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Natural Hazards

8. Natural Hazards

Explanatory Statement

While acknowledging the *Council's* statutory responsibilities, this section recognises the constraints imposed by the nature of some potential hazards affecting the Western Bay of Plenty District as well as the limitations of the level of existing information.

Areas considered most at risk from coastal erosion and inundation are those already developed for urban purposes and which adjoin the open coastline (e.g. Waihi Beach - Bowentown, Pukehina). The stretches of coastline concerned have been the subject of a detailed study commissioned by *Council*. The study findings are reflected in that land identified on the District Planning Maps as being within the 'Coastal Protection Area'.

The Coastal Protection Area has been divided into two parts, the Primary Risk Area and the Secondary Risk Area. The Primary Risk Area includes all private properties within the Coastal Protection Area that are considered to be subject to an immediate threat from coastal hazards. The Secondary Risk Area includes all land in the remainder of the Coastal Protection Area. All private property within the Secondary Risk Area is likely to be affected by coastal hazards at some future time but within the next 100 years.

The main area of known land instability is in the Minden where there exists land with the potential to slip when saturated. These and other potentially unstable areas have been identified on the District Planning Maps.

Heavy rain is a common feature of the Bay of Plenty Region and this may increase with global climate change. Low-lying areas, especially those in proximity to watercourses are at risk from inundation, scour and sedimentation. Within established urban areas land known to be susceptible to flooding exists in parts of Waihi Beach, Katikati, Te Puke and Pukehina. Again, such land has been identified on the Planning Maps.

Land identified on the Planning Maps as being at risk from the foregoing hazards is subject to various controls on *development* either through District Plan rules or other methods outside the District Plan. In many cases because of the quality of existing information such identification is very 'broad brush' and where more detailed study of specific areas eliminates land from the identified potential hazard then otherwise complying *development* will be able to proceed through the resource or building consent processes without additional restriction (e.g. consent or Section 74 Building Act 2004 notices). Nevertheless there are some areas where *Council* has good information on the level of hazard risk and in these areas it is considered appropriate to control the intensification of *development*.

The Western Bay of Plenty adjoins the Taupo Volcanic Zone and is therefore considered to be subject to a high risk from earthquakes as well as at risk from volcanic eruptions originating from outside the *District*. Notwithstanding the limitations of addressing these potential natural hazards through the District Plan, much is achievable in terms of public education and preparedness through other methods such as emergency management plans.

8.1 Significant Issues

1. The Western Bay of Plenty District is subject to a range of actual or potential natural hazards which will or may adversely affect human life, property or other aspects of the environment. The principal hazards affecting the *District* are coastal erosion and inundation, tsunami, land instability, flooding, earthquake, and volcanic eruption.
2. Areas actually or potentially under threat from such natural hazards as coastal erosion and land instability can be identified in advance. Specific areas more at risk than others from some hazards such as earthquakes and volcanic eruptions are more difficult to identify in advance and the potential effects of the hazards themselves so widespread and devastating that avoidance or control through the District Plan is not realistically possible.
3. Some areas now known to be at risk from actual or potential hazards have already been developed for urban purposes.
4. Some natural hazard avoidance, remedial, or mitigation measures have the potential to adversely impact on natural character and on significant ecological values existing within the coastal and other environments.

8.2 Objectives and Policies

8.2.1 Objectives

1. Minimisation of the threat of natural hazards to human life and the natural and physical environment.
2. Protection of the existing natural character of the coastal environment and other natural features having recognised ecological, landscape or other significance to the *District*.

8.2.2 Policies

1. Adopt the best practicable options (including the 'do nothing' option) in the management of areas actually or potentially at risk from natural hazards and where possible adopt avoidance rather than mitigation or remedial measures.
2. Control or prevent the establishment of activities which have the potential to increase the extent to which natural hazards have or may have an adverse effect on human life or the natural or built environment.
3. Enable the *development* or redevelopment of land already subdivided or otherwise developed for urban purposes in areas now known to be at risk from natural hazards only where any likely adverse effects can be avoided or appropriately mitigated.
4. Ensure that new subdivision, land use activities or other *development* is located and designed so as to avoid the need for further hazard protection works.
5. Ensure that where hazard protection works are necessary their form, location and design are such as to avoid or mitigate potential adverse environmental effects.
6. Enable natural ecosystems in currently undeveloped areas to migrate inland as a result of dynamic coastal processes (including sea level rise as predicted by recognised national or international agencies).
7. Encourage the conservation and enhancement of natural features such as sand dunes and *wetlands* which have the capacity to protect existing developed land.
8. Prevent the use of concrete and block work foundations, floors and *walls* in the Primary Risk Area.

8.3 Activity Lists

The following rules apply to those activities which are located within Natural Hazard Features identified on the District Planning Maps.

8.3.1 Permitted Activities

- (a) *Buildings/Structures within an Approved Building Site*
- (b) *Buildings/Structures within Stability Area - Minden C*

8.3.2 **Controlled Activities**

(a) Stability Areas – Minden

Subdivision where all of the proposed *privateways* and building sites are within Stability Area - Minden C

8.3.3 **Restricted Discretionary Activities**

8.3.1

(a) Coastal Protection Area – Secondary Risk

(i) *Buildings/Structures not within an Approved Building Site*

(b) Floodable Areas

(i) *Buildings/Structures not within an Approved Building Site*

(ii) *Earthworks over 5m³*

(iii) *Closed board fences, retaining walls, raised gardens, concrete and block walls*

(c) Stability Areas – Minden (A, B1, B2 & U)

(i) *Buildings/Structures not within an Approved Building Site*

(ii) *Subdivision, except if in accordance with 8.3.2 (a).*

(iii) *Filling, excavation and other *development**

(iv) *Vegetation removal*

(v) *Disposal of stormwater and wastewater*

~~Notwithstanding anything to the contrary in the provisions of the zone in which it is situated, where land is within the areas specified in clauses (a), (b) and (c) following, the activities listed shall be Restricted Discretionary:~~

~~(a) **The Coastal Protection Area as defined on the Planning Maps**~~

~~New *buildings* and external additions to *buildings* within the Secondary Risk Area of the Coastal Protection Area which requires a building consent under the Building Act 2004. The Secondary Risk Area is defined as that area shown on the District Planning Maps.~~

~~— An application for resource consent under this rule shall be considered without the need to obtain the written approval of affected persons, without notification, and without the need to serve notice provided the activity meets all relevant performance standards.~~

~~(b) **Floodable areas as identified on the Planning Maps**~~

~~— *Buildings* or external additions to *buildings*, the erection of any *structures* including closed board fences, retaining walls, raised gardens and concrete block walls, or *earthworks* over 5m³.~~

~~— The Council will restrict the exercise of its discretion to the extent to which the activity affects the capacity and functioning of ponding areas and on-overland flow paths.~~

~~(c) **Minden Stability Areas**~~

~~— *Building*, subdivision or other *development* including excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated (see Section 8.4.2).~~

Except that:

~~— Subdivision is provided for as a Controlled Activity in accordance with Rule 17.3.2 (c).~~

~~— *Buildings* and external additions to *buildings* are provided for as Permitted Activities within an *Approved Building Site* in accordance with Rule 17.3.1 (m).~~

~~An application for resource consent under (a), (b) and (c) above shall be considered without the need to obtain the written approval of affected persons, without notification, and without the need to serve notice provided the activity meets all relevant performance standards.~~

8.3.4 Discretionary Activities

8.3.2

(a) Coastal Protection Areas

- (i) *Buildings/Structures* not within an *Approved Building Site*
- (ii) Construction of new public roads
- (iii) *Reticulated Infrastructure*
- (iv) Coastal and river protection works including groynes and sea walls
- (v) Subdivision within the Coastal Protection Area - Open Coastline

(vi) Buildings/Structures within the identified access yard

(b) Stability Areas – Landslip and General

- (i) Buildings/Structures not within an Approved Building Site
- (ii) Subdivision
- (iii) Construction of new roads
- (iv) Reticulated Infrastructure

~~Notwithstanding anything to the contrary in the provisions of the zone in which it is situated, where land is:~~

- ~~• Within the Primary Risk Area of the Coastal Protection Area as defined on the Planning Maps; or~~
- ~~• Within any land instability area identified on the Planning Maps; or~~
- ~~• Adjoining the open coastline, zoned Rural and within 100m of MHWS.~~

~~The following shall be Discretionary Activities:~~

- ~~(a) New buildings and external additions to buildings (except as provided for in 8.3.1, or where new building or external addition is to be located on a platform which has been approved as the result of a subdivision consent that complies with Rule 12.4.1) which requires a building consent under the Building Act 2004.~~
- ~~(b) Subdivision except as specified in Rule 8.3.1(c), 8.3.3(b) and 8.3.4(b).~~
- ~~(c) Construction of new or currently unformed existing public roads.~~
- ~~(d) Reticulated community or communal sewerage and water supply systems, including associated pumping stations, treatment works, and other ancillary equipment or facilities.~~
- ~~(e) Coastal and river protection works including groynes, seawalls, and stopbanks except where the Regional Council consent is obtained. In this case they will be permitted.~~

8.3.5 Non-Complying Activities

8.3.3

~~Notwithstanding anything to the contrary in the provisions of the zone in which it is situated where land is within the Primary Risk Area of the Coastal Protection Area, the following will be a Non-Complying Activity:~~

- (a) Coastal Protection Area – Primary Risk
 - (i) Minor dwellings

- (ii) Additional dwellings
- (iii) Education Facilities for no more than four persons
- (iv) Accommodation Facilities for no more than four persons

(b) Coastal Protection Area – Secondary Risk

- (i) Subdivision (excluding minor boundary adjustments)

Explanatory Note:

For the purpose of this rule, minor boundary adjustments means an adjustment of boundary between two adjoining *lots* and which will not increase the risk or potential risk to existing *buildings* or future *buildings* from coastal erosion or inundation.

~~(a) More than one dwelling (including a minor dwelling), and accommodation and educational facilities as provided for in Rule 13.3.1.~~

~~Notwithstanding anything to the contrary in the provisions of the zone in which it is situated where land is within the Secondary Risk Area of the Coastal Protection Area, the following will be a Non-Complying Activity:~~

~~(b) Subdivision within the Secondary Risk Area (excluding minor boundary adjustments):~~

8.3.6 Prohibited Activities

8.3.4

(a) Coastal Protection Areas

~~(a) (i)~~ Fixed (i.e. non-portable) solid waste management facilities including sanitary landfills and the disposal of *hazardous substances* (public or private) in the Primary and Secondary Risk Areas.

~~(b) (ii)~~ Subdivision (excluding minor boundary adjustments) within the Primary Risk Area of the Coastal Protection Area. See Rule ~~8.3.3(b)~~ 8.3.5 (b) for definition of minor boundary adjustment.

8.4 Matters of Control

8.4.1 Controlled Activities – Subdivision and Buildings within Stability Area - Minden C

Council reserves control over the following matters

- (a) Protecting each *lot* and surrounding *lots* from instability or erosion by:
 - (i) Managing *earthworks* within the site.
 - (ii) Controlling the location and formation of building sites, roads, accessways, tracks or *privateways* within the subdivision.
 - (iii) Controlling the location and type of wastewater and stormwater treatment and disposal systems.
 - (iv) Detailing requirements for the retention or planting of vegetation including species selection that will help stabilize any cut slope or fill batter.
 - (v) Requiring the collecting and piping of stormwater, or its management by way of soakage or discharge to ground or to natural waterways, including the collection of roof water, as appropriate. The preference is for collection and discharge of stormwater to the base of gulleys at a rate that mimics natural catchment flow rates.
 - (vii) Avoiding erosion or natural hazards or mitigating these hazards when they cannot be avoided;
- (b) Building sites should be set back from existing waterbodies and ephemeral flowpaths to the extent that any risks to buildings from instability and flooding are avoided.
- (c) For subdivision and *development* in the Minden Stability Areas regard shall be had to the stability information requirements in Rule 8.6.

8.5 8.4 Matters of Discretion

8.5.1 Restricted Discretionary Activities

8.5.1.1 Coastal Protection Areas

- (a) Extent to which the *building* is relocatable, taking into account the design, location and access to remove the *building*
- (b) Types of building materials used, avoidance of the use of concrete and block wall foundations, *walls* and flooring
- (c) *Buildings/structures* should be located as far away from the hazard as possible
- (d) Any new information or assessment undertaken by a suitably qualified person/s which confirms that the land is not in fact subject to the natural hazard concerned.
- (e) The potential environmental effects of or likely to result from the proposal.

8.5.1.2 Floodable Areas

- (a) The effect of the proposed *buildings/structures* on the capacity of ponding areas and overland flow paths
- (b) The design of the *building/structure*
- (c) The appropriate minimum finished floor level of the proposed *building/structure*
- (d) Verifiable new information which demonstrates that the subject site is not in fact under threat from flooding.

8.5.1.3 Stability Areas – Minden A, B1, B2 & U

Council shall have regard to the following matters in addition to 8.4.1:

- (a) Subdivision shall be accompanied by a geotechnical report prepared by a suitably qualified person showing a building site capable of being approved and confirming as a minimum that:
 - (i) *Earthworks* required in forming each building site and access roads and/or *privateways* in the subdivision shall avoid or mitigate adverse effects on the stability of the land within the site and will have no adverse effects on the stability of adjacent land.
 - (ii) Each building site will be required to be set back an appropriate distance, as recommended by a geotechnical engineer, from any terraces or steep slopes to the extent that there are no adverse effects on the stability of the land or any adjacent land.
 - (iii) Stormwater and wastewater systems can be constructed and operated within each *lot* with no adverse effects on the stability of the adjacent land.
 - (iv) For subdivision and *development* in the Minden Stability Areas regard shall be had to information requirements in Rule 8.6

~~**8.4.1 Restricted Discretionary and Discretionary Activity Criteria**~~

~~Council will have particular regard to:~~

- ~~(a) The proposed avoidance, remedial, or mitigation measures relating to the identified hazard.~~

~~For 8.3.1(a) these measures include:~~

- ~~(i) The provision of an access yard of at least 6.0m as shown on the Planning Maps (this is to enable the creation of alternative legal access should the seaward road be removed);~~
- ~~(ii) The extent to which the entire *building* is relocatable (design, location of *building* on site, practical access for relocation);~~
- ~~(iii) Prevent the use of concrete and block wall foundations, flooring and *walls*.~~

~~For 8.3.2(a) these measures include:~~

- ~~(iv) New *buildings* or significant redevelopment of existing *buildings* should be situated as far back from the sea as is practicable to provide the greatest distance between the hazard and the building. In determining what is practicable the location of adjacent *buildings* will be taken into account; and~~
- ~~(v) Additions or alterations to any *building* should be landward of the existing *building*;~~
- ~~(vi) The extent to which the entire *building* is relocatable (design, location of *building* on site, practical access for relocation);~~
- ~~(vii) Prevent the use of concrete and block wall foundations, flooring and *walls*.~~

~~And~~

- ~~(b) The potential environmental effects of or likely to result from the proposal including those relating to any measures referred to in (a) above.~~
- ~~(c) The effect of proposed *buildings* or other works on the capacity of ponding areas and on floodwater flow paths.~~
- ~~(d) The extent to which the proposal addresses any identified natural hazard in a way that enables the existing natural character of the coastal environment and other natural features having recognised ecological, landscape or other significance to the *District* to be protected.~~
- ~~(e) Verifiable new information which demonstrates that any land within an area identified on the District Planning Maps as potentially subject to natural hazard is not in fact under threat from the hazard concerned.~~

8.5.2 Discretionary/Non Complying Activities

The matters 8.4.1 and 8.5.1 and the following matters shall be used as a guide for assessing Discretionary Activities and Non-Complying Activities:

(a) Stability Areas

- (i) The design, location and materials of the Building/structure
- (ii) The extent to which the proposal addresses any identified natural hazard.
- (iii) Any verifiable information which confirms that the property is in fact not under any threat from the hazard.
- (iv) For subdivision and development in the Minden Stability Areas regard shall be had to information requirements in Rule 8.6.

(b) Coastal Protection Areas

- (i) The design, location and materials of the Building/Structure.
- (ii) Additions and alterations to existing buildings should be landward of the existing building.
- (iii) New buildings or significant redevelopment of existing buildings should be situated as far back from the toe of the fore dunes as practicable.
- (iv) The extent to which the proposal addresses any identified natural hazard.
- (v) The impact that the proposal will have on the natural character of the coastal environment, recognizing the ecological values of the dune area, and dune restoration.
- (vi) Any verifiable information which confirms that the property is in fact not under any threat from the hazard.

- (vii) Scientific information from a suitably qualified coastal expert which demonstrates that the land within the Secondary Risk Area of the Coastal Protection Area is not under any actual or potential risk from coastal hazard. For the purpose of meeting this rule any assessment of coastal hazards shall include those standards outlined in the Bay of Plenty Regional Coastal Environment Plan.
- (viii) The degree to which the ability of buildings or structures to be relocated is affected.
- (ix) The degree to which the physical risk to buildings or structures from coastal erosion can be avoided and coastal inundation can be avoided or mitigated.

8.6 8.4.2 Stability Requirements - The Minden Lifestyle Structure Plan Area

The Minden Lifestyle Structure Plan area is divided into ~~four~~ five stability risk areas i.e. A, B1, B2, C and U Stability Areas (see Planning Maps). The following provisions set out a description of each stability area followed by the stability requirements applying to *development* in that area.

(a) Stability Area A

Description

'An area in which processes or factors have been identified which indicate that past or active erosion or mass movement is evident or is likely to occur and which presents or may present an identifiable hazard to *structures* within the delineated area'.

Area A may be summarised as land subject to or likely to be subject to instability.

Stability Assessment

Building, subdivision or other *development* including excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will not be permitted unless the following documentation is produced to the satisfaction of the *Council*.

Geomorphological and geological evidence and a 'stability analysis' demonstrating that the proposed *development* area will not be subject to instability or be inundated by debris from upslope, and how the proposed *development* will ensure that any *structure* will not become damaged by land slippage arising on or off the site.

A **stability analysis** shall include:

- (i) Topographical Survey (if not already available);
- (ii) Definition of the nature and continuity of the strata over the whole area of land involved and to a depth below which slipping is most unlikely, by means of test pits and/or continuous recovery core drilling;
- (iii) Definition of the density, effective stress shear strength parameters, residual shear strength parameters and the sensitivity of the soil in each stratum in which sliding is possible;
- (iv) Definition of ground water levels and piezometric pressures in the strata during extreme infiltration conditions;
- (v) Analysis of possible mechanisms of failure, relevant to the specific geomorphology of the site using effective stresses;
- (vi) A professional opinion as to the stability of the ground.

Even with a thorough stability analysis, complete avoidance of all risk cannot be obtained and no guarantee of safety expected.

(b) Stability Area B1

Description

'Area B1 is land where mass movement is evident or where the slope gradient is such that instability or erosion could occur, particularly if developed'.

Area B1 may be summarised as land potentially subject to instability.

Stability Assessment

Building, subdivision or other development including excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will not be permitted unless the following documentation is produced to the satisfaction of the *Council*.

Geomorphological and geological evidence and a 'stability analysis' as outlined in 8.6(a) demonstrating that the proposed *development* area will not be subject to instability or be inundated by debris from upslope, and how the proposed *development* will ensure that any *structure* will not become damaged by land slippage on or off the site.

Restrictions on and requirements for subdivision, *building* or other *development* are the same as for Area A but it shall be sufficient to demonstrate that the risks of instability and damage are at an acceptable level.

(c) Stability Area B2

Description

'Area B2 is land where the slope gradient is such that instability is not considered likely to occur, and no mass movement is evident, but is similar to land where instability and erosion has occurred elsewhere in the Western Bay of Plenty in similar materials due to cutting and/or filling and/or on site disposal of stormwater'.

The risk of instability or erosion is greater in areas delineated B1 than B2.

Area B2 may be summarised as land potentially subject to instability but less so if there is no onsite disposal of sewage or stormwater concentration, no significant vegetation removal, no significant cutting or filling.

Stability Assessment

Buildings, subdivision or other *development* such as excavation, filling, removal of vegetation (excluding noxious plants), disposal of stormwater or domestic wastewater into or over the area delineated will be allowed to proceed only if supported by the following documentation to the satisfaction of the *Council*.

A 'stability assessment' demonstrating that the proposed *development* will not result in the risks of instability or damage being at an unacceptable level.

A stability assessment shall include:

- (i) Topographical Survey (if not already available);
- (ii) Definition of the nature and continuity of the strata over the whole area of land involved and to a depth below which slipping is most unlikely, by means of test pits and/or drilling, and/or auguring;

- (iii) Assessment of the density, relative strength and the sensitivity of the soil in each stratum in which sliding is possible;
- (iv) Assessment of ground water levels and piezometric pressures in the strata during extreme infiltration conditions;
- (v) A professional opinion as to the stability and instability of the ground.

A stability assessment is likely to be sufficient where there will be no significant interference with existing vegetation, no cutting or filling in excess of 0.5m in depth and no in ground disposal of stormwater runoff.

(d) Stability Area C

Description

'Area C is land not considered to be at risk from instability. A stability analysis or stability assessment ~~investigations~~ would not generally be required'.

Council reserves control however over a number of matters relating to subdivision and *development* to ensure the protection of each *lot* and surrounding lots from any potential instability or erosion.

(e) Stability Area U

'Area U is land that has not undergone geotechnical analysis and therefore the risk of instability is uncertain'.

Because of this unknown risk, all subdivision and *development* occurring within Area U requires Restricted Discretionary resource consent and applications must be accompanied by a specific stability analysis to determine the level of risk and appropriate mitigation measures.

~~8.4.3 Activity Performance Standards – Non-Complying Activity Criteria~~

~~————— Council will have particular regard to:~~

- ~~(a) ————— Scientific information from a suitably qualified coastal expert which demonstrates that the land within the Secondary Risk Area of the Coastal Protection Area is not under any actual or potential risk from coastal hazard. For the purpose of meeting this rule any assessment of coastal hazards shall include those standards outlined in the Bay of Plenty Regional Coastal Environment Plan.~~

~~(b) The degree to which the ability of *buildings or structures* to be relocated is affected.~~

~~(c) The degree to which the physical risk to *buildings or structures* from coastal erosion can be avoided and coastal inundation can be avoided or mitigated.~~

8.7 ~~8.6~~ Other Methods

8.7.1 Building Act 2004

Where as a result of stability investigations the land in question is found to be subject to or likely to be subject to slippage, but the building work itself will not accelerate or worsen the situation or affect other land, then *Council* may grant a building consent subject to the title being notated that the land is subject to or is likely to be subject to slippage pursuant to Section 72 of the Building Act 2004.

This will be used to exercise control over *buildings* within identified hazard prone areas. Such controls may include restrictions relating to building design and damage liability. Information on known site specific potential natural hazards will be recorded on *Council's* Geographic Information System and provided with all Project and Land Information Memoranda.

8.7.2 Coastal Protection Works

The *construction*, repair and *maintenance* of coastal protection structures such as sea walls and the implementation of 'dune care' programmes will be achieved pursuant to *Council's* powers under other legislation including the Reserves Act 1977 and the Local Government Act 1974.

Resource consents from the *Regional Council* are required for any coastal protection works within the coastal marine area (i.e. below *MHWS*).

8.7.3 Earthworks and Vegetation Removal

Consents to these activities are likely to be also required from the *Regional Council*.

8.7.4 Civil Defence

Civil Defence plays an important education role. This, along with the emergency management plans is aimed at mitigating potential hazards as well as preparedness for emergencies.