



## Attachment 1.8

# Proposed provisions – New National Policy Statement for Natural Hazards

## National direction consultation – Package 1: Infrastructure and development

### Instrument topic: Proposed National Policy Statement for Natural Hazards (NPS-NH)

- The proposed provisions are for consultation purposes and do not represent the proposed National Policy Statement (NPS) wording, which will be drafted after the consultation phase.
- The table below provides some illustrative wording to help you understand the proposed definitions, the policy intent, and scope of the proposed NPS-NH.
- To help submitters, the proposed objectives and policies are referenced using the following abbreviations: D (definition), O (objective), P (policy), IM (implementation measure) and IT (implementation timeframe).
- The list of implementation proposals outlines requirements for local authorities to give effect to the proposals in the objective and policies in this NPS. This is not intended to be an exhaustive list and would not limit the general obligation under the Resource Management Act 1991 (RMA) to give effect to the objective and policies in an NPS.

Application	Proposed provisions	Reasons
Specified natural hazards	<p>The NPS-NH applies to the following hazards:</p> <ul style="list-style-type: none"><li>• flooding;</li><li>• landslips;</li><li>• coastal erosion;</li><li>• coastal inundation;</li></ul>	<p>The NPS-NH will direct a management approach for the hazards specified but does not prevent decision-makers from addressing other hazards.</p> <p>A nationally consistent assessment and management approach is not a priority for other natural hazards (for the purposes of this instrument) because they are either already managed by other</p>

Application	Proposed provisions	Reasons
	<ul style="list-style-type: none"> <li>active faults;</li> <li>liquefaction; and</li> <li>tsunami.</li> </ul>	legislation (such as the Building Act 2004 for ground shaking and wind) or require specific management decision responses at a local level.
<b>Activities and environments</b>	<p>The NPS-NH applies to all activities managed under the Resource Management Act 1991 (RMA) except primary production and infrastructure. It applies to all environments and zones including coastal environments.</p> <p>The New Zealand Coastal Policy Statement 2010 prevails, where there is inconsistency in policy direction with regard to managing natural hazard risk in the coastal environment.</p>	A broad application captures the greatest number of activities and risks so local authorities can consider risk in its most comprehensive form.
<b>Infrastructure and primary production</b>	The NPS-NH does not apply to infrastructure (as defined in the RMA) and primary production (as defined in the National Planning Standards) or any activities ancillary to these activities.	Infrastructure and primary production activities require a nuanced approach. For example, linear infrastructure networks are likely to have sections of their networks that cross areas of differing hazard intensities creating issues in how the proposed NPS-NH would be applied. Another example being that there is often a functional or other needs for infrastructure development in high hazard areas. In the case of primary production, there is insufficient evidence of a problem for primary production that warrants a nationally consistent approach. Because the proposed NPS-NH is an interim tool, management of the risk of natural hazards to infrastructure and primary production activities is not a priority and cannot be delivered with appropriate detail.
<b>NPS is not limiting</b>	Nothing in this NPS limits local authorities from managing natural hazard risk beyond the application of the NPS. The NPS-NH is limited in scope to specific hazards, however, this does not prevent local authorities from having policy on other natural hazards, activities or the environment.	This provision ensures local authorities continue to have the ability to make decisions to manage other hazards, activities and environments. The proposed NPS-NH is not intended to elevate one natural hazard over another that is not covered in the NPS. It will be up to local authorities to determine their relative priorities, depending on their specific local environment. Where local authorities are already managing natural hazard risk for infrastructure and primary production they can continue to do as they see fit.
Definitions	Proposed provisions	Reasons
<b>D1 Significant risk from natural hazards</b>	'Significant risk' means risk assessed as 'medium', 'high' and 'very high' using the risk matrix below, as applied to assessments of individual sites, considering damage to property, and potential for injury or fatalities. This is a base definition of significant risk	This provision establishes a nationally consistent base definition for 'significant risk'. The matrix identifies levels of risk using combinations of defined likelihood and consequences. The finer grain levels of risk in the matrix (very high, high, medium and low) will provide a further

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	<p>from natural hazards. What this means is that this table is the minimum standard definition of significant risk. In other words, local authorities may build on this definition to make it more comprehensive and risk averse, but cannot make it more risk tolerant.</p> <table><tr><th colspan="2" rowspan="2"></th><th colspan="7">Likelihood Level</th></tr><tr><th>Almost Certain</th><th>Very Likely</th><th>Likely</th><th>Possible</th><th>Unlikely</th><th>Rare</th><th>Very Rare</th></tr><tr><th rowspan="6">Consequence Level</th><th>ARI (years)</th><td>up to 10</td><td>10-20</td><td>20-50</td><td>50-100</td><td>100-500</td><td>500-5000</td><td>&gt; 5000</td></tr><tr><th>AEP</th><td>10% or more</td><td>10% to 5%</td><td>5% to 2%</td><td>2% to 1%</td><td>1% to 0.2%</td><td>0.2% to 0.02%</td><td>&lt; 0.02%</td></tr><tr><th>Catastrophic</th><td>Very High</td><td>Very High</td><td>Very High</td><td>High</td><td>Medium</td><td>Medium</td><td>Medium</td></tr><tr><th>Major</th><td>Very High</td><td>Very High</td><td>High</td><td>High</td><td>Medium</td><td>Medium</td><td>Medium</td></tr><tr><th>Moderate</th><td>High</td><td>High</td><td>High</td><td>Medium</td><td>Medium</td><td>Low</td><td>Low</td></tr><tr><th>Minor</th><td>Medium</td><td>Medium</td><td>Medium</td><td>Medium</td><td>Low</td><td>Low</td><td>Low</td></tr><tr><th>Negligible</th><td>Low</td><td>Low</td><td>Low</td><td>Low</td><td>Low</td><td>Low</td><td>Low</td></tr></table> <p><b>Note: Top end of likelihood range includes top end year, that is: Likely = over 20 years and up to and including 50 years.</b></p> <table><tr><th>Consequence level</th><th>Damage to property</th><th>Potential for injury or fatalities</th></tr><tr><td>Catastrophic</td><td>Severe damage to land and buildings, potential for collapse or total destruction of structures. Building(s) need to be demolished, rebuilt or relocated.</td><td>High threat to life safety, with probable fatalities and/or critical injuries.</td></tr><tr><td>Major</td><td>Major damage to land and buildings, including structural damage. Loss of use and substantial repair required.</td><td>Unsafe for people, with potential for many injuries, or critical injuries and/or fatalities.</td></tr><tr><td>Moderate</td><td>Some damage to land and non-structural damage to buildings. Limited loss of use, repairs required.</td><td>Unsafe for people, with potential for injuries although expected to be minor.</td></tr><tr><td>Minor</td><td>Minor damage to land and buildings. No loss of use, minimal repairs required.</td><td>Isolated minor injuries possible.</td></tr></table>			Likelihood Level							Almost Certain	Very Likely	Likely	Possible	Unlikely	Rare	Very Rare	Consequence Level	ARI (years)	up to 10	10-20	20-50	50-100	100-500	500-5000	> 5000	AEP	10% or more	10% to 5%	5% to 2%	2% to 1%	1% to 0.2%	0.2% to 0.02%	< 0.02%	Catastrophic	Very High	Very High	Very High	High	Medium	Medium	Medium	Major	Very High	Very High	High	High	Medium	Medium	Medium	Moderate	High	High	High	Medium	Medium	Low	Low	Minor	Medium	Medium	Medium	Medium	Low	Low	Low	Negligible	Low	Low	Low	Low	Low	Low	Low	Consequence level	Damage to property	Potential for injury or fatalities	Catastrophic	Severe damage to land and buildings, potential for collapse or total destruction of structures. Building(s) need to be demolished, rebuilt or relocated.	High threat to life safety, with probable fatalities and/or critical injuries.	Major	Major damage to land and buildings, including structural damage. Loss of use and substantial repair required.	Unsafe for people, with potential for many injuries, or critical injuries and/or fatalities.	Moderate	Some damage to land and non-structural damage to buildings. Limited loss of use, repairs required.	Unsafe for people, with potential for injuries although expected to be minor.	Minor	Minor damage to land and buildings. No loss of use, minimal repairs required.	Isolated minor injuries possible.	<p>nationally consistent language of levels of risk local authorities can use in applying a proportionate management of natural hazard risk.</p>
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<b>D2 New development</b>	<p>Means development:</p> <ul style="list-style-type: none"> <li>of new buildings or structures on land that currently does not have buildings or structures on it; or</li> <li>of the extension or replacement of existing buildings and structures.</li> </ul>	This provision provides clarity on the application of the proposed NPS-NH. The policy will apply to development on undeveloped sites, on undeveloped pieces of land and to the extensions or rebuilding of sites with existing development.																											

  

Objectives	Proposed provisions	Reasons
<b>OB1 Embedding a risk-based approach</b>	<p>An objective that could be expressed as:</p> <p><i>In order to avoid, mitigate and reduce risks arising from natural hazards on subdivision, use and development, local authorities apply:</i></p> <ul style="list-style-type: none"> <li><i>a risk-based approach to managing natural hazard risks; and</i></li> <li><i>land use or use controls that are proportionate to the level of natural hazard risk.</i></li> </ul>	The intent of this objective is to embed good practice around risk-based and proportionate management as New Zealand moves towards the higher-level objective of ensuring development is located and designed appropriately in terms of natural hazard risk. Understanding natural hazard risk and subsequently managing development based on such risk requires more upfront work than a simpler approach but has the benefit of maximising viable development while managing risk.

Policies	Proposed provisions	Reasons
<b>P1 Risk assessments</b>	<p>When assessing natural hazard risk for an activity in planning and consenting, local authorities must consider:</p> <ol style="list-style-type: none"> <li>1) the likelihood of a natural hazard event occurring;</li> <li>2) the consequences of a natural hazard event for the activity;</li> <li>3) existing and proposed mitigation measures; and</li> <li>4) residual risk.</li> </ol>	<p>The intention of this provision is to require some standard components for natural hazard risk assessments that local authorities have within plans or undertake as part of consenting processes.</p> <p>The assessment process is intended to build a more comprehensive picture of risk by considering the nature of the hazard, as well as the specific activity under consideration, including any mitigation measures. If the hazard is considered without reference to the type of activity proposed, the new development may be unnecessarily constrained.</p> <p>Consideration of mitigation measures within the risk assessment process ensures that the potential use of land is maximised. In some cases, it will be up to proponents of the development to decide whether new developments are worthwhile, when taking into account the costs of mitigation measures.</p>
<b>P2 Climate change timeframes</b>	<p>The potential impacts of climate change on natural hazards are to be considered at least 100 years into the future.</p>	<p>This provision establishes an appropriate timeframe for consideration of the potential impacts of climate change on changing risk profiles of natural hazards. The time frame will apply using existing or generating new hazard data and information for use in the risk assessment process. If the 100-year time frame is not applicable or able to be considered for particular hazards, P4 (best available information) would apply.</p>
<b>P3 Proportionate management</b>	<p>Local authorities must proportionately manage natural hazard risk, including significant risk, when making planning and consenting decisions on new subdivision, use and development, based on the level of natural hazard risk.</p>	<p>To direct decisions to be based on natural hazard risk, with more restrictive measures being applied to higher levels of risk and more enabling approaches being applied to lower levels of risk.</p> <p>This ensures that any limitation placed on new development is justified and maximises use by directing activities that would be badly affected by a natural hazard (eg, health care facilities, elderly care facilities, schools and residential development) away from areas of high risk but allowing these activities to be enabled in locations where there would be low risk. This policy can be elaborated on through supporting guidance documents.</p>

Policies	Proposed provisions	Reasons
<b>P4 Best available information</b>	Local authorities must use best available information when making planning decisions managing natural hazard risk.	<p>Data and information related to natural hazard risk is always changing and improving. This makes it difficult, if not impossible, for councils to have perfect hazard and risk data and information. Allowing the use of 'best available information' enables local authorities to progress with natural hazard management through the proposed NPS-NH with inputs that are available at a point in time, as opposed to delaying management until 'better' information is available and accessible. The intent is that this will also protect local authorities from legal challenge related to data and information.</p> <p>Local authorities should take all practicable steps to improve information and to consider the validity of the data for the intended planning purpose while considering any deficiencies with it. If the best available information is still incomplete or uncertain, P6 (continue with risk assessment processes where information is limited or unclear) applies.</p>
<b>P5 Significant risk from natural hazards not exacerbated on other sites</b>	New subdivision, use and development, including mitigation measures, must not exacerbate significant natural hazard risk on other sites or locations.	Exacerbating risk on other sites could result in additional impacts on property, life and safety, render any existing mitigations less effective, or result in greater costs for new mitigation measures. This provision ensures that these impacts are identified and managed.
<b>P6 Continue with risk assessment processes where information is limited or unclear</b>	Local authorities must continue with risk assessment processes where information is uncertain or incomplete.	This provision directs that councils need not wait for certain or complete information, recognising that hazard risk is inherently uncertain, and better enables decisions to be made in these circumstances. It also strengthens P4 (best available information) in enabling local authorities to progress natural hazard management under the NPS.

Implementation measures	Proposed provisions	Reasons
IM1 Implementation time frames	No required timeframe to ‘give effect to’ the NPS in plan changes is proposed.	<p>No required timeframe to ‘give effect to’ the NPS in plan changes is proposed so as to not require comprehensive plan changes in the short term. The NPS will apply to any plan changes and/or private plan changes that are initiated after gazettal (including private plan changes).</p> <p>The usual requirements to ‘have regard to relevant NPS’ will apply to consenting decisions.</p>