

## Submission on notified proposal for plan, change or variation

**In accordance with clause 6 of Schedule 1, Resource Management Act 1991**

To: District Plan  
Whangarei District Council  
Private Bag 9023  
Te Mai  
Whangārei 0143

[dpconsult@wdc.govt.nz](mailto:dpconsult@wdc.govt.nz)

*This form may be used to make a submission on a proposed plan, plan change or variation.*

### 1 Submitter

Full name of submitter: Jo Horrocks -Toka Tū Ake EQC

Address for Service:

*Include authorised agent  
details as applicable*

Phone: Email: [resilience@eqc.govt.nz](mailto:resilience@eqc.govt.nz)

### 2 Submission

This is a submission on the following plan change (the proposal):

- Plan Change 1 – Natural Hazards to the Operative in Part District Plan 2022.

**I could gain an advantage in trade competition through this submission** ☐ Yes ☒ No

*If yes, please answer the below:*

I am directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

☐ Yes ☐ No

**The specific provisions of the proposal that my submission relates to are:**

*Give details (attach extra pages as required)*

We generally support the provisions in the proposed plan change, but there are some specific provisions which we think it is particularly important to voice our support, which we support only in part and have further comments on, and which we oppose. These are attached in table format with our recommendations

**My submission is: as attached**

*Tick those that apply:*

- ☐ I support the specific provisions
- ☐ I oppose the specific provisions
- ☐ I wish to have the specific provisions amended

*Outline the reasons for your views (attach extra pages as required)*

Provision	Support/ Oppose/ Amend	Reasoning and recommendations
Definitions	Amend	<p>We seek that the council add childcare facilities, schools, community centres, places of worship, and emergency service facilities to the definition of “vulnerable activities”.</p> <p>These activities either involve large numbers of potentially vulnerable people or are required to be operative in the immediate aftermath of a natural hazard event. In addition, schools, community centres and places of worship often act as natural evacuation points during an emergency, and places where people gather after an event. It is therefore important that such activities are restricted in areas at risk from natural hazards.</p>
NH-O1	Support	We support the objective that risks associated with natural hazards and their impacts on people, property, infrastructure and the environment are appropriately identified, assessed and managed.
NH-O2	Support	We support avoiding inappropriate subdivision, land use and development, particularly vulnerable activities, in areas subject to natural hazard risk.
NH-O3	Support	We support avoiding locating vulnerable activities in areas of high hazard risk, and we support building resilience to potential impacts from natural hazards.
NH-O4	Support	We support only providing for infrastructure in areas at risk from natural hazards where there is a functional or operational need to locate in the area.
NH-O5	Support	We support maintaining, protecting, restoring and enhancing natural buffers and natural defences against natural hazards, and ensuring that new development does not compromise existing natural buffers and natural defences.
NH-O6	Support	We consider it important to account for the potential effects of climate change on natural hazard risk when managing subdivision, land use and development.
NH-P2	Support	<p>We support managing natural hazard risk to an appropriate level giving consideration to:</p> <ol style="list-style-type: none"> <li>1. The nature, frequency and scale of the natural hazard(s) present within the site.</li> <li>2. The existing and potential risks and adverse effects to people, property, infrastructure and the environment within and beyond the site.</li> <li>3. The location and design of land use and development, including safe access to building platforms.</li> <li>4. The nature, scale, location and design of earthworks and vegetation clearance activities.</li> <li>5. The proposed use of the site, including location of vulnerable activities.</li> <li>6. The ability to adapt to long term changes in natural hazards.</li> </ol>
NH-P3	Support	We support requiring assessment of natural hazard risk by a suitably qualified and experienced person prior to subdivision, use and development of land
NH-P4	Support	<p>We support reducing natural hazard risk by:</p> <ol style="list-style-type: none"> <li>1. Directing vulnerable activities to locations outside of land subject to high risk natural hazards.</li> <li>2. Locating subdivision, use and development so that hazard risk is not transferred to, or increased for other properties.</li> <li>3. Requiring measures to reduce the risk from natural hazard events to people, property, and the environment.</li> </ol>
NH-P6	Support in part	<p>We consider it important to require subdivisions which are exposed to coastal hazards, including inundation and tsunami, to be designed to facilitate safe and efficient evacuation.</p> <p>However, we understand that a number of issues exist with regards to the installation and maintenance of tsunami sirens. Tsunami sirens are only one of a number of options to notify and evacuate people in the event of a tsunami. They are vulnerable to electrical failure and damage from earthquake, and as</p>

		<p>such should not be solely relied upon to initiate action in the event of a tsunami. There is also some concern from Fire and Emergency NZ that people are unable to distinguish the sirens used for tsunami awareness from fire and other emergency sirens<sup>1</sup>.</p> <p>The effective use of tsunami sirens requires comprehensive public education to ensure that communities know what the sirens mean and what they are expected to do when they activate. Loudspeaker PA systems which can broadcast instructions are considered by the National Emergency Management Agency to be more effective than signal only sirens (Leonard et al 2008). Toka Tū Ake EQC considers that CDEM guidelines<sup>2</sup> and technical standards<sup>3</sup> should be followed when considering the installation of tsunami sirens. Sirens should also be accompanied by comprehensive public education about how to respond to both tsunami sirens and natural warning signs (e.g. earthquakes), and tsunami evacuation routes.</p>
NH-P7	Support	<p>We support restricting the establishment of new infrastructure on land susceptible to natural hazards to infrastructure which has a functional or operational need to exist there. We also consider it important to design infrastructure which is in areas at risk from natural hazards to be resilient and retain function during and after a natural hazard event, and account for the effects of climate change in this design.</p>
NH-P9	Amend	<p>We support subdivision plans identifying building platforms that will not be subjected to inundation within the 1% AEP flood area. However, we disagree with allowing building platforms which will not be subjected to “material damage” in a 1% AEP flood, and allowing buildings which will not be subject to “material damage” in a 1% AEP flood within the 10% AEP flood hazard area.</p> <p>We do not consider that “material damage” as defined by the Council (situations where damage has occurred to the extent that repair or replacement requires a building consent under the Building Act) adequately accounts for the for the damage to wellbeing, property and financial assets that flooding and associated sediment inundation can cause, even when the structural integrity of the building is not compromised.</p> <p>Additionally, we suggest that the wording of this provision and others in the Plan is amended to reflect that the flood hazard management areas are based on 1% and 10% year AEP. The current “100 year” wording is inconsistent with other parts of the plan that refer to AEP, is often misinterpreted, and could cause confusion.</p>
NH-P10	Support	<p>We support the requirement of additions to existing buildings to have a minimum freeboard above the 1% AEP flood level, and avoiding intensification in areas vulnerable to a 1% AEP flood.</p> <p>We also support incorporating flood resilience into redevelopment design but wish to note that flooding which does not cause structural damage still has significant negative effects on wellbeing, mental health and finances.</p> <p>Additionally, we suggest that the wording of this provision and others in the Plan is amended to reflect that the flood hazard management areas are based on 1% and 10% year AEP. The current “100 year” wording is inconsistent with other parts of the plan that refer to AEP, is often misinterpreted, and could cause confusion.</p>
NH-P13	Support	<p>We support locating greenfield subdivision, land use and development away from areas at risk from coastal hazards, particularly CEHA0, CEHA1, CFHA0 and CFHA1.</p> <p>We support accounting for the effects on climate change on coastal hazards which may affect greenfield subdivision.</p>
NH-P14	Amend	<p>We support minimising coastal hazard risk in areas with existing development and land use.</p> <p>However, we consider that intensification of existing development within areas at high risk from coastal hazards (i.e. within the CFHA0, CFHA1, CEHA0 and CEHA1) should be <b>avoided</b>, rather than “managed”.</p>
NH-P20	Support	<p>We support identification of land instability hazards using a combination of</p>

<sup>1</sup> Morris, B. and Leonard, G. 2013. *The use of sirens for tsunami warnings in New Zealand*, Prepared for the Ministry of Civil Defence and Emergency Management.

<sup>2</sup> <https://www.civildefence.govt.nz/cdem-sector/guidelines/national-tsunami-advisory-and-warning-plan/>

<sup>3</sup> <https://www.civildefence.govt.nz/resources/tsunami-warning-sirens/>

		topography, underlying geological characteristics, and historical landslide events.
NH-R7	Support	<p>We support restricted discretionary status for new infrastructure, subject to a report prepared by a suitably qualified and experienced person, is provided to the Council which confirms and demonstrates that:</p> <ol style="list-style-type: none"> <li>The infrastructure has been designed to maintain its integrity and functionality in a natural hazard event; and</li> <li>The infrastructure will not exacerbate natural hazards onsite or on other properties</li> </ol> <p>We support matters of discretion including:</p> <ol style="list-style-type: none"> <li>The functional and/or operational need to locate within a hazard area.</li> <li>Other practicable alternative locations.</li> <li>Any exacerbation of the hazard or creation of a new land instability hazard as a result of the infrastructure.</li> <li>The degree to which the infrastructure can maintain its integrity and function during a natural hazard event.</li> <li>Evacuation routes and the ability to maintain emergency access.</li> <li>The extent to which hazardous substances will be exposed to risk from natural hazards.</li> </ol>
NH-R10	Support	<p>We support restricted discretionary status for New Buildings or Major Structures and extensions or alterations that increase the GFA of existing buildings in 100-year Flood Hazard Area.</p> <p>We support matters of discretion including:</p> <ol style="list-style-type: none"> <li>The nature of the activity being undertaken and its vulnerability to the potential effects of flooding.</li> <li>Whether there is a functional need or operational need for the building, major structure or activity to be located within the Flood Hazard Area.</li> <li>The proposed use of, necessity for, and design of engineering solutions (soft or hard) to mitigate the hazard.</li> <li>The use of the building or major structure, including the storage and use of hazardous substances, and any management/ mitigation requirements associated with that use;</li> </ol>
NH-R11	Support	<p>We support restricted discretionary status for New Buildings or Major Structures or extensions or alterations that increase the GFA of existing buildings in 10 year Flood Hazard Area</p> <p>Where:</p> <ol style="list-style-type: none"> <li>The building or major structure does not accommodate a vulnerable activity (<i>including residential</i>).</li> <li>The building or major structure does not alter or divert an overland flow path and cause flooding of another property.</li> </ol> <p>We support non-complying status when compliance is not achieved</p>
NH-R13	Support	We support restricted discretionary status fir Extensions and Alterations to Buildings and Major Structures in areas of moderate or high susceptibility to land instability hazards where the alteration or modification creates a new vulnerable activity.
NH-R14	Support	<p>We support restricted discretionary status for new habitable buildings in areas of moderate or high susceptibility to land instability hazards, and requiring a report or certificate, which has been prepared by a suitably qualified and person to be provided.</p> <p>We support matters of discretion including:</p> <ol style="list-style-type: none"> <li>Effects on the stability of land and structures, and the potential to create new or exacerbate existing land instability hazards.</li> <li>The degree of risk of land instability within the site and surrounding sites, including the increased vulnerability to occupants or users of the site where the intended use is a vulnerable activity.</li> <li>The functional need or operational need for infrastructure to locate within areas of high susceptibility to land instability hazards.</li> <li>The design, location, construction, and maintenance of buildings and major structures so that they are resilient to land instability hazards.</li> <li>The extent to which hazardous substances will be exposed to land instability hazards.</li> <li>Recommendations, proposed conditions, and remediation or mitigation measures of the geotechnical survey and the site suitability report.</li> </ol>

NH-REQ1	Support	We support requiring a site-specific assessment of the flood hazard and risk associated with the proposed development from a suitably qualified and experienced person for all sites subject to, or potentially subject to flood hazard
NH-REQ2	Support	We support requiring a site-specific assessment of the land instability and risk associated with the proposed development from a suitably qualified and experienced person for resource consent in areas of moderate or high susceptibility to land instability.
SUB-R2a	Support	We support controlled status for subdivision of land within or containing an area of moderate or high susceptibility to land instability hazards where subdivision is undertaken for boundary adjustment, the creation of esplanade strips or esplanade reserves, or the provision for network utilities, and restricted discretionary status for subdivision which does not achieve compliance.
SUB-R2d	Support	We support controlled status for subdivision of land within or containing a Coastal Erosion or Coastal Flooding Hazard Area(s) where subdivision is undertaken for boundary adjustment, the creation of esplanade strips or esplanade reserves, or the provision for network utilities, or building platforms are not proposed to be located within the CEHA0, CEHA1, CEHA2, CFHA0, CFHA1 or CFHA2. We support discretionary status for subdivision which does not achieve compliance.
SUB-R2e	Support	We support controlled status for subdivision of land within or containing a Flood Hazard Area where no additional sites are created, no additional capacity is created for residential units that could be constructed as a permitted activity on the site in accordance with the underlying zone provisions, or undertaken for the purpose of the creation of esplanade strips or esplanade reserve.
SUB-R2f	Amend	<p>We support restricted discretionary status for subdivision of land within or containing a Flood Hazard Area which does not achieve compliance with SUB-R2e, where all proposed sites are capable of containing a complying 100m<sup>2</sup> building platform that will not be inundated in a 1% AEP flood, newly created sites are located and designed so that they do not divert flood flow onto other properties or otherwise result in any increase in flood hazard beyond the site, and any private road, right of way or accessway must be located where the depth of flood waters in a 1% AEP flood event do not exceed 200mm above ground level.</p> <p>However, we disagree with allowing building platforms which will not be subjected to “material damage” within the 1% AEP flood area, and allowing buildings which will not be subject to “material damage” in a 1% AEP flood within the 10% AEP flood hazard area”</p> <p>We do not consider that “material damage” as defined by the Council (situations where damage has occurred to the extent that repair or replacement requires a building consent under the Building Act) adequately accounts for the for the damage to wellbeing, property and financial assets that flooding and associated sediment inundation can cause, even when the structural integrity of the building is not compromised.</p> <p>Additionally, we suggest that the wording of this provision and others in the Plan is amended to reflect that the flood hazard management areas are based on 1% and 10% year AEP. The current “100 year” wording is inconsistent with other parts of the plan that refer to AEP, is often misinterpreted, and could cause confusion</p>
EARTH-O3	Support	We support the objective that earthworks do not create, contribute to or exacerbate land instability or mining subsidence risk onsite or on other property.
EARTH-P4	Support	<p>We support managing the risks associated with earthworks in areas subject to land instability or mining subsidence hazards giving consideration to:</p> <ol style="list-style-type: none"> <li>1. The nature, frequency and scale of the natural hazard(s) present within the site.</li> <li>2. The nature, scale, location and design of earthworks.</li> <li>3. Any increase of natural hazard risk within the site and surrounding area, transfer of risk to other sites, or creation of new natural hazard risk.</li> <li>4. Any measures to avoid, mitigate or reduce risk.</li> </ol>



EARTH-R3	Support	We support restricted discretionary status for earthworks (other than earthworks associated with subdivision) in areas of moderate or high susceptibility to land instability hazards which do not comply with EARTH-R3
CH-R6	Support	We support restricted discretionary status for new infrastructure within areas at risk from coastal inundation and coastal erosion
CH-R7	Support	We support non-complying status for new buildings and major structures in the CEHA1 which do not comply with CH-R7 (i.e., are non-habitable and have a gross floor area of less than 30m <sup>2</sup> )
CH-R8	Support	We support non-complying status for alterations to existing buildings and major structures in the CEHA1 which do not comply with CH-R8 (i.e., increases the gross floor area less than 30m <sup>2</sup> , are not further seaward than the existing building, and do not create a new vulnerable activity)
CH-R9	Support	We support restricted discretionary status for new buildings and alterations to existing buildings and major structures in the CEHA2 which do not comply with CH-R9 (i.e., increases the gross floor area less than 30m <sup>2</sup> , are not further seaward than the existing building, and do not create a new vulnerable activity)
CH-R10	Oppose	<p>We consider that the status for new buildings and major structures in the CFHA0 and CFHA1 which do not comply with CH-R10 (i.e., are non-habitable, have a raised finished floor level, and have a gross floor area of less than 30m<sup>2</sup>), should be non-complying, similar to rule CH-R7 with regards to CEHA1.</p> <p>Increasing finished floor levels in buildings which contain vulnerable activities can provide some resilience to flood and coastal inundation damage, but repeated inundation can considerably damage building foundations, and deposit silt and other materials below the floor which are difficult to remove, can compromise the structure of the building, and the health and safety of those using it (i.e. from contaminated material that may not be able to be removed; dampness). As such we consider it appropriate to avoid new buildings and major structures for vulnerable activities within CFHA0 and CFHA1.</p>
CH-R12	Amend	<p>We support restricted discretionary status for new buildings and alterations to existing buildings and major structures in the CEHA2 which do not comply with CH-R9 (i.e., increases the gross floor area less than 30m<sup>2</sup>, and have a raised finished floor level).</p> <p>However we consider that a further matter of compliance should be added that buildings which create new vulnerable activities should be restricted discretionary.</p>
CH-R13	Oppose	<p>We consider that changes in use to accommodate a vulnerable activity within existing buildings should be non-complying in CEHA0, CEHA1, CFHA0, or CFHA1.</p> <p>Coastal erosion and inundation hazard is going to increase in the future with the effects of climate change and sea level rise, and avoiding new vulnerable activities in areas at risk within the next 50 years will help to prevent exposing people to this increasing risk.</p>
CH-R15	Support	We support non-complying status for new buildings and major structures and additions to existing buildings and major structures in CEHA0.
CH-REQ1	Support	We support requiring a site-specific assessment of the coastal hazard and risk associated with the proposed development from a suitably qualified and experienced person for all sites subject to, or potentially subject to coastal hazard

I wish to be heard in support of my submission (select one):

☐ Yes☒ No

If others make a similar submission, I will consider presenting a joint case with them at a hearing (select one): ☐ Yes ☒ No

*A signature of the submitter or person authorised to sign on behalf of submitter is required where the submission is **not** made by electronic means.*

W. Homocky

Signature of submitter

Date \_\_\_\_\_

- *it is frivolous or vexatious:*
- *it discloses no reasonable or relevant case:*
- *it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:*
- *it contains offensive language:*
- *it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*

*You have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, please contact us at [mailroom@wdc.govt.nz](mailto:mailroom@wdc.govt.nz), or 09 430 4200, or Whangarei District Council, Private Bag 9023. Whangarei 0148.*