting "A lack of natural hazard risk information and guidance impacts individual choices and can result in uninformed decisions", "sound information on" and "is required"] as follows:  
'2 A lack of natural hazard risk information and guidance impacts individual choices and can result in uninformed decisions  
In making their individual choices about where they live and work, and how they develop the land, sound information on natural hazard risks is required.'  
Or words to similar effect. Make consequential amendments.

Council Decision: Accept in Part

### Section: 2.8.1.3 Existing risks from low-likelihood high-consequence natural hazards

921

#### Council Decision

Delete "low likelihood high consequence" from Issue 3 heading.  
Amend Issue 3 text to read: "Existing land uses and lifeline utilities are at risk from a wide range of natural hazards, including low-likelihood but high-consequence natural hazards (particularly earthquake, tsunami and volcano related hazards)."

#### Reasons for Council Decision

7:2 Inclusion of "tsunami" better reflects the range of low-likelihood high consequence hazards that are of concern.  
17:5 The added wording better reflects that it is not only low-likelihood high consequence hazards that are of concern in existing use situations.

#### Submissions

Submission Number: 7: 2 Submission Type: Seek Amendment  
Submitter: Te Arawa ki Tai Trust

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: In order to assist the public, community and individuals make informed decisions based on clear, concise information, add the word "tsunami".

Decision Sought: Insert "including tsunami" after ... "earthquake".

Council Decision:	Accept in Part
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Submission Number: 17: 5 Submission Type: Oppose

Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: Issue 3 refers to:  
 "Existing risks from low-likelihood high-consequence natural hazards  
 "Existing land uses are at risk from low-likelihood but high-consequence natural hazards (particularly earthquake and volcano related hazards)."  
 Existing land uses are also at risk from many other significant risk natural hazards such as landslides and debris flows.

Decision Sought: Amend Issue 3 [by deleting "low-likelihood high-consequence " and inserting "from a wide range of natural hazards with varying risks, including " and "tsunami "] to:  
 "Existing risks from natural hazards  
 "Existing land uses are at risk from a wide range of natural hazards with varying risks, including low-likelihood but high-consequence natural hazards (particularly earthquake, tsunami and volcano related hazards)."

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 4 - 5 Submission Type: Support in Part

Further Submitter: Sustainable Matata Incorporated

Submission Summary: Add landslides and debris flow/floods to wording sought.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 35 Submission Type: Support

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the amendments sought raised in this submission, that refers to a wide range of natural hazards

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 35 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the amendments sought raised in this submission, that refers to a wide range of natural hazards

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 35 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the amendments sought raised in this submission, that refers to a wide range of natural hazards  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 35 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the amendments sought raised in this submission, that refers to a wide range of natural hazards  
 Decision Sought:

Council Decision:	Accept in Part
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**Section: 2.8.1.4 Co-ordinating agencies' roles to avoid and mitigate natural hazards and manage residual** 922

**Council Decision**

Reword issue 4 text to read: "Integrated management requires many agencies to co-ordinate their roles in avoiding and mitigating existing and potential natural hazards and managing any residual risk."

**Reasons for Council Decision**

17:6 Inclusion of the additional words draws attention to the need to recognise existing as well as potential hazards. "Remedying" is not included to retain consistency with the RMA; although the formula "avoiding, remedying, or mitigating" is used in relation to adverse effects in section 5 and elsewhere, the truncated expression "avoidance or mitigation" is used with natural hazards in sections 30(1)(c)(iv) and 31(1)(b)(i).

**Submissions**

Submission Number: 17: 6 Submission Type: Oppose  
 Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: Issue 4 refers to  
 "Co-ordinating agencies' roles to avoid and mitigate natural hazards and manage residual risk  
 "Integrated management requires many agencies to co-ordinate their roles in avoiding and mitigating natural hazards, and managing any residual risk."  
 Roles may also include the remedying of existing risk. This is inherent in the Policy NH6B Natural Hazard Risk Management which seeks to reduce risk over time.  
 This includes undertaking remedial measures in areas of existing development exposed to high and moderate risk.  
 Decision Sought: Amend Issue 4 [by inserting "remedy " and "remedying "] to:  
 "Co-ordinating agencies' roles to avoid, remedy and mitigate natural hazards and manage residual risk  
 Integrated management requires many agencies to co-ordinate their roles in avoiding, remedying and mitigating natural hazards, and managing any residual risk."

Council Decision:	Accept in Part
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**Section: Objective 23 Avoidance or mitigation of natural hazards by reducing risk...** 923

**Council Decision**

Reword objective 23 to read: "Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities."

**Reasons for Council Decision**

7:3 The amended wording better reflects that the overall risk assessment process influences the action to be taken while retaining a clear statement of the purpose to which effort is to be directed.  
 8:2 Support is acknowledged.  
 14:3 Retention of reference to risk provides a direction to the policy that follows that a risk management approach is to be taken.  
 16:2 Support is acknowledged.  
 21:5 and 22:12 Replacing "reducing risk where necessary" with "managing risk" better encapsulates that the risk management approach incorporates

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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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the required judgement as to when action is required.

25:10 Support is acknowledged.

33:3 The wording of the objective does not exclude the requirement to avoid increasing risk in the coastal environment and a subsequent policy addresses that situation directly. The objective addresses specific elements of the environment; that it does not address the risk of natural hazards on the natural environment reflects that, to direct subsequent control of land use, its focus is on the interaction of natural events and people's habitation.

### Submissions

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Submission Number: 7: 3 Submission Type: Oppose  
Submitter: Te Arawa ki Tai Trust  
Submission Summary: Submitter objects to the phrase "where necessary" as it is inappropriate wording for a risk management document. They think it may mean, "according to the risk factor" and suggest that or similar wording replace the present wording.  
Decision Sought: Replace "risk where necessary" with "risk according to the risk factor".

Council Decision:	Accept in Part
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Submission Number: 8: 2 Submission Type: Support  
Submitter: Transpower New Zealand Ltd  
Submission Summary: Transpower supports Objective 23  
Decision Sought: Objective 23 is retained without modification.

Council Decision:	Accept in Part
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### Further Submission(s)

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Further Submission No: 1 - 5 Submission Type: Support in Part  
Further Submitter: Powerco Limited  
Submission Summary: Oppose in part. Transpower seeks retention of the objective. Powerco has sought that the emphasis be placed on managing risk, where necessary for people's safety and the protection of lifeline utilities, rather than reducing risk. This recognises that in many cases risk cannot (and need not) be reduced and better reflects Objective 5 of the NZCPS (and the Objective and Policies 1-5 (inter alia) of the NPS on Electricity Transmission).  
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 8 - 5 Submission Type: Support in Part  
Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
Submission Summary: Oppose in part. Transpower seeks retention of the objective, while the Oil Companies has sought that the emphases be placed on managing risk where necessary for people's safety and the protection of lifeline utilities rather than reducing risk. This recognises that in many cases risk cannot be reduced and reflects Objective 5 of the NZCPS.  
Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 3 - 3 Submission Type: Support  
Further Submitter: Transpower New Zealand Ltd  
Submission Summary: Transpower supports the management of risk where necessary, rather than "reducing".  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 10 - 4 Submission Type: Oppose  
Further Submitter: Director General of Conservation  
Submission Summary: The requested relief undermines the intent of the objective, as the term 'manage' provides no direction or uncertainty.  
Decision Sought:

Council Decision: Reject

Submission Number: 22: 12 Submission Type: Seek Amendment  
Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
Submission Summary: [Include] reference to the management of natural hazard risk, rather than merely its reduction.  
Decision Sought: [Insert "managing " and delete "reducing "] or amendments to achieve the same purpose:  
"Avoidance or mitigation of natural hazards by managing risk where necessary for people's safety and the protection of lifeline utilities."  
Make consequential amendments.

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 10 - 5 Submission Type: Oppose  
Further Submitter: Director General of Conservation  
Submission Summary: The requested relief undermines the intent of the objective, as the term 'manage' provides no direction or uncertainty.  
Decision Sought:

Council Decision: Accept in Part

Submission Number: 25: 10 Submission Type: Support  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Objective 23 for the Change provides a good link to the accompanying Policies.  
Decision Sought: Adopt Objective 23 as notified.

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 1 - 7 Submission Type: Oppose  
Further Submitter: Powerco Limited  
Submission Summary: The objective as written does not acknowledge that risks cannot always, and do not always need to, be reduced.  
Decision Sought:

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 8 - 7 Submission Type: Oppose  
 Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: The objective as written needs to acknowledge that risks cannot always be reduced.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 13 - 10 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 13 - 38 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 33: 3 Submission Type: Seek Amendment  
 Submitter: Director General of Conservation  
 Submission Summary: This Objective combines two separate natural hazard management approaches and does not provide certainty that the increase of the risk of harm from coastal hazards will be avoided rather than mitigated, as required by Policy 25(a) NZCPS.  
 There is also no requirement to address the risk of environmental harm, also required by Policy 25(a).  
 Decision Sought: Consider splitting this objective into two, with one addressing the need to avoid increasing certain types of risk, and the other addressing reduction of existing risk.  
 Also include the risk of environmental harm.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 1 - 8 Submission Type: Oppose  
 Further Submitter: Powerco Limited  
 Submission Summary: It is not clear which types of risk would trigger an avoidance approach and which would trigger a reduction approach. As indicated in Powerco's submission the approach to natural hazard risk should not be limited in an objective sense to an avoidance and reduction only paradigm. In many circumstances the level of risk may be acceptable for the type of activity proposed. Any redrafted text must not preclude the continued use and development of existing infrastructure, in particular lifeline utilities within coastal hazard risk areas.  
 Decision Sought:

Council Decision:	Reject
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No:	8 - 8	Submission Type:	Oppose
Further Submitter:	Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd		
Submission Summary:	<p>The Oil Companies acknowledge that NZCPS Policy 25(a) does require councils to avoid increasing the risk of social, environmental and economic harm from coastal hazards. However, Objective 23 is an objective statement and as such is better compared to Objective 5 of the NZCPS which states "to ensure that coastal hazard risks taking account of climate change are managed by...."</p> <p>Hence, the Oil Companies submission for amendment to reflect managing risk is consistent with NZCPS Policy 5. The relief is uncertain in that it is not clear what types of risk are being referred to that would need to adopt an avoidance approach and which a reduction approach. As indicated in the Oil Companies submission, the approach to natural hazard risk should not be limited in an objective sense to an avoidance and reduction only paradigm. In many circumstances the level of risk may be acceptable for the type of activity proposed.</p>		
Decision Sought:	In any redrafting it would be necessary to ensure that it does not preclude the continued use and development of existing infrastructure, in particular lifeline utilities within coastal hazard risk areas.		
Council Decision:	Reject		

**Chapter: 3.1 Policies**

924

**Section: 3.1 Policies**

924

## Council Decision

Add extra sentence to paragraph 3 of the Explanation to Policy NH 1B as follows: "For example, where emergency management responses such as evacuation are proposed, their modelled effectiveness would be included in the risk assessment."  
 Amend last sentence in paragraph 4 of the Explanation to Policy NH 1B as follows: "Conversely, it means that land use control may be required in respect of a hazard with a relatively low level of likelihood if the potential consequences of that hazard event, left unmanaged, are high."

## Reasons for Council Decision

4:2 and 5:2 No specific amendment is proposed because the risk management approach being taken provides an appropriate decision making framework for such situations.  
 10:2 "The avoidance or mitigation of natural hazards" is listed in the Local Government Act 2002 among the core services of local authorities. Control of the use of land for the purpose of the avoidance or mitigation of natural hazards is included among the functions or regional councils in the Resource Management Act 1991 and, for territorial authorities, control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards. It is clear that there is an expectation that councils' roles in relation to natural hazards extends beyond identifying the natural hazards.  
 15:1 Addressing the proposed policy matters in turn: (a) and (b): Where any measures to avoid or mitigate natural hazards require authorisation by a regional or district plan or a resource consent, any adverse effects of such measures would be addressed through those processes. (c) Inclusion of paragraph (f) in Appendix L is sufficient to recognise the beneficial role that natural features can play in providing protection from natural hazards.  
 15:2 Inclusion of Appendix L in formal policies is not necessary to achieve adoption of the most appropriate measures. This is a level of detail that can be included in regional and district plans for which the section 32 evaluation requires assessment of the extent to which provisions are the most appropriate.  
 17:10 This is a level of detail to be included in regional and district plans, not the RPS.

## Submissions

Submission Number:	4: 2	Submission Type:	Seek Amendment
Submitter:	Neville Harris		
Submission Summary:	Debris flows more frequent than 475 years / Death risk greater than acceptable.		
Decision Sought:	Prevent building on proven debris flow fans.		
Council Decision:	Accept in Part		

  

Submission Number:	5: 2	Submission Type:	Seek Amendment
Submitter:	Sustainable Matata Incorporated		
Submission Summary:	Debris flows more frequent than 475 years / Death risk greater than acceptable.		
Decision Sought:	Prevent building on debris flow fans.		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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Submission Number:	10: 2	Submission Type:	Oppose
Submitter:	Ngati Rangitahi Raupatu Trust Inc		
Submission Summary:	<p>We believe that identifying Natural Hazards by the Regional Council is sufficient for public safety and that the proposed Natural Hazard zones are not justified. If the proposed Natural Hazard zones are adopted by the Regional Council they will have will have extremely serious and wide ranging ramifications for affected property owners in the Matata coastal area as follows:</p> <ul style="list-style-type: none"> <li>- no history of land slips having affected properties in the Matata area</li> <li>- identifying tsunami to be a natural hazard on the coast is sufficient for public safety</li> <li>- designating properties are in Debris flow and land slip Natural Hazard zones in the Matata area will lower the valuations of the properties affected</li> <li>- will likewise result insurance difficulties and higher premiums for the owners of properties in the designated Natural Hazard zones.</li> <li>- the properties will be more difficult to sell and will make it more difficult for the owners/buyers to obtain mortgages in future</li> <li>- will seriously impede or even preclude a property entirely from future subdivision or development and/or will involve expensive mitigation engineering and obtaining costly engineers reports</li> <li>- that designating properties with Ngati Rangitahi owners to be in Debris flow or land slip Natural Hazard zones will seriously impede or even preclude a property from future subdivision or will involve expensive mitigation engineering and obtaining costly engineering reports to satisfy a consent authority. This will be a substantial financial burden on the property owner or developer</li> <li>- impeding or precluding development breaches our right to development which is guaranteed under the UN Convention on the rights of Indigenous peoples.</li> </ul>		
Decision Sought:	Identifying Natural Hazards by the Regional Council is sufficient for public safety. The proposed Natural Hazard zones are not justified.		

Council Decision:	Reject
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Submission Number:	15: 1	Submission Type:	Seek Amendment
Submitter:	Royal Forest and Bird Protection Society NZ (Bay of Plenty Branches)		
Submission Summary:	<p>The Society notes that the former policy NH3B of the Proposed Bay of Plenty Regional Policy Statement (now withdrawn), provided for regard to be had to "Protecting, restoring or enhancing natural defences against natural hazards".</p> <p>The issue of protecting natural areas generally from effects of natural hazard mitigation does not seem to be addressed in Plan Change 2.</p> <p>Policy CE 4A (b) of the operative RPS provides for protecting the buffering capacity of natural features in the coastal environment but this is not addressed elsewhere, although some of the policies in the Matters of National Importance chapter, are relevant to protection of those values. Policy MN8B in particular is relevant:</p> <p>Policy MN 8B: Managing effects of subdivision, use and development</p> <p>Avoid and, where avoidance is not practicable, remedy or mitigate any adverse effects of subdivision, use and development on matters of national importance assessed in accordance with Policy MN 1B as warranting protection under section 6 of the Act.</p> <p>Although reference is made in Appendix L to "(f) requiring the restoration, retention or enhancement of natural defences against natural hazards (e.g. dunes and wetlands) as part of development proposals", Appendix L is for information purposes only and therefore holds little weight.</p> <p>It is the Society's submission that managing natural hazards where matters of national importance are concerned, is similar to managing effects of regionally significant infrastructure (Policy EI 5B).</p>		
Decision Sought:	<p>Include a new policy equivalent to Policy EI 5B:</p> <p>"Managing adverse effects of natural hazard mitigation on matters of national importance:</p> <p>(a) Give priority to ensuring natural hazard avoidance and/or mitigation avoids adverse effects on natural and physical resources identified in Policy MN 1B as matters of national importance.</p> <p>(b) Where adverse effects on natural and physical resources identified in Policy MN 1B cannot practicably be avoided then these effects are to be appropriately remedied or mitigated, including through the use of environmental offsets.</p> <p>(c) Identify opportunities to restore and enhance the capacity of natural features such as forests and wetlands to provide subdivision, use and development with a protective buffer from natural hazards."</p> <p>Include appropriate cross-referencing and any other consequential amendments necessary to give effect to the decision sought.</p>		

Council Decision:	Reject
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### Further Submission(s)

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 2 - 3 Submission Type: Support in Part  
 Further Submitter: Contact Energy Limited  
 Submission Summary: Oppose in part. There is a need to be careful that any requirement to avoid, remedy or mitigate effects (including offsetting) relates to the effects of human activities, not the effects of a natural hazard on aspects of the environment.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 7 - 5 Submission Type: Support in Part  
 Further Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: Use of natural features to provide a protective buffer from natural hazards is often appropriate. However, in some cases more immediate measures are needed for protection of human health.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 11 - 3 Submission Type: Oppose  
 Further Submitter: Fonterra Co-operative Group Limited  
 Submission Summary: The policy lacks clarity regarding the circumstances in which "environmental offsets" would be required and the scale and nature of these.  
 Decision Sought: Disallow

Council Decision:	Accept
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Further Submission No: 15 - 32 Submission Type: Oppose  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We oppose the submitter's request seeking a new Policy with regard to giving priority to managing adverse effects of natural hazard mitigation on matters of national importance, as the impacts of natural hazard mitigation will require consideration of wide range of matters within the RPS in order to achieve the integrated management of natural and physical resources as required under s30 of the Act.  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 32 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We oppose the submitter's request seeking a new Policy with regard to giving priority to managing adverse effects of natural hazard mitigation on matters of national importance, as the impacts of natural hazard mitigation will require consideration of wide range of matters within the RPS in order to achieve the integrated management of natural and physical resources as required under s30 of the Act.  
 Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Further Submission No: 17 - 32 Submission Type: Oppose  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: We oppose the submitter's request seeking a new Policy with regard to giving priority to managing adverse effects of natural hazard mitigation on matters of national importance, as the impacts of natural hazard mitigation will require consideration of wide range of matters within the RPS in order to achieve the integrated management of natural and physical resources as required under s30 of the Act.  
Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 32 Submission Type: Oppose  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We oppose the submitter's request seeking a new Policy with regard to giving priority to managing adverse effects of natural hazard mitigation on matters of national importance, as the impacts of natural hazard mitigation will require consideration of wide range of matters within the RPS in order to achieve the integrated management of natural and physical resources as required under s30 of the Act.  
Decision Sought:

Council Decision:	Accept
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Submission Number: 15: 2 Submission Type: Seek Amendment  
Submitter: Royal Forest and Bird Protection Society NZ (Bay of Plenty Branches)  
Submission Summary: Appendix L is referred to in the Explanations of Policies 7B and 8A. Appendix L states that the options set out are for information purposes only. This means that none of its provisions have to be considered and therefore its guidance is limited.  
Decision Sought: Incorporate Appendix L into the policy framework by requiring the adoption of the most appropriate measures to the circumstances or other amendment to achieve policy direction from the Appendix.

Council Decision:	Reject
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### Further Submission(s)

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Further Submission No: 2 - 4 Submission Type: Oppose  
Further Submitter: Contact Energy Limited  
Submission Summary: Appendix L is appropriately presented for information purposes. The matters listed should remain as options to consider depending on the circumstances, rather than being a set of requirements.  
Decision Sought:

Council Decision:	Accept
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Further Submission No: 7 - 6 Submission Type: Support  
Further Submitter: Whakatane, Opotiki and Kawerau District Councils  
Submission Summary: The listed measures should be accepted as giving effect to the policy, but should also allow for other effective options to adopted where more appropriate. This will promote greater efficiency in plan preparation.  
Decision Sought:

Council Decision:	Reject
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 10 - 6 Submission Type: Support  
 Further Submitter: Director General of Conservation  
 Submission Summary: Appendix L is currently only for information purposes but includes direction that would give effect to the NZCPS. Incorporation of these, where appropriate and practicable, may provide suitable direction for the policies.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 11 - 4 Submission Type: Oppose  
 Further Submitter: Fonterra Co-operative Group Limited  
 Submission Summary: The submission seeks to give policy status to Appendix L which was not intended or written for that purpose. The content of Appendix L should remain as options for consideration rather than policy requirements.

Decision Sought: Disallow.

Council Decision:	Accept
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Further Submission No: 15 - 33 Submission Type: Oppose  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We oppose the submitter's request to incorporate Appendix L into the Policy framework as the Appendix L considerations are already provided for by reference in a number of places in Change 2.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 33 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We oppose the submitter's request to incorporate Appendix L into the Policy framework as the Appendix L considerations are already provided for by reference in a number of places in Change 2.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 33 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We oppose the submitter's request to incorporate Appendix L into the Policy framework as the Appendix L considerations are already provided for by reference in a number of places in Change 2.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 33 Submission Type: Oppose  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We oppose the submitter's request to incorporate Appendix L into the Policy framework as the Appendix L considerations are already provided for by reference in a number of places in Change 2.

Decision Sought:

Council Decision:	Accept
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## **Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions**

Submission Number: 17: 10 Submission Type: Seek Amendment

Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: Seek new policy to enable plan provisions that give certainty for risk reducing activities:

- Permitted activity status for low impact protection measures.
- Permitted activity for established protection works (E.g. Stop banks, Waitepuru stream works etc where downstream development is reliant on continued protection).
- Controlled activity for new protection works that protect health and safety.

Decision Sought: New policy to enable plan provisions that give certainty for risk reducing activities.

Council Decision:	Reject
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### **Further Submission(s)**

Further Submission No: 4 - 6 Submission Type: Oppose

Further Submitter: Sustainable Matata Incorporated

Submission Summary: The WDC works do not provide any protection.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 14 - 18 Submission Type: Support

Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: We support a new provision of a new Policy based upon the principal of providing for risk reducing measures.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 42 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our original submission on Policy NH 6B, we support a new provision of a new Policy based upon the principal of providing for risk reducing measures.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 42 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Subject to our original submission on Policy NH 6B, we support a new provision of a new Policy based upon the principal of providing for risk reducing measures.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 42 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our original submission on Policy NH 6B, we support a new provision of a new Policy based upon the principal of providing for risk reducing measures.

Decision Sought:

Council Decision:	To Be Advised
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Further Submission No: 18 - 42 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our original submission on Policy NH 6B, we support a new provision of a new Policy based upon the principal of providing for risk reducing measures.

Decision Sought:

Council Decision:	Accept in Part
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### Section: Policy NH 1B - Taking a risk management approach

#### Council Decision

Add extra sentence to paragraph 3 of the Explanation as follows: "For example, where emergency management responses such as evacuation are proposed, their modelled effectiveness would be included in the risk assessment."

Amend last sentence in paragraph 4 of the Explanation as follows: "Conversely, it means that land use control may be required in respect of a hazard with a relatively low level of likelihood if the potential consequences of that hazard event, left unmanaged, are high."

#### Reasons for Council Decision

2:3 Support is acknowledged.

14:4 The policy framework is that the risk management approach is implemented through regional and district plans and, in the transition until such provisions are in place and for other specified situations, in the consideration of resource consent applications.

16:3 Support is acknowledged.

18:5 Support is acknowledged.

21:6 and 22:13 The inserted words better reflect that risk assessment takes into account any management measures that are in place. The struck out word aligns the explanation with the policy framework.

25:11 Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.

#### Submissions

Submission Number: 2: 3 Submission Type: Support  
 Submitter: Waikato Regional Council  
 Submission Summary: The risk management approach classifying risk levels is supported. The approach goes beyond the common traditional focus on likelihood, concentrating on risk as the combination of likelihood and consequences. This is consistent with the approach taken in the WRPS Policy 13.1 'Natural Hazard Risk Management Approach'.  
 Decision Sought: Retain Policy NH 1B as notified.

Council Decision:	Accept
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#### Further Submission(s)

Further Submission No: 15 - 1 Submission Type: Oppose  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Oppose the submitter's support of these Policies, to the extent that our original submissions seek amendments that clarify the potential for mitigation for a medium level risk and that the policy applies to resource consents.

Decision Sought:

Council Decision:	Reject
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 1 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Oppose the submitter's support of these Policies, to the extent that our original submissions seek amendments that clarify the potential for mitigation for a medium level risk and that the policy applies to resource consents.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 17 - 1 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Oppose the submitter's support of these Policies, to the extent that our original submissions seek amendments that clarify the potential for mitigation for a medium level risk and that the policy applies to resource consents.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 18 - 1 Submission Type: Oppose  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Oppose the submitter's support of these Policies, to the extent that our original submissions seek amendments that clarify the potential for mitigation for a medium level risk and that the policy applies to resource consents.

Decision Sought:

Council Decision:	Reject
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Submission Number: 14: 4 Submission Type: Oppose  
 Submitter: Fonterra Co-operative Group Limited  
 Submission Summary: The policy establishes an approach which is more appropriately implemented through the preparation of regional and district plans to ensure that it is applied in a strategic and consistent manner. The focus is on the process of identifying and classifying risks rather than being of direct relevance to a specific proposal.  
 Decision Sought: Delete or amend to state it as an "A" policy to ensure that it is intended as giving direction to regional and district plans.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 1 - 10 Submission Type: Support in Part  
 Further Submitter: Powerco Limited  
 Submission Summary: Oppose in part. Powerco supports adoption of the risk management approach for use in consent applications as well as an overall policy direction as it allows for site specific considerations relevant to a proposed development.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 8 - 10 Submission Type: Oppose  
 Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: The Oil Companies support adoption of the risk management approach for use in consent applications as well as an overall policy direction to regional and district plans as it allows for site specific considerations relevant to a proposed development.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 16: 3 Submission Type: Support  
 Submitter: Bay of Plenty Civil Defence Emergency Management Group  
 Submission Summary: Taking a risk management approach to managing natural hazards is a key component to helping the group deliver on its goal 1 to reduce the risks from hazards in the BOP to acceptable levels and the risk reduction principles set out in section 3.1 of the Group Plan.

Decision Sought: Implement for reasons provided.

Council Decision:	Accept
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Submission Number: 18: 5 Submission Type: Support  
 Submitter: Carrus Corporation Limited  
 Submission Summary: Support Policy NH 1B.  
 Decision Sought: [Retain Policy NH 1B.]

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 13 - 58 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept
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Submission Number: 21: 6 Submission Type: Seek Amendment  
 Submitter: Powerco Limited  
 Submission Summary: Retain unmodified, except for the last sentence in paragraph 4 of the explanation. [Clarify] that controls on land use may be required if the potential consequences of that hazard event, left unmanaged, would be high.  
 Decision Sought: Amend the last sentence in paragraph 4 of the explanation [by inserting ", left unmanaged,"] or amendments to achieve the same purpose:  
 "Conversely, it means that land use control may be required in respect of a hazard with a relatively low level of likelihood if the potential consequences of that hazard event, left unmanaged, would be high."  
 Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 15 - 72 Submission Type: Support  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the clarification sought in this submission.  
 Decision Sought:

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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Further Submission No:	16 - 72	Submission Type:	Support
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Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the clarification sought in this submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	17 - 72	Submission Type:	Support
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Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support the clarification sought in this submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	18 - 72	Submission Type:	Support
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Further Submitter: Ford Land Holdings Pty

Submission Summary: We support the clarification sought in this submission.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number:	22: 13	Submission Type:	Support in Part
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Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Retain Policy NH 1B Taking a risk management approach, and its associated Explanation, unmodified, except for the last sentence in paragraph 4 of the explanation. Amend the last sentence in paragraph 4 of the explanation to clarify that controls on land use may be required if the potential consequences of that hazard event, left unmanaged, would be high.

Decision Sought: [Insert ", left unmanaged,"] or make amendments to achieve the same purpose:  
"Conversely, it means that land use control may be required in respect of a hazard with a relatively low level of likelihood if the potential consequences of that hazard event, left unmanaged, would be high."  
Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	15 - 81	Submission Type:	Support
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Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the clarification sought in this submission.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 81 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the clarification sought in this submission.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 81 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the clarification sought in this submission.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 81 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the clarification sought in this submission.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 25: 11 Submission Type: Seek Amendment  
 Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: The risk management approach to natural hazard risk management is fundamental to the phased District and Regional Plan implementation as required under proposed Methods 1A and 2A, which need to be included in the 'Table reference' for Policy NH 1B.  
 Decision Sought: Amend Policy NH 1B 'Table reference' [by inserting "1A, 2A,]" as follows:  
 'Table reference: Objective 23, Methods 1A, 2A, and 3'  
 Make consequential amendments.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 13 - 11 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
 Decision Sought:

Council Decision:	Reject
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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## Section: Policy NH 2B - Classifying risk

### Council Decision

Amend first sentence to read: "Classify risk according to the following three-category risk management framework as detailed in Appendix K."  
Delete from 1: ", (although exceptional circumstances will apply)"  
Amend 2 to read: "Medium natural hazard risk being a level of risk that exceeds the Low level but does not meet the criteria for High risk."  
Delete from 3: " (i.e. any level of risk below the medium risk threshold)" to read: "Low natural hazard risk being the level of risk generally acceptable."  
Insert a new sentence at the end of the policy to read: "The policy direction associated with these levels of risk is set out in Policy NH 6B Natural hazard risk outcomes."  
In the Explanation, insert a new paragraph to follow paragraph 3 to read:  
"The levels of risk are established in two ways:  
"1 by applying likelihood and consequence assessments to the Appendix K Risk Screening Matrix which combines these factors and presents a risk level; and, if necessary,  
"2 by assessing the annual individual fatality risk and applying the criteria in Appendix K Step 5."  
Amend the second sentence of paragraph 4 of the Explanation (paragraph 5 after the insertion of the new paragraph) to read: "In the Risk Screening Matrix, the red cells indicate High natural hazard risk."  
Amend paragraph 5 of the Explanation (paragraph 6 after the insertion of the new paragraph) to read: "Medium risk can be generated by various combinations of a natural hazard's likelihood and consequence. In the Risk Screening Matrix, amber cells indicate Medium natural hazard risk."  
Amend paragraph 6 of the Explanation (paragraph 7 after the insertion of the new paragraph) to read: "Low risk generally occurs where both likelihood and consequence are relatively low. In the Risk Screening Matrix, green cells indicate Low natural hazard risk."  
Amend paragraph 7 of the Explanation (paragraph 8 after the insertion of the new paragraph) to read: "High, Medium and Low natural hazard risks are also defined by applying the annual individual fatality risk criteria set out in Step 5 of Appendix K."  
Amend paragraph 8 of the Explanation (paragraph 9 after the insertion of the new paragraph) to read: "Appendix K's Risk Screening Matrix colour array was established by the Regional Council following technical advice and community input. The annual individual fatality risk criteria in Step 5 align with national practice and the Council has adopted them accordingly."  
Amend the third sentence of paragraph 9 of the Explanation (paragraph 10 after the insertion of the new paragraph) to read: "However, unless Policy NH 5B applies, a resource consent application is not subject to the risk management approach of Policies NH 1B and NH 2B until Policy NH 4A has been implemented."

### Reasons for Council Decision

2:4, 16:4, 21:8 and 22:14 Support is acknowledged.  
13:2 The reworded explanation better reflects the risk levels and provides a consistent reference to Appendix K.  
14:5 The policy framework is that the risk management approach is implemented through regional and district plans and, in the transition until such provisions are in place and for other specified situations, in the consideration of resource consent applications.  
18:6 The reworded explanation better reflects the risk levels and provides a consistent reference to Appendix K.  
25:12 1 (Following the submitter's numbering): The amended wording better describes the levels of risks and describes their application in appropriately broad terms. 2 The reworded explanation better reflects the risk levels and provides a consistent reference to Appendix K. 3 The replacement wording is a more precise descriptor of the application of the policy. 4 Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.  
33:4 The amended wording of paragraph (b) of the policy better recognises the obligation to reduce medium risk.  
35:2 The replacement wording is a more precise descriptor of the application of the policy.

Additional consideration of these submission points is included in clause 6.5 of the Supplementary Report on Submissions.

### Submissions

Submission Number:	2: 4	Submission Type:	Support
Submitter:	Waikato Regional Council		
Submission Summary:	The risk management approach classifying risk levels is supported. The approach goes beyond the common traditional focus on likelihood, concentrating on risk as the combination of likelihood and consequences. This is consistent with the approach taken in the WRPS Policy 13.1 'Natural Hazard Risk Management Approach'.		
Decision Sought:	Retain Policy NH 2B as notified.		

Council Decision:	Accept in Part
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Submission Number:	13: 2	Submission Type:	Seek Amendment
Submitter:	Tauranga City Council		
Submission Summary:	Policy NH 2B sets out a three tiered approach to classifying risk. There is an inappropriate jump between low and medium risk with respect to the explanatory statement. Medium risk categorisation anticipates a high level of consequence and moderate likelihood and low risk anticipates a level of risk that is so low that no risk treatment is necessary.		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: The explanatory statement requires redrafting to rectify the inappropriate jump between low and medium risk.

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 12 - 4 Submission Type: Support

Further Submitter: Withdrawn

Submission Summary: The further submission has been withdrawn.

Decision Sought: The further submission has been withdrawn.

Council Decision: Not Applicable

Further Submission No: 14 - 1 Submission Type: Support

Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: We support the submitter's concerns raised in this submission.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 15 - 12 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 16 - 12 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 17 - 12 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy.

Decision Sought:

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No:	18 - 12	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy.		
Decision Sought:			

Council Decision:	Accept in Part
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Submission Number:	14: 5	Submission Type:	Oppose
Submitter:	Fonterra Co-operative Group Limited		
Submission Summary:	The policy establishes an approach which is more appropriately implemented through the preparation of regional and district plans to ensure that it is applied in a strategic and consistent manner. The focus is on the process of identifying and classifying risks rather than being of direct relevance to a specific proposal.		
Decision Sought:	Delete or amend to state it as an "A" policy to ensure that it is intended as giving direction to regional and district plans.		

Council Decision:	Reject
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Submission Number:	16: 4	Submission Type:	Support
Submitter:	Bay of Plenty Civil Defence Emergency Management Group		
Submission Summary:	Classifying risk in to three levels is supported as it aligns to goal 1, the risk criteria detailed in section 3.2 and Objectives 1a and 1c of the Bay of Plenty Civil Defence Emergency Management Group Plan.		
Decision Sought:	Implement for reasons provided.		

Council Decision:	Accept
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Submission Number:	18: 6	Submission Type:	Seek Amendment
Submitter:	Carrus Corporation Limited		
Submission Summary:	There appears to be a significant jump between low and medium risk		
Decision Sought:	Redraft the explanatory statement to better clarify the stepping between the various risk levels. Plus in the policy, provide for the ability to mitigate where possible the medium natural hazard risk.		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 59	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 14 - 21 Submission Type: Support  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support the submitter's concerns raised in this submission.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 55 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the submitter's concerns in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 55 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the submitter's concerns in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 55 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 55 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 21: 8 Submission Type: Support  
 Submitter: Powerco Limited  
 Submission Summary: Powerco supports Policy NH 2B and its associated explanation. In particular Powerco supports recognition that there will be exceptions to high and medium risk classifications.  
 Decision Sought: Retain without modification.

Council Decision:	Accept in Part
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Submission Number: 22: 14 Submission Type: Support  
 Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: Oil Companies support Policy NH 2B and its associated explanation. In particular the Oil Companies support recognition that there will be exceptions to high and medium risk classifications.  
 Decision Sought: Retain Policy NH 2B and its associated explanation without modification.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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Submission Number:	25: 12	Submission Type:	Seek Amendment
Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	<p>1. The 'medium natural hazard risk' part of Policy NH 2B does not provide for this level of risk which is likely to exist in many existing urban areas to be mitigated where possible and practical.</p> <p>2. The risk level jump between Low and Medium Risk in the 'Explanation' to Policy NH 2B is too great and establishes a risk threshold that through reference to either a high level of likelihood or high level of consequence will lead to disproportionate assessments and outcomes.</p> <p>3. The final paragraph of the 'Explanation' to Policy NH 2B requires amendment to reflect our submission herein on Policy NH 5B.</p> <p>4. We submit that the risk management and classification approach to natural hazard risk management is fundamental to the phased District and Regional Plan implementation as required under proposed Methods 1A and 2A, which need to be included in the 'Table reference' for Policy NH 2B.</p>		
Decision Sought:	<p>1. Amend Policy NH 2B [by inserting ", as detailed in Appendix K and Table 6" and "or mitigated, where possible and reasonably practical"] as follows:            'Classify risk according to the following three-category risk management framework, as detailed in Appendix K and Table 6:</p> <p style="margin-left: 20px;">1 High natural hazard risk being a level of risk beyond what should be tolerated, (although exceptional circumstances will apply).</p> <p style="margin-left: 20px;">2 Medium natural hazard risk being a level of risk that, although tolerable where it already exists, should generally be avoided or mitigated, where possible and reasonably practical through future decision-making. ....'</p> <p style="margin-left: 20px;">Or words to similar effect.</p> <p>2. Redraft the 'Explanation' to Policy NH 2B to rectify the disproportionate jump between the Low and Medium risk categories.</p> <p>3. Amend the last paragraph of the 'Explanation' to Policy NH 2B [ by deleting "development project" and inserting "resource consent application"] as follows:            'However, unless Policy NH 5B applies, a resource consent application is not subject to the risk management approach of Policies NH 1B and NH 2B until Policy NH 4A has been implemented.'</p> <p>4. Amend Policy NH 2B 'Table reference' [by inserting "1A, 2A,"] as follows:            'Table reference: Objective 23, Methods 1A, 2A, and 3'            Make consequential amendments.</p>		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	7 - 7	Submission Type:	Support in Part
Further Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	Policy NH4B [sic, should be NH 2B] is a fundamental provision and is generally supported as it stands. Any changes may have significant flow on implications. Any changes should be considered in the light of international best practice.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	13 - 12	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Submission Number: 33: 4 Submission Type: Seek Amendment  
Submitter: Director General of Conservation  
Submission Summary: The definition of High natural hazard risk merely states that it is beyond what should be tolerated, whereas the Medium risk states that it should be avoided through future decision making. Reduction of existing Medium natural hazard risk should also be required avoidance is not practicable  
Decision Sought: Include direction as to how High natural hazard risk will be addressed through future decision making. Also include direction that Medium natural hazard risk should be avoided or reduced in future decision making.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 1 - 11 Submission Type: Oppose  
Further Submitter: Powerco Limited  
Submission Summary: The submission lacks certainty as no specific relief is provided. It needs to be recognised that some infrastructure, due to its nature and function, may still need to be located in high hazard areas. The submitter also requests that the medium natural hazard risk category should require that risk is avoided or reduced in future decision making. The current definition allows activities classified as medium natural hazard risk as tolerable where they already exist and generally to be avoided through future decision making. It remains unclear what further amendments are sought.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 8 - 11 Submission Type: Oppose  
Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
Submission Summary: The submission lacks certainty as no specific relief is provided. It needs to be recognised that some infrastructure due to its nature and function may still need to be located in high hazard areas. The submitter also requests that the medium natural hazard risk category should require that risk is avoided or reduced in future decision making. The current definition allows activities classified as medium natural hazard risk as tolerable where they already exist and generally to be avoided through future decision making.

Decision Sought: Amendment opposed

Council Decision:	Reject
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Further Submission No: 15 - 91 Submission Type: Support in Part  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: We support this submission point to the extent that it is consistent with our original submission on this Policy.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 91 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support this submission point to the extent that it is consistent with our original submission on this Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 91 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support this submission point to the extent that it is consistent with our original submission on this Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 91 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support this submission point to the extent that it is consistent with our original submission on this Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 35: 2 Submission Type: Support in Part  
 Submitter: Rotorua District Council  
 Submission Summary: NH 5B requires assessment where subdivision or land use could be affected significantly by an event and where the plan requires assessment. Since the Proposed Rotorua District Plan requires assessment for all land use consents and subdivisions, there does not seem to be any situation where policy NH 1B and NH 2B would not apply.  
 Decision Sought: Clarify what the intent of the last sentence [of the Explanation] under policy NH 2B is.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 15 - 95 Submission Type: Oppose  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We oppose this submission to the extent it is not consistent with our original submission on this Policy.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 16 - 95 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We oppose this submission to the extent it is not consistent with our original submission on this Policy.  
 Decision Sought:

Council Decision:	Reject
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 95 Submission Type: Oppose  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: We oppose this submission to the extent that it is not consistent with our original submission on this Policy.  
Decision Sought:

Council Decision:	Reject
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Further Submission No: 18 - 95 Submission Type: Oppose  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We oppose this submission to the extent it is not consistent with our original submission on this Policy.  
Decision Sought:

Council Decision:	Reject
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### Section: Policy NH 3A - Identifying areas susceptible to natural hazards

927

#### Council Decision

Amend first sentence to read: "Identify natural hazards and the locations where those natural hazards could affect people, property and lifeline utilities by mapping hazard susceptibility areas for the following natural hazards:..."

Insert (a) "(v) caldera unrest."

Amend (d) (i) to read: "landslip and debris flow/ flood, and"

Insert a new sentence following (d) to read: "Hazard susceptibility mapping may be undertaken in stages allowing for prioritisation of effort taking into account demand for land use change or intensification."

#### Reasons for Council Decision

2:5 River bank erosion is included in "Extreme rainfall, landslip" and requires no further differentiation.

13:4, 14:6, 16:5, 18:7, 21:9, 22:15, 23:4, 25:13, 33:5, 35:4 Support is acknowledged.

13:5 The further level of detail sought is not appropriate for inclusion in a regional policy statement. More detail will be provided in companion guidance to be made available when the Change becomes operative and can be included in relevant regional and district plans.

17:7 The additional text better recognises that prioritising hazard identification is consistent with taking a risk management approach.

#### Submissions

Submission Number: 2: 5 Submission Type: Support in Part  
Submitter: Waikato Regional Council  
Submission Summary: River erosion (bank erosion/meander) is not listed in Policy NH 3A and may be a significant hazard in some areas, particularly near infrastructure such as roads and rail. This may impact transportation routes from or into the Waikato Region.  
Decision Sought: Include river hazard susceptibility in this section.

Council Decision:	Accept in Part
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#### Further Submission(s)

Further Submission No: 15 - 2 Submission Type: Support  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: River bank erosion is a hazard in the Bay of Plenty, particularly in the lower reaches of the Kaituna River.  
Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 2 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: River bank erosion is a hazard in the Bay of Plenty, particularly in the lower reaches of the Kaituna River.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 2 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: River bank erosion is a hazard in the Bay of Plenty, particularly in the lower reaches of the Kaituna River.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 2 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: River bank erosion is a hazard in the Bay of Plenty, particularly in the lower reaches of the Kaituna River.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 13: 4 Submission Type: Support  
 Submitter: Tauranga City Council  
 Submission Summary: TCC supports the proposed split between susceptibility mapping between the territorial authorities and the BOPRC.  
 Decision Sought: No specific relief sought.

Council Decision:	Accept
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Submission Number: 13: 5 Submission Type: Seek Amendment  
 Submitter: Tauranga City Council  
 Submission Summary: TCC considers it appropriate that within the RPS a clear methodological framework is set out for each of the hazards to ensure all research is undertaken in accordance with the same parameters and enables consistent and defensible outcomes against the RPS policy approach. This needs to be undertaken for each hazard. [Refer to table in clause 25 of submission.] The provision of good natural hazard information covering a range of likelihoods over the planning period is the most significant benefit for enabling consistent risk based assessments and TCC supports in principle the consideration of 3 ARI events to enable better assessment and quantification of risk. This would enable vulnerability and risk assessments to be carried out at a range of scales and purposes depending on the driver of the assessment.  
 Decision Sought: A clear methodological framework is required to be set out for each of the hazards to ensure all research is undertaken in accordance with the same parameters and enables consistent and defensible outcomes against the RPS policy approach.  
 TCC's preference is to see all factors required to be considered for each hazard clearly articulated within the RPS to provide clarity to all parties. It should also be clearly stated that the natural hazards should consider the ARI's set out in Table 6.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 14 - 3 Submission Type: Support  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Submission Summary: We support the request for “A clear methodological framework is required to be set out for each of the hazards to ensure all research is undertaken in accordance with the same parameters and enables consistent and defensible outcomes against the RPS policy approach.”

Decision Sought:

Council Decision:	Reject
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Further Submission No:	15 - 14	Submission Type:	Support
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Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the request for “A clear methodological framework is required to be set out for each of the hazards to ensure all research is undertaken in accordance with the same parameters and enables consistent and defensible outcomes against the RPS policy approach.”

Decision Sought:

Council Decision:	Reject
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Further Submission No:	16 - 14	Submission Type:	Support
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Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the request for “A clear methodological framework is required to be set out for each of the hazards to ensure all research is undertaken in accordance with the same parameters and enables consistent and defensible outcomes against the RPS policy approach.”

Decision Sought:

Council Decision:	Reject
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Further Submission No:	17 - 14	Submission Type:	Support
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Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support the request for “A clear methodological framework is required to be set out for each of the hazards to ensure all research is undertaken in accordance with the same parameters and enables consistent and defensible outcomes against the RPS policy approach.”

Decision Sought:

Council Decision:	Reject
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Further Submission No:	18 - 14	Submission Type:	Support
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Further Submitter: Ford Land Holdings Pty

Submission Summary: We support the request for “A clear methodological framework is required to be set out for each of the hazards to ensure all research is undertaken in accordance with the same parameters and enables consistent and defensible outcomes against the RPS policy approach.”

Decision Sought:

Council Decision:	Reject
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 14: 6 Submission Type: Support

Submitter: Fonterra Co-operative Group Limited

Submission Summary: The policy provides clear direction on matters that should be addressed through regional and district plans. The preparation of such plans will provide the opportunity for input on the detail through the Schedule 1 process.

Decision Sought: Retain as notified.

Council Decision:	Accept in Part
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Submission Number: 16: 5 Submission Type: Support

Submitter: Bay of Plenty Civil Defence Emergency Management Group

Submission Summary: Identifying areas susceptible to natural hazards directly contributes to the Groups objective 1a of improving the understanding of hazards within the Bay of Plenty region and their associated likelihood and consequences.

Decision Sought: Implement for reasons provided.

Council Decision:	Accept in Part
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Submission Number: 17: 7 Submission Type: Oppose

Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: The policy explanation is that mapping of susceptibility is allowed to occur in a staged way rather than being carried out all at one time. However, the policy does not include this provision. There is little or no need for this work to be carried out in areas with no demand for development.

Decision Sought: Add the following to Policy NH3A  
"Hazard susceptibility mapping may be undertaken in stages allowing for prioritisation of effort taking into account project demand for development or land use change/intensification."

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 15 - 39 Submission Type: Support

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support this submission that enables the staging / prioritisation of hazard susceptibility mapping by Councils'.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 39 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support this submission that enables the staging / prioritisation of hazard susceptibility mapping by Councils'.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Further Submission No: 17 - 39 Submission Type: Support  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: We support this submission that enables the staging / prioritisation of hazard susceptibility mapping by Councils'.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 39 Submission Type: Support  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We support this submission that enables the staging / prioritisation of hazard susceptibility mapping by Councils'.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 18: 7 Submission Type: Support  
Submitter: Carrus Corporation Limited  
Submission Summary: Support.  
Decision Sought: [Retain.]

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 13 - 60 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 21: 9 Submission Type: Support  
Submitter: Powerco Limited  
Submission Summary: [Retain] Policy unmodified, as it defines those natural hazards that are required to be mapped.  
Decision Sought: Retain Policy without modification.

Council Decision:	Accept in Part
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Submission Number: 22: 15 Submission Type: Support  
Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
Submission Summary: Policy NH 3A defines those natural hazards that are required to be mapped.  
Decision Sought: Retain Policy NH 3A without modification.

Council Decision:	Accept in Part
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Submission Number: 23: 4 Submission Type: Support in Part  
Submitter: Catherine Stewart  
Submission Summary: With regard to mapping areas of susceptibility – this is, to a degree, subjective. Using volcanoes as an example, you could put a colour of susceptibility over the whole of the North Island due to the number and location of volcanoes in New Zealand. During the eruption of Mount Ruapehu in 1995 and 1996 a

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

thin layer of ash reached Tauranga. Depending on which way the wind blew at the time, the ash may or may not have reached Tauranga.

Any rules or mapping must be based on historical evidence and even then there is the assumption, that just because a flood, earthquake or volcanic activity occurred in the past, that it may occur again. Support the wording "earthquake ground shaking is not covered by this policy"...

Decision Sought: Retain the wording "earthquake ground shaking is not covered by this policy"...

Council Decision:	Accept
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Submission Number:	25: 13	Submission Type:	Support
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Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Support the spatial mapping of natural hazard risks in the Bay of Plenty.

Decision Sought: Adopt Policy NH 3A as notified.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 13	Submission Type:	Support
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Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number:	33: 5	Submission Type:	Support
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Submitter: Director General of Conservation

Submission Summary: This Policy gives effect to Policy 24 NZCPS.

Decision Sought: Retain.

Council Decision:	Accept in Part
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Submission Number:	35: 4	Submission Type:	Support
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Submitter: Rotorua District Council

Submission Summary: The Council has most of the information available for mapping as required under policy NH 3A in accordance with the responsibility assigned under NH 13C. Requiring susceptibility mapping is reasonable and therefore supported.

Decision Sought: Retain Policy NH 3A.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	15 - 96	Submission Type:	Support in Part
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Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our original submission on this Policy, we support this submission to the extent that it aligns with our original submission seeking that Appendix K is robustly tested.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: [Amend] the first paragraph by [inserting "local and regional council responsibilities " and "are " and deleting "responsibility " and "is "] or amendments to achieve the same purpose:  
Policy NH 3A defines the natural hazards that need to be identified as the first step of hazard risk assessment. It links to Policy NH 12C where the local and regional council responsibilities for susceptibility mapping are specified.  
Make consequential amendments.

Council Decision:	Accept in Part
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Submission Number: 22: 16 Submission Type: Seek Amendment

Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: Oil Companies request that the first paragraph of the Explanation associated with Policy NH 3A be modified to include reference to the local and regional council's responsibilities to undertake broad hazard identification and mapping. This is required as the Explanation describes the need for hazard assessment and mapping to be undertaken, without defining that this is a Council responsibility. Although the role of councils in this process is clarified in Policy NH 12C, this matter also needs to be referred to in conjunction with the Explanation for Policy NH 3A.

Decision Sought: [Insert "local and regional council responsibilities ", delete "responsibility " and replace "is" with "are"] or amend to achieve the same purpose:  
Policy NH 3A defines the natural hazards that need to be identified as the first step of hazard risk assessment. It links to Policy NH 12C where the local and regional council responsibilities for susceptibility mapping are specified.  
Make consequential amendments.

Council Decision:	Accept in Part
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Submission Number: 35: 3 Submission Type: Support in Part

Submitter: Rotorua District Council

Submission Summary: [Policy NH 3A, Explanation, second last paragraph ("The spatial scale ...")] It is a given that the spatial extent of susceptibility mapping would correspond with the boundaries of the agencies responsible for the mapping. It would be more helpful to specify the scale of the mapping e.g. "The scale of susceptible mapping must be 1:5000 for urban areas and 1: 10000 or 50000 in rural areas or such other scale as may be defined by the responsible agency to represent a planning study area"

Decision Sought: [Policy NH 3A, Explanation, second last paragraph ("The spatial scale ...")] Provide more clarity to the scale of mapping required.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 7 - 8 Submission Type: Support in Part

Further Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: Clarity on methods are generally desirable. However, any standards should be for guidance on policy compliance. Scope for alternative standards should be available where more appropriate.

Decision Sought:

Council Decision:	Accept in Part
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### Section: Policy NH 4A - Assessment of natural hazard risk at the time of plan development

929

#### Council Decision

Amend paragraph (a) to read: "Defining natural hazard zones within hazard susceptibility areas; and" and rename subsequent paragraphs (b) and (c). In new paragraph (b) insert "natural hazard zone" and delete "area mapped in accordance with Policy NH 3A" to read: "Determining the level of natural hazard risk within each natural hazard zone by undertaking a risk analysis using the methodology set out in Appendix K; and". In new paragraph (c) delete "each" and "at each location", insert "each natural hazard zone" and delete "areas mapped in accordance with Policy NH 3A" to read: "(c) Classifying natural hazard risk within each natural hazard zone as either High, Medium or Low natural hazard risk using the methodology set out in Appendix K."

Insert additional sentences to paragraph 2 of the explanation to read: "A hazard susceptibility area may contain more than one natural hazard zone. Risk management responses will vary accordingly."

Insert "and" into and delete "and social, cultural and economic loss" from the 2nd sentence of paragraph 3 of the Explanation and amend to read: "It ensures that the potential adverse effects on people and communities (including loss of life, injury, property loss/ damage, and infrastructure loss/ damage/ disruption) from hazard events are taken into account in a consistent way."

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

## Reasons for Council Decision

2:6 The addition to Appendix K of a sentence and its reference provides a suitable indication as to how to address multiple hazards, cumulative and cascading.

9:2 Because Policy NH 4A applies after Policy NH 3A, the sentence added to the Explanation of Policy NH 3A is sufficient to address Taupo District Council's situation.

13:3 Deletion from the Explanation of the expression "and social, cultural and economic loss" results in better alignment with the range of consequences in Table 7 of Appendix K. The Table 7 consequences derive from national guidance and reflect that not all consequences are readily quantifiable. The policy framework does not prevent those preparing city and district plans from using additional consequence factors.

14:7, 16:6, 21:13 and 22:19 Support is acknowledged.

17:8 Local authorities already have responsibilities to address natural hazards. Taking a risk management approach allows for responses to be proportionate to the risk. The policy structure requires implementation by both the regional council and territorial authorities. Implementation would be usefully guided by a programme developed jointly by the region's local authorities. Funding of implementation is to be addressed through long-term and annual plan processes under the Local Government Act 2002.

20:1 The annual individual fatality risk component of risk assessment is especially relevant to the low likelihood high consequence events. Practitioner judgement to be exercised in the application of Appendix K will identify where straightforward qualitative assessment will be appropriate.

25:14 Deletion from the Explanation of the expression "and social, cultural and economic loss" results in better alignment with the range of consequences in Table 7 of Appendix K. Deletion of "exposed to the hazard" better aligns the Explanation description with that in Appendix K. Additional consideration of this submission point is included in clause 6.6 of the Supplementary Report on Submissions.

35:5 The last paragraph of the Explanation, "Policy NH 4A is an "A" policy and must therefore be given effect to in the context of regional and district plan development.", provides sufficient information that the policy is applied through plans.

The addition of two sentences to paragraph 2 of the Explanation is in response to submissions 17:23 and 25:48 on Appendix K.

## Submissions

Submission Number:	2: 6	Submission Type:	Support in Part
Submitter:	Waikato Regional Council		
Submission Summary:	<p>There are a number of scenarios when dealing with multiple hazards and the relationship between the hazards.</p> <p>1) Non interactive Hazards - The hazards are NOT directly linked or have any influence on increasing/decreasing risk on each other. These multiple risks should then be assessed individually to provide an overall risk for the site e.g. earthquake and wind hazard.</p> <p>2) Interactive Hazards -</p> <p>i. One primary hazard triggering one or more secondary hazard events.e.g. Earthquake causing a landslide.</p> <p>ii. A series of triggering relationships forming a cascade or domino event. e.g. Earthquake destroying pump stations and or flood protection then a flood occurs.</p> <p>iii. One primary hazard changing the probability of an event occurring. e.g. Rising sea level increasing ground water levels which is likely to increase risk of liquefaction in certain areas.</p> <p>iv. Two or more primary hazards coinciding so as to trigger or increase the probability of secondary hazards. e.g. Coastal storm surge combining with river flood event to cause increased flooding.</p>		
Decision Sought:	Add to Point (a) and (b) of Policy NH4A a new point (c) on interactive interactive and non interactive hazards and consequential changes to Appendix K.		

Council Decision:	Accept in Part
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## Further Submission(s)

Further Submission No:	7 - 9	Submission Type:	Oppose
Further Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	Multiple and interrelated factors that contribute to hazards are already assessed in these terms by expert assessment practitioners. The amendment is unnecessary.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 3 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the concept of identifying interactive and non-interactive hazards within the policy and Appendix K subject to our original submission on Policy NH 4A and achieving our original submission points on the application of Appendix K, particularly its lack of being adequately tested.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 3 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the concept of identifying interactive and non-interactive hazards within the policy and Appendix K subject to our original submission on Policy NH 4A and achieving our original submission points on the application of Appendix K, particularly its lack of being adequately tested.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 3 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the concept of identifying interactive and non-interactive hazards within the policy and Appendix K subject to our original submission on Policy NH 4A and achieving our original submission points on the application of Appendix K, particularly its lack of being adequately tested.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 3 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the concept of identifying interactive and non-interactive hazards within the policy and Appendix K subject to our original submission on Policy NH 4A and achieving our original submission points on the application of Appendix K, particularly its lack of being adequately tested.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 9: 2 Submission Type: Seek Amendment  
 Submitter: Taupo District Council  
 Submission Summary: Taupo District Council has four Regional Council Plans and Policy Statements to consider when developing the Taupo District Plan. This is particularly challenging for Natural Hazards as the methodology and considerations in the BOP RPS Proposed Change 2 are different than those contained in the Waikato Regional Policy Statement.  
 Decision Sought: The inclusion of a paragraph in the Explanation for Policy NH 4A which recognises the challenge for Taupo District Council in applying multiple assessment methodologies for natural hazard identification and mapping. The paragraph would provide for a pragmatic and reasonable approach to be taken in terms of compliance with the methodology at the time of plan development for Natural Hazards.

Council Decision:	Accept in Part
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Submission Number: 13: 3 Submission Type: Oppose  
 Submitter: Tauranga City Council  
 Submission Summary: TCC submits in opposition to the use of Table 7 in Policy NH4A. Policy NH4A directs the risk assessment to be undertaken using the methodology set out in Appendix K. The explanatory statement

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

to the policy appears to explain that Appendix K is able to qualify/quantify effects of a very complex nature such as social, cultural and economic loss and disruption. It is considered that the building focus of Table 7 falls short of providing any meaningful assessment tool for this analysis.

Decision Sought: [Align the Explanation and Table 7 by providing a range of issues other than the current three matters requiring assessment within Table 7 of Appendix K including:

- Direct and indirect losses to households;
- Clean Up costs;
- Reinstatement costs;
- Contents Damage;
- Associated vehicle damage;
- Social and community effects;
  - a. Societal vulnerability/deprivation (especially in relation to existing developed areas)
- Recreation;
- Public health risks from insanitary buildings and inundation of sewage
  - a. Environmental effects;
  - b. Damage to public utilities and infrastructure; and
  - c. Emergency services and related costs.]

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	7 - 11	Submission Type:	Oppose
Further Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	Building losses are a reasonable indicator of hazard risk level and are likely to correlate well with overall risk evaluation. While other factors are recognised, they are mostly subsidiary to building losses and may be hard to predict (e.g. vehicle damage).		

Decision Sought:

Council Decision:	Reject
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Further Submission No:	14 - 2	Submission Type:	Support
Further Submitter:	Property Council New Zealand (Bay of Plenty Branch)		
Submission Summary:	We support the submitter's concerns raised in this submission.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	15 - 13	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support the submitter's concerns raised in this submission, subject to our original submissions seeking amendments to the Policy and Appendix K.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	16 - 13	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	We support the submitter's concerns raised in this submission, subject to our original submissions seeking amendments to the Policy and Appendix K.		

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 13 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submissions seeking amendments to the Policy and Appendix K.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 13 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submissions seeking amendments to the Policy and Appendix K.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 14: 7 Submission Type: Support  
 Submitter: Fonterra Co-operative Group Limited  
 Submission Summary: The policy provides clear direction on matters that should be addressed through regional and district plans. The preparation of such plans will provide the opportunity for input on the detail through the Schedule 1 process.  
 Decision Sought: Retain as notified.

Council Decision:	Accept in Part
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Submission Number: 16: 6 Submission Type: Support  
 Submitter: Bay of Plenty Civil Defence Emergency Management Group  
 Submission Summary: Determining the level of risk and classifying the risk supports the risk reduction principles and risk criteria identified in the CDEM Group Plan. Further it supports Goal 1 to reduce the risks from hazards in the BOP to acceptable levels, objectives 1a, 1b and 1c in the CDEM Group Plan.  
 Decision Sought: Implement for reasons provided.

Council Decision:	Accept in Part
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Submission Number: 17: 8 Submission Type: Oppose  
 Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: The intent of further understanding risk is supported; however the implementation of the policy will have significant financial impacts on Councils. BOPRC needs to fully understand the costs the implementation of this policy would have on the general ratepayer, some of which may not be affected by natural hazards.  
 Decision Sought: 1 That BOPRC undertake further economic assessments into the cost and benefits of risk assessments and the application of Method K to quantify the cost to the community and individual developers of the proposal.  
 1 That BOPRC enter into a cost-sharing arrangement with local authorities to undertake risk assessments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 14 - 16 Submission Type: Support  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood.  
 Decision Sought:

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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Further Submission No:	15 - 40	Submission Type:	Support
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Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd
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Submission Summary:	We support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood.
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Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	16 - 40	Submission Type:	Support
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Further Submitter:	Te Tumu Kaituna 14 Trust
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Submission Summary:	We support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood.
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Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	17 - 40	Submission Type:	Support
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Further Submitter:	Te Tumu Kaituna 11B2 Trust
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Submission Summary:	We support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood.
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Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	18 - 40	Submission Type:	Support
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Further Submitter:	Ford Land Holdings Pty
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Submission Summary:	We support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood.
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Decision Sought:

Council Decision:	Accept in Part
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Submission Number:	20: 1	Submission Type:	Support in Part
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Submitter:	Western Bay of Plenty District Council
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Submission Summary:	The principle of assessing risk at the time of plan development is supported. However the methodology is not clear and therefore the outcome uncertain.
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Decision Sought:	Review and clarify the applicability of the use of AIFR.
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Council Decision:	Accept in Part
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Submission Number:	21: 13	Submission Type:	Support
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Submitter:	Powerco Limited
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Submission Summary:	Policy is supported as it identifies that the undertaking of natural hazard risk assessment is a requirement of district and regional councils at the time of Plan development. At that very early stage in the planning process the opportunity is available for councils to determine whether the risk associated with a hazard warrants a land use planning response. Like hazard mapping, risk assessment is a role appropriately undertaken by Councils, which have both the resources and the broad approach required.
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Decision Sought:	Retain Policy and the associated Explanation, unmodified.
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Council Decision:	Accept in Part
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Submission Number:	22: 19	Submission Type:	Support
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Submitter:	Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

**Submission Summary:** Policy NH 4A is supported as it identifies that the undertaking of natural hazard risk assessment is a requirement of district and regional councils at the time of Plan development. At that very early stage in the planning process the opportunity is available for councils to determine whether the risk associated with a hazard warrants a land use planning response. Like hazard mapping, risk assessment is a role appropriately undertaken by Councils, which have both the resources and the broad approach required.

**Decision Sought:** Retain Policy NH 4A and the associated Explanation, unmodified.

<b>Council Decision:</b>	Accept in Part
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**Submission Number:** 25: 14 **Submission Type:** Seek Amendment

**Submitter:** Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

**Submission Summary:**

1. We do not support the reference to the Appendix K methodology in the 'Explanation' to Policy NH 4A including social, cultural and economic loss and disruption, because it is un-necessary for such matters to be included as types of consequence for natural hazard risk assessments.
2. The AIFR calculation methodology description in the 'Explanation' to Policy NH 4A requires clarification with regard to determining the extent of the 'population exposed' to a hazard event.

**Decision Sought:** Amend the 'Explanation' to Policy NH 4A [by deleting " and social, cultural and economic loss and disruption" and inserting "within the hazard assessment or planning study area " as follows:

1. 'Appendix K sets out in detail the methodology to be followed in undertaking that analysis. It ensures that the potential adverse effects on people and communities (including loss of life, injury, property loss/damage, and infrastructure loss/damage) from hazard events are taken into account in a consistent way.'
2. 'The AIFR is obtained by dividing the modelled number of deaths from a hazard event by the population exposed to the hazard within the hazard assessment or planning study area and the likelihood of the event. ....'

Make consequential amendments.

<b>Council Decision:</b>	Accept in Part
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### Further Submission(s)

**Further Submission No:** 13 - 14 **Submission Type:** Support

**Further Submitter:** TKC Holdings Ltd

**Submission Summary:** (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

**Decision Sought:**

<b>Council Decision:</b>	Accept in Part
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**Submission Number:** 35: 5 **Submission Type:** Support in Part

**Submitter:** Rotorua District Council

**Submission Summary:** The Council supports policy NH 4A in so far as it applies to the matters controlled by the Regional Council under policy NH 12C. However, determining the level of risk under policy NH 4A is not always practical for matters controlled by the district council (policy NH 12C) and it is often better to assess the level of risk under policy NH 5B. Assessment under NH 5B (specifically subsection b) allows consideration of site-specific issues (including impact on adjoining land), building design, site layout, testing of site-specific sub-soil conditions, cumulative effects of multiple hazards and mitigation measures (which will vary between developments). As an example, Rotorua district council has identified fault avoidance zones, but only through subsoil investigations is the likelihood or consequences of an event determined. It is thus impossible to classify the risk at the time of plan development. It is too costly to undertake a detail, site-specific assessment for the whole district, whilst future development might be limited to a few areas.

**Decision Sought:** Review the practicality around policy NH 4A as it relates to the natural hazards managed by the district plans.

<b>Council Decision:</b>	Reject
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**Section:** Paragraph 5 The methodology in...

930

### Council Decision



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Delete "exposed to the hazard" from the first sentence of 2. The annual individual fatality risk (AIFR) and amend to read as follows: "The AIFR is obtained by multiplying the modelled number of deaths from a hazard event by the annual exceedance probability of the event and dividing by the population within the hazard assessment area."

### Reasons for Council Decision

18:8 Deletion of "exposed to the hazard" better aligns the Explanation description with that in Appendix K. The change to the description of AIFR is a consequence of the change in Appendix K in response to submission 13:15 substituting AEP for ARI.

### Submissions

Submission Number: 18: 8 Submission Type: Support in Part  
Submitter: Carrus Corporation Limited  
Submission Summary: [Policy NH 4A] Explanation bullet point 2: it needs to be made clear that the AIFR is based on the population exposed in the hazard assessment area.  
Decision Sought: Add the words "within the hazard assessment area", after the word exposed.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 13 - 61 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.  
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 14 - 22 Submission Type: Support  
Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
Submission Summary: We support the submitter's concerns raised in this submission.  
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 56 Submission Type: Support in Part  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 56 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 14 Trust  
Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
Decision Sought:

Council Decision:	Accept in Part
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 56 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 56 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy

Decision Sought:

Council Decision:	Accept in Part
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<b>Section: Policy NH 5B - Assessment of the risk of natural hazards at the time of land subdivision or change</b>	931
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### Council Decision

Amend heading to read: "Assessment of natural hazard risk at the time of subdivision, or change or intensification of land use before Policies NH 3A and NH 4A have been given effect to"

Amend first part of first sentence to read: "Before a district or, where applicable, regional plan gives effect to Policies NH 3A and NH 4A, assess natural hazard risk associated with a development proposal to subdivide land or change or intensify land use using the methodology set out in Appendix K where:"

Amend (a) to read: "The subdivision of land or the change or intensification of land use is proposed to occur on an urban site of 5 ha or more; or"

Amend (b) to read:  
 "The relevant consent authority considers risk assessment appropriate having regard to:  
 "(i) the nature, scale and/ or intensity of the activity,  
 "(ii) the location of the development site relative to known hazards,  
 "(iii) the cumulative effect on risk of developments on sites less than 5 ha,  
 "(iv) the nature and extent of any risk assessment that may be required under, or incorporated within, the operative district or regional plan,"

Insert new last part of first sentence to read: "except that the obligation to assess the risk of the natural hazard under this policy shall not arise where the risk derives from a geothermal hazard which is managed under this Statement's section 2.4 and the Geothermal Resources Policies and Methods."

In the first paragraph of the Explanation, replace "at the project level" with "for a development proposal"; delete the first part of the second paragraph and conflate its first bullet to read: "Although Policy NH 4A requires risk assessment in the context of the development of district plans (and any regional plan controlling land use), there are other circumstances when it is appropriate to assess natural hazard risk. Policy NH 5B defines the circumstances when risk assessment for a development proposal is appropriate in the interim period before district and regional plans give effect to policies NH 3A and NH 4A ("the interim period")."

Amend the third paragraph of the Explanation (the new second paragraph) by inserting "The" at the beginning of the first sentence. After the first sentence, replace the remainder of the paragraph with: "For that reason, Policy NH 5B applies a threshold test of developments or redevelopment on sites of 5 ha or more. Moreover, such developments represent a significant change to the urban environment and offer an opportunity to "design-in" measures that can achieve a Low level of natural hazard risk."

Delete the fourth and fifth paragraphs.

Insert new third paragraph to read: "While large-scale development proposals ought to involve an assessment of natural hazard risk as a matter of course, there may well be other smaller scale developments that should also be subject to risk assessment in the interim period. Policy NH 5B should not foreclose the opportunity for city and district councils to exercise discretion at the time of any resource consent application, notice of requirement or private plan change to require an assessment to be undertaken under Appendix K. Policy NH 5B (b) sets out the matters that will be relevant for a city or district council to consider when deciding whether to exercise that discretion."

Amend first sentence of the sixth paragraph of the Explanation (the new fourth paragraph) to read: "Policy NH 5B also provides that risk assessment does not need to be undertaken when the natural hazard is managed under section 2.4 in this Statement." Delete the second sentence.

Delete the seventh paragraph.

Insert new Policy NH 5B(a) and its Explanation to read:  
 "Policy NH 5B(a): Assessment of natural hazard risk at the time of subdivision, or change or intensification of land use after Policies NH 3A and NH 4A have been given effect to  
 "After the relevant district or, where applicable, regional plan gives effect to Policies NH 3A and NH 4A assess natural hazard risk associated with a development proposal to subdivide land or change or intensify land use using the methodology set out in Appendix K where the relevant district or regional plan specifically requires that natural hazard risk assessment be undertaken,  
 "except that the obligation to assess the risk of the natural hazard under this policy shall not arise where:  
 "(a) An assessment of the susceptibility of the land subject to the development proposal has demonstrated that the land is not susceptible to the hazard; or  
 "(b) The risk derives from a geothermal hazard which is managed under this Statement's section 2.4 and the Geothermal Resources Policies and Methods.  
 "Explanation  
 "Policy NH 5B(a) applies in the period after district and regional plans have given effect to policies NH 3A and NH 4A.  
 "The 5 ha site size threshold and discretion that apply in the interim period, in accordance with Policy NH 5B, do not apply after the interim period.  
 Instead Policy NH 5B(a) makes clear that whether assessment at the time of development proposals occurs is dependent on the provision being made for such assessment within the relevant regional or district plan.  
 "It is expected that regional and district plans will require assessment of natural hazard risk in respect of development proposals that have not been

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

anticipated by the plan (and hence may significantly alter the natural hazard risk in a particular locality that would otherwise be considered low). "Policy NH 5B(a) also provides that risk assessment does not need to be undertaken when the natural hazard is managed under section 2.4 in this Statement. Note that section 2.4 and its associated Geothermal Resources Policies and Methods do not manage non-geothermal hazard risks to which a geothermal system, by its location, might be susceptible (e.g. tsunami or flooding). Those non-geothermal risks require assessment under this policy. "For the avoidance of doubt, Policy NH 5B(a) also makes clear that no assessment is required if a hazard susceptibility assessment has determined that the land is not susceptible to natural hazards. "Together, Policies NH 3A, NH 4A, NH 5B, and NH 5Ba represent the risk identification stage as indicated in Figure 1. Appendix K represents the risk analysis and risk evaluation stages." Insert box to follow the Explanation to new Policy NH 5B(a): "Table reference: Objective 23, Methods 3, 18 and 23A"

## Reasons for Council Decision

6:1 The combination of Policies NH 4A and NH 5B is an appropriate framework for requiring plans to apply the risk assessment and for the assessment to be applied at other scales during the transitional period until the plan provisions are in place.  
9:3 As amended, the Policy NH 5B and NH 5B(a) framework no longer includes the expression "significant consequence".  
11:1, 13:6, 14.8 and 18.9 The Policy NH 5B and NH 5B(a) framework provides additional guidance as to when natural hazard assessment is not required.  
12:1, 16:7 and 19:2 Support is acknowledged.  
13:19 The combination of Policies NH 5B, NH 5B(a) and NH 7B is deliberately constructed to ensure that any new development is required to maintain a low level of risk in a natural hazard zone with a low level of risk.  
17:9 and 35:7 The combination of Policies NH 4A, NH 5B and NH 5B(a) is an appropriate framework for requiring plans to apply the risk assessment and for the assessment to be applied at other scales during the transitional period until the plan provisions are in place. The policy framework (including the Explanations) does not prevent those preparing city and district plans or considering resource consent applications from applying the policy over smaller areas as indicated by the Explanations. The policy structure requires implementation by both the regional council and territorial authorities. Implementation would be usefully guided by a programme developed jointly by the region's local authorities. Funding of implementation is to be addressed through long-term and annual plan processes under the Local Government Act 2002.  
17:13 As amended, the paragraphs referred to by the submitter are correctly located in the Explanation to Policy NH 7B.  
21:15 and 22:21 The Policy NH 5B and NH 5B(a) framework provides additional guidance as to when natural hazard assessment is not required. It is not accepted that lifeline utilities should be further exempt.  
25:15, 29:2 and 30:2 The Policy NH 5B and NH 5Ba framework provides additional guidance as to when natural hazard assessment is not required. The combination of Policies NH 4A, NH 5B and NH 5B(a) is an appropriate framework for requiring plans to apply the risk assessment and for the assessment to be applied at other scales during the transitional period until the plan provisions are in place. Use of the expression "over an area of 5 ha or more" in Policy NH 5B itself allows better assessment of the potential for increasing cumulative risk. Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.  
29:3 Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.  
32:4 The rewording is more consistent with the policy intent. Support is acknowledged.  
35:6 The Policy NH 5B and NH 5B(a) framework allows appropriate council discretion and does not prevent those preparing city and district plans or considering resource consent applications from applying the policy over smaller areas as indicated by the Explanations.

Additional consideration of these submission points is included in clause 6.7 of the Supplementary Report on Submissions.

## Submissions

Submission Number:	6: 1	Submission Type:	Oppose
Submitter:	Sanctuary Point Investments Ltd		
Submission Summary:	It is unclear from the policy at what scale of site development or intensification the policy applies. The costs for undertaking site specific Tsunami risk for example would be expensive for a single site assessment, create time delays in gaining consents and consequently increase the costs of development. As the District Council already has provisions and hazard areas identified in the City Plan it may be more reasonable and appropriate to apply Policy NH 5B and Appendix K to newly identify urban growth land or urban developments located in rural or coastal zones. This would avoid small scale developments being frozen with costly assessment processes, especially when the District Plan, Building Act and RMA already has provision re hazards.		
Decision Sought:	Amend Policy NH 5B to refer to greenfield development or where urban development proposals are located in rural or coastal environments.		

Council Decision:	Reject
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## Further Submission(s)

Further Submission No:	1 - 12	Submission Type:	Support
Further Submitter:	Powerco Limited		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: For the reasons given in the original submission, Powerco agrees with this (and other similar submitters' points) that the policy should only apply at the time of subdivision or land use change or intensification (i.e development of land).

Decision Sought:

Council Decision:	Reject
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Further Submission No:	8 - 12	Submission Type:	Support
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Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: The Oil Companies agree with this and other submitters points that the policy should only apply, at the time of subdivision, or land use change or intensification (i.e development of land) for the reasons given in the original submission.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	15 - 6	Submission Type:	Support in Part
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Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the request to make it clearer as to what scale of development the policy applies subject to our original submission seeking amendments to make the policy apply to developments over 5 hectares or in a non-complying activities or the susceptibility mapping requires further analysis.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	16 - 6	Submission Type:	Support in Part
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Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the request to make it clearer as to what scale of development the policy applies subject to our original submission seeking amendments to make the policy apply to developments over 5 hectares or in a non-complying activities or the susceptibility mapping requires further analysis.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	17 - 6	Submission Type:	Support in Part
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Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support the request to make it clearer as to what scale of development the policy applies subject to our original submission seeking amendments to make the policy apply to developments over 5 hectares or in a non-complying activities or the susceptibility mapping requires further analysis.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	18 - 6	Submission Type:	Support in Part
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Further Submitter: Ford Land Holdings Pty

Submission Summary: We support the request to make it clearer as to what scale of development the policy applies subject to our original submission seeking amendments to make the policy apply to developments over 5 hectares or in a non-complying activities or the susceptibility mapping requires further analysis.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	9: 3	Submission Type:	Neutral
Submitter:	Taupo District Council		
Submission Summary:	Table 7 forms part of the assessment methodology set out in Appendix K, however it does not contain a reference to which of the consequence levels would be considered significant.		
Decision Sought:	Clarification be provided regarding the term "significant consequence".		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	15 - 10	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	Subject to our original submission on this Policy and our original submission points on Appendix K, we support the request to clarify the meaning of the term "significant consequence" in the policy by ensuring that it relates to the consequence levels in Table 7.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	16 - 10	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	Subject to our original submission on this Policy and our original submission points on Appendix K, we support the request to clarify the meaning of the term "significant consequence" in the policy by ensuring that it relates to the consequence levels in Table 7.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	17 - 10	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	Subject to our original submission on this Policy and our original submission points on Appendix K, we support the request to clarify the meaning of the term "significant consequence" in the policy by ensuring that it relates to the consequence levels in Table 7.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	18 - 10	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	Subject to our original submission on this Policy and our original submission points on Appendix K, we support the request to clarify the meaning of the term "significant consequence" in the policy by ensuring that it relates to the consequence levels in Table 7.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	11: 1	Submission Type:	Oppose
Submitter:	Port of Tauranga		
Submission Summary:	<p>The Policy creates an unnecessary regulatory obligation and effectively asserts that even minor changes to regionally significant infrastructure will raise natural hazard issues. Granting a discretion to local authorities to determine when an activity may require a natural hazards assessment inherently pre-empts the tests under the Resource Management Act 1991 (RMA) to determine whether that is relevant to the activity in question.</p> <p>This Policy is also superfluous given it only applies:</p> <ul style="list-style-type: none"><li>. When a discretionary or non-complying resource consent is needed (before the point at which regional and district plans have assessed matters - sub-paragraph (a)(ii)); or</li><li>. After this point, either when a non-complying consent is needed or when "the proposal is [not provided for in the district or regional plan]" (sub-paragraph (a)(iii)). The underlined words [square brackets] are ambiguous, although it is assumed that the intention is to cover "unlisted" activities which are generally classed as discretionary or non-complying activities.</li></ul> <p>The Port is concerned that the result of the Policy will be that processing officers will view any discretionary application by the operators of regionally significant infrastructure as requiring natural hazards assessments.</p> <p>The second part of the Policy (sub-paragraph (b)) simply states that the requirements of plans must be followed, so retaining this paragraph is not necessary.</p>		
Decision Sought:	Delete Policy NH5B. In addition, similar relief with like effect, consequential amendments, and other relief as is appropriate.		

Council Decision:	Accept in Part
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Submission Number:	12: 1	Submission Type:	Support
Submitter:	KiwiRail Holdings Limited		
Submission Summary:	KiwiRail support that the provision seeks to address subdivision, new developments, or changes in intensity to existing activities.		
Decision Sought:	Retain as notified.		

Council Decision:	Accept in Part
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Submission Number:	13: 6	Submission Type:	Seek Amendment
Submitter:	Tauranga City Council		
Submission Summary:	<p>TCC submits that sub clause (ii) be deleted from the policy as it is too specific and could result in poor outcomes being caught up in the risk assessment process. As an example, within a Plan whereby a performance standard is breached (such as new dwelling not complying with the site coverage rules) that results in a discretionary consent process, then a risk assessment is required to be undertaken under the Policy. The process to undertake this would be significant and ultimately inappropriate in the context of the development itself given the landuse in itself is permitted and anticipated within the Plan. TCC's submits that the deletion of sub clause (ii) is a means to rectify this issue and reliance can then be placed solely on sub clause (i) and appropriate judgement made at the time of the consenting process by both the applicant and the Council assessing the application at the time of the process.</p>		
Decision Sought:	Delete sub clause (ii) from policy NH 5B.		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	12 - 5	Submission Type:	Support
Further Submitter:	Withdrawn		
Submission Summary:	The further submission has been withdrawn.		
Decision Sought:	The further submission has been withdrawn.		

Council Decision:	Not Applicable
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 14 - 4 Submission Type: Support  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support the deletion of sub clause (ii).  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 15 Submission Type: Support  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the deletion of sub clause (ii).  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 15 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the deletion of sub clause (ii).  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 15 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the deletion of sub clause (ii).  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 15 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the deletion of sub clause (ii).  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 13: 19 Submission Type: Seek Amendment  
 Submitter: Tauranga City Council  
 Submission Summary: Policy NH 7B requires a low level of risk to be achieved irrespective of the size of the development site, its location in the context of brownfield or greenfield areas or the wider risk of the hazard over the hazard zone. Even if the entire hazard area is deemed a low hazard risk an assessment is still required for each development site under this policy. That assessment may identify that within the development site a medium to high risk being assessed, however in the context of the entire hazard zone the risk still remains low. This is onerous and will result in significant cost assessment and possible mitigation responses for only minor developments which do not increase the overall risk of the hazard itself. [This submission is duplicated in NH 7B.]  
 Decision Sought: Policy NH 7B be amended to remove the consideration of achieving a low level of risk for development within existing developed areas (brownfield locations). In respect of brownfield locations a new policy should be provided or policy NH5B should be amended to recognise that the hazard risk identified through susceptibility mapping and consequence assessment is not increased (i.e. the assessment should only apply to the hazard zone, not the development site).

Council Decision:	Reject
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

### Further Submission(s)

Further Submission No: 14 - 6 Submission Type: Support in Part  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 17 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 17 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 17 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 14: 8 Submission Type: Oppose  
 Submitter: Fonterra Co-operative Group Limited  
 Submission Summary: The policy places a significant and unreasonable burden on developers to undertake the level of risk assessment prescribed through Appendix K. It should not apply to activities that are specifically provided for through their underlying zoning. Clauses (a)(ii) and (a) (iii) refer to activity status as a specific trigger for the risk assessments to be undertaken. This would have to be given effect to, even if the reason for the activity status is unrelated to any issues relating to natural hazards. For example, land may be specifically zoned for an activity but a discretionary consent is triggered because the detailed proposal affects an archaeological site. A decision on whether a large scale proposal made in advance of regional and district plan provisions addressing the risk assessment approach should provide such an assessment can be made on its merits rather than through a region wide directive.  
 Decision Sought: Delete clauses (a)(i) to (a)(iii).

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 15 - 29 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support this submission, subject to our original submission on this Policy seeking amendments.  
 Decision Sought:



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Reject
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Further Submission No:	16 - 29	Submission Type:	Support in Part
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Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support this submission, subject to our original submission on this Policy seeking amendments

Decision Sought:

Council Decision:	Reject
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Further Submission No:	17 - 29	Submission Type:	Support in Part
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Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support this submission, subject to our original submission on this Policy seeking amendments.

Decision Sought:

Council Decision:	Reject
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Further Submission No:	18 - 29	Submission Type:	Support in Part
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Further Submitter: Ford Land Holdings Pty

Submission Summary: We support this submission, subject to our original submission on this Policy seeking amendments.

Decision Sought:

Council Decision:	Reject
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Submission Number:	16: 7	Submission Type:	Support
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Submitter: Bay of Plenty Civil Defence Emergency Management Group

Submission Summary: Assessing the level of natural hazard risk associated with proposals to subdivide land or change or intensify land use supports the risk reduction principles and risk criteria identified in the CDEM Group Plan. Further it supports Goal 1 to reduce the risks from hazards in the BOP to acceptable levels, objectives 1a, 1b and 1c in the CDEM Group Plan.

Decision Sought: Implement for reasons provided.

Council Decision:	Accept in Part
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Submission Number:	17: 9	Submission Type:	Oppose
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Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: -

Decision Sought: Reassess assessment threshold explanation taking into account other statutory duties. BOPRC to undertake further economic assessments into the cost and benefits of risk assessments and the application of Method K to quantify the cost to the community and individual developers of the proposal.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	14 - 17	Submission Type:	Support in Part
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Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: Subject to our original submission on this Policy, we support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood and that the Policy does not apply to small sites or on an individual site basis.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 41 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our original submission on this Policy, we support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood and that the Policy does not apply to small sites or on an individual site basis.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 41 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood and that the Policy does not apply to small sites or on an individual site basis.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 41 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood and that the Policy does not apply to small sites or on an individual site basis.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 41 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our original submission on this Policy, we support this submission seeking that the costs and benefits of the risk assessments required under this Policy and Appendix K are assessed and better understood and that the Policy does not apply to small sites or on an individual site basis.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 17: 13 Submission Type: Seek Amendment  
 Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: The frequent reference to the term "assessment" [is] only relevant to Policy NH 5B.  
 Decision Sought: "Relocate the following paragraphs [from the Explanation to Policy NH 7B to] the Explanation to Policy NH 5B:  
 Importantly, the policy requires consideration of natural hazard risk at the scale of the "development site". That term is defined and confines the assessment of risk to that area of land on which the development occurs.  
 Assessment at the site scale avoids risk assessment for new development being distorted by an existing level of risk that might exist elsewhere in the natural hazard zone.  
 ...  
 City and district councils and the Regional Council will need to either require those undertaking development or redevelopment of land to undertake risk assessment as part of that development process (consistent with Policy NH 4A) or ensure development achieves low natural hazard risk through the provisions of district and regional plans (consistent with Policy NH 8A)."

Council Decision:	Reject
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### Further Submission(s)

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 45 Submission Type: Oppose  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We oppose the relocation of paragraphs from the explanation of Policy 7B to explanation to Policy NH 5B to the degree that it conflicts with our original submission.  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 45 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We oppose the relocation of paragraphs from the explanation of Policy 7B to explanation to Policy NH 5B to the degree that it conflicts with our original submission.  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 45 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We oppose the relocation of paragraphs from the explanation of Policy 7B to explanation to Policy NH 5B to the degree that it conflicts with our original submission.  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 45 Submission Type: Oppose  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We oppose the relocation of paragraphs from the explanation of Policy 7B to explanation to Policy NH 5B to the degree that it conflicts with our original submission.  
 Decision Sought:

Council Decision:	Accept
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Submission Number: 18: 9 Submission Type: Seek Amendment  
 Submitter: Carrus Corporation Limited  
 Submission Summary: Because there is no weighting in the assessment criteria in Table 7, this policy will unduly penalize small scale development. Particularly if it is a small scale development within an assessment area that is already identified as having a low risk.  
 Decision Sought: So to provide some certainty and logical judgement in the process, delete (a) (ii)

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 13 - 62 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 14 - 23 Submission Type: Support in Part  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 57 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Polic  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 57 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 57 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 57 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 19: 2 Submission Type: Support  
 Submitter: Eastland Generation Limited  
 Submission Summary: In addition to the reasons already stated in this submission, Eastland supports the direction in Policy NH 5B(b)(ii) and the related Explanation which provides that the obligation to assess the risk of natural hazard does not arise when the risk derives from geothermal hazards, as it directs that this risk is managed under the Geothermal Provisions. This is consistent with the overall direction and intent of PC2 to exempt geothermal energy development from its provisions.  
 Decision Sought: Retain Policy NH 5B(b)(ii) and the related Explanation as notified.

Council Decision:	Accept
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Submission Number: 21: 15 Submission Type: Seek Amendment  
 Submitter: Powerco Limited  
 Submission Summary: Powerco has a number of concerns in respect to this policy (and Explanation) which requires that in certain circumstances, risk assessment be undertaken in conjunction with proposals to subdivide land or

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

change or intensify land use. Requests that the policy be modified to exempt Lifeline Utilities from the requirement to undertake full natural hazard risk assessment. Upgrades and repair to this infrastructure may be required urgently to address faults or damage, and as a consequence, the need to prepare a risk assessment for Council's consideration will create additional cost and delay. Require that risk assessment only be undertaken where, as a consequence of development of land, a significant increase in risk is likely to occur. Clause (a)(iii) is considered to be unreasonable and onerous. Modify the associated explanation to better explain those situations where the policy would apply.

Decision Sought:

Amend Policy NH 5B by [inserting "development of land ", deleting "to subdivide land or change or intensify land use ", inserting "development of land ", deleting "subdivision of land or the change or intensification of land use " and "; or

(iii) Proposed after a district or (where applicable) regional plan has given effect to Policies NH 3A and NH 4A but the proposal is not provided for in the district or regional plan or is provided for only as a non-complying activity.", inserting "gives effect to Policies NH 3A and NH 4A and consequently ", "further ", " or that the risk associated with the activity does not have a significant consequence" and "iii. the risk derives from Lifeline Utilities"] or amendments to achieve the same purpose:

Policy NH 5B: Assessment of natural hazard at the time of subdivision, or land use change or intensification:

Assess natural hazard risk associated with development of land proposals using the methodology set out in Appendix K:

(a) Where the development of land is:

(i) Of a scale and/or a nature that could, if affected by a hazard event, represent a significant consequence; and

(ii) Proposed before a district or (where applicable) regional plan gives effect to Policies NH 3A and NH 4A and the applicable operative or proposed plan provides for the proposal as a discretionary or non-complying activity.

or

(b) Where the district or regional plan gives effect to Policies NH 3A and NH 4A and consequently specifically provides for further natural hazard risk assessment to be undertaken.

For the avoidance of doubt, the obligation to assess the risk of a natural hazard under this policy shall not arise where:

i. an assessment of the susceptibility of the subject land to that hazard has demonstrated that the land is not susceptible to that natural hazard or that the risk associated with the activity does not have a significant consequence; or

ii. the risk derives from geothermal hazard which is managed under this Statement's section 2.4 and the Geothermal Resources Policies and Methods.

iii. the risk derives from Lifeline Utilities.

C. Explanation for Policy NH 5B: Amend paragraph 3 by [deleting ". Any more than minor extension to, or redevelopment of, regionally significant infrastructure; or", inserting "of land for " and deleting "of "] or amendments to achieve the same purpose:

However, activities that meet this test will include, but are not limited to:

. Development of land for urban activities over an area of five hectares or more.

Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	5 - 1	Submission Type:	Support
Further Submitter:	Port of Tauranga		
Submission Summary:	Subject to the Port's own relief on this provision, seek that the relief sought by the submitter be granted for the reasons in the submission.		

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 78 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our original submission on this Policy, we support the exemption sought to clause (b) in this submission, for lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 78 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support the exemption sought to clause (b) in this submission, for lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 78 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support the exemption sought to clause (b) in this submission, for lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 78 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our original submission on this Policy, we support the exemption sought to clause (b) in this submission, for lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 22: 21 Submission Type: Seek Amendment  
 Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: The Oil Companies have a number of concerns in respect to this policy (and Explanation) which requires that in certain circumstances, risk assessment be undertaken in conjunction with proposals to subdivide land or change or intensify land use. Request that the policy be modified to exempt Lifeline Utilities from the requirement to undertake full natural hazard risk assessment. Upgrades and repair to this infrastructure may be required urgently to address faults or damage, and as a consequence, the need to prepare a risk assessment for Council's consideration will create additional cost and delay. Require that risk assessment only be undertaken where, as a consequence of development of land, a significant increase in risk is likely to occur. Clause (a)(iii) is considered to be unreasonable and onerous. Modify the associated explanation to better explain those situations where the policy would apply.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend Policy NH 5B by [inserting "development of land ", deleting "to subdivide land or change or intensify land use ", inserting "development of land ", deleting "subdivision of land or the change or intensification of land use " and "; or  
(iii) Proposed after a district or (where applicable) regional plan has given effect to Policies NH 3A and NH 4A but the proposal is not provided for in the district or regional plan or is provided for only as a non-complying activity.", inserting "gives effect to Policies NH 3A and NH 4A and consequently ", "further ", " or that the risk associated with the activity does not have a significant consequence" and "iii. the risk derives from Lifeline Utilities"] or amendments to achieve the same purpose:  
Policy NH 5B: Assessment of natural hazard at the time of subdivision, or land use change or intensification:  
Assess natural hazard risk associated with development of land proposals using the methodology set out in Appendix K:  
(a) Where the development of land is:  
(i) Of a scale and/or a nature that could, if affected by a hazard event, represent a significant consequence; and  
(ii) Proposed before a district or (where applicable) regional plan gives effect to Policies NH 3A and NH 4A and the applicable operative or proposed plan provides for the proposal as a discretionary or non-complying activity.  
or  
(b) Where the district or regional plan gives effect to Policies NH 3A and NH 4A and consequently specifically provides for further natural hazard risk assessment to be undertaken.  
For the avoidance of doubt, the obligation to assess the risk of a natural hazard under this policy shall not arise where:  
i. an assessment of the susceptibility of the subject land to that hazard has demonstrated that the land is not susceptible to that natural hazard or that the risk associated with the activity does not have a significant consequence; or  
ii. the risk derives from geothermal hazard which is managed under this Statement's section 2.4 and the Geothermal Resources Policies and Methods.  
iii. the risk derives from Lifeline Utilities.  
C. Explanation for Policy NH 5B: Amend paragraph 3 by [deleting ". Any more than minor extension to, or redevelopment of, regionally significant infrastructure; or", inserting "of land for " and deleting "of "] or amendments to achieve the same purpose:  
However, activities that meet this test will include, but are not limited to:  
. Development of land for urban activities over an area of five hectares or more.  
Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	5 - 2	Submission Type:	Support
Further Submitter:	Port of Tauranga		
Submission Summary:	Subject to the Port's own relief on this provision, seek that the relief sought by the submitter be granted for the reasons in the submission.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	9 - 1	Submission Type:	Support
Further Submitter:	NZ Transport Agency		
Submission Summary:	The transport agency supports the relief sought, in particular the following: - Exempting the need for further natural hazard risk assessment where the risk derives from Lifeline utilities. - Removal of the reference in paragraph 3 of the explanation text with respect to a natural hazard risk assessment being required for "Any more than a minor extension to, or redevelopment of, regionally significant infrastructure".		

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 87 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our original submission on this Policy, we support the exemption sought to clause (b) in this submission, for lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 87 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support the exemption sought to clause (b) in this submission, for lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 87 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support the exemption sought to clause (b) in this submission, for lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 87 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our original submission on this Policy, we support the exemption sought to clause (b) in this submission, for lifeline utilities.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 25: 15 Submission Type: Seek Amendment  
 Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: 1. The 'Explanation' to Policy NH 5B states:  
 'Policy NH 5B defines the circumstances when risk assessment at the project level is appropriate.'  
 This requirement creates a number of issues and potential perverse outcomes that have not been adequately assessed, addressed or evaluated under s32 of the RMA. These issues and potential perverse outcomes include:  
 (i) The application of this Policy down to a 'project level' and what that means with regard to the scale of the 'project'. The Policy as drafted applies down to an individual site level which in our opinion should not be managed through the RPS which is a high level regional regulatory planning document. We further believe that the 'project level' application of this Policy is not in accordance with s59 - Purpose of RPS's and s62 - Contents of RPS's of the RMA.  
 (ii) The reference in this Policy to capture 'subdivision' needs to be confined to 'large-scale' subdivision that is over 5ha in area to avoid creating scalability and interpretation issues that have not been considered particularly with regard to the definition of 'subdivision' in the RMA and circumstances where 'subdivision' relates to boundary adjustments and land title amalgamations.  
 (iii) Part (a)(ii) of this Policy sets an assessment threshold that triggers the application on this Policy based on any subdivision, change of land use or intensification of land use that 'provides for the proposal as a discretionary or non-complying activity'. This creates a perverse outcome in that a relatively minor non-compliance with a standard and term or matter of discretion in a plan (such as bulk and scale, height or site coverage) that 'tips' the proposal into a discretionary or non-complying activity will require a natural hazard assessment.  
 (iv) The application of this Policy before Policies NH 3A and NH 4A have been given effect to by City and District Council's does not accommodate natural hazard risk management and mitigation measures that need to be implemented on a hazard assessment area or planning study area scale.  
 This is particularly relevant for:  
 a) Flooding risks, where management and mitigation measures such as overland flowpaths and discharge points are provided for on a catchment scale.



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

b) Tsunami inundation risks where safe refuge points and evacuation routes (eg TCC Tsunami Survive Project) are provided for at a hazard assessment area or planning study area scale.

2. The intent of this Policy is captured in the text for proposed new Methods 1A and 2A which allows for the phased implementation of City / District Plans and Regional Plans and in both cases clearly states: Method 1A

'...must amend the plan to give effect to them as part of the next review of the district plan, [or as part of any change to the district plan that provides opportunity for land use change or intensification].' [Square brackets indicate emphasis]

Method 2A

'.....must amend a relevant plan to give effect to them as part of the next review of the relevant regional plan, [or as part of any change to the regional plan that provides opportunity for land use change or intensification].' [Square brackets indicate emphasis]

We submit that the trigger for this Policy should be only 'part of any change to the regional / district plan that provides opportunity for land use change or intensification.'

As such this Policy shouldn't apply to Resource Consents they are for 'large-scale' subdivision, change or intensification of land use.

We further note that Councils already have authority under s106 of the RMA in relation to managing natural hazard effects when assessing subdivision consents.

Decision Sought:

1. Amend Policy NH 5B [by deleting "proposals " and inserting "a development proposal", "(to create additional allotments the can lawfully accommodate a dwelling)", "Large-" and "over 5ha", deleting " and (ii) Proposed before a district or (where applicable) regional plan gives effect to Policies NH 3A and NH 4A and the applicable operative or proposed plan provides for the proposal as a discretionary or non-complying activity; ", "is not provided for in the district or regional plan or ", inserting "following susceptibility mapping and natural hazard assessment being carried out under Policies NH 3A and NH 4A ", deleting "provides for", inserting "further" and "analysis and"] and the 'Explanation', [by inserting "for a development proposal", deleting "at the project level" and "will include, but are not limited to " and inserting "are"] as follows:

'Policy NH 5B:

Assessment of natural hazard risk at the time of subdivision, or land use change or intensification  
Assess natural hazard risk associated with a development proposal to subdivide land or change or intensify land use using the methodology set out in Appendix K:

(a) Where the subdivision of land (to create additional allotments the can lawfully accommodate a dwelling) or the change or intensification of land use is:

(i) Of a Large-scale over 5ha in area and/or a nature that could, if affected by a hazard event, represent a significant consequence; or

(iii) Proposed after a district or (where applicable) regional plan has given effect to Policies NH 3A and NH 4A but the proposal is provided for only as a non-complying activity. ....

'or

(b) Where following susceptibility mapping and natural hazard assessment being carried out under Policies NH 3A and NH 4A the district or regional plan specifically requires further natural hazard risk analysis and assessment to be undertaken.'

Or words to similar effect.

2. Amend paragraph 1 to the 'Explanation' as follows (underline and strikethrough):

'Policy NH 5B defines the circumstances when risk assessment for a development proposal at the project level is appropriate.'

3. Amend paragraph 3 to the 'Explanation' as follows (underline and strikethrough):

'However activities that meet this test are:'

4. Amend the Table reference [by inserting "1A, 2A, "] as follows:

'Table reference: Objective 23, Methods 1A, 2A, 3, 18 and 23A'

Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	12 - 6	Submission Type:	Support
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Further Submitter:	Withdrawn
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Submission Summary:	The further submission has been withdrawn.
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Decision Sought:	The further submission has been withdrawn.
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Council Decision:	Not Applicable
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 13 - 15 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision: Accept in Part

Submission Number: 29: 2 Submission Type: Seek Amendment  
Submitter: Property Council New Zealand (Bay of Plenty Branch)  
Submission Summary: The 'Explanation' to Policy NH 5B states:  
'Policy NH 5B defines the circumstances when risk assessment at the project level is appropriate.' This requirement creates a number of issues and potential perverse outcomes that have not been adequately assessed, addressed or evaluated under s32 of the RMA. These issues and potential perverse outcomes include:  
(i) The application of this Policy down to a 'project level' and what that means with regard to the scale of the 'project'. The Policy as drafted applies down to an individual site level which in our opinion should not be managed through the RPS which is a high level regional regulatory planning document. We further believe that the 'project level' application of this Policy is not in accordance with s59 - Purpose of RPS's and s62 - Contents of RPS's of the RMA.  
(ii) The reference in this Policy to capture 'subdivision' creates scalability and interpretation issues that have not been considered particularly with regard to the definition of 'subdivision' in the RMA and circumstances where 'subdivision' relates to boundary adjustments and land title amalgamations.  
(iii) Part (a)(ii) of this Policy sets an assessment threshold that triggers the application on this Policy based on any subdivision, change of land use or intensification of land use that 'provides for the proposal as a discretionary or non-complying activity'. This creates a perverse outcome in that a relatively minor non-compliance with a standard and term or matter of discretion in a plan (such as bulk and scale, height or site coverage) that 'tips' the proposal into a discretionary or non-complying activity will require a natural hazard assessment.  
(iv) The application of this Policy before Policies NH 3A and NH 4A have been given effect to by City and District Council's does not accommodate natural hazard risk management and mitigation measures that need to be implemented on a hazard assessment or planning study area scale.  
This is particularly relevant for:  
a) Flooding risks, where management and mitigation measures such as overland flowpaths and discharge points are provided for on a catchment scale.  
b) Tsunami inundation risks where safe refuge points and evacuation routes (eg TCC Tsunami Survive Project) are provided for at a hazard assessment area or planning study area scale.  
Decision Sought: Redraft Policy NH 5B, and the 'Explanation' to address our submission points and reasons detailed herein. Make consequential amendments.

Council Decision: Accept in Part

Submission Number: 29: 3 Submission Type: Seek Amendment  
Submitter: Property Council New Zealand (Bay of Plenty Branch)  
Submission Summary: Table reference:  
The intent of this Policy is captured in the text for proposed new Methods 1A and 2A which allows for the phased implementation of City / District Plans and Regional Plans and in both cases clearly states:  
Method 1A  
'...must amend the plan to give effect to them as part of the next review of the district plan, or as part of any change to the district plan that provides opportunity for land use change or intensification.'  
Method 2A  
'.....must amend a relevant plan to give effect to them as part of the next review of the relevant regional plan, or as part of any change to the regional plan that provides opportunity for land use change or intensification.'  
Note: Bold text added for emphasis.  
We submit that the trigger for this Policy should be only be 'part of any change to the regional / district plan that provides opportunity for land use change or intensification.'  
As such this Policy shouldn't apply to Resource Consents.  
We further note that Councils' already have authority under s106 of the RMA in relation to managing natural hazard effects when assessing subdivision consents.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend the Table reference [by inserting "1A, 2A, " and deleting "3, "] as follows: 'Table reference: Objective 23, Methods 1A, 2A, 18 and 23A'  
Make consequential amendments.

Council Decision:	Reject
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Submission Number: 30: 2 Submission Type: Seek Amendment

Submitter: Zariba Holdings Limited

Submission Summary: 1. The 'Explanation' to Policy NH 5B states:  
'Policy NH 5B defines the circumstances when risk assessment at the project level is appropriate.' This requirement creates a number of issues and potential perverse outcomes that have not been adequately assessed, addressed or evaluated under s32 of the RMA. These issues and potential perverse outcomes include:  
(i) The application of this Policy down to a 'project level' and what that means with regard to the scale of the 'project'. The Policy as drafted applies down to an individual site level which in our opinion should not be managed through the RPS which is a high level regional regulatory planning document. We further believe that the 'project level' application of this Policy is not in accordance with s59 - Purpose of RPS's and s62 - Contents of RPS's of the RMA.  
(ii) The reference in this Policy to capture 'subdivision' creates scalability and interpretation issues that have not been considered particularly with regard to the definition of 'subdivision' in the RMA and circumstances where 'subdivision' relates to boundary adjustments and land title amalgamations.  
(iii) Part (a)(ii) of this Policy sets an assessment threshold that triggers the application on this Policy based on any subdivision, change of land use or intensification of land use that 'provides for the proposal as a discretionary or non-complying activity'. This creates a perverse outcome in that a relatively minor non-compliance with a standard and term or matter of discretion in a plan (such as bulk and scale, height or site coverage) that 'tips' the proposal into a discretionary or non-complying activity will require a natural hazard assessment.  
(iv) The application of this Policy before Policies NH 3A and NH 4A have been given effect to by City and District Council's does not accommodate natural hazard risk management and mitigation measures that need to be implemented on a hazard assessment or planning study area scale.  
This is particularly relevant for:  
a) Flooding risks, where management and mitigation measures such as overland flowpaths and discharge points are provided for on a catchment scale.  
b) Tsunami inundation risks where safe refuge points and evacuation routes (eg TCC Tsunami Survive Project) are provided for at a hazard assessment area or planning study area scale.  
2. The intent of this Policy is captured in the text for proposed new Methods 1A and 2A which allows for the phased implementation of City / District Plans and Regional Plans and in both cases clearly states:  
Method 1A  
'....must amend the plan to give effect to them as part of the next review of the district plan, [or as part of any change to the district plan that provides opportunity for land use change or intensification].'  
Method 2A  
'.....must amend a relevant plan to give effect to them as part of the next review of the relevant regional plan, [or as part of any change to the regional plan that provides opportunity for land use change or intensification].'  
Note: Bold text added for emphasis [enclosed by square brackets in this summary].  
We submit that the trigger for this Policy should be only be 'part of any change to the regional / district plan that provides opportunity for land use change or intensification.'  
As such this Policy shouldn't apply to Resource Consents.  
We further note that Councils' already have authority under s106 of the RMA in relation to managing natural hazard effects when assessing subdivision consents.

Decision Sought: 1. Redraft Policy NH 5B, and the 'Explanation' to address our submission points and reasons detailed herein.  
2. Amend the Table reference [by adding 1A and 2A and deleting 3] as follows:  
'Table reference: Objective 23, Methods 1A, 2A, 18 and 23A'  
Make consequential amendments.

Council Decision:	Accept in Part
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Submission Number: 32: 4 Submission Type: Support in Part

Submitter: Contact Energy Limited

Submission Summary: The heading of Policy NH 5B should be amended to make it consistent with the wording of the actual policy.  
Contact supports the last part of Policy NH 5B (and the associated part of the explanation) as this is the part of Section 2.8 of the RPS which avoids any potential duplication (and conflict) with Section 2.4 of the RPS relating to the management of geothermal resources.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

**Decision Sought:** Amend the title of Policy NH 5B to read:  
 "Policy NH 5B: Assessment of natural hazard risk at the time of subdivision, or change or intensification of land use".  
 Retain the last part of Policy NH 5B which reads:  
 "For the avoidance of doubt, the obligation to assess the risk of a natural hazard under this policy shall not arise where:  
 i. an assessment of the susceptibility of the subject land to that hazard has demonstrated that the land is not susceptible to that natural hazard; or  
 ii. the risk derives from geothermal hazard which is managed under this Statement's section 2.4 and the Geothermal Resources Policies and Methods. "  
 Retain the penultimate paragraph in the explanation to Policy NH 5B (which starts "Policy NH 5B also provides that risk assessment does not ...").

<b>Council Decision:</b>	Accept in Part
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<b>Submission Number:</b>	35: 6	<b>Submission Type:</b>	Support in Part
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**Submitter:** Rotorua District Council

**Submission Summary:** Although Council supports subsection 'a' of policy NH 5B that requires assessment of development with significant consequence, it is suggested that the risk of natural hazards should be assessed for all developments, irrespective of the scale or nature that could, if affected by a hazard event, represents a significant consequence. The level of assessment could however vary. Rotorua district council has a sliding scale of the type of assessment required e.g. for more significant developments or where multiple hazards occur, assessment is required by a specialist as well as peer review by another specialist. The level of assessment required should also account for different types of buildings on the same site e.g. farm buildings versus a farm house.

**Decision Sought:** Broaden Policy NH 5B to apply to all developments (that trigger a resource consent through a rule in the plan), irrespective of the scale or nature, but provide a sliding scale as to the level of assessment required, differentiating between the purposes of buildings within the same development.

<b>Council Decision:</b>	Accept in Part
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### Further Submission(s)

<b>Further Submission No:</b>	1 - 13	<b>Submission Type:</b>	Oppose
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**Further Submitter:** Powerco Limited

**Submission Summary:** The submitter seeks to further expand the scope under which risk assessment is required. This is considered unreasonable to existing developments and lifeline utilities whose location and scale reflects an existing situation and/or functional need. It is also contrary to the intent to manage natural hazards predominantly through the plan process, rather than on an ad hoc and one-off basis through each and every individual development.

**Decision Sought:**

<b>Council Decision:</b>	Accept in Part
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<b>Further Submission No:</b>	2 - 5	<b>Submission Type:</b>	Oppose
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**Further Submitter:** Contact Energy Limited

**Submission Summary:** It is inappropriate and unnecessary to require an assessment of natural hazard risk every time a resource consent application is triggered irrespective of the scale or nature of the proposed activity. For example, this would mean that consent required for the disturbance of an archaeological site would trigger the need for a natural hazard risk assessment.

**Decision Sought:**

<b>Council Decision:</b>	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 8 - 13 Submission Type: Oppose  
 Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: The submitter seeks to further expand the scope under which risk assessment is required. This is considered unreasonable to existing developments and lifeline utilities whose location and scale reflects a functional need.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 11 - 5 Submission Type: Oppose  
 Further Submitter: Fonterra Co-operative Group Limited  
 Submission Summary: There is no justification for requiring that a natural hazard risk assessment is provided in relation to every resource consent application, irrespective of the scale or nature of the proposed activity.

Decision Sought: Disallow.

Council Decision:	Accept in Part
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Further Submission No: 15 - 93 Submission Type: Oppose  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We oppose the amendments sought in this submission to broaden the application to all resource consents to the extent that our original submission seeks amendments that limit the application of the policy to large scale activities rather than all discretionary and non-complying activities and linkage back to Policy NH 3A and NH 4A.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 93 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We oppose the amendments sought in this submission to broaden the application to all resource consents to the extent that our original submission seeks amendments that limit the application of the policy to large scale activities rather than all discretionary and non-complying activities and linkage back to Policy NH 3A and NH 4A.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 93 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We oppose the amendments sought in this submission to broaden the application to all resource consents to the extent that our original submission seeks amendments that limit the application of the policy to large scale activities rather than all discretionary and non-complying activities and linkage back to Policy NH 3A and NH 4A.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 93 Submission Type: Oppose  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We oppose the amendments sought in this submission to broaden the application to all resource consents to the extent that our original submission seeks amendments that limit the application of the policy to large scale activities rather than all discretionary and non-complying activities and linkage back to Policy NH 3A and NH 4A.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 35: 7 Submission Type: Support in Part  
 Submitter: Rotorua District Council  
 Submission Summary: Council supports subsection 'b' of policy NH 5B that allows the district plan to require assessment for all subdivision or land use change in as far as assessment is required only when a consent is triggered by another rule in the plan (not a rule relating to natural hazards specifically). The reason for not having natural hazard specific rules is that the high level natural hazard information available is often not sufficient to determine the risk at a site-specific level. Subdivisions always trigger consent. Permitted activities that do not trigger resource consent through another rule in the plan, could be assessed at building consent stage. This approach is considered sufficient in managing the natural hazard risks.

Decision Sought: Retain policy NH 5B, subsection b and rely more on site-specific assessment, rather than assessment through plan development (NH 4A).

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 1 - 14 Submission Type: Oppose  
 Further Submitter: Powerco Limited  
 Submission Summary: The provisions under which district plans can require risk assessment need to be constrained to where they give effect to Policies NH3A and NH 4A and where there are significant consequences. Further, it is inappropriate to require natural hazards to be addressed on a one-off / ad hoc approach basis.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 8 - 14 Submission Type: Oppose  
 Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: The provisions under which district plans can require risk assessment need to be constrained to where they give effect to Policies NH3A and NH 4A and where there are significant consequences.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 94 Submission Type: Oppose  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We oppose this submission to the extent that it is not consistent with our original submission on this Policy.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 94 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We oppose this submission to the extent that it is not consistent with our original submission on this Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 94 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We oppose this submission to the extent that it is not consistent with our original submission on this Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 94 Submission Type: Oppose  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We oppose this submission to the extent that it is not consistent with our original submission on this Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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<b>Section: Policy NH 6B - Natural hazard risk management strategy</b>	940
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### Council Decision

Delete "management strategy" from and insert "outcomes" into Policy NH 6B heading to read: "Natural hazard risk outcomes".  
 Amend the first part of the first sentence of the policy to read: "By the application of Policies NH 7B and NH 8A, achieve the following natural hazard risk outcomes at the natural hazard zone scale\*:" with its corresponding asterisk statement: "\*\*The risk outcome specific to new development on specific development sites is set out in Policy NH 7B."  
 Amend (a) to read: "In natural hazard zones subject to High natural hazard risk reduce the level of risk from natural hazards to Medium levels (and lower if reasonably practicable); and".  
 Insert "and" at the end of (b).  
 In (c), replace "low" with "Low".  
 Insert a new sixth paragraph in the Explanation to read: "Managing risk to achieve the outcomes of Policy NH 6B does not relate solely to preventing development occurring. Ensuring future development adopts risk reduction measures may be sufficient to achieve the required level of risk."

### Reasons for Council Decision

14:9 The policy framework is that the risk management approach is implemented through regional and district plans and, in the transition until such provisions are in place and for other specified situations, in the consideration of resource consent applications.  
 16:8 and 18:10 Support is acknowledged.  
 17:11 The reworded title better reflects its policy.  
 20:2: The rewording removes potential ambiguity and improves alignment and consistency within the policy framework.  
 21:16 and 22:22 The reference to Policy NH 10B in the Explanation and the cross reference from NH 10B to Policy NH 6B are sufficient. Excessive cross referencing could potentially be confusing.  
 35:8 The paragraph added to the Explanation clarifies that a range of risk reduction measures may be applicable.

Additional consideration of these submission points is included in clause 6.8 of the Supplementary Report on Submissions.

### Submissions

Submission Number: 14: 9 Submission Type: Support in Part  
 Submitter: Fonterra Co-operative Group Limited  
 Submission Summary: While the general aim of this policy is appropriate, it refers to Policies NH 7B and NH 8A as being the means through which it will be achieved. Fonterra opposes the reference to Policy NH 7B unless the policy is amended as indicated elsewhere in this submission. As a consequence, the policy is more appropriately referenced as an "A" policy as it provides direction for regional and district plans.  
 Decision Sought: Delete reference to Policy NH 7B and amend to state as an "A" Policy.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Reject

### Further Submission(s)

Further Submission No: 15 - 28 Submission Type: Support in Part  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: We support this submission seeking that the Policy provides direction for Regional and District Councils, subject to our original submission on this Policy.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 16 - 28 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 14 Trust  
Submission Summary: We support this submission seeking that the Policy provides direction for Regional and District Councils, subject to our original submission on this Policy.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 17 - 28 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: We support this submission seeking that the Policy provides direction for Regional and District Councils, subject to our original submission on this Policy.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 18 - 28 Submission Type: Support in Part  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We support this submission seeking that the Policy provides direction for Regional and District Councils, subject to our original submission on this Policy.  
Decision Sought:

Council Decision: Accept in Part

Submission Number: 16: 8 Submission Type: Support  
Submitter: Bay of Plenty Civil Defence Emergency Management Group  
Submission Summary: Applying a risk management strategy to managing natural hazards closely aligns with the Groups principles and objectives for risk reduction as set out in the Bay of Plenty Civil Defence Emergency Management Group Plan 2012-17  
Decision Sought: Implement for reasons provided.

Council Decision: Accept in Part

Submission Number: 17: 11 Submission Type: Oppose  
Submitter: Whakatane, Opotiki and Kawerau District Councils  
Submission Summary: "Natural hazard risk management strategy" follows the stages of Risk Assessment (identification/analysis/evaluation) and logically equates to the "Risk Treatment" stage of the process followed by ISO 31000.  
The term "Risk Management" refers to the entire process.  
For consistency, it would be more appropriate to use the term "Risk Treatment".  
Decision Sought: Change the heading to:  
Policy NH 6B "Natural Hazard Risk Treatment Strategy"

Council Decision: Reject



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

### Further Submission(s)

Further Submission No: 14 - 19 Submission Type: Support

Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: We support this submission seeking alignment with ISO 31000.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 43 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our original submission on Policy NH 6B, we support this submission seeking alignment with ISO 31000.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 16 - 43 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Subject to our original submission on Policy NH 6B, we support this submission seeking alignment with ISO 31000.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 17 - 43 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Subject to our original submission on Policy NH 6B, we support this submission seeking alignment with ISO 31000.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 18 - 43 Submission Type: Support in Part

Further Submitter: Ford Land Holdings Pty

Submission Summary: Subject to our original submission on Policy NH 6B, we support this submission seeking alignment with ISO 31000.

Decision Sought:

Council Decision:	Reject
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Submission Number: 18: 10 Submission Type: Support

Submitter: Carrus Corporation Limited

Submission Summary: Support.

Decision Sought: [Retain.]

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 13 - 63 Submission Type: Support

Further Submitter: TKC Holdings Ltd



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 70 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: The amendments sought are opposed as it implies the reduction of high risk to low risk albeit with an option of medium is certain circumstances, which is likely to be impracticable.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 17 - 70 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: The amendments sought are opposed as it implies the reduction of high risk to low risk albeit with an option of medium is certain circumstances, which is likely to be impracticable.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 18 - 70 Submission Type: Oppose  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: The amendments sought are opposed as it implies the reduction of high risk to low risk albeit with an option of medium is certain circumstances, which is likely to be impracticable.

Decision Sought:

Council Decision:	Reject
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Submission Number: 21: 16 Submission Type: Seek Amendment  
 Submitter: Powerco Limited  
 Submission Summary: Powerco seeks that Policy NH 6B 'Natural hazard risk management strategy' be amended to include a specific cross reference to Policy NH10B, which specifically exempts various activities, including Lifeline Utilities, from the requirement when locating in high hazard zones, to reduce the risk to medium; in medium hazard zones to reduce the risk to low, and in low hazard zones, to maintain the risk. The requested modification to Policy NH 6B is required to appropriately recognise that Policy NH6B is subject to Policy NH10B. Policy NH10B appropriately recognises (inter alia) that Lifeline Utilities may, for operational reasons, be required to locate within defined natural hazard areas, that there is generally no practical alternative location and that it may not be necessary or practical to reduce the level of risk (from high to medium, or from medium to low) in these situations. Examples of Lifeline Utilities that may be required to locate within high risk areas include gas and electricity supply networks. The location of these facilities, by necessity, is within and between areas of new and existing development, and may traverse areas subject to a range of natural hazards such as coastal hazard or land slip. If assessment concludes that the particular location is high risk, and that risk cannot be reduced to 'medium', how then is this regionally significant infrastructure to be accommodated within the region, except in accordance with Policy NH 10B.

Decision Sought: Amend [by inserting "Except as provided for by Policy NH10B, and "] and make any necessary or consequential amendments to the associated Explanation, or amendments to achieve the same purpose: Except as provided for by Policy NH10B, and by the application of Policies NH 7B and NH 8A achieve the following natural hazard risk strategy:  
 (a) In natural hazard zones subject to High natural hazard risk reduce the levels if risk from natural hazards to medium levels (and lower if reasonably practicable) and  
 (b) In natural hazard areas subject to Medium natural hazard risk reduce the level of risk from natural hazards to be as low as reasonably practicable.  
 (c) In natural hazard zones subject to Low natural hazard risk maintain the level of risk within the low natural hazard risk range.  
 Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 5 - 3 Submission Type: Support

## **Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions**

Further Submitter: Port of Tauranga  
 Submission Summary: Seek the relief sought by the submitter be granted for the reasons in the submission.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 79 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our original submission on this Policy, we support this submission seeking a specific cross reference to Policy NH 10B.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 79 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support this submission seeking a specific cross reference to Policy NH 10B.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 79 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support this submission seeking a specific cross reference to Policy NH 10B.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 79 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our original submission on this Policy, we support this submission seeking a specific cross reference to Policy NH 10B.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 22: 22 Submission Type: Seek Amendment  
 Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: The Oil Companies seek that Policy NH 6B 'Natural hazard risk management strategy' be amended to include a specific cross reference to Policy NH10B, which specifically exempts various activities, including Lifeline Utilities, from the requirement when locating in high hazard zones, to reduce the risk to medium; in medium hazard zones to reduce the risk to low, and in low hazard zones, to maintain the risk. The requested modification to Policy NH 6B is required to appropriately recognise that Policy NH6B is subject to Policy NH10B. Policy NH10B appropriately recognises (inter alia) that Lifeline Utilities may, for operational reasons, be required to locate within defined natural hazard areas, that there is generally no practical alternative location and that it may not be necessary or practical to reduce the level of risk (from high to medium, or from medium to low) in these situations. Examples of Lifeline Utilities that may be required to locate within high risk areas include oil terminals comprising but not limited to pipelines, bulk storage, truck loading facilities and associated offices. The location of these facilities is, by necessity, near the coast and close to the oil wharf. If assessment concludes that the coastal location is high risk, and that risk cannot be reduced to 'medium', how then is this regionally significant infrastructure to be accommodated within the region, except in accordance with Policy NH 10B.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend [by inserting "Except as provided for by Policy NH10B, and "] and make any necessary or consequential amendments to the associated Explanation, or amendments to achieve the same purpose: Except as provided for by Policy NH10B, and by the application of Policies NH 7B and NH 8A achieve the following natural hazard risk strategy:

(a) In natural hazard zones subject to High natural hazard risk reduce the levels if risk from natural hazards to medium levels (and lower if reasonably practicable) and

(b) In natural hazard areas subject to Medium natural hazard risk reduce the level of risk from natural hazards to be as low as reasonably practicable.

(c) In natural hazard zones subject to Low natural hazard risk maintain the level of risk within the low natural hazard risk range.

Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	5 - 4	Submission Type:	Support
Further Submitter:	Port of Tauranga		
Submission Summary:	Seek the relief sought by the submitter be granted for the reasons in the submission.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	15 - 88	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	Subject to our original submission on this Policy, we support this submission seeking a specific cross reference to Policy NH 10B.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	16 - 88	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	Subject to our original submission on this Policy, we support this submission seeking a specific cross reference to Policy NH 10B.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	17 - 88	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	Subject to our original submission on this Policy, we support this submission seeking a specific cross reference to Policy NH 10B.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	18 - 88	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	Subject to our original submission on this Policy, we support this submission seeking a specific cross reference to Policy NH 10B.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	35: 8	Submission Type:	Oppose
Submitter:	Rotorua District Council		
Submission Summary:	<p>Policy NH 6B does not align with the outcomes (AERs in Table 5) by requiring a reduction in the natural hazard risks. In order to ensure integrated development, one would never come to a place in time where the buildings and infrastructure has reached the end of their life time. Buildings and infrastructure need to constantly be maintained and replaced at different intervals, whilst new developments and urban intensification occur to optimise the use of existing infrastructure and facilities.</p> <p>This effectively extends the life of an urban area within a natural hazard zone. Unless one requires the whole urban area to move to another location over time, it would never be practical or reasonable to limit redevelopment or infill development or require a reduction of the natural hazard risk.</p> <p>It is better to take the RMA approach of avoid, remedy or mitigate.</p> <p>For the same reasons stated above, the monitoring indicators in Table 5 need to be amended to reflect a more reasonable approach to existing land use or development.</p> <p>Move the last two sentences of the third last paragraph under policy NH 8A to policy NH 6B. This will provide more clarity under policy NH 6B that risk management measures may be sufficient to reduce risk and that it is not needed to prevent development. The consequence of this approach would be that the risk within natural hazard zones is not increased (rather than decreased). This is a better, more reasonable approach.</p>		
Decision Sought:	<p>Align Policy NH 6B with the AERs in Table 5.</p> <p>Move the last two sentences of the third last paragraph under policy NH 8A to policy NH 6B.</p>		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	15 - 97	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	Subject to our original submission on this Policy and Policy NH 8A, we support the intent of this submission.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	16 - 97	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	Subject to our original submission on this Policy and Policy NH 8A, we support the intent of this submission.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	17 - 97	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	Subject to our original submission on this Policy and Policy NH 8A, we support the intent of this submission.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 97 Submission Type: Support in Part  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: Subject to our original submission on this Policy and Policy NH 8A, we support the intent of this submission.  
Decision Sought:

Council Decision: Accept in Part

### Section: Table Reference Box

941

#### Council Decision

No change.

#### Reasons for Council Decision

25:16 Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.

#### Submissions

Submission Number: 25: 16 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: The 'Explanation' to Policy NH 6B states:  
'Policy NH 6B sets out the long-term strategic direction for the way natural hazard risk is managed throughout the Bay of Plenty region.'  
Based on this we submit that the strategy and concept of High, Medium and Low natural hazard risk should be fundamental to phased District and Regional Plan implementation as required under proposed Methods 1A and 2A, which need to be included in the 'Table reference' for Policy NH 6B consistent with our submissions on this Policy and Policy NH 5B.  
Decision Sought: Amend Policy NH 6B 'Table reference' [by inserting "1A, 2A, "] as follows:  
'Table reference: Objective 23, Methods 1A, 2A, 3, 18 and 23A, 73 and 74'  
Make consequential amendments.

Council Decision: Reject

#### Further Submission(s)

Further Submission No: 13 - 16 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Reject

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

943

**Section: Policy NH 7B - Managing natural hazard risk on land subject to urbanisation or urban intensification**

## Council Decision

Amend first paragraph of policy to read: "Require a Low natural hazard risk to be achieved on development sites after completion of the development (without increasing risk outside of the development site) by controlling the form, density and design of:..."

Amend paragraph (b) to read: "Any urban activity within the existing urban area that involves the construction of new and/or additional buildings or reconstruction of or addition to existing buildings (including any subdivision associated with such activities); and".

Replace the full stop at the end of paragraph (c) with a semi-colon and add a new close to the policy to read: "except that a Low level of risk is not required to be achieved on the development site after completion of the development where the development site is located within a natural hazard zone of Low natural hazard risk and that natural hazard zone will maintain a Low level of natural hazard risk after completion of the development."

Amend the first paragraph of the Explanation by inserting "In general" at the beginning of the first sentence, and replacing "low" with "Low".

Amend the second paragraph of the Explanation to read: "Importantly, the policy requires consideration of natural hazard risk at the scale of the "development site". That term is defined and confines the consideration of risk to that area of land where development is proposed."

Amend the third paragraph of the Explanation to read: "Consideration at the site scale avoids the risk associated with new development being distorted by an existing level of risk that might exist elsewhere in the natural hazard zone."

Insert a new fourth paragraph of the Explanation to read: "An important exception to that general policy approach is that a Low level of risk need not be achieved on a development site as a result of development provided that after completion of the development the risk level within the natural hazard zone remains Low. This can only be achieved within a natural hazard zone that has a pre-existing natural hazard risk that is Low. It means that on some development sites achieving a Low level of risk may not be necessary. This provides an element of flexibility to future land development and is consistent with Policy NH 6A and the explanation of that policy as set out in this Statement."

In the fifth paragraph of the Explanation (to be the sixth paragraph after insertion of the new paragraph), replace "low" with "Low" in two places.

In the sixth paragraph of the Explanation (to be the seventh paragraph after insertion of the new paragraph), replace "risk assessment" with "risk management" and correct reference to "NH 4A" to "NH 7B".

In the seventh paragraph of the Explanation (to be the eighth paragraph after insertion of the new paragraph), replace "low" with "Low".

## Reasons for Council Decision

6:2 The amendments clarify that the policy applies at whatever scale the assessment is undertaken.

13:7 The combination of Policies NH 5B, NH 5B(a) and NH 7B is deliberately constructed to ensure that any new development is required to maintain a low level of risk in a natural hazard zone with a low level of risk.

14:10, 21:17 and 22:23 Reference to Policy NH 10B in the Explanation is sufficient. Policy NH 7B applies to lifeline utilities unless the exceptions specified in Policy NH 10B apply.

16:9 and 35:9 Support is acknowledged.

17:12 The Explanation paragraphs are related to Policy NH 7B; the potential ambiguity is removed by replacing "assessment" with "consideration".

Although risk management terminology refers to "treating" risk, in the context of the Statement this stage of the process is referred to as risk reduction. This aligns with the terminology of the Civil Defence Emergency Management Act 2002, in the interest of integrated management.

25:17, 29:4, and 30:3 The rewording of Policy NH 6B removes potential ambiguity and improves alignment and consistency within the policy framework. The combination of Policies NH 5B, NH 5B(a) and NH 7B is deliberately constructed to ensure that any new development is required to maintain a low level of risk in a natural hazard zone with a low level of risk. Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.

Additional consideration of these submission points is included in clause 6.9 of the Supplementary Report on Submissions.

## Submissions

Submission Number:	6: 2	Submission Type:	Oppose
Submitter:	Sanctuary Point Investments Ltd		
Submission Summary:	It is unclear from the policy at what scale of site development or intensification the policy applies. The costs of applying this policy and also investigation any off site consequential effects are not reasonable.		
Decision Sought:	Amend Policy NH 7B to provide further direction to when the policy should apply. Retain a and c and amend b to apply at time of District Plan review when hazard area are reassessed over the whole district.		

Council Decision: Reject

## Further Submission(s)

Further Submission No:	15 - 7	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support the request to make it clearer as to what scale of development the policy applies, subject to our original submission.		
Decision Sought:			



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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Further Submission No:	16 - 7	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	We support the request to make it clearer as to what scale of development the policy applies, subject to our original submission.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	17 - 7	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	We support the request to make it clearer as to what scale of development the policy applies, subject to our original submission.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	18 - 7	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	We support the request to make it clearer as to what scale of development the policy applies, subject to our original submission.		
Decision Sought:			

Council Decision:	Accept in Part
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Submission Number:	13: 7	Submission Type:	Seek Amendment
Submitter:	Tauranga City Council		
Submission Summary:	Policy NH 7B requires a low level of risk to be achieved irrespective of the size of the development site, its location in the context of brownfield or greenfield areas or the wider risk of the hazard over the hazard zone. Even if the entire hazard area is deemed a low hazard risk an assessment is still required for each development site under this policy. That assessment may identify that within the development site a medium to high risk being assessed, however in the context of the entire hazard zone the risk still remains low. This is onerous and will result in significant cost assessment and possible mitigation responses for only minor developments which do not increase the overall risk of the hazard itself. [This submission is duplicated in NH 5B.]		
Decision Sought:	Policy NH 7B be amended to remove the consideration of achieving a low level of risk for development within existing developed areas (brownfield locations). In respect of brownfield locations a new policy should be provided or policy NH5B should be amended to recognise that the hazard risk identified through susceptibility mapping and consequence assessment is not increased (i.e. the assessment should only apply to the hazard zone, not the development site).		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	12 - 7	Submission Type:	Support
Further Submitter:	Withdrawn		
Submission Summary:	The further submission has been withdrawn.		
Decision Sought:	The further submission has been withdrawn.		

Council Decision:	Not Applicable
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 14 - 5 Submission Type: Support in Part  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 16 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 16 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 16 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 16 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 14: 10 Submission Type: Oppose  
 Submitter: Fonterra Co-operative Group Limited  
 Submission Summary: In the absence of comprehensive and strategic risk assessment and the incorporation of appropriate provisions into regional and district plans, there is no evidential base to support the view that the policy is appropriate or achievable. The explanatory text acknowledges that exceptions may apply. In the context of a policy that must be given effect to it is essential that the exceptions are referenced within the Policy.  
 Decision Sought: Delete or amend to incorporat specific reference to Policy NH 10B as an exception.

Council Decision:	Accept
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Submission Number: 16: 9 Submission Type: Support  
 Submitter: Bay of Plenty Civil Defence Emergency Management Group  
 Submission Summary: Applying a risk management strategy to managing natural hazards closely aligns with the Groups principles and objectives for risk reduction as set out in the BOPCDEM Group Plan 2012-17

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Implement for reasons provided.

Council Decision: Accept in Part

Submission Number: 17: 12 Submission Type: Oppose

Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: The term "Risk Management" refers to the entire process. For consistency with NZS 31000, it would be more appropriate to use the term "Risk Treatment". Although this policy would logically be applied after the completion of a risk assessment under Policy NH 4A or NH 5B, the explanation includes frequent reference to the term "assessment" which confuses the interpretation of the policy. These parts of the explanation are only relevant to Policy NH 5B.

Decision Sought: Amend the heading to:  
Policy NH 7B: Treating natural hazard risk on land subject to urban development  
"Relocate the following paragraphs in the Explanation to Policy NH 5B:  
Importantly, the policy requires consideration of natural hazard risk at the scale of the "development site". That term is defined and confines the assessment of risk to that area of land on which the development occurs.  
Assessment at the site scale avoids risk assessment for new development being distorted by an existing level of risk that might exist elsewhere in the natural hazard zone.  
...  
City and district councils and the Regional Council will need to either require those undertaking development or redevelopment of land to undertake risk assessment as part of that development process (consistent with Policy NH 4A) or ensure development achieves low natural hazard risk through the provisions of district and regional plans (consistent with Policy NH 8A)."

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 15 - 44 Submission Type: Oppose

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We oppose the relocation of paragraphs from the explanation of Policy 7B to explanation to Policy NH 5B to the degree that it conflicts with our original submission.

Decision Sought:

Council Decision: Reject

Further Submission No: 16 - 44 Submission Type: Oppose

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We oppose the relocation of paragraphs from the explanation of Policy 7B to explanation to Policy NH 5B to the degree that it conflicts with our original submission.

Decision Sought:

Council Decision: Reject

Further Submission No: 17 - 44 Submission Type: Oppose

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We oppose the relocation of paragraphs from the explanation of Policy 7B to explanation to Policy NH 5B to the degree that it conflicts with our original submission.

Decision Sought:

Council Decision: Reject

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 44 Submission Type: Oppose  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We oppose the relocation of paragraphs from the explanation of Policy 7B to explanation to Policy NH 5B to the degree that it conflicts with our original submission.  
Decision Sought:

Council Decision:	Reject
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Submission Number: 21: 17 Submission Type: Support in Part  
Submitter: Powerco Limited  
Submission Summary: Policy NH 7B only applies in those situations where policies NH 4A or NH 5B apply. Provided that the Council amends Policy NH 5B to specifically exempt Lifeline Utilities, then Powerco supports Policy NH 7B.  
Appropriate provision needs to be made for the continued operation of existing land uses, including business and infrastructure. In respect to Powerco, this provision is most appropriately made by making Policy NH 7B subject to Policy NH10B. That said, the policy really also needs to be amended to better accommodate other forms of existing development within hazard areas, such as homes and businesses.

Decision Sought: Retain Policy NH 7B and its associated Explanation, unmodified, provided that the amendments requested to Policy NH 5B are accepted (ie: exclusion for activities covered by Policy NH10B). A consequential amendment to Policy NH10B is required to remove the reference to Policy NH7B (which would no longer apply by virtue of the change to Policy NH5B).  
In the alternative, Powerco seeks a specific amendment to Policy NH 7B to exempt lifeline utilities. This could be achieved by [inserting "(d) Provided that this policy does not apply to lifeline utilities."] or amendments to achieve the same purpose, to Policy NH 7B:  
When Policies NH 4A or NH 5B apply, require a low natural hazard risk to be achieved on development sites after completion of the development (without increasing risk outside of the development site) be controlling the form, density and design of:  
(a) Green field development;  
(b) Any establishment, re-establishment or intensification of an urban activity within the existing urban area (including any existing subdivision associated with such activity) and:  
(c) Rural lifestyle activities  
(d) Provided that this policy does not apply to lifeline utilities.  
Make consequential amendments.

Council Decision:	Accept in Part
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Submission Number: 22: 23 Submission Type: Support in Part  
Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
Submission Summary: Policy NH 7B only applies in those situations where policies NH 4A or NH 5B apply. Provided that the Council amends Policy NH 5B to specifically exempt Lifeline Utilities, then the Oil Companies support Policy NH 7B.  
Appropriate provision needs to be made for the continued operation of existing land uses, including business and infrastructure. In respect to the Oil Companies, this provision is most appropriately made by making Policy NH 7B subject to Policy NH10B. That said, the policy really also needs to be amended to better accommodate other forms of existing development within hazard areas, such as homes and businesses.

Decision Sought: Retain Policy NH 7B and its associated Explanation, unmodified, provided that the amendments requested to Policy NH 5B are accepted (ie: exclusion for activities covered by Policy NH10B). A consequential amendment to Policy NH10B is required to remove the reference to Policy NH7B (which would no longer apply by virtue of the change to Policy NH5B).  
In the alternative, the Oil Companies seek a specific amendment to Policy NH 7B to exempt lifeline utilities. This could be achieved by [inserting "(d) Provided that this policy does not apply to lifeline utilities."] or amendments to achieve the same purpose, to Policy NH 7B:  
When Policies NH 4A or NH 5B apply, require a low natural hazard risk to be achieved on development sites after completion of the development (without increasing risk outside of the development site) be controlling the form, density and design of:  
(a) Green field development;  
(b) Any establishment, re-establishment or intensification of an urban activity within the existing urban area (including any existing subdivision associated with such activity) and:  
(c) Rural lifestyle activities  
(d) Provided that this policy does not apply to lifeline utilities.  
Make consequential amendments.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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Submission Number:	25: 17	Submission Type:	Seek Amendment
Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	<p>Policy NH 7B and its purpose [as stated in the 'Explanation'] applies an impractical and inappropriate blanket approach to managing natural hazard risk for land use and development in "natural hazards zones" and achieving appropriate levels of risk as established in Policy NH 6B. Furthermore this Policy:</p> <ol style="list-style-type: none"> <li>1. Is inconsistent with Policy NH 6B which references Policy NH 7B and seeks:               <ol style="list-style-type: none"> <li>(a) 'In natural hazard zones subject to High natural hazard risk reduce the level of risk from natural hazards to medium levels [(and lower if reasonably practicable)]; and [square brackets for emphasis]</li> <li>(b) In natural hazard zones subject to Medium natural hazard [risk reduce the level of risk from natural hazards to be as low as reasonably practicable.]' [square brackets for emphasis]</li> </ol> </li> <li>2. Seeks to inappropriately apply the Policy down to an individual site level through the "Development site" definition, which for the reasons noted in our submission on Policy NH 5B is impractical and unnecessarily onerous in the absence of understanding or identifying the baseline level of risk and the potential for natural hazard risk management and mitigation measures to be applied on a "natural hazards zone" scale.</li> <li>3. Seeks to impose the achievement of the same low level of risk in both existing urban areas and greenfield areas, which is likely to be impractical in existing urban areas which will in many instances already have a medium level of risk that cannot be reduced to a low level on a 'reasonably practical' basis.</li> </ol> <p>Implement Policy NH 7B by way of phased District Plan and Regional Plan implementation as required under proposed Methods 1A and 2A, which need to be included in the 'Table reference' for Policy NH 7B consistent with our submissions on this Policy and Policy NH 5B.</p>		

Decision Sought:	<p>1. Amend Policy NH 7B [by deleting "a low natural hazard risk to be achieved on development sites after completion of development (without increasing risk outside the development site)" and "controlling ", inserting "applying natural hazards risk reduction measures, including " and "development", "(a) A low natural hazard risk level to be achieved in Greenfield development areas and Rural Lifestyle activities areas after completion of the development (without increasing risk outside of the development proposal area)", deleting "(a) Greenfield development:", inserting "(b) A risk level as low as reasonably practical, for large-scale land use change or large-scale (over 5ha in area) intensification of an urban activity within the existing zoned urban area (including any subdivision associated with such activities) that are within a natural hazard zone subject to medium natural hazard risk" and delete "(c) Rural lifestyle activities.", the 'Explanation' [second paragraph, by deleting "site " and inserting "proposal" or "planning study area", replace "That terms is" with "These terms are", delete "on which the" and "occurs" and insert "where" and "is proposed"] and the 'Table reference [by inserting 1A, 2A] as follows:</p> <p>'Policy NH 7B: Managing natural hazard risk on land subject to urban development When Policies NH 4A or NH 5B apply, require by applying natural hazards risk reduction measures, including controlling the form, density and design of development: (a) A low natural hazard risk level to be achieved on development sites in Greenfield development areas and Rural Lifestyle activities areas after completion of the development (without increasing risk outside of the development proposal area site). by controlling the form, density and design of: (b) (c) A risk level as low as reasonably practical, for Any large-scale land use change establishment, re-establishment or large-scale (over 5ha in area) intensification of an urban activity within the existing zoned urban area (including any subdivision associated with such activities) that are within a natural hazard zone subject to medium natural hazard risk.' Or words to similar effect.</p> <p>2. Amend Policy NH 7B 'Table reference' as follows (strikethrough and underline): 'Table reference: Objective 23, Methods 1A, 2A, 3, 18 and 23A'</p> <p>4. Amend paragraph 2 to the 'Explanation' as follows (underline and strikethrough): 'Importantly, the policy requires consideration of natural hazard risk at the scale of the "development proposal" or "planning study area". These terms are defined and confines the assessment of risk to that area of land where development occurs is proposed.' Make consequential amendments.</p>
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Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 17	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number:	29: 4	Submission Type:	Seek Amendment
Submitter:	Property Council New Zealand (Bay of Plenty Branch)		
Submission Summary:	<p>Policy NH 7B and its purpose [as stated in the 'Explanation'] applies an impractical and inappropriate blanket approach to managing natural hazard risk for land use and development in "natural hazards zones" and achieving appropriate levels of risk as established in Policy NH 6B.</p> <p>Furthermore this Policy:</p> <ol style="list-style-type: none"><li>1. Is inconsistent with Policy NH 6B which references Policy NH 7B and seeks:<ol style="list-style-type: none"><li>(a) 'In natural hazard zones subject to High natural hazard risk reduce the level of risk from natural hazards to medium levels [(and lower if reasonably practicable)]; and [square brackets for emphasis]</li><li>(b) In natural hazard zones subject to Medium natural hazard [risk reduce the level of risk from natural hazards to be as low as reasonably practicable.] [square brackets for emphasis]</li></ol></li><li>2. Seeks to inappropriately apply the Policy down to an individual site level through the "Development site" definition, which for the reasons noted in our submission on Policy NH 5B is impractical and unnecessarily onerous in the absence of understanding or identifying the baseline level of risk and the potential for natural hazard risk management and mitigation measures to be applied on a "natural hazards zone" scale.</li><li>3. Seeks to impose the achievement of the same low level of risk in both existing urban areas and greenfield areas, which is likely to be impractical in existing urban areas which will in many instances already have a medium level of risk that cannot be reduced to a low level on a 'reasonably practical' basis.</li></ol> <p>Implement Policy NH 7B by way of phased District Plan and Regional Plan implementation as required under proposed Methods 1A and 2A, which need to be included in the 'Table reference' for Policy NH 7B consistent with our submissions on this Policy and Policy NH 5B.</p>		
Decision Sought:	<ol style="list-style-type: none"><li>1. Redraft Policy NH 7B, and the 'Explanation' to address our submission points and reasons detailed herein.</li><li>2. Amend Policy NH 7B 'Table reference' [by inserting "1A, 2A, " and deleting "3, "] as follows: 'Table reference: Objective 23, Methods 1A, 2A, 18 and 23A' Make consequential amendments.</li></ol>		

Council Decision:	Accept in Part
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Submission Number:	30: 3	Submission Type:	Seek Amendment
Submitter:	Zariba Holdings Limited		
Submission Summary:	<p>Policy NH 7B and its purpose [as stated in the 'Explanation'] applies an impractical and inappropriate blanket approach to managing natural hazard risk for land use and development in "natural hazards zones" and achieving appropriate levels of risk as established in Policy NH 6B.</p> <p>Furthermore this Policy:</p> <ol style="list-style-type: none"><li>1. Is inconsistent with Policy NH 6B which references Policy NH 7B and seeks:<ol style="list-style-type: none"><li>(a) 'In natural hazard zones subject to High natural hazard risk reduce the level of risk from natural hazards to medium levels [(and lower if reasonably practicable)]; and [square brackets for emphasis]</li><li>(b) In natural hazard zones subject to Medium natural hazard [risk reduce the level of risk from natural hazards to be as low as reasonably practicable.] [square brackets for emphasis]</li></ol></li><li>2. Seeks to inappropriately apply the Policy down to an individual site level through the "Development site" definition, which for the reasons noted in our submission on Policy NH 5B is impractical and unnecessarily onerous in the absence of understanding or identifying the baseline level of risk and the potential for natural hazard risk management and mitigation measures to be applied on a "natural hazards zone" scale.</li><li>3. Seeks to impose the achievement of the same low level of risk in both existing urban areas and greenfield areas, which is likely to be impractical in existing urban areas which will in many instances already have a medium level of risk that cannot be reduced to a low level on a 'reasonably practical' basis.</li></ol> <p>Implement Policy NH 7B by way of phased District Plan and Regional Plan implementation as required under proposed Methods 1A and 2A, which need to be included in the 'Table reference' for Policy NH 7B consistent with our submissions on this Policy and Policy NH 5B.</p>		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: 1. Redraft Policy NH 7B, and the 'Explanation' to address our submission points and reasons detailed herein.  
2. Amend Policy NH 7B 'Table reference' [by adding 1A and 2A and deleting 3] as follows:  
'Table reference: Objective 23, Methods 1A, 2A, 18 and 23A'  
Make consequential amendments.

Council Decision: Accept in Part

Submission Number: 35: 9 Submission Type: Support

Submitter: Rotorua District Council

Submission Summary: Council considers that policy NH 7B is more aligned with the AER and is therefore supported.

Decision Sought: Retain policy NH 7B.

Council Decision: Accept in Part

**Section: (b) Any establishment, re-establishment...**

944

### Council Decision

No change.

### Reasons for Council Decision

18:11 The combination of Policies NH 5B, NH 5B(a) and NH 7B is deliberately constructed to ensure that any new development is required to maintain a low level of risk in a natural hazard zone with a low level of risk.

20:3 The rewording of Policy NH 6B removes potential ambiguity and improves alignment and consistency within the policy framework. The combination of Policies NH 5B, NH 5B(a) and NH 7B is deliberately constructed to ensure that any new development is required to maintain a low level of risk in a natural hazard zone with a low level of risk. Any regulation needed to apply to existing uses would be a regional council responsibility.

### Submissions

Submission Number: 18: 11 Submission Type: Seek Amendment

Submitter: Carrus Corporation Limited

Submission Summary: As this policy is linked to NH 5B, it has the same implications as stated for NH 5B whereby it affects any small scale developments. And, it becomes further complicated to adhere to given the introduction of the use of "development site", and the current definition that is used.

Decision Sought: Reword (b) so it can provide certainty for small scale developments and also to provide the ability for intensification.

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 13 - 64 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 14 - 24 Submission Type: Support in Part  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 58 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 58 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 58 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 58 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 20: 3 Submission Type: Seek Amendment  
 Submitter: Western Bay of Plenty District Council  
 Submission Summary: An activity that is replaced like for like is caught by the word "re-establishment" in this clause. This is inappropriate as the consequence is no net change. It is exacerbated with the requirement to achieve a low level which may not be reasonably practicable.  
 Decision Sought: Reword (b) to align with the submission on NH 6B.

Council Decision:	Reject
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<b>Section: Policy NH 8A - Managing natural hazard risk at time of plan development</b>	945
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### Council Decision

Amend the heading to read: "Managing natural hazard risk through regional, city and district plans"  
 Amend first sentence to read: "Promote the natural hazard risk outcomes set out in Policy NH 6B by:"  
 Amend (a) to read: "Providing for plans to take into account natural hazard risk reduction measures including, where practicable, to existing land use activities, and, where necessary,"



# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Amend (b) to read: "Controlling the location, scale and density of the subdivision, use, development and protection of land and land use change in city, district and regional plans."

Insert new (c) to read: "Ensuring that regional, city and district plan provisions provide a high degree of certainty for the establishing and maintaining of essential risk reduction works and other measures."

Amend second paragraph of the Explanation to read: "One of the key differences between Policy NH 7B and NH 8A is the scale at which risk is to be managed. While Policy NH 7B addresses risk within the development site, Policy NH 8A considers the broader context at plan development stage. This requirement seeks to address cumulative risk that may result from the incremental adding of people and buildings to a natural hazard zone."

In the third paragraph of the Explanation, insert "city" before "district" and delete the second and third sentences.

Delete first sentence from the fourth paragraph and reword second sentence to read: "Consistent with the comment made in Section 2.8, in identified urban growth areas Policy NH 8A requires city and district plans to manage natural hazard risk through a range of methods including land use controls where necessary except that the suitability of the land for urban development is accepted."

Insert a new paragraph following the fourth paragraph of the Explanation to read: "For existing at-risk development, protection works at varying scales will often be necessary to achieve the risk management strategy. Community safety and well-being may be reliant on protection works (such as stopbanks) being developed and maintained on a continuing basis to achieve the necessary risk reduction, and regional, city and district plans must recognise this."

## Reasons for Council Decision

14:11 Since Policy NH 8A is to be implemented only through Methods 1A and 2A (and not Method 3 which includes direct consideration in resource consent applications), further opportunity will arise for input at a strategic level. It can be anticipated that the necessity to address risk to existing uses will not be considered lightly.

16:10 Support is acknowledged.

17:14 Although risk management terminology refers to "treating" risk, in the context of the Statement this stage of the process is referred to as risk reduction. This aligns with the terminology of the Civil Defence Emergency Management Act 2002, in the interest of integrated management. The Explanation second paragraph potential ambiguity is removed by avoiding use of "assessment". References to growth are now appropriately generic.

18:12 The heading and policy provisions, paragraphs (a), (b) and (c), as amended now align. Removal of the confusing references to boundaries has clarified the explanation.

21:14 and 22:20 The amendments to the policy wording better express the policy intent.

24:1 The additions to the policy and its explanation provide better direction in regard to activities that reduce risk.

25:18 The amendments to the heading, the policy wording and its explanation better express the policy intent.

Additional consideration of these submission points is included in clause 6.10 of the Supplementary Report on Submissions.

## Submissions

Submission Number:	14: 11	Submission Type:	Oppose
Submitter:	Fonterra Co-operative Group Limited		
Submission Summary:	The policy provides the basis for the regulation of existing activities, potentially through the renewal of exiting consents or through requirements for consent on unrelated matters. This suggests an ad hoc piecemeal approach lacking any strategic context. Opportunities to consider such matters should only be pursued in the context of appropriate provisions set out within regional and district plans rather than being driven by a region wide directive. Paragraphs 2 and 3 of the Explanatory text explain that the consideration of cumulative risk is a matter that is best undertaken at the time of plan preparation.		
Decision Sought:	Amend clause (b) to read: "Ensuring the application, where appropriate, of natural hazard risk reduction measures."		

Council Decision:	Reject
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## Further Submission(s)

Further Submission No:	15 - 30	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support the proposed amendments to clause (b) sought in this submission, subject to our original submission request to amend the first paragraph of the same Policy		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 30 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the proposed amendments to clause (b) sought in this submission, subject to our original submission request to amend the first paragraph of the same Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 30 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the proposed amendments to clause (b) sought in this submission, subject to our original submission request to amend the first paragraph of the same Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 30 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the proposed amendments to clause (b) sought in this submission, subject to our original submission request to amend the first paragraph of the same Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 16: 10 Submission Type: Support  
 Submitter: Bay of Plenty Civil Defence Emergency Management Group  
 Submission Summary: Controlling land use and applying natural hazard risk reduction measures directly supports Goal 1 and objective 1b of the BOP CDEM Group Plan 2012-17  
 Decision Sought: Implement for reasons provided.

Council Decision:	Accept in Part
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Submission Number: 17: 14 Submission Type: Oppose  
 Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: The term "Risk Management" refers to the entire process. For consistency with NZS 31000, it would be more appropriate to use the term "Risk Treatment". This policy relates to cumulative treatment of hazard risk. The policy is logically applied to hazard areas after completion of a risk assessment under policy NH 4A. However, the explanation at paragraph 2 refers to "risk assessment" and "evaluation" which confuses the interpretation of the policy. Paragraph 4 refers to urban growth areas in appendix E. The same principle should apply to all defined growth areas.

Decision Sought: Amend the heading to:  
 Policy NH 8A: Treating natural hazard risk at time of plan development  
 Amend Paragraph 2 of the explanation [by deleting "assessed and evaluated ", inserting "treated", deleting "assessment ", inserting "treatment ", deleting "an assessment " and inserting "risk treatment "] to read:  
 One of the key differences between Policy NH 7B and NH 8A is the scale at which risk is to be treated. While Policy NH 7B limits risk treatment to the boundaries of the site being developed, Policy NH 8A requires risk treatment that considers the broader context. This requirement seeks to address cumulative risk that may result from the incremental adding of people and buildings to an area susceptible to a hazard.  
 Amend Paragraph 4 [by deleting "In the western Bay of Plenty there are areas provided for in Appendix E as being within the urban limits. " and "those " and inserting "identified urban growth "] to read  
 Consistent with the comment made in Section 2.8, in identified urban growth areas Policy NH 8A requires district plans to manage natural hazard risk through appropriate land use controls except that the suitability of the land for urban development is accepted.

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 46 Submission Type: Support in Part

Further Submitter: Ford Land Holdings Pty

Submission Summary: a) Subject to our original submission on Policy NH 8A, we support this submission seeking alignment with ISO 31000.  
b) We support in part the submitter's requests in this submission, to amend paragraph 4 of the explanation subject to RPS Appendix E being referenced in any revision to this paragraph.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 18: 12 Submission Type: Seek Amendment

Submitter: Carrus Corporation Limited

Submission Summary: The policy does not reflect what it's heading states.  
Explanation where the sentence commences with "while policy NH 7B" the references to the boundaries of the site do not make sense.

Decision Sought: Amend to read "at the time of plan development, manage land use ...."  
Add "the" between "in" and "district".  
Delete the words "boundaries of the site being developed" and replace with "development site".

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 13 - 65 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 14 - 25 Submission Type: Support in Part

Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: We support the submitter's concerns raised in this submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 59 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 59 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 59 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 59 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's concerns raised in this submission, subject to our original submission seeking amendments to the Policy  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 21: 14 Submission Type: Support in Part  
 Submitter: Powerco Limited  
 Submission Summary: Powerco supports Policy recognising that Councils are the appropriate organisation to manage land use and land use change, however the policy needs to be amended to remove the assumptions that land use control will be necessary, and that risk reduction is appropriate in every situation. [There] are many ways that risk can be managed, and risk reduction is not necessarily the most efficient or effective management technique.  
 Decision Sought: Amend Policy NH8A and the associated explanation [by, in the Policy, inserting "development of land ", deleting "land use and land use change ", inserting "development of land ", deleting "the subdivision, use, and development and protection of land ", inserting "where that is the most efficient and effective means of managing the risk associated with natural hazards; ", deleting "Ensuring the application of ", inserting "Applying other ", deleting "reduction ", inserting "management "] as follows, or to the same / similar effect:  
 Policy NH8A: Managing natural hazard risk at time of plan development  
 Manage development of land in district and, where necessary, regional plans to promote the risk management strategy set out in Policy NH6B by:  
 (a) Controlling the location, scale and density of development of land where that is the most efficient and effective means of managing the risk associated with natural hazards; and  
 (b) Applying other natural hazard risk management measures including, where practicable, to existing land use activities.  
 And from the associated explanation:  
 (i) Delete the phrase "to achieve the required risk reduction", from the last sentence in the third paragraph;  
 (ii) Amend the last part of the sentence in the fourth paragraph [by inserting "a range of methods including ", deleting "appropriate ", and inserting "where necessary"] as follows: ... to manage natural hazard risk through a range of methods including land use controls where necessary ...;  
 (iii) Amend the fifth paragraph [by deleting "reducing " and inserting "managing "] as follows: Options for managing natural hazard risk may take many forms. Some key risk reduction measures are provided in Appendix L.  
 Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 15 - 77 Submission Type: Support in Part



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend Policy NH8A and the associated explanation [by, in the Policy, inserting "development of land ", deleting "land use and land use change ", inserting "development of land ", deleting "the subdivision, use, and development and protection of land ", inserting "where that is the most efficient and effective means of managing the risk associated with natural hazards; ", deleting "Ensuring the application of ", inserting "Applying other ", deleting "reduction ", inserting "management "] as follows, or to the same / similar effect:

Policy NH8A: Managing natural hazard risk at time of plan development  
Manage development of land in district and, where necessary, regional plans to promote the risk management strategy set out in Policy NH6B by:

(a) Controlling the location, scale and density of development of land where that is the most efficient and effective means of managing the risk associated with natural hazards; and  
(b) Applying other natural hazard risk management measures including, where practicable, to existing land use activities.

And from the associated explanation:

(i) Delete the phrase "to achieve the required risk reduction", from the last sentence in the third paragraph;  
(ii) Amend the last part of the sentence in the fourth paragraph [by inserting "a range of methods including ", deleting "appropriate ", and inserting "where necessary"] as follows: ... to manage natural hazard risk through a range of methods including land use controls where necessary ...;  
(iii) Amend the fifth paragraph [by deleting "reducing " and inserting "managing "] as follows: Options for managing natural hazard risk may take many forms. Some key risk reduction measures are provided in Appendix L.  
Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	15 - 86	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	Subject to our original submission on this Policy, we support this submission that addresses the assumption that land-use control is the most appropriate and effective risk reduction measure in every situation.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	16 - 86	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	Subject to our original submission on this Policy, we support this submission that addresses the assumption that land-use control is the most appropriate and effective risk reduction measure in every situation.		

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	17 - 86	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	Subject to our original submission on this Policy, we support this submission that addresses the assumption that land-use control is the most appropriate and effective risk reduction measure in every situation.		

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 86 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our original submission on this Policy, we support this submission that addresses the assumption that land-use control is the most appropriate and effective risk reduction measure in every situation.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 24: 1 Submission Type: Seek Amendment  
 Submitter: Boffa Miskell Ltd  
 Submission Summary: Policy NH 8A includes:  
 "Ensuring the application of natural hazard risk reduction measures including, where practicable, to existing land use activities."  
 This policy is generally supported.  
 Although the policy refers to existing land use activities, the focus of the explanation is on future development.  
 The policy should specifically ensure that both regional and district plan provisions give certainty for activities that reduce risk for existing activities, such as:  
 • Permitted activity status for low impact protection measures;  
 • Permitted activity status for established risk reduction measures such as stop banks, stream works, debris control etc where community safety and wellbeing is reliant on continued protection;  
 • Controlled activity status for new protection works that protect health and safety.  
 This approach will reduce compliance costs and reduce impediments to both communities and individual land owners undertaking beneficial risk reduction activities.

Decision Sought: Add the following to NH 8A  
 "(c) Ensuring that regional and district plan provisions provide a high degree of certainty for the establishing and maintaining of essential risk reduction works and other measures."  
 Add the following to the explanation:  
 "For existing at-risk development, protection works at varying scales will often be necessary to achieve the risk management strategy. Community safety and wellbeing may be reliant on protection works (such as stop banks) being developed and maintained on a continuing basis, and regional and district plan must recognise this".

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 4 - 3 Submission Type: Oppose  
 Further Submitter: Sustainable Matata Incorporated  
 Submission Summary: Works in Matata by WDC do not provide protection and should not be permitted activities.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 7 - 15 Submission Type: Support  
 Further Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: The new policy will improve plan effectiveness

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Further Submission No: 15 - 90 Submission Type: Support in Part  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Subject to our original submission on Appendix K, we support this submission seeking to recognise the need to provide certainty with regard to establishing and managing essential natural hazard risk reduction works and other measures.  
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 90 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 14 Trust  
Submission Summary: Subject to our original submission on Appendix K, we support this submission seeking to recognise the need to provide certainty with regard to establishing and managing essential natural hazard risk reduction works and other measures.  
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 90 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: Subject to our original submission on Appendix K, we support this submission seeking to recognise the need to provide certainty with regard to establishing and managing essential natural hazard risk reduction works and other measures.  
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 90 Submission Type: Support in Part  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: Subject to our original submission on Appendix K, we support this submission seeking to recognise the need to provide certainty with regard to establishing and managing essential natural hazard risk reduction works and other measures.  
Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 25: 18 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: 1. The first paragraph of the Policy doesn't accurately reflect the Policy title or intent of the Policy.  
2. The second paragraph of the 'Explanation' requires amendment to reflect our submission on Policies NH 5B and NH 7B, in that we submit that development site or project level are managed through City and District Plans unless they are for 'large-scale' subdivision, change or intensification of land use.

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: 1. Amend Policy NH 8A [by deleting "Manage "and inserting "At the time of plan development manage ", deleting "management " and inserting "reduction", deleting "Ensuring " and inserting "Providing for "] and Explanation by inserting "and location ", deleting "boundaries of the site being developed", and inserting "development proposal or planning study area" and "at plan development stage"] as follows:  
 'Policy NH 8A:  
 Managing natural hazard risk at time of plan development  
 At the time of plan development manage land use and land use change in district and, where necessary, regional plans to promote the natural hazard risk reduction strategy set out in Policy NH 6B by:  
 (a) Controlling the location, scale and density of the subdivision, use, development and protection of land; and  
 (b) Providing for the application of natural hazard risk reduction measures including, where practicable, to existing land use activities.'  
 2. Amend the second paragraph of the 'Explanation' to Policy NH 8A as follows (strikethrough and underline):  
 'One of the key differences between Policy NH 7B and NH 8A is the scale and location at which risk is to be assessed and evaluated. While Policy NH 7B limits risk assessment to the development proposal or planning study area, Policy NH 8A requires an assessment that considers the broader context at plan development stage. This requirement seeks to address cumulative risk that may result from the incremental adding of people and buildings to an area susceptible to a hazard.'  
 Or words to similar effect. Make consequential amendments.

Council Decision:	Accept in Part
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## Further Submission(s)

Further Submission No:	13 - 18	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		

Decision Sought:

Council Decision:	Accept in Part
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## Section: Explanation

946

### Council Decision

Amend second paragraph of the Explanation to read: "One of the key differences between Policy NH 7B and NH 8A is the scale at which risk is to be managed. While Policy NH 7B addresses risk within the development site, Policy NH 8A considers the broader context at plan development stage. This..."

Delete the second and third sentences from the third paragraph of the Explanation.

Delete first sentence from the fourth paragraph and reword second sentence to read: "Consistent with the comment made in Section 2.8, in identified urban growth areas Policy NH 8A requires city and district plans to manage natural hazard risk through a range of methods including land use controls where necessary except that the suitability of the land for urban development is accepted."

Insert a new paragraph following the fourth paragraph of the Explanation to read: "For existing at-risk development, protection works at varying scales will often be necessary to achieve the risk management strategy. Community safety and well-being may be reliant on protection works (such as stopbanks) being developed and maintained on a continuing basis to achieve the necessary risk reduction, and regional and district plans must recognise this."

### Reasons for Council Decision

35:10 Shifting sentences to the Explanation of Policy NH 6B improves the logic of the information provided.

### Submissions

Submission Number:	35: 10	Submission Type:	Seek Amendment
Submitter:	Rotorua District Council		
Submission Summary:	Move the last two sentences of the third last paragraph under policy NH 8A to policy NH 6B. This will provide more clarity under policy NH 6B that risk management measures may be sufficient to reduce risk and that it is not needed to prevent development. The consequence of this approach would be that the risk within natural hazard zones is not increased (rather than decreased). This is a better, more reasonable approach.		
Decision Sought:	Move the last two sentences of the third last paragraph under policy NH 8A to policy NH 6B.		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Accept

### Further Submission(s)

Further Submission No: 15 - 98 Submission Type: Support in Part  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Subject to our original submission on this Policy, we support the intent of this submission.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 16 - 98 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 14 Trust  
Submission Summary: Subject to our original submission on this Policy, we support the intent of this submission.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 17 - 98 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: Subject to our original submission on this Policy, we support the intent of this submission.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 18 - 98 Submission Type: Support in Part  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: Subject to our original submission on this Policy, we support the intent of this submission.  
Decision Sought:

Council Decision: Accept in Part

### Section: Policy NH 9B - Avoiding or mitigating natural hazards in the coastal environment

947

#### Council Decision

Amend heading to read: "Avoiding increasing and encouraging reducing natural hazard risk in the coastal environment"  
Replace the second sentence of the second paragraph of the Explanation to read: "It is also specific that the risk should not be increased as a result of redevelopment or change in land use. Mitigation or management actions can be undertaken to maintain risk at the required level."  
Include Methods 23B and 23C in the table reference.

#### Reasons for Council Decision

6:3 The policy wording appropriately gives effect to the New Zealand Coastal Policy Statement.  
7:4 Inclusion of the method provides appropriate recognition of natural defences.  
16:11, 18:13, 21:18 and 22:24 Support is acknowledged.  
25:19 Implementation is to be achieved not only through plans but also other instruments such as resource consents. Method 3 has been deliberately included accordingly.  
33:6 The amended title and Explanation better reflects the policy. Support is acknowledged. Additional consideration of this submission point is included in clause 6.11 of the Supplementary Report on Submissions.

#### Submissions

Submission Number: 6: 3 Submission Type: Support in Part  
Submitter: Sanctuary Point Investments Ltd  
Submission Summary: Wording of (a) is slightly unclear and should apply to the land as any intensification would increase the risk of property damage from the coastal hazard risk. This would mean it could be argued any additional

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

structures would trigger non-compliance with the policy.  
Wording of (b) is clear.

Decision Sought: Amend (a) to read "no land use change or redevelopment occurs that would increase the coastal hazard risk to the land".

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	15 - 8	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		

Submission Summary: Subject to our original submission on this Policy, we support the clarity sought by this submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	16 - 8	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		

Submission Summary: Subject to our original submission on this Policy, we support the clarity sought by this submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	17 - 8	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		

Submission Summary: Subject to our original submission on this Policy, we support the clarity sought by this submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No:	18 - 8	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		

Submission Summary: Subject to our original submission on this Policy, we support the clarity sought by this submission.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number:	7: 4	Submission Type:	Support in Part
Submitter:	Te Arawa ki Tai Trust		

Submission Summary: Support intent but the method falls short. There is an over-emphasis on "land development"- both historical and future in the plan. The rhetoric makes only weak references to "established communities".

Decision Sought: Include a new method (23C?) that specifically seeks to strengthen natural mitigation defences like coastal dunes.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	15 - 9	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		

Submission Summary: We support a new method seeking to mitigate potential natural hazards by restoring coastal dunes, subject to the proposed new method being a 'guiding method'.

## **Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions**

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 9 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support a new method seeking to mitigate potential natural hazards by restoring coastal dunes, subject to the proposed new method being a 'guiding method'.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 9 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support a new method seeking to mitigate potential natural hazards by restoring coastal dunes, subject to the proposed new method being a 'guiding method'.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 9 Submission Type: Support in Part

Further Submitter: Ford Land Holdings Pty

Submission Summary: We support a new method seeking to mitigate potential natural hazards by restoring coastal dunes, subject to the proposed new method being a 'guiding method'.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 16: 11 Submission Type: Support

Submitter: Bay of Plenty Civil Defence Emergency Management Group

Submission Summary: Not increasing and reducing natural hazard risk in the coastal environment directly supports Goal 1 and objective 1b of the BOP CDEM Group Plan 2012-17

Decision Sought: Implement for reasons provided.

Council Decision:	Accept
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Submission Number: 18: 13 Submission Type: Support

Submitter: Carrus Corporation Limited

Submission Summary: Support.

Decision Sought: [Retain.]

Council Decision:	Accept
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### **Further Submission(s)**

Further Submission No: 13 - 66 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 21: 18 Submission Type: Support  
 Submitter: Powerco Limited  
 Submission Summary: [The] Policy reflects the provisions of the New Zealand Coastal Policy Statement.  
 Decision Sought: Retain [the] Policy and the associated Explanation.

Council Decision: Accept
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Submission Number: 22: 24 Submission Type: Support  
 Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: The Oil Companies support Policy NH 9B and seek its retention. Policy NH 9B reflects the provisions of the New Zealand Coastal Policy Statement.  
 Decision Sought: Retain Policy NH 9B Avoiding or mitigating natural hazards in the coastal environment, and the associated Explanation.

Council Decision: Accept
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Submission Number: 25: 19 Submission Type: Seek Amendment  
 Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: 1. The Policy needs to clarify that this Policy is to be given effect to by City or District Plans, which in some instances has already occurred eg the Tauranga City Plan  
 2. The 'Explanation' to Policy NH 9B states:  
 'The Statement is required to give effect to the NZCPS. For that reason Policy NH 9B is included. It provides a bottom-line obligation on councils to avoid land use change in areas subject to coastal hazards over a 100-year planning period.'  
 Based on this we submit that this Policy should be given effect to by phased City and District Plan implementation as required under proposed Method 1A, which needs to be included in the 'Table reference' for Policy NH 9B.  
 Decision Sought: 1. Amend Policy NH [9B by inserting ", as shown in City and District Plans" and "1A" and deleting "23B"] as follows:  
 'Despite Policies NH 6B, NH 7B and NH 8A, ensure that on any land within the coastal environment that is potentially affected by coastal erosion or coastal inundation over at least the next 100 years , as shown in City and District Plans.'  
 2. Amend Policy NH 9B 'Table reference' [by inserting "1A, " and deleting "23B"] as follows:  
 'Table reference: Objective 23, Methods 1A, 3 and 18'  
 Make consequential amendments.

Council Decision: Reject
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### Further Submission(s)

Further Submission No: 13 - 19 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
 Decision Sought:

Council Decision: Reject
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	33: 6	Submission Type:	Support in Part
Submitter:	Director General of Conservation		
Submission Summary:	This Policy adequately gives effect to Policy 25(b) and (c) NZCPS. It is considered essential to retain the reference to at least 100 years, and to ensure that this timeframe is incorporated into the assessment of coastal hazard risks when development is planned for the coastal environment. The title, however, refers to 'mitigation' of coastal hazard risk rather than 'reduction', which is required by Policy NH 9B(b). Also, it is the risk of natural hazards that is being managed here, not the actual hazard.		
Decision Sought:	Retain text. Amend title [by deleting "mitigating" and inserting "reducing " and "risk "] as follows; "Avoiding or reducing natural hazard risk in the coastal environment"		

Council Decision:	Accept in Part
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948

## Section: Policy NH 10B - Exceptions to the natural hazard risk management strategy

### Council Decision

Amend heading to read: "Exemptions from the natural hazard risk management approach"

Amend first paragraph of the policy to read:

"Policies NH 6B, NH 7B, NH 8A and NH 9B do not apply to the establishment, operation, maintenance and upgrading of activities that have more than low natural hazard risk or which are located in high and medium risk natural hazard risk zones if the activity:

"(a) Has a significant social, economic, environmental or cultural benefit to the community it services, or is a lifeline utility; and

"(b) Has a functional need for the location."

Amend second paragraph of the policy to read: "In the circumstances described in (a) and (b) above, risk management measures (including industry standards, guidelines or procedures) must be applied to reduce risk to life and property to be as low as reasonably practicable. Infrastructure should be located away from coastal hazard risk where practicable."

Insert ", environmental " after "cultural" in the first paragraph of the Explanation.

Amend reference to Policy "NH 9B" to "NH 7B" in the fifth paragraph of the Explanation.

### Reasons for Council Decision

8:1, 12:2, 14:12, 16:12, 18:14, 19:3 and 32:5 Support is acknowledged.

11:2 The rewording adds clarity and recognises that minor upgrading is appropriately exempted by the policy.

21:19 and 22:25 The change to risk management, rather than reduction, in the policy improves consistency with the policy heading and its Explanation. Support is acknowledged.

25:20 Industry standards, guidelines or procedures are referred to in recognition of their role in reducing risk, not as a way of an activity qualifying for exemption. The obligation in Policy NH 7B is to achieve a low level of risk, not "as low as reasonably practical". Method 3 in the Operative RPS applies to the situation of not only instruments such as resource consents applying but also plans. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A.

31:2 The rewording recognises that upgrading is appropriately exempted by the policy. In the context of providing an exemption, limiting the measurement of the benefit to the community it serves is appropriate.

33:7 The sentence added to the policy gives effect to the New Zealand Coastal Policy Statement.

35:11 Only to the extent that developments meet the qualifications set out in Policy NH 10B does this policy apply. In such cases, risk is to be reduced to be as low as reasonably practicable.

The heading is amended consequential on the change to Policy NH 6B.

Additional consideration of these submission points is included in clause 6.12 of the Supplementary Report on Submissions.

### Submissions

Submission Number:	8: 1	Submission Type:	Support
Submitter:	Transpower New Zealand Ltd		
Submission Summary:	This policy recognises that avoidance of natural hazard areas may not always be practicable because of the particular location and operational constraints of electricity transmission.		
Decision Sought:	Policy NH 10B is retained without modification		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	6 - 1	Submission Type:	Support
Further Submitter:	Trustpower Limited		
Submission Summary:	This is consistent with Trustpower's original submission.		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: That the submission point is allowed.

Council Decision:	Accept in Part
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Submission Number: 11: 2 Submission Type: Support in Part

Submitter: Port of Tauranga

Submission Summary: The Port supports the intent to set out exceptions to the natural hazards assessment for functionally constrained activities, such as the Port. The Port is committed to managing natural hazards risk and supports reference in the second part of the Policy to the use of risk reduction measures. The Port does consider the Policy could be framed more clearly to achieve the regulatory goal, and should recognise that any upgrading of functionally dependent activities is necessarily constrained by location.

Decision Sought: Amend Policy NH 10B by deleting the word "despite", replacing the words "provide for" with "do not apply to" and include "minor upgrading" so that Policy NH 10B reads as follows:  
"Policies NH 6B, NH 7B, NH 8A and NH 9B do not apply to the establishment, operation, maintenance and minor upgrading of activities that have more than low natural hazard risk or which are located in high and medium natural hazard zones if the activity:  
(a) Has a significant social, economic or cultural benefit to the community it serves, or is a lifeline utility; and  
(b) Has a functional need for the location. ..."  
In addition, similar relief with like effect, consequential amendments, and other relief as is appropriate.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 1 - 17 Submission Type: Support

Further Submitter: Powerco Limited

Submission Summary: The submitters suggested wording amendments provide greater clarity and certainty to existing infrastructure providers and is supported.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 6 - 7 Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision:	Accept
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Further Submission No: 8 - 17 Submission Type: Support in Part

Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: The submitters suggested wording amendments provide greater clarity and certainty to existing infrastructure providers and is supported

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Further Submission No: 10 - 1 Submission Type: Other

Further Submitter: Director General of Conservation

Submission Summary: Oppose in part. The requested change that the listed policies do not apply is contrary to the NZCPS and inconsistent with the explanation to the Policy. The application of this policy is required to ensure that risk from coastal hazards is not increased where there is not a functional need for the development.

Decision Sought:

Council Decision:	Reject
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Submission Number: 12: 2 Submission Type: Support

Submitter: KiwiRail Holdings Limited

Submission Summary: Recognition that there are function reasons for the location of lifeline networks, including rail, and that to relocate new developments will have greater implications on existing networks than any benefits that would be achieved.  
Further, recognising that there are industry standards is supported by KiwiRail. KiwiRail is the national provider of rail networks and therefore has the expertise to determine what the effect from hazards will be on the network, knowledge of what the consequence of that effect might be, and if mitigation is required what that might look like.

Decision Sought: Retain as notified.

Council Decision:	Accept in Part
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### Further Submission(s)

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Further Submission No: 6 - 2 Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision:	Accept in Part
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Submission Number: 14: 12 Submission Type: Support

Submitter: Fonterra Co-operative Group Limited

Submission Summary: The policy is the only element of the Change that provides the basis for recognising that, notwithstanding the risks of natural hazards, an activity may have significant community benefits or have a functional need for a specific location. The strategy for managing risks associated with natural hazards requires this policy to ensure that such situations can be provided for.

Decision Sought: Retain as notified (except for consequential policy references as set out in related submissions).

Council Decision:	Accept in Part
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### Further Submission(s)

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Further Submission No: 6 - 3 Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Submission Number: 16: 12 Submission Type: Support  
Submitter: Bay of Plenty Civil Defence Emergency Management Group  
Submission Summary: Allowing for exceptions in certain circumstances is considered acceptable and sensible by the CDEM Group as outlined in section 3.2 of the DCEM Group Plan, however it is considered that in these circumstances the risks should still be mitigated to be as low as reasonably practicable.  
Decision Sought: Implement for reasons provided.

Council Decision: Accept in Part
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### **Further Submission(s)**

Further Submission No: 6 - 4 Submission Type: Support  
Further Submitter: Trustpower Limited  
Submission Summary: This is consistent with Trustpower's original submission.  
Decision Sought: That the submission point is allowed.

Council Decision: Accept in Part
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Submission Number: 18: 14 Submission Type: Support  
Submitter: Carrus Corporation Limited  
Submission Summary: Support.  
Decision Sought: [Retain.]

Council Decision: Accept in Part
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### **Further Submission(s)**

Further Submission No: 6 - 5 Submission Type: Support  
Further Submitter: Trustpower Limited  
Submission Summary: This is consistent with Trustpower's original submission.  
Decision Sought: That the submission point is allowed.

Council Decision: Accept in Part
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Further Submission No: 13 - 67 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision: Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

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Submission Number: 19: 3 Submission Type: Support

Submitter: Eastland Generation Limited

Submission Summary: In addition to the reasons already stated in this submission, Eastland supports the direction in Policy NH 10B to provide for the establishment, operation and maintenance of activities in susceptible areas which have a significant social, cultural and economic benefit and have a functional need for the location. Eastland particularly supports the recognition in the Explanation to Policy NH 10B that geothermal energy development has a functional need for its location, being on an identified geothermal development system. Eastland further supports the Explanation to Policy NH 10B which expressly states that the risk of geothermal development is managed under the Geothermal Provisions, as this is consistent with the overall direction and intent of PC2 to exempt geothermal energy development from its provisions.

Decision Sought: Retain Policy NH 10B and Explanation as notified.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 6 - 6 Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision:	Accept in Part
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Submission Number: 21: 19 Submission Type: Seek Amendment

Submitter: Powerco Limited

Submission Summary: [The] Policy includes an exemption for certain activities (being those of 'significant social, economic or cultural benefit' and includes Lifeline Utilities). The exemption enables these activities to remain where they exist, or to establish in future notwithstanding that the risk assessment process might otherwise require such activities to locate elsewhere. [The] Policy and its associated Explanation are supported, except insofar as an amendment is required to refer, in the Policy, to risk management rather than reduction (consistent with the explanation).

Decision Sought: Amend [by deleting "reduction " and "reduce " and inserting "management " and "manage "] as follows, or to the same / similar effect. Retain the explanation. This could be achieved by amending Policy NH10B and the associated explanation:  
Policy NH 10B: Exceptions to the natural hazard risk management strategy  
Despite Policies NH 6B, NH 7B, NH 8A and NH 9B, provide for the establishment, operation and maintenance of activities that have more than low natural hazard risk or which are located in high and medium natural hazard zones if the activity:  
(a) Has a significant social, economic or cultural benefit to the community it serves, or is a lifeline utility;  
and  
(b) Has a functional need for the location.  
In the circumstances described in (a) and (b) above, risk management measures (including industry standards, guidelines or procedures) must be applied to manage risk to life and property to be as low as reasonably practicable.  
Make consequential amendments.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 2 - 6 Submission Type: Support

Further Submitter: Contact Energy Limited

Submission Summary: For the reasons stated in the submission.

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 3 - 4 Submission Type: Support  
 Further Submitter: Transpower New Zealand Ltd  
 Submission Summary: Transpower supports the insertion of "management" and "manage" in place of "reducing" and "reduce".  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 5 - 5 Submission Type: Support  
 Further Submitter: Port of Tauranga  
 Submission Summary: Subject to the Port's own relief on this provision, seek that the relief sought by the submitter be granted for the reasons in the submission.  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 6 - 8 Submission Type: Support  
 Further Submitter: Trustpower Limited  
 Submission Summary: This is consistent with Trustpower's original submission.  
 Decision Sought: That the submission point is allowed.

Council Decision:	Accept
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Further Submission No: 15 - 80 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our original submission on this Policy, we support the amendments sought by this submission to achieve consistency between the Policy and accompanying explanation.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 80 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support the amendments sought by this submission to achieve consistency between the Policy and accompanying explanation.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 80 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our original submission on this Policy, we support the amendments sought by this submission to achieve consistency between the Policy and accompanying explanation.  
 Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 80 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our original submission on this Policy, we support the amendments sought by this submission to achieve consistency between the Policy and accompanying explanation.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 22: 25 Submission Type: Seek Amendment  
 Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: Policy NH 10B includes an exemption for certain activities (being those of 'significant social, economic or cultural benefit' and includes Lifeline Utilities). The exemption enables these activities to remain where they exist, or to establish in future notwithstanding that the risk assessment process might otherwise require such activities to locate elsewhere. Policy NH 10B and its associated Explanation are supported, except insofar as an amendment is required to refer, in the Policy, to risk management rather than reduction (consistent with the explanation).

Decision Sought: Amend [by deleting "reduction " and "reduce " and inserting "management " and "manage "] as follows, or to the same / similar effect. Retain the explanation. This could be achieved by amending Policy NH10B and the associated explanation:  
 Policy NH 10B: Exceptions to the natural hazard risk management strategy  
 Despite Policies NH 6B, NH 7B, NH 8A and NH 9B, provide for the establishment, operation and maintenance of activities that have more than low natural hazard risk or which are located in high and medium natural hazard zones if the activity:  
 (a) Has a significant social, economic or cultural benefit to the community it serves, or is a lifeline utility;  
 and  
 (b) Has a functional need for the location.  
 In the circumstances described in (a) and (b) above, risk management measures (including industry standards, guidelines or procedures) must be applied to manage risk to life and property to be as low as reasonably practicable.  
 Make consequential amendments.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 2 - 7 Submission Type: Support  
 Further Submitter: Contact Energy Limited  
 Submission Summary: For the reasons stated in the submission.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 5 - 6 Submission Type: Support  
 Further Submitter: Port of Tauranga  
 Submission Summary: Subject to the Port's own relief on this provision, seek that the relief sought by the submitter be granted for the reasons in the submission

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 6 - 9 Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision: Accept
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Further Submission No: 15 - 89 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our original submission on this Policy, we support the amendments sought by this submission to achieve consistency between the Policy and accompanying explanation.

Decision Sought:

Council Decision: Accept in Part
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Further Submission No: 16 - 89 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Subject to our original submission on this Policy, we support the amendments sought by this submission to achieve consistency between the Policy and accompanying explanation.

Decision Sought:

Council Decision: Accept in Part
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Further Submission No: 17 - 89 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Subject to our original submission on this Policy, we support the amendments sought by this submission to achieve consistency between the Policy and accompanying explanation.

Decision Sought:

Council Decision: Accept in Part
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Further Submission No: 18 - 89 Submission Type: Support in Part

Further Submitter: Ford Land Holdings Pty

Submission Summary: Subject to our original submission on this Policy, we support the amendments sought by this submission to achieve consistency between the Policy and accompanying explanation.

Decision Sought:

Council Decision: Accept in Part
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Submission Number: 25: 20 Submission Type: Seek Amendment

Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary:

1. The Policy should recognise that there may be circumstances where there is an activity with an environmental benefit that needs to locate within a high or medium natural hazard zone.
2. The 'Explanation' to Policy NH 10B is not clear with regard to the extent of application of the RPS Natural Hazards Policies if the activity is:
  - a) Related to infrastructure that has industry standards, guidelines and procedures with regard to managing natural hazard risk.
  - b) Not related to infrastructure (as defined in the RMA) however has a functional need to be located in a medium or high natural hazard zone.
3. It is important that the specified alternative approaches to the natural hazard risk management strategy, detailed in this Policy are implemented by way of phased District Plan and Regional Plan implementation as required under proposed Methods 1A and 2A, which need to be included in the 'Table reference' for Policy NH 10B.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: 1. Amend Policy NH 10B [by inserting ", environmental", "unless the activity is related to infrastructure that has industry standards, guidelines and procedures with for managing natural hazard risk", "primary ", "as low as reasonably practical,", deleting "low " and replacing "9B" with "7B"] as follows:  
(a) 'Has a significant social, economic, environmental or cultural benefit to the community it serves, or is a lifeline utility; and ...'

2. Amend the fourth and fifth paragraphs of the 'Explanation' to Policy NH 10B as follows (strikethrough and underline):  
'For the avoidance of doubt, Policy NH 10B does not obviate the need for activities to undertake hazard risk assessment to the extent that Policy NH 5B applies, unless the activity is related to infrastructure that has industry standards, guidelines and procedures with for managing natural hazard risk. Nor does it obviate the need for local authorities to assess risk in accordance with Policy NH 4A.  
The primary exception that Policy NH 10B provides, relates to the need to comply with the risk management strategy of Policy NH 6B and the requirement for development to achieve natural hazard risk as low as reasonably practical, under Policy NH 97B. Even where risk reduction is not undertaken in accordance with those policies it will be important to be aware of the natural hazard risk that exists.'

3. Add Methods 1A and 2A, to the 'Table reference' for Policy NH 10B.  
Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	6 - 11	Submission Type:	Oppose
Further Submitter:	Trustpower Limited		
Submission Summary:	The requested amendments are inconsistent with Trustpower's submission and the intent of the policy.		
Decision Sought:	That the submission point is rejected.		

Council Decision:	Accept in Part
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Further Submission No:	7 - 16	Submission Type:	Support
Further Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	There may be circumstances where there is an activity with an environmental benefit that needs to locate within a high or medium natural hazard zone.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	13 - 20	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		
Decision Sought:			

Council Decision:	Accept in Part
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Submission Number:	31: 2	Submission Type:	Support in Part
Submitter:	Trustpower Limited		
Submission Summary:	Trustpower supports in part Policy NH10B, with minor wording amendments, as outlined. By adding in the words 'and upgrading' it provides for existing infrastructure that may require upgrading or enhancement over time to be provided for under this policy. Hydroelectric power schemes and other infrastructure assets are typically long life assets (ie 100 years plus). They require constant maintenance and enhancement works over their life in order to operate efficiently, and keep in line with technological advancements. The requirement for risk reduction measures to be applied would still be required. The activity should not be restricted to having a 'significant benefit to the community it serves' rather it should be the community as a whole. Often large scale infrastructure such as a hydroelectric power schemes has wider reaching benefits (eg to the national electricity system), not just to a local community.		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend Policy NH 10B [by adding "and upgrading"] as follows (or words to like effect):  
 Policy NH 10B: Exceptions to the natural hazard risk management strategy  
 Despite Policies NH 6B, NH 7B, NH 8A and NH 9B, provide for the establishment, operation and maintenance and upgrading of activities that have more than low natural hazard risk or which are located in high and medium natural hazard zones if the activity:  
 (a) Has a significant social, economic or cultural benefit to the community it serves, or is a lifeline utility; and  
 (b) Has a functional need for the location.  
 In the circumstances described in (a) and (b) above, risk reduction measures (including industry standards, guidelines or procedures) must be applied to reduce risk to life and property to be as low as reasonably practicable.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No:	2 - 8	Submission Type:	Support
Further Submitter:	Contact Energy Limited		
Submission Summary:	For the reasons stated in the submission.		
Decision Sought:			

Council Decision:	Accept
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Further Submission No:	3 - 5	Submission Type:	Support in Part
Further Submitter:	Transpower New Zealand Ltd		
Submission Summary:	Transpower supports the inclusion of the word "upgrading" and submits that further clarity could be provided by also referring to upgrading "and development". These changes would make policy NH 10B consistent with the Policy 2 of the National Policy Statement on Electricity Transmission in which decision makers must recognise and provide for the effective "operation, maintenance, upgrading and development of the electricity transmission network."		
Decision Sought:			

Council Decision:	Accept in Part
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Submission Number:	32: 5	Submission Type:	Support in Part
Submitter:	Contact Energy Limited		
Submission Summary:	Contact supports the enablement of activities that have a functional need to be located in high or medium natural hazard risk zones as set out in Policy NH 10B. However, the word "risk" is missing in the first part of the policy. Contact also supports the explanation to Policy NH 10B, particularly the example of risks associated with geothermal developments being addressed in Section 2.4 of the RPS.		
Decision Sought:	Retain Policy NH 10B, but slightly amend it to read: "Despite Policies NH 6B, NH 7B, NH 8A and NH 9B, provide for the establishment, operation and maintenance of activities that have more than low natural hazard risk or which are located in high and medium natural hazard risk zones if the activity: ..." Retain the explanation to Policy NH 10B.		

Council Decision:	Accept
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### Further Submission(s)

Further Submission No:	6 - 10	Submission Type:	Support
Further Submitter:	Trustpower Limited		
Submission Summary:	This is consistent with Trustpower's original submission.		
Decision Sought:	That the submission point is allowed.		

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 33: 7 Submission Type: Seek Amendment  
Submitter: Director General of Conservation  
Submission Summary: Although the intent of the Policy is understood, there is concern that coastal hazards risks may be greatly increased through the provision for new development in coastal hazard areas. It is considered that due to the directive nature of the NZCPS provisions, specific policy direction is provided for, consistent with Policy 25(d) NZCPS.  
Decision Sought: Amend Policy to be consistent with Policy 25 NZCPS in the coastal environment.

Council Decision: Reject

### Further Submission(s)

Further Submission No: 1 - 18 Submission Type: Oppose  
Further Submitter: Powerco Limited  
Submission Summary: Policy NH10B is considered to already be consistent with Policy 25 of NZCPS. Allowing for infrastructure that has a functional need to be located in high or medium risk areas is consistent with accepting practical constraints.

Decision Sought:

Council Decision: Accept

Further Submission No: 6 - 12 Submission Type: Oppose  
Further Submitter: Trustpower Limited  
Submission Summary: The submission does not clearly articulate how it would like the policy to be amended in order for it to be consistent with the National Coastal Policy Statement.  
Decision Sought: That the submission point is rejected.

Council Decision: Accept

Further Submission No: 8 - 18 Submission Type: Oppose  
Further Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
Submission Summary: Policy NH10B is considered to be consistent with Policy 25 of NZCPS. Policy 25(d) is to encourage the location of infrastructure away from areas of hazard risk where practicable. Allowing for infrastructure that has a functional need to be located in high or medium risk areas is consistent with accepting practical constraints.

Decision Sought:

Council Decision: Accept

Further Submission No: 15 - 92 Submission Type: Oppose  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: We oppose the amendments sought in this submission, as the concerns raised are explained as being exceptions only.

Decision Sought:

Council Decision: Accept

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 92 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We oppose the amendments sought in this submission, as the concerns raised are explained as being exceptions only.  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 92 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We oppose the amendments sought in this submission, as the concerns raised are explained as being exceptions only.  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 92 Submission Type: Oppose  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We oppose the amendments sought in this submission, as the concerns raised are explained as being exceptions only.  
 Decision Sought:

Council Decision:	Accept
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Submission Number: 35: 11 Submission Type: Support in Part  
 Submitter: Rotorua District Council  
 Submission Summary: If Council's suggested approach to require assessment for all activities that trigger resource consent (refer to submission to policy NH 5B – subsection b) is accepted, then the Council can support policy NH 10B. If it is not accepted, then policy NH 10B need to be amended to ensure the natural hazard risk within medium or high natural hazard zones associated with:  
 1) redevelopment is not high and is as low as reasonably practical;  
 2) urban infill and new development is at a low level after risk mitigation measures have been taken into account.  
 The above approach will align with the AERs in Table 5. This will ensure that other, non-strategic buildings are also provided for.

Decision Sought: Retain policy NH 10B if the following amendment is accepted:  
 a. "Broaden Policy NH 5B to apply to all developments (that trigger a resource consent through a rule in the plan), irrespective of the scale or nature, but provide a sliding scale as to the level of assessment required, differentiating between the purposes of buildings within the same development."  
 b. Don't require district plans to provide assessment under policy NH 4A.  
 Otherwise, amend policy NH 10B to ensure the natural hazard risk within medium or high natural hazard zones associated with:  
 1) redevelopment is not high and is as low as reasonably practical;  
 2) urban infill and new development is at a low level after risk mitigation measures have been taken into account.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 2 - 9 Submission Type: Oppose  
 Further Submitter: Contact Energy Limited  
 Submission Summary: It is inappropriate and unnecessary to require an assessment of natural hazard risk every time a resource consent application is triggered irrespective of the scale or nature of the proposed activity. For example, this would mean that consent required for the disturbance of an archaeological site would trigger the need for a natural hazard risk assessment.  
 Decision Sought:

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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept
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Further Submission No:	6 - 13	Submission Type:	Oppose
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Further Submitter: Trustpower Limited

Submission Summary: The submission is inconsistent with both the intent of the policy and with Trustpower's submission.

Decision Sought: That the submission point is rejected.

Council Decision:	Accept
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Further Submission No:	15 - 99	Submission Type:	Oppose
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Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We oppose this submission seeking the broadening of Policy NH 5B (as above) and not requiring District Plans to undertake assessments under Policy NH 4A and in the alternative to change the ranking of risk levels as it does not acknowledge activities with an environmental benefit, and in the explanation the necessary nature of infrastructure and achieving "as low as reasonably practical" natural hazard risk as per our original submission.

Decision Sought:

Council Decision:	Accept
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Further Submission No:	16 - 99	Submission Type:	Oppose
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Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We oppose this submission seeking the broadening of Policy NH 5B (as above) and not requiring District Plans to undertake assessments under Policy NH 4A and in the alternative to change the ranking of risk levels as it does not acknowledge activities with an environmental benefit, and in the explanation the necessary nature of infrastructure and achieving "as low as reasonably practical" natural hazard risk as per our original submission.

Decision Sought:

Council Decision:	Accept
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Further Submission No:	17 - 99	Submission Type:	Oppose
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Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We oppose this submission seeking the broadening of Policy NH 5B (as above) and not requiring District Plans to undertake assessments under Policy NH 4A and in the alternative to change the ranking of risk levels as it does not acknowledge activities with an environmental benefit, and in the explanation the necessary nature of infrastructure and achieving "as low as reasonably practical" natural hazard risk as per our original submission.

Decision Sought:

Council Decision:	Accept
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Further Submission No:	18 - 99	Submission Type:	Oppose
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Further Submitter: Ford Land Holdings Pty

Submission Summary: We oppose this submission seeking the broadening of Policy NH 5B (as above) and not requiring District Plans to undertake assessments under Policy NH 4A and in the alternative to change the ranking of risk levels as it does not acknowledge activities with an environmental benefit, and in the explanation the necessary nature of infrastructure and achieving "as low as reasonably practical" natural hazard risk as per our original submission.

Decision Sought:

Council Decision:	Accept
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

949

**Section: Policy NH 12C - Allocation of responsibility for risk assessment of natural hazards**

## Council Decision

Amend heading to read: "Allocation of responsibility for natural hazard identification and risk assessment"

Amend first sentence of the policy to read: "Require the natural hazard identification and risk assessment approach described in Policies NH 1B to NH 5B and NH 5B(a) above to be given effect to by:"

Amend (a) to read: "Regional council undertaking area-based natural hazard susceptibility mapping in accordance with Policy NH 3A for:"

Amend (b) to read: "Regional council undertaking area-based natural hazard risk analysis and evaluation in accordance with Policy NH 4A for:"

Amend (c) to read: "City and district councils undertaking area-based:"

Amend (c) (i) to read: "Natural hazard susceptibility mapping in accordance with Policy NH 3A for those hazards listed in Policy NH 3A that are not listed in (a) above; and"

Amend (c) (ii) to read: "Natural hazard risk analysis and evaluation in accordance with Policy NH 4A for those hazards listed in Policy NH 3A that are not listed in (b) above."

Amend first paragraph of the Explanation to read: "Policy NH 12C clarifies the roles and responsibilities of the Bay of Plenty Regional Council and city and district councils for area-based natural hazard identification and risk assessment."

Amend first sentence of the third paragraph of the Explanation to read: "Regional council has a more restricted role in natural hazard risk analysis and evaluation on the basis that risk analysis and evaluation requires a detailed understanding of land use and development and associated infrastructure."

Amend third sentence of the third paragraph of the Explanation to read: "Regional council is responsible for risk analysis and evaluation in relation to volcanic hazards, tsunamis and liquefaction on the basis of the widespread nature of the potential consequences."

Add new final paragraph to the Explanation to read: "As well as councils having their formal roles, people undertaking subdivision, land use change or intensification also have their roles and responsibilities in accordance with NH 5B and NH 5B(a)."

## Reasons for Council Decision

16:13, 18:15, 21:11 and 22:17 Support is acknowledged.

17:15 Addition of a new paragraph to the Explanation appropriately recognises that the risk management approach is implemented by people undertaking development. Additional terminology improves consistency with NZS 31000.

23:5 Information to inform risk assessment is derived not only from historical records but also from scientific investigation and oral tradition.

25:21 The amended terminology more precisely expresses the policy intent. Inclusion of "area-based" appropriately qualifies the responsibilities.

## Submissions

Submission Number:	16: 13	Submission Type:	Support
Submitter:	Bay of Plenty Civil Defence Emergency Management Group		
Submission Summary:	The BOP CDEM Group supports this policy in so far as it recognises that it is important to identify clear responsibilities for undertaking risk assessment of natural hazards.		
Decision Sought:	Implement for reasons provided.		

Council Decision: Accept in Part

Submission Number:	17: 15	Submission Type:	Oppose
Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	The policy does not recognise in Policy 5B the risk management approach is also given effect by people undertaking development. The terminology is inconsistent with NZS 31000		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend the policy [by deleting "4A ", inserting "NH 5B ", deleting "assessment " and inserting "analysis and evaluation " (twice), inserting "d) Persons undertaking subdivision, land use change or intensification in accordance with NH5B", deleting "identification and " and inserting "and evaluation " (three times)] to read:  
 Policy NH 12C: Allocation of responsibility for risk assessment of natural hazards  
 Require the risk management approach described in Policies NH 1B to NH 5B above to be given effect to by:  
 (a) Regional council undertaking natural hazard susceptibility mapping in accordance with Policy NH 3A for:  
 (i) Hazards related to volcanic activity;  
 (ii) Hazards related to earthquakes;  
 (iii) Tsunami;  
 (iv) Coastal erosion and coastal inundation; and  
 (v) Flooding from natural water courses outside urban areas with reticulated stormwater networks.  
 (b) Regional council undertaking natural hazard risk analysis and evaluation in accordance with Policy NH 4A for:  
 (i) Hazards related to volcanic activity;  
 (ii) Liquefaction; and  
 (iii) Tsunami.  
 (c) City and district councils undertaking:  
 (i) Natural hazard susceptibility mapping in accordance with Policy NH 3A for all hazards not listed in (a) above; and  
 (ii) Natural hazard risk assessment analysis and evaluation in accordance with Policy NH 4A for all hazards not listed in (b) above.  
 d) Persons undertaking subdivision, land use change or intensification in accordance with NH5B  
 Explanation  
 Policy NH 12C clarifies the roles and responsibilities of the Bay of Plenty Regional Council and city and district councils in natural hazard risk assessment.  
 Regional council has responsibility for most of the susceptibility mapping. The exceptions are urban flooding, landslip and debris flow that are the responsibility of city and district councils. This distinction reflects the source of existing natural hazards information and the core technical competencies of regional council.  
 Regional council has a more restricted role in natural hazard risk analysis and evaluation on the basis that risk analysis and evaluation requires a detailed understanding of land use and development and associated infrastructure. Information and local expertise on those matters resides with city and district councils. Regional council is responsible for risk analysis and evaluation in relation to volcanic hazards, tsunami and liquefaction on the basis of the widespread nature of the potential consequences.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	4 - 7	Submission Type:	Support in Part
Further Submitter:	Sustainable Matata Incorporated		
Submission Summary:	Add (vi) Debris flow/flood to (a) decision sought.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	15 - 47	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support this submission, subject to our original submission on this Policy.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 47 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support this submission, subject to our original submission on this Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 47 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support this submission, subject to our original submission on this Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 47 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support this submission, subject to our original submission on this Policy.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 18: 15 Submission Type: Support  
 Submitter: Carrus Corporation Limited  
 Submission Summary: Support.  
 Decision Sought: [Retain.]

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 13 - 68 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 21: 11 Submission Type: Support  
 Submitter: Powerco Limited  
 Submission Summary: The proposed policy is supported as it defines district and regional responsibility in respect to natural hazard mapping and risk assessment.  
 Decision Sought: Retain Policy and the associated Explanation unmodified.

Council Decision:	Accept in Part
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Submission Number: 22: 17 Submission Type: Support  
 Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
 Submission Summary: The proposed policy is supported as it defines district and regional responsibility in respect to natural hazard mapping and risk assessment.



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept in Part
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**Section: (c) (i) Natural hazard susceptibility...**

950

### Council Decision

Amend (c) (i) to read: "Natural hazard susceptibility mapping in accordance with Policy NH 3A for those hazards listed in Policy NH 3A that are not listed in (a) above; and"

### Reasons for Council Decision

9:4 The amendments clarify the allocated responsibilities.

### Submissions

Submission Number: 9: 4 Submission Type: Neutral

Submitter: Taupo District Council

Submission Summary: There are conflicting terms used to describe the resulting natural hazards in the BOP region. On page 1 there is a table outlining the natural occurrence and resulting natural hazards, this is then reflected in the list under Policy NH 3A. The list in Policy NH 12C uses slightly different language with only the explanation clarifying the requirements of susceptibility mapping for District Councils as being confined to urban flooding, landslip and any debris flow.  
It is not clear what the District Council's responsibility is in terms of Policy NH 12C (c)(ii) in terms of "all hazards" not listed in (b) above. Does the term all hazards only apply to those hazards included in policy NH 3A or does it include all natural hazards as defined in the Resource Management Act?

Decision Sought: Policy NH 12C to clarify the natural hazards that District Council's must undertake susceptibility mapping and risk assessments for. We expect that this would only include the mapping of fault lines, urban flooding, landslip and any debris flow.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 15 - 11 Submission Type: Support

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the clarification sought in this submission point with regard to District Council responsibilities.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 11 Submission Type: Support

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: We support the clarification sought in this submission point with regard to District Council responsibilities.

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 11 Submission Type: Support  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: We support the clarification sought in this submission point with regard to District Council responsibilities.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 11 Submission Type: Support  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We support the clarification sought in this submission point with regard to District Council responsibilities.

Decision Sought:

Council Decision:	Accept
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### Section: (c) (ii) Natural hazard risk...

951

#### Council Decision

Amend (c) (ii) to read: "Natural hazard risk analysis and evaluation in accordance with Policy NH 4A for those hazards listed in Policy NH 3A that are not listed in (b) above."

#### Reasons for Council Decision

9:5 The amendments clarify the allocated responsibilities.

#### Submissions

Submission Number: 9: 5 Submission Type: Neutral  
Submitter: Taupo District Council  
Submission Summary: There are conflicting terms used to describe the resulting natural hazards in the BOP region. On page 1 there is a table outlining the natural occurrence and resulting natural hazards, this is then reflected in the list under Policy NH 3A. The list in Policy NH 12C uses slightly different language with only the explanation clarifying the requirements of susceptibility mapping for District Councils as being confined to urban flooding, landslip and any debris flow.  
It is not clear what the District Council's responsibility is in terms of Policy NH 12C (c)(ii) in terms of "all hazards" not listed in (b) above. Does the term all hazards only apply to those hazards included in policy NH 3A or does it include all natural hazards as defined in the Resource Management Act?  
Decision Sought: Policy NH 12C to clarify the natural hazards that District Council's must undertake susceptibility mapping and risk assessments for. We expect that this would only include the mapping of fault lines, urban flooding, landslip and any debris flow.

Council Decision:	Accept
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### Section: Policy NH 13C - Allocation of responsibility for land use control for natural hazards

952

#### Council Decision

Amend policy to read: "The Bay of Plenty Regional Council, city and district councils shall be responsible for specifying objectives, policies and methods, including any rules, for the purpose of the control of the use of land for the avoidance or mitigation of natural hazards as set out in the table below."

Amend Table 3 in the column headed "Responsibility for developing any rules" by inserting after "councils" an asterisk with its associated asterisk statement following Table 3 to read: "\* Under section 30(1)(c)(iv) of the Act, the Regional Council has the function to control land use for the avoidance or mitigation of natural hazards. The Act allows the Regional Council to exercise that function in such a way as to override any existing use rights available under section 10(4) of the Act. The allocation of responsibilities under this policy does not remove the right of the Regional Council to exercise its functions and powers in that regard. Should it choose to do so, any such provisions will be subject to a plan or plan change process under Schedule 1 to the Act." and deleting "Existing uses: Bay of Plenty Regional Council".

Amend the second sentence of the third paragraph of the Explanation to read: "The Bay of Plenty Regional Council has the power to set land use rules, including conditions of resource consent, to address natural hazard risk to existing land uses and to address natural hazard risk on all land in the coastal marine area."

Amend the first sentence of the fourth paragraph of the Explanation to read: "The Bay of Plenty Regional Council and city and district councils also

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

share responsibility for establishing and implementing methods (excluding rules) used, or to be used, to implement the policies." Include Methods 23B and 24A in the Table reference box.

## Reasons for Council Decision

11:3 Recognition that the regional council has responsibility for making rules about existing uses reflects the regime established in the RMA. Section 10 allows land to be used in a manner that contravenes a rule in a district plan; section 10(4) states that this does not apply to any use of land that is controlled under section 30(1)(c) (regional control of certain land uses). Section 30 sets out the functions of regional councils under the RMA. Section 30(1)(c)(iv) is (the control of the use of land for the purpose of) the avoidance or mitigation of natural hazards. Therefore, making rules about natural hazards and existing uses is a function of only the regional council. Method 23B (now added to the box under the Explanation) refers to both high and medium risk and its implementation is amended to reflect that.

14:13, 16:14, 18:16, 21:12 and 22:18 Support is acknowledged.

25:22 The expression "methods other than rules" corresponds with "the methods (excluding rules)" that is used in section 62(1)(e). Whether the methods are statutory or not is immaterial. Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.

35:12 Recognition that the regional council has responsibility for making rules about existing uses reflects the regime established in the RMA. Section 10 allows land to be used in a manner that contravenes a rule in a district plan; section 10(4) states that this does not apply to any use of land that is controlled under section 30(1)(c) (regional control of certain land uses). Section 30 sets out the functions of regional councils under the RMA. Section 30(1)(c)(iv) is (the control of the use of land for the purpose of) the avoidance or mitigation of natural hazards. Therefore, making rules about natural hazards and existing uses is a function of only the regional council.

Additional consideration of these submission points is included in clause 6.13 of the Supplementary Report on Submissions.

## Submissions

Submission Number:	11: 3	Submission Type:	Oppose
Submitter:	Port of Tauranga		
Submission Summary:	The Port opposes allocating responsibility to the Regional Council to make rules to regulate existing uses on land. The inter-related Policy and Method would generate considerable regulatory duplication and it is more appropriate for territorial authorities to regulate land uses that were established, and will continue to be regulated, by district plans. Notwithstanding the above point, these two provisions require further clarification and detail given the Regional Council is responsible for making rules about existing uses in the Policy. The Method suggests this only applies to high risk areas and, if that is the case, the Policy should reflect this. There is also insufficient explanation of how the Regional Council might regulate existing uses on land (e.g. what will happen if a regional rule looks to regulate an activity covered by a land use consent of unlimited duration?).		
Decision Sought:	Delete the provisions or clarify the points raised in this submission point. In addition, similar relief with like effect, consequential amendments, and other relief as is appropriate.		

Council Decision:	Accept in Part
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## Further Submission(s)

Further Submission No:	7 - 17	Submission Type:	Support
Further Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	Complementary to similar matters raised in Councils primary submission.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	14: 13	Submission Type:	Support in Part
Submitter:	Fonterra Co-operative Group Limited		
Submission Summary:	Amendment is required to provide a clearer focus for the use of regional and district plan provisions.		
Decision Sought:	Amend to read: "Require regional and district plans to specify objectives, policies and methods, including rules, for the control of the use of land for the purposes of avoiding or mitigating natural hazards as set out in the table below." Retain Table 3 as notified.		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	15 - 31	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support the submitters requests raised in this submission, to amend the first paragraph of the Policy, subject to our original submission seeking amendments to the Policy.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	16 - 31	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	We support the submitters requests raised in this submission, to amend the first paragraph of the Policy, subject to our original submission seeking amendments to the Policy.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	17 - 31	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	We support the submitters requests raised in this submission, to amend the first paragraph of the Policy, subject to our original submission seeking amendments to the Policy.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	18 - 31	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	We support the submitters requests raised in this submission, to amend the first paragraph of the Policy, subject to our original submission seeking amendments to the Policy.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 16: 14 Submission Type: Support  
Submitter: Bay of Plenty Civil Defence Emergency Management Group  
Submission Summary: The BOP CDEM Group supports this policy in so far as it recognises that it is important to identify clear responsibilities implementing land use controls to manage the risks of natural hazards.  
Decision Sought: Implement for reasons provided.

Council Decision: Accept in Part

Submission Number: 18: 16 Submission Type: Support  
Submitter: Carrus Corporation Limited  
Submission Summary: Support.  
Decision Sought: [Retain.]

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 13 - 69 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept in Part

Submission Number: 21: 12 Submission Type: Support  
Submitter: Powerco Limited  
Submission Summary: The proposed policy (and explanation) is supported as it defines regional and district responsibility for the development of objectives, policies and methods, (including rules), in respect to natural hazard land use control. In particular it provides clarity that the Bay of Plenty Regional Council has the responsibility for the coastal marine area.  
Decision Sought: Retain Policy and the associated Explanation unmodified.

Council Decision: Accept in Part

Submission Number: 22: 18 Submission Type: Support  
Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
Submission Summary: The proposed policy (and explanation) is supported as it defines regional and district responsibility for the development of objectives, policies and methods, (including rules), in respect to natural hazard land use control. In particular it provides clarity that the Bay of Plenty Regional Council has the responsibility for the coastal marine area.  
Decision Sought: Retain Policy NH 13C and the associated Explanation unmodified.

Council Decision: Accept in Part

Submission Number: 25: 22 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: 1. The intent of the fourth column in Table 3 within Policy NH 13C is not clear and requires clarification to confirm that the 'Responsibility for developing methods other than rules' is meant to mean 'non-statutory' methods.  
2. We submit that this Policy should be given effect to by phased District and Regional Plan implementation as required under proposed Methods 1A and 2A, which need to be included in the 'Table reference' for Policy NH 12C.

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: 1. Amend the Table 3 fourth column description [by inserting "non-statutory "] as follows:  
'Responsibility for developing non-statutory methods other than rules'  
2. Amend Policy NH 13C 'Table reference' [by inserting "1A, 2A, "] as follows:  
'Table reference: Objective 23, Methods 1A, 2A, and 23A'  
Make consequential amendments.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 22	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		

Decision Sought:

Council Decision:	Accept in Part
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Submission Number:	35: 12	Submission Type:	Support in Part
Submitter:	Rotorua District Council		
Submission Summary:	The Council considers that the district council should be responsible for developing rules for existing uses. Integrated planning cannot occur if the district plan is not managing both existing and future development.		

Decision Sought: Amend Table 3 so that the district council is responsible for developing rules for existing uses.

Council Decision:	Reject
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<b>Chapter: 3.2 Methods to implement policies</b>	953
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<b>Section: 3.2 Methods to implement policies</b>	953
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### Council Decision

Insert new method to read as follows:

"Method 23C Natural defences against natural hazards

"Assess opportunities for the protection, restoration or enhancement of natural defences which assist in reducing natural hazard risk."

### Reasons for Council Decision

7:5 Inclusion of the method recognises the need for natural defences.

### Submissions

Submission Number:	7: 5	Submission Type:	Seek Amendment
Submitter:	Te Arawa ki Tai Trust		
Submission Summary:	Support intent but the method [23B] falls short. There is an over-emphasis on "land development"- both historical and future in the [Proposed Change]. The rhetoric makes only weak references to "established communities". Refer to "Potential risk reduction methods" in Appendix L. There should be emphasis on mitigating natural hazard risks where major technological changes to the environment have made some communities vulnerable. An example of this is the Maketu spit which has been subject to sand depletion and erosion due to the Te Tumu exit. The Whakaue Marae is also more vulnerable. The Te Tumu exit prevents natural replenishment of the sand on the spit. A large section of the Maketu community is therefore exposed to risk of a natural hazard disaster e.g. tsunami and/or coastal inundation because the natural barrier has been weakened. Protecting dune systems is an action in the coastal plan and should be made mandatory in a Natural Hazards [Proposed Change] where communities are vulnerable and as a sensible and obvious mitigation measure. Environmental resilience needs to be given a position of priority in this [Proposed Change].		
Decision Sought:	Include a method (23C?) that specifically seeks to strengthen natural mitigation defences like coastal dunes.		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Accept

### Section: 3.2.1 Directive methods

954

#### Council Decision

Amend as per specific recommendations.

#### Reasons for Council Decision

16:15 Support is acknowledged.

#### Submissions

Submission Number: 16: 15 Submission Type: Support  
Submitter: Bay of Plenty Civil Defence Emergency Management Group  
Submission Summary: The BOP CDEM Group supports the directive methods outlined in 3.2.1 as a pragmatic way to implement the policies above.  
Decision Sought: Implement for reasons provided.

Council Decision: Accept in Part

### Section: Method 1A: District plan implementation (phased)

955

#### Council Decision

Insert "City and" before "district" in the title and policy (where it was formerly missing).  
Otherwise, no change.

#### Reasons for Council Decision

14:14, 25:23, 29:5 and 30:4 Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.

17:16 Support is acknowledged.

35:13 The order of the methods corresponds with that in the Operative RPS. It is not necessary for the RPS to indicate the relative timing of the implementation of methods 1A and 2A.

Additional consideration of these submission points is included in clause 6.14 of the Supplementary Report on Submissions.

#### Submissions

Submission Number: 14: 14 Submission Type: Support  
Submitter: Fonterra Co-operative Group Limited  
Submission Summary: To reflect amendments sought through related submissions.  
Decision Sought: Amend to include reference to Policies NH 1A, NH 2A and NH 6A.

Council Decision: Reject

Submission Number: 17: 16 Submission Type: Support  
Submitter: Whakatane, Opotiki and Kawerau District Councils  
Submission Summary: The staged implementation approach is supported.  
Decision Sought: Retain.

Council Decision: Accept

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 25: 23 Submission Type: Seek Amendment

Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: To reflect our submissions on the Natural Hazards Policies herein the Policy reference for Method 1A needs to include Policies NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C and NH 13C.

Decision Sought: Amend Method 1A [by inserting "NH 1B, NH 2B, ", "NH 5B, NH6B, NH 7B, " and ", NH 9B, NH 10B, NH 12C NH 13C"] as follows:  
'District plans must give effect to Policies NH 1B, NH 2B, NH 3A, NH 4A NH 5B, NH6B, NH 7B, and NH 8A, NH 9B, NH 10B, NH 12C and NH 13C.'  
Make consequential amendments.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 13 - 23 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision:	Reject
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Submission Number: 29: 5 Submission Type: Seek Amendment

Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: To reflect our submissions on the Natural Hazards Policies herein the Policy reference for Method 1A needs to include Policies NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C and NH 13C.

Decision Sought: Amend [by inserting "NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C and NH 13C"] as follows:  
'District plans must give effect to Policies NH 1B, NH 2B, NH 3A, NH 4A NH 5B, NH6B, NH 7B, NH 8A, NH 9B, NH 10B, NH 12C and NH 13C.'  
Make consequential amendments.

Council Decision:	Reject
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Submission Number: 30: 4 Submission Type: Seek Amendment

Submitter: Zariba Holdings Limited

Submission Summary: To reflect our submissions on the Natural Hazards Policies herein the Policy reference for Method 1A needs to include Policies NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C and NH 13C.

Decision Sought: Amend Method 1A [by adding NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C and NH 13C] as follows:  
'District plans must give effect to Policies NH 1B, NH 2B, NH 3A, NH 4A, NH 5B, NH6B, NH 7B, and NH 8A, NH 9B, NH 10B, NH 12C and NH 13C.'  
23  
Make consequential amendments.

Council Decision:	Reject
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Submission Number: 35: 13 Submission Type: Support in Part

Submitter: Rotorua District Council

Submission Summary: Recommend that the district plan implementation (method 1A) always follows that of the regional plan implementation (method 2A). In terms of policy NH 12C, the Regional council is responsible for the susceptibility mapping (policy NH 3A) of most of the natural hazards. Since the mapping in terms of policy NH 4A follow that of NH 3A, it would make sense that the district plan implementation method 1A will follow method 2A.

Decision Sought: Amend method 1A in section 3.2.1 to require the district plan implementation to follow the regional plan implementation under method 2A.

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Reject

**Section: Method 2A: Regional plan implementation (phased)**

956

## Council Decision

No change to the method.  
In "Implementation responsibility", replace "Council" with "council".

## Reasons for Council Decision

25:24, 29:6 and 30:5 Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.

Additional consideration of these submission points is included in clauses 6.14 and 6.15 of the Supplementary Report on Submissions.

## Submissions

Submission Number: 25: 24 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: To reflect our submissions on the Natural Hazards Policies herein the Policy reference for Method 2A needs to include Policies NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C and NH 13C.  
Decision Sought: Amend Method 2A [by inserting "NH 1B, NH 2B, ", "NH 5B, NH6B, NH 7B, " and ", NH 9B, NH 10B, NH 12C NH 13C"] as follows:  
'District plans must give effect to Policies NH 1B, NH 2B, NH 3A, NH 4A NH 5B, NH6B, NH 7B, and NH 8A, NH 9B, NH 10B, NH 12C and NH 13C.'  
Make consequential amendments.

Council Decision: Reject

## Further Submission(s)

Further Submission No: 13 - 24 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Reject

Submission Number: 29: 6 Submission Type: Seek Amendment  
Submitter: Property Council New Zealand (Bay of Plenty Branch)  
Submission Summary: To reflect our submissions on the Natural Hazards Policies herein the Policy reference for Method 2A needs to include Policies NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C and NH 13C.  
Decision Sought: Amend [by inserting "NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C NH 13C"] as follows:  
'District plans must give effect to Policies NH 1B, NH 2B, NH 3A, NH 4A NH 5B, NH6B, NH 7B, NH 8A, NH 9B, NH 10B, NH 12C and NH 13C.'  
Make consequential amendments.

Council Decision: Reject

Submission Number: 30: 5 Submission Type: Seek Amendment  
Submitter: Zariba Holdings Limited  
Submission Summary: To reflect our submissions on the Natural Hazards Policies herein the Policy reference for Method 2A needs to include Policies NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C and NH 13C.



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend Method 2A [by adding NH 1B, NH 2B, NH 5B, NH6B, NH 7B, NH 9B, NH 10B, NH 12C and NH 13C] as follows:  
'District plans must give effect to Policies NH 1B, NH 2B, NH 3A, NH 4A NH 5B, NH6B, NH 7B, and NH 8A, NH 9B, NH 10B, NH 12C and NH 13C.'  
Make consequential amendments.

Council Decision: Reject

**Section: Method 3: Resource consents, notices of requirement and when changing, varying, reviewing or** <sup>957</sup>

### Council Decision

Insert ", NH 5B(a)" into the list of policies to which the method applies.

### Reasons for Council Decision

14:15, 25:25, 29:7 and 30:6 Methods 1A and 2A are included to make a deliberate distinction from the Operative RPS's methods 1 and 2 as to the timing. Method 3 in the Operative RPS applies to the situation of not only plans but also other instruments such as resource consents applying. If policies are listed in Method 3, it is not necessary to also list them in Methods 1A and 2A as the extension of time provided by 1A and 2A corresponds with that in 3.

Additional consideration of these submission points is included in clauses 6.14 and 6.15 of the Supplementary Report on Submissions.

### Submissions

Submission Number: 14: 15 Submission Type: Support in Part

Submitter: Fonterra Co-operative Group Limited

Submission Summary: To reflect amendments sought through related submissions.

Decision Sought: Amend to delete reference to Policies NH 1A, NH 2A and NH 6B.

Council Decision: Reject

Submission Number: 25: 25 Submission Type: Seek Amendment

Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: To reflect our submissions on the Natural Hazards Policies herein the Policy reference insertions for Method 3 require amendment to delete Policies NH 5B, NH6B and NH 7B.

Decision Sought: Amend the Method 3 [by deleting "NH 5B, NH 6B, NH 7B, "] as follows:  
'Insert into Method 3 the expression: "NH 1B, NH 2B, NH 9B, NH 10B,"'  
Make consequential amendments.

Council Decision: Reject

### Further Submission(s)

Further Submission No: 13 - 25 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision: Reject

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 29: 7 Submission Type: Seek Amendment  
 Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: To reflect our submissions on the Natural Hazards Policies herein the Policy reference insertions for Method 3 require amendment to delete Policies NH 5B, NH6B and NH 7B.  
 Decision Sought: Amend [by deleting "NH 5B, NH 6B, NH 7B, "] as follows:  
 'Insert into Method 3 the expression: "NH 1B, NH 2B, NH 9B, NH 10B,"'  
 Make consequential amendments.

Council Decision:	Reject
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Submission Number: 30: 6 Submission Type: Seek Amendment  
 Submitter: Zariba Holdings Limited  
 Submission Summary: To reflect our submissions on the Natural Hazards Policies herein the Policy reference insertions for Method 3 require amendment to delete Policies NH 5B, NH6B and NH 7B.  
 Decision Sought: Amend the Method 3 [by deleting NH 5B, NH 6B, NH 7B,] as follows:  
 'Insert into Method 3 the expression: "NH 1B, NH 2B, NH 9B, NH 10B,"'  
 Make consequential amendments.

Council Decision:	Reject
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<b>Section:</b>	<b>Method 18: Structure plans for land use changes</b>	<small>958</small>
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### Council Decision

No change.

### Reasons for Council Decision

25:26 Support is acknowledged.

### Submissions

Submission Number: 25: 26 Submission Type: Support  
 Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: The change to Method 18 reflects the intent of Change 2.  
 Decision Sought: Adopt Method 18(h) as notified.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 13 - 26 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
 Decision Sought:

Council Decision:	Accept
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

**Section: Method 23A: Review hazard and risk information**

959

## Council Decision

No change.

## Reasons for Council Decision

25:27 Support is acknowledged.

## Submissions

Submission Number: 25: 27 Submission Type: Support  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: It is important that natural hazard risk information is reviewed and updated as the science related to the various natural hazards and their likelihood and consequences is refined.  
Decision Sought: Adopt Method 23A as notified.

Council Decision: Accept

## Further Submission(s)

Further Submission No: 13 - 27 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept

**Section: Method 23B: Investigate and apply measures to reduce natural hazard risk**

960

## Council Decision

Amend the method to read: "Investigate options for addressing existing use or development subject to high or medium risk and apply the most appropriate non-regulatory and/ or regulatory risk-reduction measures."

Amend implementation responsibility to read: "Regional council if the favoured response is regulation of existing uses; regional, city and district councils in all other instances."

## Reasons for Council Decision

11:4, 17:17 and 18:17 Recognition that the regional council has responsibility for making rules about existing uses reflects the regime established in the RMA. Section 10 allows land to be used in a manner that contravenes a rule in a district plan; section 10(4) states that this does not apply to any use of land that is controlled under section 30(1)(c) (regional control of certain land uses). Section 30 sets out the functions of regional councils under the RMA. Section 30(1)(c)(iv) is (the control of the use of land for the purpose of) the avoidance or mitigation of natural hazards. Therefore, making rules about natural hazards and existing uses is a function of only the regional council. Reference to the method being subject to Policy NH 10B has been removed as it is unnecessary; Policy NH 10B includes the obligation to reduce risk to be as low as reasonably practicable and the method includes an appropriateness test for the selection of a risk-reduction option. Both the policy and the method apply and no "subject to" qualifier is required. It is not necessary for the RPS to provide detail about how responsibilities and rights may interact in particular cases.

13:12 Recognition that the regional council has responsibility for making rules about existing uses reflects the regime established in the RMA. Section 10 allows land to be used in a manner that contravenes a rule in a district plan; section 10(4) states that this does not apply to any use of land that is controlled under section 30(1)(c) (regional control of certain land uses). Section 30 sets out the functions of regional councils under the RMA. Section 30(1)(c)(iv) is (the control of the use of land for the purpose of) the avoidance or mitigation of natural hazards. Therefore, making rules about natural hazards and existing uses is a function of only the regional council. Promulgation of such a rule would be by way of inclusion in a regional plan. The process of incorporating a rule in a plan is subject to the full Schedule 1 process and section 32 evaluation. It is not necessary to carry out that evaluation when identifying in the RPS that the power to make such a rule exists and the circumstances in which making a rule may be appropriate.

25:28, 29:8 and 30:7 The process of incorporating a rule in a plan is subject to the full Schedule 1 process and section 32 evaluation. It is not necessary to carry out that evaluation when identifying in the RPS that the power to make such a rule exists and the circumstances in which making a rule may be appropriate. Recognition that the regional council has responsibility for making rules about existing uses reflects the regime established in the RMA. Section 10 allows land to be used in a manner that contravenes a rule in a district plan; section 10(4) states that this does not apply to any use of land that is controlled under section 30(1)(c) (regional control of certain land uses). Section 30 sets out the functions of regional councils under the RMA. Section 30(1)(c)(iv) is (the control of the use of land for the purpose of) the avoidance or mitigation of natural hazards. Therefore, making

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

rules about natural hazards and existing uses is a function of only the regional council.

31:4 Policy NH 8A includes addressing existing uses through plans. It is not necessary for the RPS to provide detail about how responsibilities and rights may interact in particular cases.

Additional consideration of these submission points is included in clause 6.17 of the Supplementary Report on Submissions.

### Submissions

Submission Number:	11: 4	Submission Type:	Oppose
Submitter:	Port of Tauranga		
Submission Summary:	The Port opposes allocating responsibility to the Regional Council to make rules to regulate existing uses on land. The inter-related Policy and Method would generate considerable regulatory duplication and it is more appropriate for territorial authorities to regulate land uses that were established, and will continue to be regulated, by district plans. Notwithstanding the above point, these two provisions require further clarification and detail given the Regional Council is responsible for making rules about existing uses in the Policy. The Method suggests this only applies to high risk areas and, if that is the case, the Policy should reflect this. There is also insufficient explanation of how the Regional Council might regulate existing uses on land (e.g. what will happen if a regional rule looks to regulate an activity covered by a land use consent of unlimited duration?).		
Decision Sought:	Delete the provisions or clarify the points raised in this submission point. In addition, similar relief with like effect, consequential amendments, and other relief as is appropriate.		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	1 - 19	Submission Type:	Support
Further Submitter:	Powerco Limited		
Submission Summary:	Support for the reasons given in the submission. Further, it is inappropriate for Method 23B to focus on risk reduction.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	6 - 14	Submission Type:	Support
Further Submitter:	Trustpower Limited		
Submission Summary:	This is consistent with Trustpower's original submission.		
Decision Sought:	That the submission point is allowed.		

Council Decision:	Accept in Part
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Further Submission No:	8 - 19	Submission Type:	Support
Further Submitter:	Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd		
Submission Summary:	Support for the reasons given in the submission.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 22 Submission Type: Support

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: We support the request for the deletion of this Method.

Decision Sought:

Council Decision: Reject
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Further Submission No: 18 - 22 Submission Type: Support

Further Submitter: Ford Land Holdings Pty

Submission Summary: We support the request for the deletion of this Method.

Decision Sought:

Council Decision: Reject
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Submission Number: 17: 17 Submission Type: Oppose

Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: For existing use or development subject to high risk, implementation responsibility passes to the regional council where the favoured response is regulation of existing uses. City and district councils have responsibility in all other instances. This method has very significant implications. The policy does not address how the Regional Council would regulate existing uses. There is no policy that provides framework for this form of intervention, nor any explanation. The ability to use this method in the manner suggested is not a certainty. Section 10 of the RMA "Certain existing uses in relation to land protected" gives land owners rights to continue lawfully established activities. Although Section 10 also says that the section does not apply to land use controlled under a Regional Plan, it is difficult to reconcile a regulation in the form of [a] regional plan rule curtailing a statutory right. At best, this method may be appropriate if other methods have proven not to address high risk development.

Decision Sought: Delete Method 23B or address how the Regional Council would regulate existing uses and how the property rights of land owners would be addressed.

Council Decision: Reject
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### Further Submission(s)

Further Submission No: 4 - 1 Submission Type: Oppose

Further Submitter: Sustainable Matata Incorporated

Submission Summary: Oppose deleting method 23B

Decision Sought: Include in method 23B how RC would regulate existing high use areas

Council Decision: Accept
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Further Submission No: 6 - 16 Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision: Reject
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 14 - 20 Submission Type: Support  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support the request to delete this method due to its un-assessed impacts on property rights and lawfully established activities.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 48 Submission Type: Support  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the request to delete this method due to its un-assessed impacts on property rights and lawfully established activities.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 16 - 48 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the request to delete this method due to its un-assessed impacts on property rights and lawfully established activities.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 17 - 48 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the request to delete this method due to its un-assessed impacts on property rights and lawfully established activities.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 18 - 48 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the request to delete this method due to its un-assessed impacts on property rights and lawfully established activities.  
 Decision Sought:

Council Decision:	Reject
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Submission Number: 18: 17 Submission Type: Oppose  
 Submitter: Carrus Corporation Limited  
 Submission Summary: This policy needs either deleting or further wording and thought plus there is a question over it's legality, It gives the Regional Council significant authority to over-rule existing rights of property owners and significantly reduce land values within the region.  
 Decision Sought: Delete Method 23B or amend to provide protection to existing rights of property owners.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 6 - 17 Submission Type: Support  
 Further Submitter: Trustpower Limited  
 Submission Summary: This is consistent with Trustpower's original submission.  
 Decision Sought: That the submission point is allowed.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Reject		
Further Submission No:	13 - 70	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.		
Decision Sought:			
Council Decision:	Reject		
Further Submission No:	14 - 26	Submission Type:	Support in Part
Further Submitter:	Property Council New Zealand (Bay of Plenty Branch)		
Submission Summary:	We support the submitter's concerns raised in this submission, subject to our original submission seeking this Method be deleted.		
Decision Sought:			
Council Decision:	Accept in Part		
Further Submission No:	15 - 60	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support the submitter's concerns raised in this submission, subject to our original submission seeking this Method be deleted.		
Decision Sought:			
Council Decision:	Accept in Part		
Further Submission No:	16 - 60	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	We support the submitter's concerns raised in this submission, subject to our original submission seeking this Method be deleted.		
Decision Sought:			
Council Decision:	Accept in Part		
Further Submission No:	17 - 60	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	We support the submitter's concerns raised in this submission, subject to our original submission seeking this Method be deleted.		
Decision Sought:			
Council Decision:	Accept in Part		
Further Submission No:	18 - 60	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	We support the submitter's concerns raised in this submission, subject to our original submission seeking this Method be deleted.		
Decision Sought:			
Council Decision:	Accept in Part		



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 25: 28 Submission Type: Oppose  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: This method is opposed because it:  
1. The economic costs of its implementation both to Councils' and private land owners have not been properly assessed under s32 of the RMA, and  
2. It potentially extinguishes existing use rights and property rights.  
Decision Sought: Delete Method 23B and insert a new 'Guiding Method' that requires the Regional Council to investigate risk reduction measures for high and medium natural hazard risk areas. Make consequential amendments.

Council Decision: Reject

### Further Submission(s)

Further Submission No: 6 - 18 Submission Type: Support  
Further Submitter: Trustpower Limited  
Submission Summary: This is consistent with Trustpower's original submission.  
Decision Sought: That the submission point is allowed.

Council Decision: Reject

Further Submission No: 13 - 28 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Reject

Submission Number: 29: 8 Submission Type: Oppose  
Submitter: Property Council New Zealand (Bay of Plenty Branch)  
Submission Summary: This method is opposed because it:  
1. The economic costs of its implementation both to Councils' and private land owners have not been properly assessed under s32 of the RMA, and  
2. It potentially extinguishes existing use rights and property rights.  
Decision Sought: Delete Method 23B. Make consequential amendments.

Council Decision: Reject

### Further Submission(s)

Further Submission No: 6 - 19 Submission Type: Support  
Further Submitter: Trustpower Limited  
Submission Summary: This is consistent with Trustpower's original submission.  
Decision Sought: That the submission point is allowed.

Council Decision: Reject

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 30: 7 Submission Type: Oppose

Submitter: Zariba Holdings Limited

Submission Summary: This method is opposed because:  
1. The economic costs of its implementation both to Councils' and private land owners have not been properly assessed under s32 of the RMA, and  
2. It potentially extinguishes existing use rights and property rights.

Decision Sought: Delete Method 23B.  
Make consequential amendments.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 6 - 20 Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision:	Reject
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Submission Number: 31: 4 Submission Type: Oppose

Submitter: Trustpower Limited

Submission Summary: Trustpower opposes the method proposed, and requests its deletion.  
It is unnecessary to require all existing use or development (with a high or medium risk level) to assess and apply risk reduction measures.  
Rather Policy NH5B provides for situations when an existing use or development changes or intensifies, and at that point a risk assessment would identify whether any risk reduction practices/techniques are required to be implemented.  
This is an appropriate point of re-evaluation, as any change or intensification is likely to require a regulatory process (such as a resource consent).  
We are concerned that the method as proposed would be very difficult to implement, as it would include existing lawfully established uses, activities with existing use rights, and potentially permitted activities.

Decision Sought: Delete Method 23B.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 2 - 10 Submission Type: Support

Further Submitter: Contact Energy Limited

Submission Summary: For the reasons stated in the submission.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 11 - 6 Submission Type: Support

Further Submitter: Fonterra Co-operative Group Limited

Submission Summary: For the reasons stated in the submission

Decision Sought: Allow

Council Decision:	Reject
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

**Section: 3.2.2 Guiding methods**

961

## Council Decision

Insert new method to read as follows:

"Method 24A: Provide guidance on taking a risk management approach to natural hazards

"Provide guidance to local authorities in the application of this Statement's risk management approach to the avoidance or mitigation of natural hazards."

## Reasons for Council Decision

16:16 Support is acknowledged.

## Submissions

Submission Number: 16: 16 Submission Type: Support  
Submitter: Bay of Plenty Civil Defence Emergency Management Group  
Submission Summary: The BOP CDEM Group supports the guiding methods as it supports Objective 1a in the CDEM Group Plan. The Group support a collaborative approach the establishing Natural hazard risk as this support the Groups ethos of working together as well as objective !c continuing to develop an understanding of the levels of risk acceptable to communities.  
Decision Sought: Implement for reasons provided.

Council Decision: Accept in Part

**Section: Method 73: Provide information and guidance on natural hazards**

962

## Council Decision

Under (a) Volcanic activity:

delete "and" from (iii).

insert "and" after geothermal hazard in (iv).

insert new hazard to read: "(v) caldera unrest".

In (d) (i) include "/flood" ito read as follows: "(i) landslip and debris flow/ flood".

## Reasons for Council Decision

25:29 Support is acknowledged.

## Submissions

Submission Number: 25: 29 Submission Type: Support  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Information and guidance on natural hazards is vital in raising community awareness and understanding of the risks associated with each natural hazard and how they relate to 'everyday' risk.  
Decision Sought: Adopt Method 73 as notified.

Council Decision: Accept in Part

## Further Submission(s)

Further Submission No: 13 - 29 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept in Part

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

963

**Section: Method 74: Collaborate to establish natural hazard risk**

## Council Decision

Amend method to read: "Collaborate in gathering and disseminating hazard information and, with their communities, establishing boundaries of the risk categories."

## Reasons for Council Decision

17:18 The amended wording better reflects that once the Change is incorporated in the RPS, the risk criteria will have been established and the public will input into the spatial application of the policy through plans.

25:30 Support is acknowledged.

## Submissions

Submission Number: 17: 18 Submission Type: Seek Amendment

Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: Method 74 refers to collaboration with communities to establish levels of risk acceptability. The Statement establishes levels of risk acceptability through Policy NH 2B and NH6B. The explanation to Policy NH2B states that only the "boundaries of the risk categories are set by a combination of technical advice and community input". It is therefore inconsistent to say that there will be collaboration with communities to establish levels of risk acceptability.

Decision Sought: Amend [by deleting "levels of risk acceptability " and inserting "boundaries of the risk categories"] to read:  
Collaborate in gathering and disseminating hazard information and, with their communities, establishing boundaries of the risk categories.  
Implementation responsibility: Regional council, city and district councils.

Council Decision: Accept

Submission Number: 25: 30 Submission Type: Support

Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Collaborating on information and guidance on natural hazards is a key part of raising community awareness and understanding of the risks associated with each natural hazard and how they relate to 'everyday' risk.

Decision Sought: Adopt Method 74 as notified.

Council Decision: Accept in Part

## Further Submission(s)

Further Submission No: 13 - 30 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision: Accept in Part

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Chapter: 4.2 Objective, anticipated environmental results and monitoring indicators

964

Section: Table 5 Objectives, anticipated environmental results (AER) and monitoring indicators

964

## Council Decision

Amend objective 23 to read: Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities."

Fix formatting error in Monitoring indicators "2" to read as follows:

"2 the reconstruction or alteration of, or extension to, any existing building, require mitigation of risk to be as low as reasonably practicable."

## Reasons for Council Decision

The amendment to the Objective is consequential on its amendment in Table 1.

17:19 The amendment corrects a formatting error. The indicator sought is a level of detail to be included in regional and district plans, not the RPS.

35:18 Support is acknowledged.

## Submissions

Submission Number:	17: 19	Submission Type:	Oppose
Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	The formatting of the indicator for resource consent conditions has a typographical error and is ambiguous. A further indicator should be included to assess whether regional and district plans have included provisions that enable risk reduction methods.		
Decision Sought:	Amend indicator to: Wherever the risk from natural hazards exceeds the low level, conditions of resource consent for i. the re-establishment of any use, or ii. the reconstruction or alteration of, or extension to, any existing building, require mitigation of risk to be as low as reasonably practicable. Add the following additional indicator: Practical risk reduction measures are enabled through permissive plan provisions with low compliance costs.		

Council Decision: Accept in Part

## Further Submission(s)

Further Submission No:	15 - 49	Submission Type:	Support
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support this submission requesting the reformatting of Table 5 to give certainty and the additional indicator about risk reduction measures		
Decision Sought:			

Council Decision: Accept in Part

Further Submission No:	16 - 49	Submission Type:	Support
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	We support this submission requesting the reformatting of Table 5 to give certainty and the additional indicator about risk reduction measures		
Decision Sought:			

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 49 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support this submission requesting the reformatting of Table 5 to give certainty and the additional indicator about risk reduction measures  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 49 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support this submission requesting the reformatting of Table 5 to give certainty and the additional indicator about risk reduction measures  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 35: 18 Submission Type: Support  
 Submitter: Rotorua District Council  
 Submission Summary: Council supports the anticipated environmental results as outlined in Table 5.  
 Decision Sought: Retain Table 5 as notified.

Council Decision:	Accept in Part
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### Chapter: Appendix A– Definitions

965

### Section: Appendix A– Definitions

965

#### Council Decision

Insert new definitions as follows:

"Annual individual fatality risk (AIFR) means the risk measure obtained by multiplying the modelled number of deaths from a hazard event by the annual exceedance probability of the event and dividing by the population within the hazard assessment area."

"Hazard assessment area means the natural hazard zone or development site whichever is applicable.

"Hazard susceptibility area means the spatial extent of a potential hazard event identified by susceptibility mapping."

#### Reasons for Council Decision

13:13 As stated in the Operative RPS, terms not included have their usual dictionary meaning. Risk terms are described in the policies and criteria relating to them are set out in Appendix K.

13:14 As stated in the Operative RPS, terms are not included if they are defined in the Resource Management Act 1991. Terms not included have their usual dictionary meaning.

35:14 In its first use in Policy NH 4A, the expression "annual individual fatality risk (AIFR)" is used to allow for its subsequent abbreviation. Although the expression was used later in Appendix K, the amendment inserts the expression where it is first used in Appendix K.

The definition of "Hazard assessment area" is included as a result of submission 17:22 on Appendix K.

The definition of "Hazard susceptibility area" is included as a result of submission 13:16 on Proposed Change 2 as a whole.

Additional consideration of the inclusion of definition of "Hazard assessment area" is included in clause 6.19 of the Supplementary Report on Submissions.

#### Submissions

Submission Number: 13: 13 Submission Type: Seek Amendment  
 Submitter: Tauranga City Council  
 Submission Summary: mThere are areas of loose definition or ability for interpretation or discretion to be exercised (ref explanation of Policy NH5B). This will generate uncertainty. If terms, such as significant consequence, potential significant consequence, high risk, medium risk and low risk are to be used, they need to be defined in the Policy Statement.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: Amend definitions to (for example):

- be able to be applied across all natural hazards;
- include concepts beyond life risk (which is just one factor – albeit an important one for some hazards);
- consider effects on life supporting systems;
- address the reasonably foreseeable needs of future generations;
- include concepts of recoverability (duration/cost etc.); and
- address insurability (availability and affordability) which is an important aspect of risk management (i.e. the ability to transfer risk).

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	7 - 13	Submission Type:	Support
Further Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	Policy criterion (a)(i) gives appropriate direction without sub-criteria ii and iii.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	14 - 11	Submission Type:	Support in Part
Further Submitter:	Property Council New Zealand (Bay of Plenty Branch)		
Submission Summary:	We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	15 - 23	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	16 - 23	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 23 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 23 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 13: 14 Submission Type: Seek Amendment  
 Submitter: Tauranga City Council  
 Submission Summary: The definitions could and should capture the elements of the RMA definition of effects, including:  
 · time (permanent effects - which would include concepts of irreversibility) or temporary effects which would include concepts of recovery/resilience);  
 · present and future effects;  
 · cumulative effects;  
 · scale, intensity, duration, & frequency of effects;  
 · probability (low and high).

Decision Sought: Consider:  
 · use of the terms risk and effects and ensure these are used appropriately, intentionally and consistently throughout the RPS (if both are to be used);  
 · use and definition of the terms acceptable/unacceptable and tolerable/intolerable.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 14 - 12 Submission Type: Support in Part  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 24 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 24 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 24 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 24 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the submitter's requests in this submission, to amend the definitions and language used in Change 2 to provide appropriate certainty to the Policy framework and methodology subject to our original submissions seeking amendments to the definitions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 35: 14 Submission Type: Seek Amendment  
 Submitter: Rotorua District Council  
 Submission Summary: Recommend that the Annual Individual Fatality Risk (AIFR) be defined or the reference to AIFR in Appendix K not be abbreviated.  
 Decision Sought: Define the Annual Individual Fatality Risk (AIFR) or don't abbreviate the reference to AIFR in Appendix K.

Council Decision:	Accept
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**Section: Critical buildings**

966

**Council Decision**

No change.

**Reasons for Council Decision**

25:31 Support is acknowledged.

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

## Submissions

Submission Number: 25: 31 Submission Type: Support  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: This definition of critical buildings is appropriate for the purpose of assessments using Table 7 in Appendix K.  
Decision Sought: Retain the 'Critical buildings' definition as notified.

Council Decision: Accept

## Further Submission(s)

Further Submission No: 13 - 31 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept

## Section: Development of land

967

## Council Decision

No change.

## Reasons for Council Decision

21:20 Support is acknowledged.  
22:26 Support is acknowledged.  
25:32 The array of definitions as notified is preferred over those promoted by the submitter.  
29:9 The array of definitions as notified is preferred over those promoted by the submitter.  
30:8 The array of definitions as notified is preferred over those promoted by the submitter.

## Submissions

Submission Number: 21: 20 Submission Type: Support  
Submitter: Powerco Limited  
Submission Summary: Powerco supports the inclusion of a definition for 'development of land'. The incorporation within this term, of subdivision and the intensification or change of land use, and then the subsequent reference to 'development of land' in the explanation associated with the policies enables the intent of the provisions to be better understood. As noted above, a consistent reference to 'development of land' should be adopted in the policies and explanations.  
Decision Sought: Retain unmodified.

Council Decision: Accept

Submission Number: 22: 26 Submission Type: Support  
Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd  
Submission Summary: The Oil Companies support the inclusion of a definition for 'development of land'. The incorporation within this term, of subdivision and the intensification or change of land use, and then the subsequent reference to 'development of land' in the explanation associated with the policies enables the intent of the provisions to be better understood. As noted above, a consistent reference to 'development of land' should be adopted in the policies and explanations.



# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

## Reasons for Council Decision

18:18 The definition as notified is preferred over that promoted by the submitter.

25:53, 39:10 and 30:9 The array of definitions as notified and amended is preferred over those promoted by the submitter.

## Submissions

Submission Number: 18: 18 Submission Type: Seek Amendment  
Submitter: Carrus Corporation Limited  
Submission Summary: Because the definition of 'development site' is vague and has a dramatic effect on small scale development, that because of the definition, could effectively significantly reduce or stop small scale development and any form of intensification.  
Decision Sought: After the words "that is", add "structure planned and is"  
Amend (b) delete "a parcel of land" and also "are contiguous" and add "the development site is held in ...."

Council Decision:	Reject
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## Further Submission(s)

Further Submission No: 13 - 71 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.  
Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 61 Submission Type: Support in Part  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: We support these submissions subject to the changes sought in our submissions on the 'Development Site' and 'Lifeline Utility'  
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 61 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 14 Trust  
Submission Summary: We support these submissions subject to the changes sought in our submissions on the 'Development Site' and 'Lifeline Utility'  
Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 61 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: We support these submissions subject to the changes sought in our submissions on the 'Development Site' and 'Lifeline Utility'  
Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 61 Submission Type: Support in Part  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We support these submissions subject to the changes sought in our submissions on the 'Development Site' and 'Lifeline Utility'  
Decision Sought:

Council Decision: Accept in Part

Submission Number: 25: 53 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: For the reasons in our submissions herein on Policies NH 5B, NH 7B and Appendix K we oppose this definition and seek it is replaced with new definitions for 'Planning study area' and 'Development proposal' as detailed herein.  
Decision Sought: 1. Delete the 'Development site' definition and replace with new definitions for 'Planning study area' and 'Development proposal' as detailed herein.  
2. Insert a new definition for 'Planning Study Area' as follows:  
'Planning study area means either:  
(a) The area of proposed natural hazard assessment for the purposes of application under Policies NH 3A and NH4A; or  
(b) The development proposal area being assessed or managed under NH 5B and NH 7B.'  
3. Insert a new definition for 'Development proposal' as follows:  
'Development proposal means the area of land of a large-scale (over 5ha in area) that is the subject of a proposal to change or intensify land use for the purposes of application under Policies NH 5B and NH 7B.'

Council Decision: Reject

Submission Number: 29: 10 Submission Type: Seek Amendment  
Submitter: Property Council New Zealand (Bay of Plenty Branch)  
Submission Summary: For the reasons in our submissions herein on Policies NH 5B, NH 7B and Appendix K we oppose this definition and seek it is deleted or replaced with a definition that addresses our submissions herein.  
Decision Sought: Delete the 'Development site' definition or replace it with a definition that addresses our submissions herein. Make consequential amendments.

Council Decision: Reject

Submission Number: 30: 9 Submission Type: Seek Amendment  
Submitter: Zariba Holdings Limited  
Submission Summary: For the reasons in our submissions herein on Policies NH 5B, NH 7B and Appendix K we oppose the definition of 'development site' and seek it is deleted or replaced with a definition that addresses our submissions herein.  
Decision Sought: Delete the 'Development site' definition or replace it with a definition that addresses our submissions herein. Make consequential amendments.

Council Decision: Reject

### Section: Geothermal hazard

969

#### Council Decision

No change.

#### Reasons for Council Decision

19:4, 25:33 and 32:6 Support is acknowledged.

#### Submissions

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 19: 4 Submission Type: Support  
Submitter: Eastland Generation Limited  
Submission Summary: In addition to the reasons already stated in this submission, Eastland supports the definition of 'geothermal hazard' as appropriate and complete.  
Decision Sought: Retain the definition of 'geothermal hazard' as notified.

Council Decision: Accept

Submission Number: 25: 33 Submission Type: Support  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: The definition of geothermal hazard is appropriate for the purpose of use in the Natural Hazards section of the Regional Policy Statement.  
Decision Sought: Retain the 'Geothermal hazard' definition as notified.

Council Decision: Accept

### Further Submission(s)

Further Submission No: 13 - 33 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept

Submission Number: 32: 6 Submission Type: Support  
Submitter: Contact Energy Limited  
Submission Summary: Contact supports the inclusion of a definition of 'geothermal hazard'.  
Decision Sought: Retain the definition of 'geothermal hazard'.

Council Decision: Accept

### Section: Lifeline utilities

970

#### Council Decision

Delete "energy facilities" and amend definition to read:

"Lifeline utilities means essential infrastructure services provided to the community such as water supply, wastewater networks and treatment facilities, transport facilities (including road, rail, airports and sea ports), telecommunication, television and radio facilities and structures, electricity generation and distribution facilities, and gas and liquid fuels storage and distribution/ retail facilities."

#### Reasons for Council Decision

8:3, 12:3, 21:7, 22:7 and 25:34 Support is acknowledged.  
18:19 Additional reference to judgement being exercised is unnecessary.  
31:3 The amended wording removes a potential confusion.

#### Submissions

Submission Number: 8: 3 Submission Type: Support  
Submitter: Transpower New Zealand Ltd  
Submission Summary: Lifeline utilities means essential infrastructure services provided to the community such as water supply, wastewater networks and treatment facilities, transport facilities (including road, rail, airports and sea ports), telecommunication, television and radio facilities and structures, and energy facilities (including

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

electricity generation and distribution, and gas and liquid fuels storage and distribution/retail).

Decision Sought: Retain the definition of lifeline utilities without modification.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	6 - 21	Submission Type:	Support
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Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision:	Accept in Part
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Submission Number:	12: 3	Submission Type:	Support
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Submitter: KiwiRail Holdings Limited

Submission Summary: The rail network is nationally significant infrastructure, and identifying rail as a lifeline utility within the RPS supports that national recognition. KiwiRail support the definition as proposed.

Decision Sought: Retain as notified.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	6 - 22	Submission Type:	Support
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Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision:	Accept in Part
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Submission Number:	18: 19	Submission Type:	Seek Amendment
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Submitter: Carrus Corporation Limited

Submission Summary: Because the definition is so wide and once used in relation to the assessment under Table 7, a disruption of one of these could easily elevate the assessment to a catastrophic category. For example, rail lines could be out for more than 6 months but that affected community, within a day is being serviced by roads. Social and cultural buildings. Should not have the same assessment as normal buildings.

Decision Sought: Add the word "immediate" before community.  
Add another sentence "that judgement be given to the impact of any critical lifeline utilities when assessing their impact".  
Delete educational facilities from this definition and include them under critical buildings.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	6 - 26	Submission Type:	Oppose
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Further Submitter: Trustpower Limited

Submission Summary: The submission is unclear on the amendments being sought, and is inconsistent with the intent of the definition.

Decision Sought: That the submission point is rejected.

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 13 - 72 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 15 - 62 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We support these submissions subject to the changes sought in our submissions on the 'Development Site' and 'Lifeline Utility'

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 62 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support these submissions subject to the changes sought in our submissions on the 'Development Site' and 'Lifeline Utility'

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 62 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support these submissions subject to the changes sought in our submissions on the 'Development Site' and 'Lifeline Utility'

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 62 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support these submissions subject to the changes sought in our submissions on the 'Development Site' and 'Lifeline Utility'

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 21: 7 Submission Type: Support  
 Submitter: Powerco Limited  
 Submission Summary: Powerco supports the inclusion of a specific definition for 'Lifeline Utilities'. [The] definition provides for the activities of Powerco, being the provision and maintenance of gas and electricity distribution networks. The inclusion of a definition for Lifeline Utilities facilitates the inclusion of specific provisions that recognise and provide for the installation and operation of Lifeline Utilities. [The] definition of 'Lifeline Utilities' recognises the criticality of the gas and electricity supply infrastructure for supply.

Decision Sought: Retain without further modification.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 5 - 7 Submission Type: Support  
 Further Submitter: Port of Tauranga



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: Seek the relief sought by the submitter be granted for the reasons in the submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 6 - 23    Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision:	Accept in Part
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Submission Number: 22: 7    Submission Type: Support

Submitter: Z Energy Ltd, BP Oil Ltd and Mobil Oil Ltd

Submission Summary: [This] definition provides for the activities of the Oil Companies, including pipelines, bulk storage and distribution and storage at service stations. The inclusion of a definition for Lifeline Utilities facilitates the inclusion of specific provisions that recognise and provide for the installation and operation of Lifeline Utilities. The Oil Companies support the definition of 'Lifeline Utilities' in PC2 as it recognises the criticality of the whole supply chain from bulk storage to service station.

Decision Sought: Retain the definition of "Lifeline Utilities" without further modification.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 5 - 8    Submission Type: Support

Further Submitter: Port of Tauranga

Submission Summary: Seek the relief sought by the submitter be granted for the reasons in the submission.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 6 - 24    Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

Council Decision:	Accept in Part
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Submission Number: 25: 34    Submission Type: Support

Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: The definition of lifeline utilities is appropriate for the purpose of assessments using Table 7 in Appendix K.

Decision Sought: Retain the 'Lifeline utilities' definition as notified.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 6 - 25    Submission Type: Support

Further Submitter: Trustpower Limited

Submission Summary: This is consistent with Trustpower's original submission.

Decision Sought: That the submission point is allowed.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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Further Submission No:	13 - 34	Submission Type:	Support
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Further Submitter:	TKC Holdings Ltd
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Submission Summary:	(Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.
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Decision Sought:

Council Decision:	Accept in Part
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Submission Number:	31: 3	Submission Type:	Support in Part
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Submitter:	Trustpower Limited
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Submission Summary:	Trustpower supports in part the definition as proposed, with a minor amendment. The definition is reflective of the definition of lifeline utility under the Civil Defence Emergency Management Act 2002, for which Trustpower also has obligations under. The use of 'community' without further refine is supported, as with many lifeline utilities, the community it serves can be far reaching. The use of the term 'energy facility' is confusing, and is inconsistent with the definition in CDEM. Electricity generation schemes and distribution networks are not technically 'energy facilities' (i.e. they do not create energy, they create electricity from energy), so the subset as proposed is inaccurate. The solution could be to remove 'energy facilities' leaving just 'electricity generation and distribution'. Gas and other fuels are included separately, so the amendment should not have any unintended consequences or exclusions.
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Decision Sought:	Amend the definition of 'lifeline utility' [by removing 'and energy facilities (including' and the closing bracket] to read: Lifeline utilities means essential infrastructure services provided to the community such as water supply, wastewater networks and treatment facilities, transport facilities (including road, rail, airports and sea ports), telecommunication, television and radio facilities and structures, electricity generation and distribution, and gas and liquid fuels storage and distribution/retail.
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Council Decision:	Accept in Part
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<b>Section: Natural hazard zone</b>	971
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### Council Decision

Amend to read: "Natural hazard zone means that zone within a hazard susceptibility area defined by the relevant regional, city or district plan, on the basis of existing or proposed land use, as the appropriate geographic scale to assess hazard risk. For the avoidance of doubt, a natural hazard zone may be an entire hazard susceptibility area or such smaller zone as is appropriate taking account of the nature and scale of actual and potential land uses that are exposed to the natural hazard."

### Reasons for Council Decision

25:35 Support is acknowledged.

### Submissions

Submission Number:	25: 35	Submission Type:	Support
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Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd
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Submission Summary:	The definition of natural hazard zone is appropriate for the purpose of use in the Natural Hazards section of the Regional Policy Statement and assessments using Table 7 in Appendix K.
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Decision Sought:	Retain the 'Natural hazard zone' definition as notified.
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Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 35	Submission Type:	Support
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Further Submitter:	TKC Holdings Ltd
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision: Accept in Part

### Section: Population in care

972

#### Council Decision

No change.

#### Reasons for Council Decision

25:36 Support is acknowledged.

#### Submissions

Submission Number: 25: 36 Submission Type: Support  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: The definition of population in care is appropriate for the purpose of assessments using Table 7 in Appendix K.  
Decision Sought: Retain the 'Population in care' definition as notified.

Council Decision: Accept

#### Further Submission(s)

Further Submission No: 13 - 36 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept

### Section: Risk

973

#### Council Decision

No change.

#### Reasons for Council Decision

25:37 Support is acknowledged.

#### Submissions

Submission Number: 25: 37 Submission Type: Support  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: The definition of risk is appropriate for the purpose of use in the Natural Hazards section of the Regional Policy Statement.  
Decision Sought: Retain the 'Risk' definition as notified.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Accept

### Further Submission(s)

Further Submission No: 13 - 37 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept

### Section: Social and cultural buildings

974

#### Council Decision

No change.

#### Reasons for Council Decision

25:38 The definition as notified is preferred over that promoted by the submitter.

#### Submissions

Submission Number: 25: 38 Submission Type: Oppose  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Oppose definition of 'Social and cultural buildings'.  
Decision Sought: Delete the 'Social and cultural buildings' definition or retain to only include places of assembly and sport club rooms. Make consequential amendments.

Council Decision: Reject

### Further Submission(s)

Further Submission No: 13 - 39 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Reject

### Section: Susceptibility

975

#### Council Decision

No change.

#### Reasons for Council Decision

25:39 Support is acknowledged.

#### Submissions

Submission Number: 25: 39 Submission Type: Support

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: The definition of susceptibility is appropriate for the purpose of use in the Natural Hazards section of the Regional Policy Statement.

Decision Sought: Adopt the 'Susceptibility' definition as notified.

Council Decision:	Accept
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## Further Submission(s)

Further Submission No:	13 - 40	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		
Decision Sought:			

Council Decision:	Accept
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## Chapter: Appendix K - Methodology for risk assessment

976

## Section: Appendix K - Methodology for risk assessment

976

### Council Decision

Amend first paragraph "Compliance with Appendix K..." (b) to read: "Use of a recognised risk assessment methodology included in a regional, city or district plan or recognised in the consideration of a resource consent application. This may include risk assessment methodologies incorporated in Regulations or industry codes of practice."

Amend the first sentence of second paragraph "Appendix K sets out ..." to read: "Appendix K sets out the default methodology to be used to analyse and evaluate risk where such analysis and evaluation is required under Policies NH 4A and NH 5B and no alternative methodology has been included in a relevant regional, city or district plan or is recognised in the consideration of a resource consent application."

Amend paragraph four to read: "Therefore, in respect of the matters such as those listed above, compliance with Appendix K requires judgement by the suitably qualified and experienced practitioner carrying out the assessment."

Under the heading "Defining the event of maximum risk":

- replace "y axis" with "vertical axis" and "x axis" with "horizontal axis" from the second paragraph
- replace "x" with "L[MR subscript]" in the third paragraph
- replace "x" with "L[MR subscript]" in Figure 2

- insert new paragraph to follow Figure 2 to read: "For multiple hazards, follow the approach set out in Beban and Saunders 2013, page 51." Footnote "2013" to read: "3 [superscript]" to read: "3 [superscript] Beban, J. G.; Saunders, W. S. A. 2013. Incorporating a risk-based land use planning approach into a district plan, GNS Science Miscellaneous Series 63. 52 p."

Add a new section to Appendix K (immediately before "Primary Analysis (Steps 1-4)" ) as follows:

"Risk assessment in the absence of hazard susceptibility areas mapped in accordance with Policy NH 3A

"In the period before regional and district plans give effect to Policy NH 3A, consent applicants, requiring authorities lodging notices of requirement, and proponents of private plan changes may be required to undertake risk assessment in accordance with Policy NH 5B.

"In those situations the risk assessment steps 1-5 of this Appendix should be preceded by an initial assessment of the development site's susceptibility to the range of natural hazards set out in Policy NH 3A. This should be required from the applicant as part of the assessment of environmental effects consistent with clause 7 of Schedule 4 to the Act (or as part of the information otherwise required as part of a notice of requirement or private plan change). The Regional Council, together with the territorial authorities, will hold information about the extent of natural hazards prior to hazards susceptibility mapping under Policy NH 3A. That information, together with published information from other agencies, is expected to form the basis of applicants' hazard susceptibility statements within their AEEs. Only in exceptional circumstances would applicants be expected to commission primary research to fulfil this requirement during this interim period."

Under "Primary Analysis (Steps 1-4)":

In Step 1, Table 6: In Columns A and B, replace "ARI#[superscript] (years)" with "AEP#[superscript]". In Column A, replace "1000" with "0.1" and "100" with "1" wherever they occur and replace "6000" with "0.017". In Column B, replace "500" with "0.2", "20,000" with "0.005", "3000" with "0.033", "50" with "2", wherever they occur and replace "2500" with "0.04". Replace the # footnote with: "AEP (Annual Exceedance Probability) is the probability that a natural hazard event of a certain size will occur, or will be exceeded, in a time period of one year. For example, an inundation level with a 2% AEP means that there is a 2% chance in any one year of that level being equalled or exceeded."

In Step 2, insert "hazard" before "assessment area" in Step 2 (a), Step 2 (b) and Step 2 (c).

Amend the definition of "Hazard assessment area" to read: "Hazard assessment area means the natural hazard zone or development site whichever is applicable." and relocate it into Appendix A Definitions.

Under "Quantitative determination of consequences":

under "Potential impacts on buildings - matters (a) to (c)" add an additional sentence at the end of the paragraph beginning "A degree of discretion..." to read: "This will form part of arriving at "best estimates"."

under "Potential impacts on lives and safety" reword the heading and paragraph to read:

"Potential impacts on lives and safety - matters (e) and (f)

"Estimates of lives lost and injuries sustained will be based on particulars of the hazards and context (e.g. likely warning time of an event and provision for evacuation (including vertical evacuation), occupancy rates of buildings) and frequency of occupancy."

Under "Secondary Analysis" insert "annual individual fatality risk" before "(AIFR)" in Step 5 heading.

In Step 5:

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Second paragraph "That being ...": replace "Figure 1" with "Figure 2".

Amend the formula in (b) (i) to read:

"AIFR = (D x P)/N

"Where:

"D = number of anticipated (modelled) deaths from the event

"N = population (maximum number of people present within the hazard assessment area at any point in time over a 24 hour period)

"P = the computed annual exceedance probability. Note that values of AEP expressed as a percentage (as in Table 6) must first be divided by 100.

E.g., from Column A of Table 6, using Flooding AEP(%) of 1:

$P = 1/100 = 0.01$ "

Amend last sentence in (c) (ii) to read: "Clauses (iii) and (iv) apply if the AIFR is less than  $1 \times 10$  [to the power of minus 4]."

Amend (c) (iii) to read: "If the risk screening matrix categorises the risk from all secondary assessments as Low and the AIFR is less than or equal to  $1 \times 10$  [to the power of minus 5] the maximum risk is Low unless (iv) applies."

Amend the first bullet point under (c) (iv) to read: "Medium if the AIFR is in the range between  $1 \times 10$  [to the power of minus 4] and  $1 \times 10$  [to the power of minus 6] ..."

Insert a new paragraph at the end of Step 5 to read: "If secondary or subsequent assessment indicates High or Medium risk, further iterative assessment may be undertaken to test the effect of alternative or additional mitigation options in an effort to reduce the risk level."

Insert a new Step 6 as follows:

"Step 6 - Assign a risk level to each hazard assessment area

"Following any secondary or subsequent analysis and any further iterations undertaken to test the effect of alternative or additional mitigation options, confirm the final risk level for each hazard assessment area and assign that risk level to the hazard assessment area and assessed actual and potential land use."

## Reasons for Council Decision

2:7 The addition to Appendix K of a sentence and its reference provides a suitable indication as to how to address multiple hazards, cumulative (non-interactive) and cascading (interactive).

13:8 Testing has found that Proposed Change 2, (including Appendix K) is workable, and with appropriate analysis and judgement can be implemented successfully.

13:15 Annual exceedance probability (AEP) is preferred over annual return interval (ARI).

17:22 Inclusion in "Appendix A - Definitions" of a definition of "Hazard assessment area", deletion of the note in step 2, and increased precision of terms used in Policy NH 3A and Step 2 clarify the intended derivation and use of the hazard assessment area.

17:23 Inclusion in "Appendix A - Definitions" of a definition of "Natural hazard zone" and increased precision of its use assist. Addition of two new sentences to the second paragraph of the Explanation to Policy NH 4A acknowledge that more than one hazard level in a hazard susceptibility area is provided for. Community input is provided for in Policy NH 4A when natural hazard zones and their risk levels are included in regional, city or district plans.

18:20 Testing has found that Proposed Change 2 (including Appendix K) is workable and, with appropriate guidance, analysis and judgement, can be implemented successfully.

20:4 Testing has found that Proposed Change 2 (including Appendix K) is workable and, with appropriate guidance, analysis and judgement, can be implemented successfully. Exercise of judgement in applying AIFR in a qualitative way for some hazards will be appropriate. The combination of the risk screening matrix (with its use of the Table 7 Consequence table) and AIFR provides an appropriate way of including population on a proportionate basis.

25:40, 29:11 and 30:10 1 and 2 Testing has found that Proposed Change 2 (including Appendix K) is workable and, with appropriate guidance, analysis and judgement, can be implemented successfully. Results have been provided to submitters who sought testing and included in the staff "Overview report on Submissions". 3 Amendments have been made in addressing submissions on specific provisions.

Additional consideration of these submission points is included in clauses 6.19 and 6.21 of the Supplementary Report on Submissions.

## Submissions

Submission Number:	2: 7	Submission Type:	Support in Part
Submitter:	Waikato Regional Council		
Submission Summary:	There are a number of scenarios when dealing with multiple hazards and the relationship between the hazards. 1) Non interactive Hazards - The hazards are NOT directly linked or have any influence on increasing/decreasing risk on each other. These multiple risks should then be assessed individually to provide an overall risk for the site e.g. earthquake and wind hazard. 2) Interactive Hazards - i. One primary hazard triggering one or more secondary hazard events.e.g. Earthquake causing a landslide. ii. A series of triggering relationships forming a cascade or domino event. e.g. Earthquake destroying pump stations and or flood protection then a flood occurs. iii. One primary hazard changing the probability of an event occurring. e.g. Rising sea level increasing ground water levels which is likely to increase risk of liquefaction in certain areas. iv. Two or more primary hazards coinciding so as to trigger or increase the probability of secondary hazards. e.g. Coastal storm surge combining with river flood event to cause increased flooding.		
Decision Sought:	Refine Appendix K accordingly to reflect non interactive and interactive hazards.		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	7 - 10	Submission Type:	Oppose
Further Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	Multiple and interrelated factors that contribute to hazards are already assessed in these terms by expert assessment practitioners. The amendment is unnecessary.		
Decision Sought:			

Council Decision:	Reject
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Further Submission No:	15 - 4	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We support the concept of identifying interactive and non-interactive hazards within the policy and Appendix K subject to our original submission on Policy NH 4A and achieving our original submission points on the application of Appendix K, particularly its lack of being adequately tested.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	16 - 4	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	We support the concept of identifying interactive and non-interactive hazards within the policy and Appendix K subject to our original submission on Policy NH 4A and achieving our original submission points on the application of Appendix K, particularly its lack of being adequately tested.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	17 - 4	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	We support the concept of identifying interactive and non-interactive hazards within the policy and Appendix K subject to our original submission on Policy NH 4A and achieving our original submission points on the application of Appendix K, particularly its lack of being adequately tested.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	18 - 4	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	We support the concept of identifying interactive and non-interactive hazards within the policy and Appendix K subject to our original submission on Policy NH 4A and achieving our original submission points on the application of Appendix K, particularly its lack of being adequately tested.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 13: 8 Submission Type: Oppose

Submitter: Tauranga City Council

Submission Summary: Appendix K methodology needs to ensure consistent implementation of the objective and policy can be achieved. The high degree of judgement/discretion required to complete an assessment is likely to make outcomes variable and in fact dependent on the judgement and discretion applied. Some natural hazards do not manifest as events. For example coastal erosion and coastal inundation are gradual processes with consequences which are likely to evolve as sea level rise occurs. While identifying both quantitative and qualitative assessments, the guidance more clearly supports quantitative assessments. TCC understands that no actual methodology testing has been undertaken on Appendix K – Methodology for Risk Assessment, or if any has been undertaken TCC has no information released by BOPRC to this effect.

Decision Sought: TCC opposes the entire methodology for Risk Assessment until such a time as appropriate and robust testing of the methodology is undertaken and presented for comment by submitters. ... [T]esting is required again to ensure it is workable and delivers an appropriate outcome in the context of hazards being avoided or mitigated as a consequence of the application of the RPS. This should occur prior to any forthcoming hearings process. Following any testing, TCC will be better placed to make specific submission points (or amendments to the submission) on Appendix K – Methodology for Risk Assessment.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 7 - 18 Submission Type: Support in Part

Further Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: The Councils have an interest in the outcomes of any testing process and seeks the opportunity to participate.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 12 - 8 Submission Type: Support

Further Submitter: Withdrawn

Submission Summary: The further submission has been withdrawn.

Decision Sought: The further submission has been withdrawn.

Council Decision:	Not Applicable
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Further Submission No: 14 - 7 Submission Type: Support

Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 15 - 18 Submission Type: Support

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 18 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 18 Submission Type: Support  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.  
 Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 18 Submission Type: Support  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the request for robust testing of the methodologies of Appendix K and potentially the inclusion of additional matters to be assessed.  
 Decision Sought:

Council Decision:	Accept
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Submission Number: 13: 15 Submission Type: Seek Amendment  
 Submitter: Tauranga City Council  
 Submission Summary: TCC submits that AEP be used rather than ARI, as the latter can be implied by laypersons to mean that the hazard will only occur once during the specified return period. TCC proposes that AEP be used in all considerations in the RPS.  
 Decision Sought: Replace ARI with AEP in all considerations in the proposed change.

Council Decision:	Accept
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Submission Number: 17: 22 Submission Type: Seek Amendment  
 Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: The methodology is dependent on analysis and evaluation of consequences within the "hazard assessment area". There is uncertainty on how the hazard assessment area is to be established which has implications for the qualitative assessment of consequences. The setting of the hazard area will affect the divisor for calculating percentages of affected buildings. Although there is a note that refers to a "natural hazard zone", this is circular as the definition of natural hazard zone includes the assessed risk.  
 Decision Sought: Include in Appendix K a methodology for determining the extent of the "hazard assessment area".

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 15 - 52 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 52 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 52 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 52 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 17: 23 Submission Type: Seek Amendment  
 Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: The output from the risk assessment will be the determining of "natural hazard zones". This is not explicit in the methodology.  
 The methodology implies that each "hazard assessment area" will have single risk level attributed to it. For some hazards such as coastal erosion and debris, the risk will vary across the hazard assessment area from "low" to "high". In order to treat the risk appropriately, variations in risk should be reflected in the natural hazard zoning.  
 The explanation to Policy NH2B states that the "boundaries of the risk categories are set by a combination of technical advice and community input". However, the risk analysis and evaluation methodology set out in Appendix K makes no reference to community input.

Decision Sought: Include in Appendix K a description of how natural hazard zones are formulated, including the delineation of variable risks within a natural hazard area/zone. Landowners should be able to challenge any delineation lines.  
 Identify how the setting of risk boundaries will incorporate community input.

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 15 - 53 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 53 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 53 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 53 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 18: 20 Submission Type: Oppose  
 Submitter: Carrus Corporation Limited  
 Submission Summary: Oppose the risk assessment methodology until such time as it has been robustly tested. Without it being tested, this could have a significant impact on the future development and growth of the Western Bay.  
 Decision Sought: Subject to test results, amend.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 13 - 73 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 14 - 27 Submission Type: Support in Part  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: (Support in part submission points 18-20 to 18-26). Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 63 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 63 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 63 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 63 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 20: 4 Submission Type: Oppose  
 Submitter: Western Bay of Plenty District Council  
 Submission Summary: A high degree of assessment and judgement is required for implementing the methodology in this Appendix. It is not clear how the methodology works in practice as examples of its application have not been provided.  
 The compulsory use of AIFR is not appropriate for all natural hazards, eg coastal erosion and inundation, and flooding.  
 In Table 7 the use of numbers in the Health and Safety column is inappropriate eg 2 persons in a large population would be considered minor, but would be considered significant in a small population. Percentage of population would be a more appropriate measure.  
 Decision Sought: Review Appendix K. This can be achieved in the Schedule 1 process by some worked examples being provided prior to the Hearing in order for Council to make definitive submissions on the workability of the Methodology.  
 Review and clarify the applicability of the use of AIFR.  
 In Table 7, Health and safety column convert the numbers to percentages.



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	25: 40	Submission Type:	Oppose
Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	<p>In the absence of Appendix K being robustly tested through the application of the Propose Change 2 Natural Hazards Objective, Policies and Methods framework we are unable to support the Appendix K methodology.</p> <p>The reasons for this include:</p> <ol style="list-style-type: none"> <li>1. Through the stakeholder engagement that occurred in the development of this Change, TTLG and others involved, requested that the Appendix K methodology to be robustly tested by experts in the various natural hazards disciplines. This did not occur and as such TTLG are concerned that this new untested approach to natural hazards management within the RMA framework will have un-anticipated, un-intended and potentially perverse outcomes that will be very costly and disruptive for both Councils' and private property owners and businesses alike.</li> <li>2. We are concerned about the scalability of the assessment criteria in Table 7, when applied on a natural hazard zone, planning study area or development site scale.</li> <li>3. We are concerned about the lack of weighting for the five types of consequence in Table 7, we believe they should be differently weighted with 'Health &amp; Safety' having the highest weighting followed by 'Lifeline utilities' and 'Critical buildings'.</li> <li>4. We are concerned about how the Appendix K methodology is applied to natural hazard consequences that are gradual events eg coastal erosion.</li> </ol>		
Decision Sought:	<ol style="list-style-type: none"> <li>1. Before any hearings or decisions on Change 2, thoroughly test the Appendix K – Methodology for risk assessment (for all Natural Hazards) through the application of the Propose Change 2 Natural Hazards Objective, Policies and Methods framework, including taking into account the submission points herein; and</li> <li>2. Provide the Appendix K – Methodology for risk assessment, testing outcomes to submitters for further submissions and comment; and</li> <li>3. For the hearings propose amendments to:               <ol style="list-style-type: none"> <li>a) The Appendix K – Methodology for risk assessment, requirements, and</li> <li>b) The Change 2 Policies, Methods and Appendices to address the issues raised through the risk assessment testing process and associated submitters concerns.</li> </ol> </li> </ol>		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 41	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		
Decision Sought:			

Council Decision:	Accept in Part
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Submission Number:	29: 11	Submission Type:	Seek Amendment
Submitter:	Property Council New Zealand (Bay of Plenty Branch)		
Submission Summary:	<p>In the absence of Appendix K being robustly tested through the application of the Propose Change 2 Natural Hazards Objective, Policies and Methods framework we are unable to support the Appendix K methodology.</p> <p>The reasons for this include:</p> <ol style="list-style-type: none"> <li>1. We are concerned that this new untested approach to natural hazards management within the RMA framework will have un-anticipated, un-intended and potentially perverse outcomes that will be very costly and disruptive for both Councils' and private property owners and businesses alike.</li> <li>2. We are concerned about the scalability of the assessment criteria in Table 7, when applied on a natural hazard zone, planning study area or development site scale.</li> <li>3. We are concerned about the lack of weighting for the five types of consequence in Table 7, we believe they should be differently weighted with 'Health &amp; Safety' having the highest weighting followed by 'Lifeline utilities' and 'Critical buildings'.</li> <li>4. We are concerned about how the Appendix K methodology is applied to natural hazard consequences that are gradual events eg coastal erosion.</li> </ol>		

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought: 1. Before any hearings or decisions on Change 2, thoroughly test the Appendix K – Methodology for risk assessment (for all Natural Hazards) through the application of the Propose Change 2 Natural Hazards Objective, Policies and Methods framework, including taking into account the submission points herein; and  
2. Provide the Appendix K – Methodology for risk assessment, testing outcomes to submitters for further submissions and comment; and  
3. For the hearings propose amendments to:  
a) The Appendix K – Methodology for risk assessment, requirements, and  
b) The Change 2 Policies, Methods and Appendices to address the issues raised through the risk assessment testing process and associated submitters concerns.  
Make consequential amendments.

Council Decision:	Accept in Part
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Submission Number:	30: 10	Submission Type:	Seek Amendment
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Submitter: Zariba Holdings Limited

Submission Summary: In the absence of Appendix K being robustly tested through the application of the Propose Change 2 Natural Hazards Objective, Policies and Methods framework we are unable to support the Appendix K methodology.  
The reasons for this include:  
1. We are concerned that this new untested approach to natural hazards management within the RMA framework will have un-anticipated, un-intended and potentially perverse outcomes that will be very costly and disruptive for both Councils' and private property owners and businesses alike.  
2. We are concerned about the scalability of the assessment criteria in Table 7, when applied on a natural hazard zone, planning study area or development site scale.  
3. We are concerned about the lack of weighting for the five types of consequence in Table 7, we believe they should be differently weighted with 'Health & Safety' having the highest weighting followed by 'Lifeline utilities' and 'Critical buildings'.  
4. We are concerned about how the Appendix K methodology is applied to natural hazard consequences that are gradual events eg coastal erosion.

Decision Sought: 1. Before any hearings or decisions on Change 2, thoroughly test the Appendix K – Methodology for risk assessment (for all Natural Hazards) through the application of the Propose Change 2 Natural Hazards Objective, Policies and Methods framework, including taking into account the submission points herein; and  
2. Provide the Appendix K – Methodology for risk assessment, testing outcomes to submitters for further submissions and comment; and  
3. For the hearings propose amendments to:  
a) The Appendix K – Methodology for risk assessment, requirements, and  
b) The Change 2 Policies, Methods and Appendices to address the issues raised through the risk assessment testing process and associated submitters concerns.  
Make consequential amendments.

Council Decision:	Accept in Part
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<b>Section: Paragraph 1 Compliance with Appendix K means...</b>	977
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### Council Decision

Amend first paragraph "Compliance with Appendix K..." (b) to read: "Use of a recognised risk assessment methodology included in a regional, city or district plan or recognised in the consideration of a resource consent application. This may include risk assessment methodologies incorporated in Regulations or industry codes of practice."

Amend the first sentence of second paragraph "Appendix K sets out ..." to read: "Appendix K sets out the default methodology to be used to analyse and evaluate risk where such analysis and evaluation is required under Policies NH 4A and NH 5B and no alternative methodology has been included in a relevant regional, city or district plan or is recognised in the consideration of a resource consent application."

### Reasons for Council Decision

17:20 The amendments provide appropriately formal recognition of alternative methodologies.

### Submissions

Submission Number:	17: 20	Submission Type:	Oppose
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Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: The methodology states:  
Compliance with Appendix K means:

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

(a) Use of Steps 1 to 5 below (the default methodology); or  
 (b) Use of a recognised risk assessment methodology approved by the Chief Executive of the Regional Council. This may include risk assessment methodologies incorporated in Regulations or industry codes of practice.  
 The Act does not provide for the approval process in (b) and there is no basis for the decision on alternative methods.  
 Significant weight should be given to completed assessment work and community engagement which has applied different methods in determining that a method is more appropriate.

Decision Sought: Amend the compliance requirement [by deleting "approved by the Chief Executive of the Regional Council "and inserting "that is evaluated as being more appropriate than the default methodology through the plan making (Section 32) or resource consent process (Section 88)"] as follows:  
 Compliance with Appendix K means:  
 (a) Use of Steps 1 to 5 below (the default methodology); or  
 (b) Use of a recognised risk assessment methodology that is evaluated as being more appropriate than the default methodology through the plan making (Section 32) or resource consent process (Section 88). This may include risk assessment methodologies incorporated in Regulations or industry codes of practice.  
 (c) Risk assessment work and community engagement completed by a local authority in the last 5 years that has applied different methods.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No:	15 - 50	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	16 - 50	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	17 - 50	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 11B2 Trust		
Submission Summary:	Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 50 Submission Type: Support in Part  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: Subject to our submissions on Appendix K and Table 7, we support these submissions subject to a thorough testing of the Appendix K and Table 7 methodology and the changes proposed through these submissions.

Decision Sought:

Council Decision: Accept in Part

### Section: Paragraph 4 Therefore in respect...

978

#### Council Decision

Amend paragraph four to read: "Therefore in respect of the matters such as those listed above, compliance with Appendix K requires judgement by the suitably qualified and experienced practitioner carrying out the assessment."

#### Reasons for Council Decision

25:41 The amendment provides a necessary elaboration of whose judgement is required.

#### Submissions

Submission Number: 25: 41 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: The fourth paragraph on p29 states 'compliance with Appendix K requires judgement.' The intention of who provides this judgement requires clarification.  
Decision Sought: Amend [by inserting "by suitably qualified and experienced practitioners"] as follows:  
'Therefore, in respect of the matters such as those listed above, compliance with Appendix K requires judgement by suitably qualified and experienced practitioners.'  
Make consequential amendments.

Council Decision: Accept in Part

#### Further Submission(s)

Further Submission No: 13 - 42 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision: Accept

### Section: Paragraph 3 The maximum risk...

979

#### Council Decision

Replace "x" with "L[MR subscript]" in Paragraph 3.  
Replace "x" with "L[MR subscript]" in Figure 2.

#### Reasons for Council Decision

17:21 The figure has been relabelled to remove ambiguity.

#### Submissions

Submission Number: 17: 21 Submission Type: Seek Amendment



# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

980

**Section: Primary analysis (Steps 1-4)**

## Council Decision

Include new method 24A as follows:

"Method 24A: Provide guidance on taking a risk management approach to natural hazards

"Provide guidance to local authorities in the application of this Statement's risk management approach to the avoidance or mitigation of natural hazards.

"Implementation responsibility: Regional council"

## Reasons for Council Decision

35:16 The guidance requested is to be published in stages: interim guidance on selected implementation issues to be available when decisions on submissions are notified; a full Appendix K User Guide to be available when PC2 is made operative.

## Submissions

Submission Number: 35: 16 Submission Type: Support in Part

Submitter: Rotorua District Council

Submission Summary: The practicality around implementing the primary and secondary analysis is unclear. A guidance document would be required to assist district councils in implementing these methods.

Decision Sought: Provide a guidance document to assist district councils in implementing these methods.

Council Decision: Accept

## Further Submission(s)

Further Submission No: 15 - 101 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our original submission on Appendix K, we support this submission seeking a guidance document be provided with regard to the implementation of Appendix K.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 16 - 101 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Subject to our original submission on Appendix K, we support this submission seeking a guidance document be provided with regard to the implementation of Appendix K.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 17 - 101 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Subject to our original submission on Appendix K, we support this submission seeking a guidance document be provided with regard to the implementation of Appendix K.

Decision Sought:

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No:	18 - 101	Submission Type:	Support in Part
Further Submitter:	Ford Land Holdings Pty		
Submission Summary:	Subject to our original submission on Appendix K, we support this submission seeking a guidance document be provided with regard to the implementation of Appendix K.		
Decision Sought:			

Council Decision:	Accept in Part
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### Section: Table 6 Likelihoods for initial risk assessment

981

#### Council Decision

No change.

#### Reasons for Council Decision

18:21 and 25:42 Tsunami ARIs equivalent to the listed AEPs correspond with the values used in the following authoritative reports (available on the GNS Science website):  
 Power, W. L. (compiler). 2013. Review of Tsunami Hazard in New Zealand (2013 Update), GNS Science Consultancy Report 2013/ 131. 222 p., and its companion:  
 Power, W.L. 2013. Tsunami hazard curves and deaggregation plots for 20km coastal sections, derived from the 2013 National Tsunami Hazard Model. GNS Science Report 2013/59. 547 p.  
 These are the top 2 reports under "More info:" on this page:  
<http://www.gns.cri.nz/Home/Our-Science/Natural-Hazards/Tsunami>

#### Submissions

Submission Number:	18: 21	Submission Type:	Seek Amendment
Submitter:	Carrus Corporation Limited		
Submission Summary:	Table 6 — why is Tsunamis ARI in Column B Set at 2500 whereas all the other ARI in that range are 3000?		
Decision Sought:	Amend to 3000.		

Council Decision:	Reject
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#### Further Submission(s)

Further Submission No:	13 - 74	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.		
Decision Sought:			

Council Decision:	Reject
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Further Submission No:	14 - 28	Submission Type:	Support in Part
Further Submitter:	Property Council New Zealand (Bay of Plenty Branch)		
Submission Summary:	(Support in part submission points 18-20 to 18-26). Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 64 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 64 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 64 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 64 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 25: 42 Submission Type: Seek Amendment  
 Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: The Table 6 (p30) Column B upper limit ARI for Tsunami is 2,500 years, while the comparable ARI for Earthquake (Liquefaction) and Landslip (Seismic related) are 3,000 years. We are not aware of a reason for this to be different.  
 Decision Sought: Amend Column B upper limit ARI for Tsunami from 2,500 years to 3,000 years. Make consequential amendments.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 13 - 43 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision:	Reject
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

982

**Section: Step 2 - Determining potential consequences****Council Decision**

Insert "hazard" before "assessment area" in (a), (b) and (c).  
Delete "Note that ... in accordance with Policy NH 5B."

**Reasons for Council Decision**

18:22 Social and cultural buildings are included as a way of valuing consequences on social and cultural well-being. The definition within the deleted note has been amended and inserted in Appendix A Definitions as requested in 18:23 under Table 7.

25:44 The term "development site" and its definition as notified is preferred over those promoted by the submitter.

**Submissions**

Submission Number: 18: 22 Submission Type: Seek Amendment  
Submitter: Carrus Corporation Limited  
Submission Summary: With the proposed change in definitions, delete social and cultural buildings and these would be included as part of building.  
Decision Sought: Delete social and cultural building.

Council Decision: Reject

**Further Submission(s)**

Further Submission No: 13 - 75 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.  
Decision Sought:

Council Decision: Reject

Further Submission No: 14 - 29 Submission Type: Support in Part  
Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
Submission Summary: (Support in part submission points 18-20 to 18-26). Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 15 - 65 Submission Type: Support in Part  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
Decision Sought:

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 65 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 14 Trust  
Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 17 - 65 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
Decision Sought:

Council Decision: Accept in Part

Further Submission No: 18 - 65 Submission Type: Support in Part  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
Decision Sought:

Council Decision: Accept in Part

Submission Number: 25: 44 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Second bullet "The development site ...": As for our submissions herein on Policy NH 5B we submit that Appendix K should not be applied at a development site level in advance of City and District Council's identifying natural hazard risk management and mitigation measures that need to be implemented on a natural hazard zone or planning study area scale. We therefore submit that the bullet point referring to the development site requires amendment.  
Decision Sought: Second bullet "The development site ...": Amend [by deleting "development site" and inserting "development proposal " and "planning study area "] as follows:  
• 'The development proposal or planning study area (when risk assessment is undertaken in accordance with Policy NH 5B).'  
Make consequential amendments.

Council Decision: Reject

### Further Submission(s)

Further Submission No: 13 - 45 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Reject

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

**Section:** (a) The percentage of buildings...

983

## Council Decision

Insert "hazard" before "assessment area".

## Reasons for Council Decision

25:43 Social and cultural buildings are included as a way of valuing consequences on social and cultural well-being. Different percentages applying across the different building columns in Table 7 are a form of weighting.

## Submissions

Submission Number:	25: 43	Submission Type:	Seek Amendment
Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	We do not agree with buildings of social / cultural significance being used in Table 7 as a specific assessment criteria and having a consequence level rating equal to critical buildings. This does not make sense and the lack of scalability and weighting will lead to perverse outcomes.		
Decision Sought:	Delete item (a) regarding social / cultural buildings or reduce the percentage of affected buildings to greater than or equal to 50%. Make consequential amendments.		

Council Decision: Reject

## Further Submission(s)

Further Submission No:	13 - 44	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		
Decision Sought:			

Council Decision: Reject

**Section:** Paragraph 2 While the method...

984

## Council Decision

Remove emphasis from "must".

Delete "within a 50 year planning horizon" from first bullet point.

Reword second bullet point to read: "The hazard susceptibility area is greenfield land ..."

Reword third bullet point to read: "The hazard susceptibility area has been subject to previous quantitative ..."

## Reasons for Council Decision

Emphasis is unnecessary and potentially confusing.

25:45 The term "recent past" has the usual dictionary meaning. Deletion of "within a 50 year planning horizon" avoids use of an unnecessary and potentially confusing term.

Additional consideration of these submission points is included in clause 6.20 of the Supplementary Report on Submissions.

## Submissions

Submission Number:	25: 45	Submission Type:	Seek Amendment
Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	The first bullet point on p31 refers to 'the recent past' and 'a 50 year planning horizon' however there is no explanation or basis provided as to how this relates to Table 6 – Likelihoods for initial risk assessment.		
Decision Sought:	Amend the first bullet point on p31 to explain what is meant by 'the recent past' and how 'a 50 year planning horizon' relates to 'Table 6 – Likelihoods for initial risk assessment'. Make consequential amendments.		



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 13 - 46 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept in Part

### Section: Quantitative determination of consequences

985

### Council Decision

Under "Potential impacts on lives and safety" reword the heading and paragraph to read:  
"Potential impacts on lives and safety - matters (e) and (f)  
"Estimates of lives lost and injuries sustained will be based on particulars of the hazards and context (e.g. likely warning time of an event and provision for evacuation (including vertical evacuation), occupancy rates of buildings) and frequency of occupancy."

### Reasons for Council Decision

18:24 and 25:47 Inclusion of the expression "including vertical evacuation" provides a useful illustration of potential evacuation methods.  
35:15 Inclusion of the expression "frequency of occupancy" provides an appropriately more generic expression of the concept discussed.

### Submissions

Submission Number: 18: 24 Submission Type: Seek Amendment  
Submitter: Carrus Corporation Limited  
Submission Summary: Under the heading of "Potential impacts on lives and safety", make it clear as to what evacuation means.  
Decision Sought: Add the words "including vertical evacuation" after the word evacuation.

Council Decision: Accept

### Further Submission(s)

Further Submission No: 13 - 77 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept

Further Submission No: 14 - 31 Submission Type: Support in Part  
Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
Submission Summary: (Support in part submission points 18-20 to 18-26). Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
Decision Sought:

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 15 - 67 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 67 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 67 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 67 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 25: 47 Submission Type: Seek Amendment  
 Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: 'Potential impacts on lives and safety - matters (f) and (g)': [This] paragraph refers to the 'provision of evacuation'; we submit this should also include vertical evacuation.  
 Decision Sought: Amend [by inserting "(including vertical evacuation)"] as follows:  
 'Estimates of lives lost and injuries sustained will be based on particulars of the hazards and context (e.g. likely warning time of an event and provision for evacuation (including vertical evacuation), occupancy rates of buildings) and probability of an event occurring during periods of high occupancy.'  
 Make consequential amendments.

Council Decision:	Accept
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### Further Submission(s)

Further Submission No: 13 - 48 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 35: 15 Submission Type: Support in Part  
Submitter: Rotorua District Council  
Submission Summary: The last paragraph under 'Quantitative determination of consequences' states that "Estimates of lives lost ... will be based on ... probability of an event occurring during periods of high occupancy". There is no technical way to determine this. One can only assign a level of risk dependant on how often the building is occupied.  
Decision Sought: Amend the last paragraph under 'Quantitative determination of consequences' as follows or similar words: "Estimates of lives lost and injuries sustained will be based on particulars of the hazards and context (e.g. likely warning time of an event and provision for evacuation, occupancy rates of buildings) and probability of an event occurring during periods of high occupancyfrequency of occupancy.

Council Decision: Accept

### Further Submission(s)

Further Submission No: 15 - 100 Submission Type: Oppose  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: We oppose any amendment to the Appendix until after robust testing of the methodology has been undertaken and assessed.  
Decision Sought:

Council Decision: Reject

Further Submission No: 16 - 100 Submission Type: Oppose  
Further Submitter: Te Tumu Kaituna 14 Trust  
Submission Summary: We oppose any amendment to the Appendix until after robust testing of the methodology has been undertaken and assessed.  
Decision Sought:

Council Decision: Reject

Further Submission No: 17 - 100 Submission Type: Oppose  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: We oppose any amendment to the Appendix until after robust testing of the methodology has been undertaken and assessed.  
Decision Sought:

Council Decision: Reject

Further Submission No: 18 - 100 Submission Type: Oppose  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We oppose any amendment to the Appendix until after robust testing of the methodology has been undertaken and assessed.  
Decision Sought:

Council Decision: Reject

# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

**Section: Paragraph 3 A degree of discretion...**

986

## Council Decision

Under "Quantitative determination of consequences", "Potential impacts on buildings - matters (a) to (c)" add an additional sentence at the end of the paragraph beginning "A degree of discretion..." to read: "This will form part of arriving at "best estimates"."

## Reasons for Council Decision

25:46 Addition of the sentence to the paragraph clarifies the context by referencing the expression "best estimates" used in the first paragraph of this section.

## Submissions

Submission Number: 25: 46 Submission Type: Seek Amendment  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Quantitative determination of consequences (p31):  
The third paragraph (second column) refers in the first sentence to 'A degree of discretion...' and what "functionally compromised" means and then goes onto applying judgement.  
We submit that clarification is required that this judgement will be part of a 'qualitative assessment'.  
Decision Sought: Add the following to the end of the paragraph: 'This will form part of a qualitative assessment.' Make consequential amendments.

Council Decision: Accept in Part

## Further Submission(s)

Further Submission No: 13 - 47 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept in Part

**Section: Secondary analysis**

987

## Council Decision

Under Secondary Analysis insert "annual individual fatality risk" before "(AIFR)" in Step 5 heading.  
Amend last sentence in (c) (ii) to read: "Clauses (iii) and (iv) apply if the AIFR is less than  $1 \times 10$  [to the power of minus 4]."  
Amend (c) (iii) to read: "If the risk screening matrix categorises the risk from all secondary assessments as Low and the AIFR is less than or equal to  $1 \times 10$  [to the power of minus 5] the maximum risk is Low unless (iv) applies."  
Amend the first bullet point under (c) (iv) to read: "Medium if the AIFR is in the range between  $1 \times 10$  [to the power of minus 4] and  $1 \times 10$  [to the power of minus 6] ..."

## Reasons for Council Decision

35:17 Inclusion of Method 24A is a commitment to the ongoing provision of guidance. Interim guidance on selected implementation issues is to be available when decisions on submissions are notified; a full Appendix K User Guide is to be available when Change 2 is made operative.

## Submissions

Submission Number: 35: 17 Submission Type: Support in Part  
Submitter: Rotorua District Council  
Submission Summary: The practicality around implementing the primary and secondary analysis is unclear. A guidance document would be required to assist district councils in implementing these methods.  
Decision Sought: Provide a guidance document to assist district councils in implementing these methods.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Council Decision: Accept

**Section: Step 5 - Iterate risk assessment and calculate AIFR if necessary**

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### Council Decision

Under Secondary Analysis insert "annual individual fatality risk" before "(AIFR)" in Step 5 heading.

### Reasons for Council Decision

13:10 Exercise of judgement in applying AIFR in a qualitative way for some hazards will be appropriate. The combination of the risk screening matrix (with its use of the Table 7 Consequence table) and AIFR provides an appropriate way of including population on a proportionate basis.

### Submissions

Submission Number: 13: 10 Submission Type: Oppose

Submitter: Tauranga City Council

Submission Summary: Opposes the use of AIFR as it is not useful for coastal erosion and inundation where life risk is likely to be low as people will retreat from the hazard as it manifests as it is a gradual process. While Annual Individual Fatality Risk (AIFR) may be appropriate for assisting with regional/district scale assessment of risk (e.g. Policy NH4A) it is less relevant for smaller scale assessments (such as Policy NH5B and NH7B) where population base is very small (a "development site" is defined in the RPS as comprising one Certificate of Title).

The requirement for medium and low is to calculate the AIFR, i.e. the predicted number of likely deaths. There is however no provision of other forms of average annual loss or risk mitigation or within this process, which TCC submits is a flaw.

AIFR is not useful for coastal erosion and inundation where risk to life is likely to be low as people will retreat from the hazard as it manifests as it is a gradual process.

Decision Sought: Develop risk curves for all category losses and provide for them within the policy.

Council Decision: Accept in Part

### Further Submission(s)

Further Submission No: 14 - 9 Submission Type: Support in Part

Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: We support the submitter's concerns raised in this submission, with regard to the use of AIFR in every natural hazard circumstance, subject to our original submissions on Appendix K.

Decision Sought:

Council Decision: Accept in Part

Further Submission No: 15 - 21 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: We support the submitter's concerns raised in this submission, with regard to the use of AIFR in every natural hazard circumstance, subject to our original submissions on Appendix K.

Decision Sought:

Council Decision: Accept in Part

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 16 - 21 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 14 Trust  
Submission Summary: We support the submitter's concerns raised in this submission, with regard to the use of AIFR in every natural hazard circumstance, subject to our original submissions on Appendix K.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 21 Submission Type: Support in Part  
Further Submitter: Te Tumu Kaituna 11B2 Trust  
Submission Summary: We support the submitter's concerns raised in this submission, with regard to the use of AIFR in every natural hazard circumstance, subject to our original submissions on Appendix K.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 21 Submission Type: Support in Part  
Further Submitter: Ford Land Holdings Pty  
Submission Summary: We support the submitter's concerns raised in this submission, with regard to the use of AIFR in every natural hazard circumstance, subject to our original submissions on Appendix K.

Decision Sought:

Council Decision:	Accept in Part
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### Section: (c) Where the initial assessment...Low

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#### Council Decision

Amend last sentence in (c) (ii) to read: "Clauses (iii) and (iv) apply if the AIFR is less than  $1 \times 10$  [to the power of minus 4]."  
Amend (c) (iii) to read: "If the risk screening matrix categorises the risk from all secondary assessments as Low and the AIFR is less than or equal to  $1 \times 10$  [to the power of minus 5] the maximum risk is Low unless (iv) applies."  
Amend the first bullet point under (c) (iv) to read: "Medium if the AIFR is in the range between  $1 \times 10$  [to the power of minus 4] and  $1 \times 10$  [to the power of minus 6] ..."  
Insert a new paragraph at the end of Step 5 to read: "If secondary or subsequent assessment indicates High or Medium risk, further iterative assessment may be undertaken to test the effect of alternative or additional mitigation options in an effort to reduce the risk level."

#### Reasons for Council Decision

18:25 The amendments clarify the application of the assessment.  
25:48 The amendments, including the addition of the new final paragraph that indicates a possible generic response to the findings of the assessment, provide additional clarity to the methodology.

#### Submissions

Submission Number: 18: 25 Submission Type: Seek Amendment  
Submitter: Carrus Corporation Limited  
Submission Summary: The assessment steps are not clear Step 5 (c), examples being  
- greater than  $1 \times 10$  [to the power of minus 4]  
- less than  $1 \times 10$  [to the power of minus 4]  
- less than  $1 \times 10$  [to the power of minus 5]  
It then means that  $10$  [to the power of minus 4] or  $10$  [to the power of minus 5] will never be used.  
The similar concern applies under (iv) where the test being applied is between  $10$  [to the power of minus 4] and  $1010$  [to the power of minus 6],  $10$  [to the power of minus 5] is the only applicable AIFR.  
Decision Sought: Amend the terminology used in Step 5 (c) of Appendix K; state range of  $10$  [to the power of minus 4] and  $10$  [to the power of minus 6].

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

### Further Submission(s)

Further Submission No: 13 - 78 Submission Type: Support

Further Submitter: TKC Holdings Ltd

Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 14 - 32 Submission Type: Support in Part

Further Submitter: Property Council New Zealand (Bay of Plenty Branch)

Submission Summary: (Support in part submission points 18-20 to 18-26). Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 68 Submission Type: Support in Part

Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd

Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 68 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 14 Trust

Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 17 - 68 Submission Type: Support in Part

Further Submitter: Te Tumu Kaituna 11B2 Trust

Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 68 Submission Type: Support in Part

Further Submitter: Ford Land Holdings Pty

Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.

Decision Sought:

Council Decision:	Accept in Part
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	25: 48	Submission Type:	Seek Amendment
Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	<p>The AIFR levels in part (c) in the second column on p33 require clarification to provide the correct ranges are referred to.</p> <p>(b) Step 5 (p33): With regard to the population in care it needs to be noted that where these areas exist within a wider planning study area or area under assessment, the fact that the initial and / or secondary assessment may be medium or high they can have separate risk reduction measures applied to drive these risks down to Low.</p>		
Decision Sought:	<p>Amend [by inserting "or equal to " in two places, "in the range from ", deleting "between ", inserting "in the planning study area or area under assessment" and "Note: Where (iv) applies the intention of the secondary assessment is that natural hazard risk mitigation measures (refer to Appendix L) will be applied to the population in care and further assessment carried out, to drive the AIFR down to Low. This will be an iterative process until a Low AIFR is achieved."'] as follows:</p> <p>(c) 'Where the initial assessment results in a risk level categorisation of Low:</p> <p>(i) Undertake secondary assessment by repeating steps 1-5 using the event likelihoods specified in Column B of Table 6.</p> <p>(ii) If the risk screening matrix categorises the risk from any secondary assessment as Medium, calculate the average annual individual fatality risk (AIFR) using the formula described in Step 5 (b) above. If the AIFR is greater than <math>1 \times 10^{-4}</math> (re-) categorise the risk as High. If the AIFR is less than or equal to <math>1 \times 10^{-4}</math> the level of risk is Medium.</p> <p>(iii) If the risk screening matrix categorises the risk from all secondary assessments as Low and the AIFR is less than or equal to <math>1 \times 10^{-5}</math> the maximum risk is Low unless (iv) applies.</p> <p>(iv) Despite (iii) above, if the risk screening matrix categorises the risk from all secondary assessments as Low, the level of risk is:</p> <ul style="list-style-type: none"> <li>• Medium if the AIFR is in the range from <math>1 \times 10^{-4}</math> and <math>1 \times 10^{-6}</math> when the population used for the calculation is limited to the population in care in the planning study area or area under assessment.</li> <li>• High if the AIFR is greater than <math>1 \times 10^{-4}</math>.</li> </ul> <p>Note: Where (iv) applies the intention of the secondary assessment is that natural hazard risk mitigation measures (refer to Appendix L) will be applied to the population in care and further assessment carried out, to drive the AIFR down to Low. This will be an iterative process until a Low AIFR is achieved.'</p> <p>Make consequential amendments.</p>		

Council Decision:	Accept in Part
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## Further Submission(s)

Further Submission No:	13 - 49	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		
Decision Sought:			

Council Decision:	Accept in Part
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<b>Section: Table 7 - Consequence Table with qualitative and quantitative descriptions</b>	990
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### Council Decision

Amend Catastrophic Lifelines utilities cell to read: "A lifeline utility service is out for > 1 month..." and after "OR out" delete "of service".

Amend Major Lifelines utilities cell to read: "A lifeline utility service is out for 1 week ..." and after "OR out" delete "of service".

Amend Moderate Lifelines utilities cell to read: "A lifeline utility service is out for 1 day..." and after "OR out" delete "of service".

Amend Minor Lifelines utilities cell to read: "A lifeline utility service is out for 2 hours..." and after "OR out" delete "of service".

Amend Insignificant Lifeline utilities cell to read: "A lifeline utility service is out for up to 2 hours..." and after "OR out" delete "of service".

Amend the first bullet to read: "... a lifeline utility that predominantly or exclusively serves a population ..."

Delete second bullet point "the term "hazard assessment area" means the..."

### Reasons for Council Decision

2:8 The additional detail sought is more appropriate for guidance than in a regional policy statement. Inclusion of Method 24A is a commitment to the ongoing provision of guidance. Interim guidance on selected implementation issues is to be available when decisions on submissions are notified; a full Appendix K User Guide is to be available when Change 2 is made operative.

13:9 The Table 7 consequences derive from national guidance and reflect that not all consequences are readily quantifiable. The policy framework does not prevent those preparing city and district plans from using additional consequence factors.



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

18:23 Relocation of the definition, amended, in Definitions is appropriate.

18:26 Social and cultural buildings are included as a way of valuing consequences on social and cultural well-being.

25:49 1 Scalability is provided by the assessment relating to the hazard assessment area. 2 Different percentages applying across the different building columns in Table 7 are a form of weighting. Cells in the same row have the same weight. 3 Social and cultural buildings are included as a way of valuing consequences on social and cultural well-being. 4 Use of the term "hazard assessment area" provides guidance in the exercise of judgement.

5 The note at the foot of the Table provides guidance for lifeline utilities. 6 The methodology allows appropriate judgement to take into account gradual events. 7 Judgement is already provided for. 8 The definition has been relocated to Definitions and amended. The definition is preferred over those promoted by the submitter.

Additional consideration of these submission points is included in clauses 6.22, 6.23 and 6.24 of the Supplementary Report on Submissions.

### Submissions

Submission Number:	2: 8	Submission Type:	Support in Part
Submitter:	Waikato Regional Council		
Submission Summary:	<p>Lifeline utility consequence and corresponding risk. The resilience of land based and road links to and from the bay, primarily the Port) with implications for both the Waikato and Bay of Plenty economy if these are affected by a natural hazard. The currently methodology in Appendix K does not prioritise the lifeline utility by the consequence of a loss of service on the Waikato and Bay of Plenty economy. There also needs to be an assessment of prioritisation between different life line utilities and also within a life line utility i.e. comparing the consequence of loss of service of electricity compared to transportation, or a power substation compared to transformer.</p>		
Decision Sought:	Provide further assessment/methodology on the consequence of a life line utility's loss of service.		

Council Decision:	Reject
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### Further Submission(s)

Further Submission No:	15 - 5	Submission Type:	Support in Part
Further Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	<p>We support the inclusion of lifeline utility consequence and corresponding risk (by loss of service) weighting in the Appendix methodology subject to achieving our original submission points on the application of Appendix K and Table 7 particularly its lack of being adequately tested and the weighting of the Table 7 consequences.</p>		
Decision Sought:			

Council Decision:	Accept in Part
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Further Submission No:	16 - 5	Submission Type:	Support in Part
Further Submitter:	Te Tumu Kaituna 14 Trust		
Submission Summary:	<p>We support the inclusion of lifeline utility consequence and corresponding risk (by loss of service) weighting in the Appendix methodology subject to achieving our original submission points on the application of Appendix K and Table 7 particularly its lack of being adequately tested and the weighting of the Table 7 consequences.</p>		
Decision Sought:			

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 5 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We support the inclusion of lifeline utility consequence and corresponding risk (by loss of service) weighting in the Appendix methodology subject to achieving our original submission points on the application of Appendix K and Table 7 particularly its lack of being adequately tested and the weighting of the Table 7 consequences.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 5 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We support the inclusion of lifeline utility consequence and corresponding risk (by loss of service) weighting in the Appendix methodology subject to achieving our original submission points on the application of Appendix K and Table 7 particularly its lack of being adequately tested and the weighting of the Table 7 consequences.

Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 13: 9 Submission Type: Oppose  
 Submitter: Tauranga City Council  
 Submission Summary: Table 7 does not provide guidance to enable qualitative assessment to be made, and its focus is predominantly on quantitative assessment. The policy however does not rule out qualitative assessment to be made but this appears not to be a factor through the assessment process. Table 7 is seriously deficient with respect to the elements of the environment which are encapsulated within the definition of the term "environment" within the Act and the body of supporting case law. The policy should include consideration of the impact of natural hazards on environmental and cultural values. Such a policy should also be in line with Policy 25, 26 and 27 of the NZCPS (2010) and also taking into account the level of knowledge and certainty on natural hazards (Policy 3 and 24 of the NZCPS).

Decision Sought: Provide for a potential range of other issues than the current three matters requiring assessment within Table 7 of Appendix K that should be provided for, including:

- Direct and indirect losses to households;
- Clean Up costs;
- Reinstatement costs;
- Contents Damage;
- Associated vehicle damage;
- Social and community effects;
  - a. Societal vulnerability/deprivation (especially in relation to existing developed areas)
- Recreation;
- Public health risks from insanitary buildings and inundation of sewage
  - a. Environmental effects;
  - b. Damage to public utilities and infrastructure; and
  - c. Emergency services and related costs.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 7 - 12 Submission Type: Oppose  
 Further Submitter: Whakatane, Opotiki and Kawerau District Councils  
 Submission Summary: Building losses are a reasonable indicator of hazard risk level and are likely to correlate well with overall risk evaluation. While other factors are recognised, they are mostly subsidiary to building losses and may be hard to predict (e.g. vehicle damage).

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 10 - 2 Submission Type: Support in Part  
 Further Submitter: Director General of Conservation  
 Submission Summary: The requested expansion of the matters to be assessed on Table 7 is supported, as it recognises the concept of social, environmental and economic harm required by Policy 25 (a) NZCPS.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 20 Submission Type: Oppose  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: We oppose the detailed level of assessment sought to be included in Appendix K / Table 7, subject to our original submissions on Appendix K and Table 7.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 16 - 17 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We support the submitters concerns raised in this submission, subject to our original submission on this Policy seeking amendments to the Policy.

Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 20 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: We oppose the detailed level of assessment sought to be included in Appendix K / Table 7, subject to our original submissions on Appendix K and Table 7.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 17 - 20 Submission Type: Oppose  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: We oppose the detailed level of assessment sought to be included in Appendix K / Table 7, subject to our original submissions on Appendix K and Table 7.

Decision Sought:

Council Decision:	Accept
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Further Submission No: 18 - 20 Submission Type: Oppose  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: We oppose the detailed level of assessment sought to be included in Appendix K / Table 7, subject to our original submissions on Appendix K and Table 7.

Decision Sought:

Council Decision:	Accept
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 18 - 66 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 18: 26 Submission Type: Seek Amendment  
 Submitter: Carrus Corporation Limited  
 Submission Summary: [Delete] the reference to social and cultural building.  
 Decision Sought: Delete social and cultural building from Table 7.

Council Decision:	Reject
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### Further Submission(s)

Further Submission No: 13 - 79 Submission Type: Support  
 Further Submitter: TKC Holdings Ltd  
 Submission Summary: (Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.  
 Decision Sought:

Council Decision:	Reject
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Further Submission No: 14 - 33 Submission Type: Support in Part  
 Further Submitter: Property Council New Zealand (Bay of Plenty Branch)  
 Submission Summary: (Support in part submission points 18-20 to 18-26). Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 15 - 69 Submission Type: Support in Part  
 Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 16 - 69 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 14 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Further Submission No: 17 - 69 Submission Type: Support in Part  
 Further Submitter: Te Tumu Kaituna 11B2 Trust  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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Further Submission No: 18 - 69 Submission Type: Support in Part  
 Further Submitter: Ford Land Holdings Pty  
 Submission Summary: Subject to our submissions on Appendix K and Table 7 and robust testing of the Appendix K methodology, we support the submitters concerns raised in these submissions.  
 Decision Sought:

Council Decision:	Accept in Part
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Submission Number: 25: 49 Submission Type: Seek Amendment  
 Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
 Submission Summary: Amend Table 7 to address the following issues:  
 1. We are concerned about the scalability of the assessment criteria in Table 7, when applied on a natural hazard zone, planning study area or development proposal scale.  
 2. We are concerned about the lack of weighting for the five types of consequence in Table 7, we believe they should be differently weighted with 'Health & Safety' having the highest weighting followed by 'Lifeline utilities' and 'Critical buildings'.  
 3. We do not agree with buildings of social / cultural significance being used in Table 7 as a specific assessment criteria and having a consequence level rating equal to critical buildings. This does not make sense and the lack of scalability and weighting will lead to perverse outcomes.  
 4. The application on an area basis as it relates to a natural hazard zone, planning study area or development site scale and the various Policies, requires clarity as this impacts the scalability of assessments using this Table.  
 5. The Lifeline Utility catchment areas, with regard to how they are applied to a natural hazard zone, planning study area or development site scale and the various Policies, requires clarity as this impacts assessments using this Table.  
 6. We are concerned about how the 'lifeline utilities' definition is applied in an assessment using Table 7 and the Table 7 'Note' regarding the "town/city population" and catchment of people served by a lifeline utility as a broad interpretation and assessment will lead to perverse assessment outcome. It needs to be made clear that qualitative judgement will be required to establish the 'critical' lifeline utilities that are to be assessed in each instance.  
 7. Consistent with our submission on Policies NH 5B and NH 7B herein, the Table 7 'Note' regarding the term "hazard assessment area" requires amendment to change the development site reference.

Decision Sought: Amend Table 7: Consequences table with qualitative and quantitative descriptions, to address the following issues:  
 1. The lack of scalability of the assessment criteria when applied to a natural hazard zone, planning study area or development site scale.  
 2. The lack of weighting between the five types of consequences.  
 3. The use of buildings of social / cultural significance as a separate consequence type. Delete the social / cultural building consequence type and consider these building together with the general 'Buildings' consequence type.  
 4. The area basis applied to the Table for each relevant Policy, as this is currently confusing.  
 5. The area basis applied to the Lifeline utilities consequences type as this potentially creates perverse outcomes for smaller assessment areas.  
 6. How natural hazard consequences that are gradual events eg coastal erosion are to be assessed using this Table.  
 7. Add a 'Note' under Table 7 as follows:  
 • 'to establish the critical 'lifeline utilities' that are to be assessed qualitative judgement will need to be applied as not all parts of the 'lifeline utilities' definition need to be considered in every assessment.'  
 8. Amend the second bullet point to the 'Note' to Table 7 [by deleting "site " and inserting "proposal, planning study area " and "NH 5B, "] as follows:  
 • 'the term "hazard assessment area" means the development proposal, planning study area or natural hazard zone whichever is applicable under Policies NH 5B, NH 6B and NH 7B.'  
 Make consequential amendments.

Council Decision:	Reject
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

### Further Submission(s)

Further Submission No:	13 - 50	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	(Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.		

Decision Sought:

Council Decision:	Reject
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### Section: Figure 3 Appendix K Methodology for Risk Assessment Flow Chart

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### Council Decision

Amend the flow chart to show the secondary assessment path and steps as a direct flow on from the primary assessment.  
 Amend Step 1 to read: "Step 1: Select from Table 6 Column A the likelihood applicable to the natural hazard"  
 Insert Steps 5 and 6 for each of the Low, Medium and High Risk levels.  
 Insert a new final box to read: "Apply natural hazard policy framework and rerun risk assessment with further risk reduction measures as required for compliance with policy."  
 Delete the "Key".

### Reasons for Council Decision

13:11 and 25:50 The replacement flow chart provides clearer guidance.  
 18:27 The replacement flow chart provides clearer guidance. The replacement flow chart was provided for consideration in the testing.

### Submissions

Submission Number:	13: 11	Submission Type:	Oppose
Submitter:	Tauranga City Council		
Submission Summary:	<p>Figure 3 Appendix K methodology for Risk Assessment Flow Chart seeks to outline the process steps for each stage. This combines the first assessment process (Risk Screening Matrix) and the second process (AIFR). The entire process as set out is confusing and difficult to navigate given the complexity of the process steps.</p> <p>It is further recognised that the flow chart refers to Table 20. It is believed that this should refer to Table 7. Further, a review of each of the flow chart boxes requires checking as there appears to be an error within at least one of these (i.e. second process on AIFR – 'Is the AIFR determined as part of a secondary assessment less than 1x10 [to the power of minus 4]. Should this not be 1x10 [to the power of minus 5]?)</p>		
Decision Sought:	TCC submits that a full review of Figure 3 Appendix K Methodology for Risk Assessment Flow Chart be undertaken to ensure the process steps and information contained within the flow chart are accurate. It is proposed that the flow diagram be separated into two, so that there are two flow charts for each of the processes. This will aid in usability of the flow diagram.		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	7 - 19	Submission Type:	Support
Further Submitter:	Whakatane, Opotiki and Kawerau District Councils		
Submission Summary:	The Councils have made submissions seeking changes that may also need to be included in a review.		

Decision Sought:

Council Decision:	Accept in Part
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## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number:	18: 27	Submission Type:	Seek Amendment
Submitter:	Carrus Corporation Limited		
Submission Summary:	<p>The table references in Stage 1 and Step 2 and 3 are incorrect. The flow chart is confusing combining the first and second assessments. The flow chart needs to be tested as part of the testing for appendix K. As we have tried on a number of occasions and can only keep on getting to medium the way the AIFR's are stated.</p>		
Decision Sought:	<p>Amend Table 6 and Table 7 respectively. Have two flow charts showing these assessments. Have the flow charts tested as part of the overall testing of Appendix K and make the information known well before the hearing.</p>		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 80	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	<p>(Supports in full points 18-1 to 18-27). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to Carrus Corporation and therefore supports their submissions.</p>		
Decision Sought:			

Council Decision:	Accept in Part
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Submission Number:	25: 50	Submission Type:	Seek Amendment
Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd		
Submission Summary:	<p>The flow chart has a number of issues which require amendment. These issues include:</p> <ol style="list-style-type: none"> <li>1. Correcting table references.</li> <li>2. Addressing our submissions detailed herein.</li> <li>3. Testing of the flow chart, as currently we cannot get past a medium level of risk for the secondary AIFR assessment.</li> <li>4. Confusion between the initial and secondary AIFR assessments.</li> </ol>		
Decision Sought:	<p>Amend and test Figure 3 : Appendix K Methodology for Risk Assessment Flow Chart, to address the following issues:</p> <ol style="list-style-type: none"> <li>1. Correct table references.</li> <li>2. Address our submissions as detailed herein.</li> <li>3. Check the table works for all scenarios.</li> <li>4. Confusion between initial and secondary AIFR assessments. The flow chart should be split in two flow charts, one for an initial AIFR assessment and one for a secondary AIFR assessment to address this. Make consequential amendments.</li> </ol>		

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 51	Submission Type:	Support
Further Submitter:	TKC Holdings Ltd		
Submission Summary:	<p>(Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.</p>		
Decision Sought:			

Council Decision:	Accept in Part
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Chapter: Appendix L - Natural Hazards Risk Reduction Measures

992

Section: Appendix L - Natural Hazards Risk Reduction Measures

992

## Council Decision

Delete "without recourse to hard defensive structures" from the end of (b).

Insert new measure (as (b1) in the Proposed Change) to read: "Promoting the use of natural defences against coastal hazards and discouraging hard protection structures;"

Delete "The provision of" from the beginning of (d).

Amend (f) to read: "Restoration, retention or enhancement of natural defences against natural hazards (e.g. dunes and wetlands) as part of development proposals and promotion of the sustainable functioning of such natural defences to reduce the risk to existing development."

Delete "Requiring" from the beginning of (g).

Delete "Requiring" from the beginning of (h).

## Reasons for Council Decision

7:6 Inclusion of the additional text provides appropriate additional guidance.

15:3 Inclusion of Appendix L in formal policies is not necessary to achieve adoption of the most appropriate measures. This is a level of detail that can be included in regional, city and district plans for which the section 32 evaluation requires assessment of the extent to which provisions are the most appropriate.

17:24 Amendments reflect the status of this appendix as being guidance rather than formal policy. Further options may be included in guidance.

Inclusion of Method 24A is a commitment to the ongoing provision of guidance. Interim guidance on selected implementation issues is to be available when decisions on submissions are notified; a full Appendix K User Guide is to be available when Change 2 is made operative. Additional consideration of this submission point is included in clause 6.25 of the Supplementary Report on Submissions.

25:51 Support is acknowledged.

## Submissions

Submission Number:	7: 6	Submission Type:	Seek Amendment
Submitter:	Te Arawa ki Tai Trust		
Submission Summary:	There should be emphasis on mitigating natural hazard risks where major technological changes to the environment have made some communities vulnerable. Protecting dune systems is an action in the coastal plan and should be made mandatory in a Natural Hazards [Proposed Change] where communities are vulnerable and as a sensible and obvious mitigation measure. Environmental resilience needs to be given a position of priority in this [Proposed Change].		
Decision Sought:	Refer to "Potential risk reduction methods" in Appendix L, for example: "Build environmental resilience as a mitigation of potential natural hazards by sustainably restoring coastal dunes".		

Council Decision: Accept in Part

Submission Number:	15: 3	Submission Type:	Seek Amendment
Submitter:	Royal Forest and Bird Protection Society NZ (Bay of Plenty Branches)		
Submission Summary:	Appendix L is referred to in the Explanations of Policies 7B and 8A. Appendix L states that the options set out are for information purposes only. This means that none of its provisions have to be considered and therefore its guidance is limited.		
Decision Sought:	Incorporate Appendix L into the policy framework by requiring the adoption of the most appropriate measures to the circumstances or other amendment to achieve policy direction from the Appendix.		

Council Decision: Reject

## Further Submission(s)

Further Submission No:	1 - 9	Submission Type:	Oppose
Further Submitter:	Powerco Limited		



## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 17: 24 Submission Type: Seek Amendment

Submitter: Whakatane, Opotiki and Kawerau District Councils

Submission Summary: The list of risk reduction options is generally supported. The heading is not accurate. Some options state that the option is "required" which could be misconstrued as a rule. Option d refers to "without recourse to hard defensive structures" which may only be relevant to "soft" coastal environments.

Decision Sought: Amend Appendix L [by deleting "Risk Reduction Measures " and inserting "Risk Treatment Options", deleting "Ensuring ", "; without recourse to hard defensive structures", "The provision of ", "Requiring ", "Requiring the ", "Requiring " and "Requiring smart "] as follows:  
Appendix L – Natural Hazards Risk Treatment Options  
The most appropriate solution to avoid or reduce natural hazard risk will likely be specific to the natural hazard and to the locality in which it occurs. However, there are various options available. The following list is not exclusive and included here for information purposes only.  
(a) New subdivision and development avoids specific hazard locations;  
(b) Replacement or modification of existing development over time to reduce potential consequences.  
(c) Providing only for low intensity activities in specific locations;  
(d) Setbacks and undeveloped buffer land within areas of new subdivision and development;  
(e) Use of relocatable or recoverable structures;  
(f) Restoration, retention or enhancement of natural defences against natural hazards (e.g. dunes and wetlands) as part of development proposals;  
(g) Property-specific works (e.g. debris nets and slope stability works) as part of development proposals (excepting that community scale hard protection structures should be avoided in the coastal environment) ;  
(h) Urban and building design (e.g. heights of building platforms, retention or reinstatement of stormwater overland flow paths, hazard resilient buildings and construction materials); and  
(i) Ensuring new development anticipates possible hazard event emergencies and provides means to enable effective responses by people and communities including requiring:  
(i) Hazard warning systems; and/or  
(ii) Urban form and transport infrastructure (including for motor vehicles, cycles and pedestrians) that enables rapid and efficient evacuation; and/or  
(iii) Provision for, and safeguarding of, safe and accessible evacuation routes and zones (including, where appropriate, vertical evacuation zones).

Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No: 4 - 2 Submission Type: Oppose

Further Submitter: Sustainable Matata Incorporated

Submission Summary: The use of building platforms in debris flow/flood areas only makes it worse for existing homes. Don't build in proven debris flow/flood areas.

Decision Sought:

Council Decision:	Reject
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Further Submission No: 10 - 3 Submission Type: Other

Further Submitter: Director General of Conservation

Submission Summary: Oppose in part. The wording 'without recourse to hard defensive structures' is considered appropriate to give effect to Policy 25(d) NZCPS.

Decision Sought:

Council Decision:	Reject
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# Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Submission Number: 25: 51 Submission Type: Support  
Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: The Natural Hazard Risk Reduction measures detailed in Appendix L assist the reader in the application of the Change 2 Policy framework and Appendix K.  
Decision Sought: Adopt Appendix L as notified.

Council Decision: Accept in Part

## Further Submission(s)

Further Submission No: 13 - 52 Submission Type: Support  
Further Submitter: TKC Holdings Ltd  
Submission Summary: (Supports in full submission points 25-1 to 25-52).The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.  
Decision Sought:

Council Decision: Accept in Part

## Chapter: Appendix M - The Natural Hazards Risk Management Policy Framework

993

## Section: Appendix M - The Natural Hazards Risk Management Policy Framework

993

### Council Decision

Insert an extra step at the beginning of the flow chart (Figure 4): "Establish the context (Policy framework 2.8, 2.8.1, Objective 23, Policies NH 1B, NH 2B, Appendix M Policy Framework"  
Separate the "Risk identification" step from the "Risk analysis and evaluation" steps.  
Split flow chart into two and add references to Policy NH 5B and Policy NH 5B(a) to the "Risk analysis and evaluation" row.  
Add reference to Policy NH 9B to the Risk treatment steps.  
Make consequential changes to improve the logic and style of the flow diagrams as shown in the decisions version of Proposed Change 2.

### Reasons for Council Decision

17:25 Amendment provides a more comprehensive link with NZS 31000.  
25:52 Appendix M: is referred to in 2.8; is consistent with the framework amended to reflect test results; is relocated to be referred to earlier in the policy framework (but not yet re-referenced).

### Submissions

Submission Number: 17: 25 Submission Type: Seek Amendment  
Submitter: Whakatane, Opotiki and Kawerau District Councils  
Submission Summary: Appendix M goes some way toward demonstrating the alignment of the stages within the NZS 31000 process with the Natural Hazard policies.  
However, this does not include all of the Natural Hazard Policies.  
Decision Sought: Amend appendix to include reference to all Natural Hazard Policies [refer to submission for tabulated detail]

Council Decision: Accept

## Further Submission(s)

Further Submission No: 15 - 54 Submission Type: Support in Part  
Further Submitter: Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd  
Submission Summary: Subject to our submission on Appendix M, we support this submission seeking that the Appendix reference all of the Natural Hazard Policies.

## Proposed Change 2 (Natural Hazards) to the RPS Council Decisions on Provisions with Submissions and Further Submissions

Decision Sought:

Council Decision:	Accept
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Further Submission No:	16 - 54	Submission Type:	Support in Part
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Further Submitter:	Te Tumu Kaituna 14 Trust
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Submission Summary:	Subject to our submission on Appendix M, we support this submission seeking that the Appendix reference all of the Natural Hazard Policies.
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Decision Sought:

Council Decision:	Accept
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Further Submission No:	17 - 54	Submission Type:	Support in Part
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Further Submitter:	Te Tumu Kaituna 11B2 Trust
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Submission Summary:	Subject to our submission on Appendix M, we support this submission seeking that the Appendix reference all of the Natural Hazard Policies.
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Decision Sought:

Council Decision:	Accept
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Further Submission No:	18 - 54	Submission Type:	Support in Part
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Further Submitter:	Ford Land Holdings Pty
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Submission Summary:	Subject to our submission on Appendix M, we support this submission seeking that the Appendix reference all of the Natural Hazard Policies.
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Decision Sought:

Council Decision:	Accept
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Submission Number:	25: 52	Submission Type:	Seek Amendment
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Submitter:	Te Tumu Landowners Group, Te Tumu Kaituna 14 & 11B2 Trusts, Ford Land Holdings Pty Ltd
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Submission Summary:	<p>The Natural Hazard Risk Management Policy Framework in Appendix M is helpful however amendments are required to address the following:</p> <ol style="list-style-type: none"> <li>1. Appendix M should be referenced in the introduction (section 2.8) to assist the reader in the application of the Change Policy framework.</li> <li>2. Appendix M requires amendment and testing to address our submissions herein.</li> <li>3. Appendix M should be relocated so it is in front of Appendix K as it will assist in the interpretation of Appendix K.</li> </ol>
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Decision Sought:	<p>Amend Appendix M: Natural Hazards Risk Management Policy Framework, to address the following issues:</p> <ol style="list-style-type: none"> <li>1. Reference Appendix M in the introduction to this section of the RPS – section 2.8.</li> <li>2. Test and amend Appendix M to address our submissions herein.</li> <li>3. Relocate Appendix M so it is before Appendix K and re-reference accordingly.</li> </ol> <p>Make consequential amendments.</p>
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Council Decision:	Accept in Part
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### Further Submission(s)

Further Submission No:	13 - 53	Submission Type:	Support
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Further Submitter:	TKC Holdings Ltd
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Submission Summary:	(Supports in full submission points 25-1 to 25-52). The further submitter owns or has interest in land on Matakana Island. The further submitter faces similar issues under Proposed Change 2 (Natural Hazards) to the Te Tumu Landowners Group and therefore supports their submissions.
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Decision Sought:

Council Decision:	Accept in Part
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