

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHĪ**

**Decision No. [2025] NZEnvC 307**

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First  
Schedule to the Act

BETWEEN AURORA ENERGY LTD & ORS  
(and seven other appellants as set out  
in Schedule One to this Order)

(ENV-2024-CHC-24)

Appellants

AND OTAGO REGIONAL COUNCIL

Respondent

AND BP OIL NEW ZEALAND LTD &  
ORS (and six other parties as set out in  
Schedule One to this Order)

Section 274 Parties

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 12 September 2025

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**CONSENT ORDER**

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A: Under s279(1)(b) RMA,<sup>1</sup> the Environment Court, by consent, orders that:

- (1) the following appeal points are allowed subject to the amendment of the provisions of the proposed Otago Regional Policy Statement (Non-freshwater) 2021 (PORPS) as set out in Annexure 1, attached to and forming part of this Order:
  - (a) Aurora Energy Limited, Network Waitaki Limited and Powernet Limited's appeal point in relation to:
    - (i) HAZ-NH-PXX (new Policy requested).
  - (b) Royal Forest and Bird Protection Society of New Zealand Incorporated's appeal points in relation to:
    - (i) HAZ-NH-O1 – Natural Hazards;
    - (ii) HAZ-NH-O2 – Adaptation;
    - (iii) HAZ-NH-P1 – Identifying areas subject to natural hazards;
    - (iv) HAZ-NH-P6 – Protecting features and systems that provide hazard mitigation;
    - (v) HAZ-NH-P7 – Mitigating natural hazards; and
    - (vi) HAZ-CL-P18 – Waste facilities and services.
  - (c) BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited's appeal points in relation to:
    - (i) HAZ-CL-P14 – Managing contaminated land; and
    - (ii) HAZ-CL-P15 – New contaminated land.
  - (d) Oceana Gold (New Zealand) Limited's appeal points in relation to:
    - (i) HAZ-NH-O1;
    - (ii) HAZ-NH-P2 – Risk assessments;
    - (iii) HAZ-NH-P3 – New activities;

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<sup>1</sup> Resource Management Act 1991.

- (iv) HAZ-CL-P15; and
  - (v) APP6 – Methodology for natural hazard risk assessment.
- (e) Cain Whānau’s appeal points in relation to:
- (i) HAZ-NH-P2;
  - (ii) HAZ-NH-P3;
  - (iii) HAZ-NH-P7;
  - (iv) HAZ-NH-P10 – Coastal hazards;
  - (v) HAZ-NH-P11 – Kāi Tahu rakatirataka;
  - (vi) HAZ-NH-M1 – Statement of responsibilities;
  - (vii) HAZ-NH-M2 – Local authorities;
  - (viii) HAZ-NH-M3 – Regional plans;
  - (ix) HAZ-NH-M4 – District plans; and
  - (x) CE-P1 – Links with other chapters.
- (f) Port Otago Limited’s appeal points in relation to:
- (i) HAZ-NH-P1;
  - (ii) HAZ-NH-P1A – Identifying areas subject to coastal hazards;
  - (iii) HAZ-NH-P2;
  - (iv) HAZ-NH-P3;
  - (v) HAZ-NH-P4 – Existing natural hazard risk;
  - (vi) HAZ-NH-P10;
  - (vii) HAZ-NH-M3;
  - (viii) HAZ-NH-M4;
  - (ix) APP6;
  - (x) CE-P1; and
  - (xi) Definition: Coastal hazard.
- (g) Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima and Te Rūnanga o Awarua and Te Rūnanga o

Ngāi Tahu's appeal points in relation to:

- (i) HAZ-NH-P1;
- (ii) HAZ-NH-P1A;
- (iii) HAZ-NH-P2;
- (iv) HAZ-NH-P10;
- (v) HAZ-CL-P18; and
- (vi) CE-P1.

(h) Queenstown Lakes District Council's appeal points in relation to:

- (i) HAZ-NH-P1;
- (ii) HAZ-NH-P2;
- (iii) HAZ-NH-P3;
- (iv) HAZ-NH-P4;
- (v) HAZ-NH-M1;
- (vi) HAZ-NH-M2;
- (vii) HAZ-NH-M4; and
- (viii) APP6.

(2) all other appeal points in relation to provisions in the 'Hazards and Risks – HAZ' chapter, Policy CE-P1, and the definition for 'Coastal hazard' in the PORPS are otherwise dismissed.

B: Under s285 RMA, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] These proceedings concern appeals by Aurora Energy Limited & ors – electricity distribution businesses (EDBs), Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird), BP Oil New Zealand Limited & ors (Fuel Companies), Oceana Gold (New Zealand) Limited (OGL),

Cain Whānau, Port Otago Limited (POL), Queenstown Lakes District Council (QLDC), and Te Rūnanga o Moeraki & ors (Kāi Tahu) against parts of the decisions by the Otago Regional Council on the proposed Otago Regional Policy Statement (Non-freshwater) 2021 (PORPS) in relation to provisions in the ‘Hazards and risks – HAZ’ chapter (HAZ chapter).

[2] The parties to the mediation on the ‘CE – Coastal environment’ chapter (CE chapter) agreed that CE-P1 be transferred and mediated together with the HAZ chapter. Accordingly, appeal points in relation to CE-P1 are also resolved by this Order.

### **HAZ-NH-O1 – Natural hazards**

[3] Objective HAZ-NH-O1 was appealed by OGL and Forest & Bird.

#### ***OGL***

[4] OGL’s appeal sought that the objective be amended to refer to “levels of risk” instead of “risk” more generally and that the reference to “acceptable” be removed. OGL’s position was that it was unnecessary to refer to maintaining levels of risks where they are acceptable.

[5] The following persons gave notice of an intention to join this part of OGL’s appeal under s274 RMA:

- (a) QLDC;
- (b) Forest & Bird;
- (c) Director-General of Conservation (DGC);
- (d) Environmental Defence Society Incorporated (EDS);
- (e) Rayonier Matariki Forests & ors (Forestry appellants);
- (f) Otago and Central South Island Fish & Game Councils (Fish & Game);
- (g) Otago Water Resource Users Group (OWRUG); and

- (h) Queenstown Airport Corporation (QAC).

### ***Forest & Bird***

[6] Forest & Bird’s appeal also sought amendments so that the objective referred to “levels of risk” and sought to include reference to “ecosystem health” and “indigenous biodiversity”. Forest & Bird’s position was that the objective failed to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS) because it failed to recognise that hazards may cause environmental harm.

[7] The following persons gave notice of an intention to join this part of Forest & Bird’s appeal under s274 RMA:

- (a) the DGC;
- (b) the Forestry appellants;
- (c) Kāi Tahu;
- (d) OGL;
- (e) Fish & Game;
- (f) OWRUG;
- (g) QLDC; and
- (h) POL.

### ***Resolution***

[8] The parties have agreed that HAZ-NH-O1 can be amended as follows (amendments henceforth show additions in underline and deletions in strikethrough):

#### **HAZ-NH-O1 – Natural hazards**

Activities do not exacerbate natural hazard ~~Risks to people, communities and property from natural hazards~~ within Otago, and ~~are maintained where they are acceptable, and managed to~~ reduce significant natural hazard risk. ~~Ensure they do not exceed tolerable risk.~~

[9] The agreed amendment to remove “people, communities and property” broadens the objective’s application, responding to Forest & Bird’s concern that, as drafted, other aspects of the environment may have been excluded.

[10] The parties have agreed that an outcome that activities do not exacerbate natural hazard risk and are managed to reduce significant hazard risk better expresses the objective’s intent in a way that is clearer to plan users, than the use of “do not exceed tolerable risk”.

[11] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(h), 7(b), 7(f) and 7(i).

#### **HAZ-NH-O2 – Adaptation and HAZ-NH-P7 – Mitigating natural hazards**

[12] Objective HAZ-NH-O2 and Policy HAZ-NH-P7 was appealed by Forest & Bird. Forest & Bird’s appeal sought reference to “ecosystem health” and “indigenous biodiversity” in both HAZ-NH-O2 and HAZ-NH-P7.

[13] Forest & Bird’s position was that this objective and policy failed to give effect to the NZCPS because they failed to recognise that hazards may cause environmental harm.

[14] The following persons gave notice of an intention to join this part of Forest & Bird’s appeal under s274 RMA:

- (a) the DGC;
- (b) the EDBs;
- (c) DCC;
- (d) POL;
- (e) Meridian Energy Limited (Meridian);
- (f) the Forestry appellants;
- (g) Kāi Tahu;

- (h) OGL;
- (i) Fish & Game;
- (j) OWRUG;
- (k) QLDC; and
- (l) QAC.

### ***Resolution***

[15] The parties have agreed that HAZ-NH-O2 and HAZ-NH-P7 can be amended as follows:

#### **HAZ-NH-O2 – Adaptation**

Otago’s people, communities, ~~and property,~~ and other aspects of the environment are prepared for and able to adapt to the effects of natural hazards, including natural hazard risks that are exacerbated by climate change.

...

#### **HAZ-NH-P7 – Mitigating natural hazards**

Prioritise risk management approaches that reduce the need for hard protection structures or similar engineering interventions, and provide for hard protection structures only when:

(1A) the following apply:

- (a) there are no reasonable alternatives that manage or reduce the risk exposure to a level the community is able to tolerate,
- (b) hard protection structures would not result in a more than minor increase in risk to people, communities, ~~and property,~~ and other aspects of the environment, including displacement of risk off-site,
- (c) the adverse effects of the hard protection structures can be adequately managed, and



(d) the mitigation is viable in the reasonably foreseeable long term or provides time for future adaptation methods to be implemented, or

(1B) the hard protection structure protects a lifeline utility, or a facility for essential or emergency services.

[16] The parties have agreed that it is appropriate that the objective and policy refer to “other aspects of the environment”. The agreed amendments respond to Forest & Bird’s concern that other aspects of the environment had been excluded.

[17] The parties consider that the agreed amendments better align the policy framework with the definition of natural hazard in the Act which refers to “human life, property, or other aspects of the environment”.

[18] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(h), 7(b), 7(f) and 7(i).

## **Interface between the CE – Coastal Environment and HAZ-NH – Natural Hazard chapters**

### ***POL***

[19] POL’s appeal sought amendments to the following policies to clarify their scope and application to coastal hazards:

- (a) CE-P1;
- (b) ‘HAZ-NH-P1A – Identifying areas subject to coastal hazards’;
- (c) ‘HAZ-NH-P1 – Identifying areas subject to natural hazards’;
- (d) ‘HAZ-NH-P2 – Risk assessments’;
- (e) ‘HAZ-NH-P3 – New activities’;
- (f) ‘HAZ-NH-P4 – Existing natural hazard risk’; and
- (g) ‘HAZ-NH-P10 – Coastal hazards’.

[20] POL's position was that it was unclear which policies apply to coastal hazards and non-coastal hazards respectively, and the policy drafting was complex and should be simplified.

[21] The following persons gave notice of an intention to join this part of POL's appeal under s274 RMA:

- (a) QLDC;
- (b) DGC; and
- (c) OGL.

### ***Kāi Tahu***

[22] Kāi Tahu's appeal sought amendments to the following policies to provide clear direction as to the assessment of coastal hazard risk:

- (a) HAZ-NH-P1A;
- (b) HAZ-NH-P1;
- (c) HAZ-NH-P2; and
- (d) HAZ-NH-P10.

[23] Kāi Tahu's position was that risk assessment methodology should apply to both coastal and non-coastal hazard risks, but in the Decisions Versions of the PORPS, the risk assessment matters in HAZ-NH-P1, HAZ-NH-P2 and APP6 did not apply to coastal hazards. Kāi Tahu considered that the effect was that there was no direction in the PORPS as to how the significance of coastal hazard risks were to be assessed, which created uncertainty for residents of coastal settlements as to how the hazard management framework will affect them.

[24] The following persons gave notice of an intention to join this part of Kāi Tahu's appeal under s274 RMA:

- (a) Cain Whānau;
- (b) DCC;
- (c) WLDC;
- (d) the EDBs;
- (e) Fish & Game;
- (f) QAC;
- (g) Forest & Bird; and
- (h) POL.

[25] The parties have agreed that the interface between the CE and HAZ chapters need clarification.

[26] The Decisions Version of the PORPS included a new definition for ‘Coastal hazards’, and new Policy HAZ-NH-P1A.

[27] The Decisions Version of CE-P1 states that HAZ-NH-P1 to P4 do not apply in the coastal environment. The parties considered this created a “policy gap” as there is no policy direction for non-coastal hazards that affect the coastal environment.

[28] The exclusion of HAZ-NH-P2 also means there is no guidance as to how the level risk is to be assessed for coastal hazards. Although HAZ-NH-P1A requires identification of areas at high risk, it does not address risk assessment.

[29] The parties to the CE chapter mediation agreed that the appeal points on CE-P1 can be resolved, together with the appeal points on the HAZ provisions to address this policy gap.

### ***Resolution***

[30] The parties have agreed on a package of amendments to clarify how the CE and HAZ chapters will apply to coastal hazards. In summary, the parties have agreed on the following:

- (a) amendment to HAZ-NH-P1A to remove reference to “tsunami”, as “tsunami” is already included in the definition for ‘Coastal hazard’:

**HAZ-NH-P1A – Identifying areas subject to coastal hazards**

Identify areas that are potentially affected by coastal hazards (~~including tsunami~~), giving priority to the identification of areas at high risk of being affected.

- (b) inclusion of a new Policy HAZ-NH-P2A for the assessment of coastal hazard risk:

**HAZ-NH-P2A – Coastal hazard risk assessments**

Within areas identified under HAZ-P1A as being subject to coastal hazards, assess coastal hazard risk as significant, tolerable, or acceptable over at least the next 100 years by determining a range of natural hazard event scenarios and their potential consequences in accordance with APP6.

The parties have agreed that a cross-reference to new HAZ-NH-P2A within the relevant method (‘HAZ-NH-M2 – Local authorities’) was required as a consequential amendment. This is shown in the amended method HAZ-NH-M2 at paragraph [81] below.

- (c) amendments to HAZ-NH-P2 for consistency with new HAZ-NH-P2A and HAZ-NH-P1:

**HAZ-NH-P2 – Natural hazard risk assessments**

Within areas identified under HAZ-NH-P1 as being subject to natural hazards, assess natural hazard risk as significant, tolerable, or acceptable by determining a range of natural hazard event scenarios and their potential consequences in accordance with ~~the criteria set out within~~ APP6.

- (d) amendments to HAZ-NH-P3 so that it applies to coastal hazard risk as well as natural hazard risk, and include a cross-reference to new

HAZ-NH-P2A as well as APP6 which sets out the methodology for determining natural hazard risk to address the policy gap issue identified by the parties:

**HAZ-NH-P3 – Managing new activities for coastal hazard risk and natural hazard risk**

~~Once the level of~~ For natural hazard risk associated with an activity ~~that~~ has been determined in accordance with HAZ-NH-P2, HAZ-NH-P2A and APP6, manage new activities to achieve the following outcomes:

- (1) significant natural hazard risks are avoided,
  - (2) when the natural hazard risk is tolerable, manage the level of risk so that it does not exceed tolerable, and
  - (3) when the natural hazard risk is acceptable, maintain the level of risk.
- (e) deletion of HAZ-NH-P10, as its subject matter is now covered by new Policy HAZ-NH-P2A and amendments to HAZ-NH-P3:

**HAZ-NH-P10 – Coastal hazards**

~~On any land that is potentially affected by coastal hazards over at least the next 100 years:~~

- ~~(1) avoid increasing the risk of social, environmental and economic harm from coastal hazards;~~
- ~~(2) ensure no land use change or redevelopment occurs that would increase the risk to people and communities from that coastal hazard;~~
- ~~(3) encourage land use change or redevelopment that reduces the risk from that coastal hazard;~~
- ~~(4) ensure decision making about the nature, scale and location of activities considers the ability of Otago's people and communities to adapt to, or~~

~~mitigate the effects of, sea level rise and climate change, and~~

~~(5) apply HAZ-NH-P5 to HAZ-NH-P9.~~

- (f) amendment to CE-P1 to make clear that HAZ-NH-P1 to P4 and associated methods do apply to the coastal environment:

**CE-P1 – Links with other chapters**

(1) the provisions of the ECO and, EIT, ~~and HAZ~~ chapters apply within the coastal environment, except for the following provisions:

(a) ECO-P3 to ECO-P6 and associated methods,

(b) EIT-INF-P13 and associated methods, and

~~(c) HAZ-NH-P1 to HAZ-NH-P4 and associated methods, and~~

(2) the provisions within the following chapters of this RPS apply in addition to the provisions within this chapter:

(a) MW – Mana whenua,

(b) IM – Integrated management,

(c) AIR – Air,

(d) LF – Land and freshwater,

(e) HCV – Heritage and historical values, and

(f) UFD – Urban form and development, and

(g) HAZ – Hazards and risks

(3) the provisions of the NFL – Natural features and landscapes chapter do not apply in the coastal environment.

- (g) deletion of the definition for ‘Risk (in relation to natural hazards)’ as follows:

~~has the same meaning as in the Glossary in the New Zealand Coastal Policy Statement 2010 (as set out in the box below)~~

~~Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence (AS/NZS ISO 31000:2009 Risk management – Principles and guidelines, November 2009)~~

[31] The parties advised that the overall resource management rationale for the agreed amendments, as a starting point, is that the PORPS should adopt the same policy approach for all hazards as far as possible, with a different approach to coastal hazards only where that is necessary to give effect to the NZCPS.

[32] Coastal hazards are identified under HAZ-NH-P1A in a way that gives effect to Policy 24 of the NZCPS.

[33] Non-coastal hazards are identified by HAZ-NH-P1.

[34] The natural hazard risk associated with all hazards are assessed in accordance with APP6. A definition for ‘risk’ is therefore unnecessary.

[35] The parties advised that HAZ-NH-P3 as amended requires both natural hazards and coastal hazards to be managed to avoid increasing the risk of adverse effects – giving effect to Policy 25 of the NZCPS.

[36] The parties advised that the result of the agreed amendments is that all provisions in the HAZ chapter (except for HAZ-NH-P1, HAZ-NH-P2 and HAZ-NH-P4) will apply to coastal hazards. APP6 will be used to assess risk of all hazards (coastal and other hazards). HAZ-NH-P2A reflects this and also incorporates reference to the 100-year risk timeframe required by Policy 24 of the NZCPS.

[37] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(h) and 7(i).

### **Natural Hazard Risk Assessment**

[38] The parties advised that the proposed amendments to the provisions above necessitated consideration about the timing of natural hazard risk assessments under ‘HAZ-NH-M3 – Regional plans’ and ‘HAZ-NH-M4 – District plans’.

[39] In the Decisions Version of the PORPS, an assessment in accordance with APP6 is required for all resource consents that change the use of land in areas subject to natural hazards, in advance of the mapping exercises required by HAZ-NH-P1A (coastal hazards) and HAZ-NH-P1 (other hazards).

[40] Methodologies HAZ-NH-M3 and HAZ-NH-M4 were appealed by POL.

[41] POL’s position was that while APP6 allowed a proportionate assessment, ultimately applicants would need to engage a hazards expert to advise on the extent of assessment required under HAZ-NH-M3 and HAZ-NH-M4.

[42] The following persons gave notice of an intention to join this part of POL’s appeal under s274 RMA:

- (a) DCC;
- (b) QLDC; and
- (c) OGL.

### ***Resolution***

[43] The parties have agreed that risk assessments need to be at a level and scale that is proportionate to the activity, and that it be made clear whether methods applied to resource consents and/or plan making. To achieve this, the parties have agreed to amend HAZ-NH-M3 and HAZ-NH-M4 and include new Method



‘HAZ-NH-MX – Natural hazard assessment’.

[44] The parties have agreed that HAZ-NH-M3 can be amended as follows:

### **HAZ-NH-M3 – Regional plans**

Otago Regional Council must prepare or amend and maintain its regional plans to:

(1) manage activities in the coastal marine area, beds of lakes and rivers, and wetlands to achieve policies HAZ-NH-P3 to HAZ-NH-P6, and the outcomes of the Risk Table established within HAZ-NH-M2(1),

(2) include natural hazard risk reduction measures, such as removing or restricting existing land uses, where there is significant risk to people or property,

(3) protect natural or modified features and systems that provide mitigation from the adverse effects of natural hazards in accordance with HAZ-NH-P6,

(4) provide for hard protection structures in accordance with HAZ-NH-P7,

(5) provide for the functional needs of hazard mitigation measures, lifeline utilities, and essential or emergency services in accordance with HAZ-NH-P8 and HAZ-NH-P9, and

(6) include provisions that require decision makers to apply the precautionary approach set out in HAZ-NH-P5 when considering applications for resource consent for activities that will change the use of land and thereby increase the risk from natural hazards within areas subject to natural hazard risk that is uncertain or unknown, but potentially significant or irreversible, ~~and~~

~~(7) require a natural hazard risk assessment commensurate with the level of risk from the proposed activity be undertaken where an activity requires a resource consent to change the use of land in areas subject to natural hazards, and where the resource consent is lodged prior to the natural hazard risk assessment required by HAZ-NH-M2(1) being completed, included in the regional plan and made operative, the natural hazard risk assessment must include:~~

~~(a) an assessment of the level of natural hazard risk associated with the proposal in accordance with APP6, and~~

~~(b) an assessment demonstrating how the proposal will achieve the outcomes set out in Policies HAZ-NH-P3 and HAZ-NH-P4, and~~

~~(8) not require a natural hazard risk assessment in accordance with APP6 for resource consent applications, once the natural hazard risk assessment required by HAZ-NH-M2(1) has been completed, included in the relevant regional plan and made operative, unless otherwise expressly required by the relevant regional plan.~~

[45] The parties have agreed that HAZ-NH-M4 can be amended as follows:

#### **HAZ-NH-M4 – District plans**

Territorial authorities must prepare or amend and maintain their district plans to:

(1) achieve policies HAZ-NH-P3 to HAZ-NH-P6, and incorporate the outcomes of the Risk Table established within HAZ-NH-M2(1), on land outside the coastal marine area, beds of lakes and rivers, and wetlands by managing the location, scale and density of activities that are subject to natural hazard risk,

(3) protect the role of natural or modified features and systems that provide mitigation from the adverse effects of natural hazards in accordance with HAZ-NH-P6,

(4) provide for hard protection structures in accordance with HAZ-NH-P7,

(5) provide for the functional needs of hazard mitigation measures, lifeline utilities, and essential or emergency services in accordance with HAZ-NH-P8 and HAZ-NH-P9,

(6) include provisions that require decision makers to apply the precautionary approach set out in HAZ-NH-P5 when considering applications for resource consent for activities that will change the use of land and which may increase the risk from natural hazards within areas subject to natural hazard risk that is uncertain or unknown, but potentially significant or irreversible, and

(7) require a natural hazard risk assessment commensurate with the level of risk from the proposed activity be undertaken where an activity requires a plan change ~~or resource consent~~ to change the use of land in areas subject to natural hazards, ~~and where the application is lodged prior to the natural hazard risk assessment required by HAZ-NH-M2(1) being completed, included in the district plan and made operative, the natural hazard risk assessment must include~~ including:

(a) an assessment of the level of natural hazard risk associated with the proposal in accordance with APP6, and

(b) an assessment demonstrating how the proposal will achieve the outcomes set out in Policies HAZ-NH-P3 and HAZ-NH-P4, ~~and~~

~~(8) not require a natural hazard risk assessment in accordance with APP6 for resource consent applications, once the natural hazard risk assessment required by HAZ-NH-M2(1) has been completed, included in the relevant regional plan and made operative, unless otherwise expressly required by the relevant regional plan.~~

[46] The parties have agreed to include new method HAZ-NH-MX as follows:

#### **HAZ-NH-MX – Natural hazard assessment**

(1) Prior to the natural hazard risk assessment required by HAZ-NH-M2(1) being completed, included in the relevant regional plan or district plan, and made operative, when a natural hazard risk assessment is required within a regional plan or district plan as part of a resource consent, local authorities are encouraged to consider whether that natural hazard risk assessment:

(a) includes an assessment of the level of natural hazard risk associated with the proposal, commensurate with the level of risk, and

(b) demonstrates how the proposal will achieve the outcomes set out in Policies HAZ-NH-P3 and HAZ-NH-P4,

(2) Once the natural hazard risk assessment required by HAZ-NH-M2(1) has been completed, included in the relevant regional plan or district plan, and made operative, unless otherwise expressly required by the relevant regional plan or district plan, not requiring a natural hazard risk assessment in accordance with

APP6 for resource consent applications.

[47] The parties have agreed to remove HAZ-NH-M3(7) and (8) as these clauses relate strictly to consenting and do not easily fit with the rest of the method, which is about how regional plans are prepared, amended and maintained.

[48] For the same reasons, the parties have agreed to amend HAZ-NH-M4(7) to limit its application to plan changes and agreed to delete clause HAZ-NH-M4(8).

[49] The parties have further agreed to include new Method HAZ-NH-MX, which largely replicates the content removed from HAZ-NH-M3 and HAZ-NH-M4. However, under HAZ-NH-MX, the requirement to undertake a risk assessment is encouraged rather than mandatory and is only triggered when a natural hazard risk assessment is required within a regional or district plan.

[50] The parties consider that the agreed amendments to HAZ-NH-M3 and HAZ-NH-M4 clarify that the policy direction relates to the preparation, amendment and maintenance of regional and district plans. They consider that the inclusion of a new method retains policy direction for hazard assessments and clarification on when a hazard assessment will be required.

[51] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(h), 7(b) and 7(i).

### **HAZ-NH-P1 – Identifying areas subject to natural hazards**

[52] Policy HAZ-NH-P1 was appealed by Forest & Bird and POL.

#### ***Forest & Bird***

[53] Forest & Bird’s appeal sought reference to “ecosystem health” and

“indigenous biodiversity” in this policy. Forest & Bird’s position was that the policy failed to give effect to the NZCPS because it failed to recognise that hazards may cause environmental harm.

[54] The following persons gave notice of an intention to join this part of Forest & Bird’s appeal under s274 RMA:

- (a) the DGC;
- (b) OGL;
- (c) Maniototo Irrigation Company (MIC);
- (d) DCC;
- (e) the Forestry Appellants;
- (f) POL;
- (g) QLDC;
- (h) EDBs;
- (i) Cain Whānau;
- (j) QAC;
- (k) Fish & Game;
- (l) Darby Asset Management LP (Darby);
- (m) Real Group Limited (RealNZ); and
- (n) Kāi Tahu.

### ***POL***

[55] POL’s appeal sought the deletion of clause (3) from the policy. POL’s position was that clause (3) duplicated clause (2).

[56] The following persons gave notice of an intention to join this part of POL’s appeal under s274 RMA:

- (a) QLDC; and
- (b) DCC.

## ***Resolution***

[57] The parties have agreed that HAZ-NH-P1 can be amended as follows:

### **HAZ-NH-P1 – Identifying areas subject to natural hazards**

For hazards not identified in accordance with HAZ-NH-P1A, using the best available information, identify areas where natural hazards may adversely affect Otago’s people, communities and property, by assessing:

- (1) the hazard type and characteristics,
- (2) multiple and cascading hazards, where present,
- ~~(3) any cumulative effects,~~
- ~~(4)(3) changes over time, including due to any effects of climate change,~~
- ~~(5)(4) the likelihood of different hazard scenarios occurring, and~~
- ~~(6)(5) any other exacerbating factors.~~

[58] The parties agreed that there was unnecessary duplication between clauses (2), (3) and (4). The definition for “effect” in s3 RMA includes any cumulative effects. The agreed amendments remove the duplication.

[59] The parties agreed that no amendments to the policy were required in response to Forest & Bird’s appeal point.

[60] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(h), 7(b) and 7(g).

### **New policy sought**

[61] The EDBs’ appeal sought the inclusion of a new policy to recognise and

provide for the development and upgrades of the electricity distribution network and its ability to adapt to the effects of climate change, including by integration with infrastructure and lifeline utilities. The EDBs' position was that there was a policy gap with respect to the role of the electricity distribution network in adapting to the increasing frequency and severity of climate change related natural hazards.

[62] The following persons gave notice of an intention to join this part of the EDBs' appeal under s274 RMA:

- (a) the DGC;
- (b) Forest & Bird;
- (c) QLDC;
- (d) DCC;
- (e) Fish & Game; and
- (f) Kāi Tahu.

### ***Resolution***

[63] The parties have agreed that a new policy is not necessary but consider that amendments to Policy 'HAZ-NH-P9 – Protection of hazard mitigation measures, lifeline utilities, and essential or emergency services' are appropriate in response to the EDBs' appeal point.

[64] Accordingly, the parties have agreed that HAZ-NH-P9 can be amended as follows:

#### **HAZ-NH-P9 – Protection of hazard mitigation measures, lifeline utilities, and essential or emergency services**

Protect ~~the functional needs and operational~~ of hazard mitigation measures, lifeline utilities, and essential or emergency services, including by:

- (1) avoiding significant adverse effects on those measures, utilities or services,
- (2) avoiding, and only where avoidance is not practicable, remedying or mitigating other adverse effects on those measures, utilities or services,
- (3) maintaining access to those measures, utilities or services for maintenance and operational purposes, ~~and~~
- (4) restricting the establishment of other activities that may result in reverse sensitivity effects on those measures, utilities or services, and
- (5) providing for necessary operation, maintenance and upgrades.

[65] The parties advised that removal of “the functional needs and operation of” from the chapeau clarifies that the policy is designed to protect hazard mitigation measures, lifeline utilities, and essential or emergency services, not just their operation or respective functional needs.

[66] The agreed addition of clause (5) responds to the EDBs’ appeal point, and requires that the necessary operation, maintenance and upgrades be provided for.

[67] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 7(b) and 7(g).

#### **HAZ-NH-P11 – Kāi Tahu rakatirataka**

[68] Policy HAZ-NH-P11 was appealed by Cain Whānau.

[69] Cain Whānau’s appeal sought:

- (a) relief with respect to any provisions in the PORPS that apply to or affect Māori land, to ensure owners of Māori land can protect, occupy, subdivide, develop, and use their resources (inclusive of land, freshwater, coastal water and coastal marine area) to benefit their social, economic, cultural, educational, recreational, and



- environmental well-beings as their secondary alternate relief; and
- (b) the inclusion of the text “or the ability of owners of native reserves and Māori land to use, develop and protect that land in accordance with MW-P4” in limb (6), which is consistent with ‘MW-P4 – Use of Native Reserves and Māori land’, including the proposed amendments.

[70] As set out in the consent memorandum dated 14 March 2025 in relation to appealed provisions in the ‘MW – Mana Whenua’ chapter, the parties agreed that the rights and interests of owners of Māori freehold land, in respect to their land, should be recognised in specific circumstances, alongside Kāi Tahu as mana whenua.

[71] The parties to Cain Whānau’s appeal<sup>2</sup> agreed that HAZ-NH-P11 is an instance where the context required amendments to recognise the rakatirataka of owners of Māori freehold land (in relation to their land), alongside Kāi Tahu.

[72] Further, Cain Whānau identified HAZ-NH-P11 as requiring amendment to give effect to its secondary relief.

### ***Resolution***

[73] The parties have agreed that HAZ-NH-P11 can be amended as follows:

#### **HAZ-NH-P11 – Kāi Tahu rakatirataka**

Recognise and provide for the rakatirataka of Kāi Tahu by:

- (1) enabling mana whenua, and owners of Māori land in relation to their land, to lead approaches on the management of natural hazard risks affecting native reserves and Māori land, to ensure that land is able to be used and developed in

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<sup>2</sup> Consent memorandum: Part 1: MW – Mana Whenua dated 14 March 2025, at [5].

accordance with MW-P4, and

(2) including Kāi Tahu in decision-making on the management of natural hazard risks affecting the values of wāhi tūpuna.

[74] The parties advised that the inclusion of the text “to ensure that land is able to be used and developed in accordance with MW-P4” in limb (1) is consistent with MW-P4, which has been confirmed by the court.<sup>3</sup>

[75] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(e), 7(a), 7(aa), 7(b) and 8.

### **Roles and responsibilities of local authorities in identifying and assessing hazards**

[76] QLDC’s appeal sought amendments to provisions within the HAZ chapter to clarify the roles and responsibilities of the Regional Council and territorial authorities with respect to identifying areas subject to natural hazards and risk assessments. QLDC’s position was that clarity was required to avoid unnecessary duplication of workstreams between local authorities.

[77] QLDC’s appeal sought amendments to:

- (a) ‘HAZ-NH-M1 – Statement of responsibilities’;
- (b) ‘HAZ-NH-M2 – Local authorities’; and
- (c) new Method ‘HAZ-HN-MX – Information on hazards’.

[78] The following persons gave notice of an intention to join this part of QLDC’s appeal under s274 RMA:

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<sup>3</sup> [2025] NZEnvC 107.

- (a) DCC;
- (b) RealNZ;
- (c) Darby;
- (d) the Forestry appellants;
- (e) POL; and
- (f) QAC.

### ***Resolution***

[79] The parties have agreed to amend HAZ-NH-M1, HAZ-NH-M2 and include a new method as set out below.

[80] The parties have agreed that HAZ-NH-M1 can be amended as follows:

#### **HAZ-NH-M1 – Statement of responsibilities**

In accordance with section 62(1)(i)(i) of the RMA, the responsibilities for the control of land use to avoid or mitigate natural hazards or any group of hazards are as follows:

(1) the Regional Council and territorial authorities are both responsible for specifying objectives, policies and methods in regional plans and district plans for managing land subject to natural hazard risk,

(2) the Regional Council is responsible for:

(a) specifying objectives, policies and methods (including mapping) in regional plans:

(i) in the coastal marine area,

(ii) in wetlands, lakes and rivers,

(iii) in, on or under the beds of rivers and lakes, and

(iv) on land in relation to the avoidance or mitigation of natural hazards risk reduction,

~~(b) identifying areas in the region subject to natural hazards and describing their characteristics as required by Policy HAZ-NH-P1, mapping the extent of those areas in the relevant regional plan(s) and including those maps on a natural hazard register or database;~~

~~(c) identifying coastal hazards as required by HAZ-NH-P1A in accordance with Policy 24 of the NZCPS, mapping the extent of those areas in the relevant regional plan(s) and including those maps on a natural hazard register or database; and~~

~~(d) continually monitoring natural hazard risk to understand how levels of natural hazard risk change overtime, and where required, update the natural hazard mapping areas identified in 2(b) and (c) above;~~

(3) territorial authorities are responsible for:

~~(a) specifying objectives, policies and methods (including mapping) in district plans for land outside of the areas listed in (2)(a)(i), (ii) and (iii); and~~

~~(b) mapping or identifying via the natural hazard register or database, areas identified in 2(a), (b) and (c) above subject to natural hazards and describing the characteristics of those areas in the relevant district plan(s);~~

[81] The parties have agreed that HAZ-NH-M2 can be amended as follows:

### **HAZ-NH-M2 – Local authorities**

Local authorities must work collaboratively to:

(1) assess the level of natural hazard risk in their region or district in accordance with HAZ-NH-P2, HAZ-NH-P2A and APP6, including by:

(a) consulting with communities, stakeholders and Kāi Tahu, including with local authorities in neighbouring regions partners regarding risk levels thresholds,

(b) developing a Risk Table in accordance with Step 3 of APP6 at a district or community scale, and

(c) identifying areas of significant risk,

(2) continue to undertake research on the identification of natural hazard risk and amend natural hazard registers, databases, regional plans and/or district plans as required,

(3) investigate options for reducing the level of natural hazard risk within areas of existing development to a tolerable or lower level, including by managing existing use rights under Sections 10 and 20A of the RMA,

(4) prepare or amend and maintain their regional plans or district plans to take into account the effects of climate change by:

(a) using the best relevant climate change data and projections to 2115,

(b) taking a precautionary approach when assessing and managing the effects of climate change where there is scientific uncertainty and potentially significant or irreversible effects,

(c) providing for activities that assist to reduce or mitigate the effects of climate change, ~~and~~

(d) encouraging system resilience, and-

(5) agree how natural hazard management is undertaken to achieve a collaborative approach between the local authorities.

[82] The parties have agreed to include new Method HAZ-NH-MX as follows:

**HAZ-NH-MX – Identifying and monitoring natural hazards**

(1) Otago Regional Council must:

(a) identify areas in the region subject to natural hazards and describe their characteristics as required by Policy HAZ-NH-P1, mapping the extent of those

areas in any relevant regional plan(s) and on a natural hazard register or database,

(b) identify coastal hazards as required by HAZ-NH-P1A in accordance with Policy 24 of the NZCPS, mapping the extent of those areas in any relevant regional plan(s) and on a natural hazard register or database, and

(c) monitor natural hazard risk to understand how levels of natural hazard risk change over time, and where required, update the natural hazard mapping areas identified above.

(2) Territorial authorities must map or identify via the natural hazard register or database, areas identified in (1) above subject to natural hazards and describe the characteristics of those areas in the relevant district plan(s).

(3) Territorial authorities may map and identify land subject to natural hazards in accordance with HAZ-NH-P1 and HAZ-NH-P1A for inclusion in the natural hazard register or database in addition to areas already identified by the Otago Regional Council.

[83] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(h), 7(b) and 7(i).

#### **APP6 – Methodology for natural hazard risk assessment**

[84] APP6 was appealed by:

- (a) OGL;
- (b) QLDC; and
- (c) POL.

#### ***OGL***

[85] OGL's appeal sought that APP6 be amended to remove reference to "resilience". OGL's position was that without the term being defined, it was unclear what the term applied to.

[86] The following persons gave notice of an intention to join this part of OGL's appeal under s274 RMA:

- (a) the Forestry appellants;
- (b) Fish & Game;
- (c) Forest & Bird;
- (d) OWRUG;
- (e) QLDC;
- (f) QAC; and
- (g) EDS.

### ***QLDC***

[87] QLDC's appeal sought that APP6 be amended to provide further clarity as to how APP6 works with other provisions in the HAZ chapter and provide greater flexibility for when qualitative and quantitative natural hazard risk assessments are required.

[88] The followings persons gave notice of an intention to join this part of QLDC's appeal under s274 RMA:

- (a) Darby;
- (b) OGL;
- (c) POL;
- (d) RealNZ;
- (e) DCC; and
- (f) QAC.

### ***Resolution***

[89] The parties have agreed that APP6 can be amended as follows:

## APP6 – Methodology for natural hazard risk assessment

...

### Step 2 – Natural hazard consequence

~~Advice note 1: Table 7 shall be utilised by local authorities determining the level of risk presented by a hazard(s) when undertaking plan change or plan review processes.~~

~~Advice note 2: The matters listed in (1) to (11) provide useful considerations for local authorities and are the primary considerations for resource consent applications triggering a risk assessment requirement in accordance with HAZ-NH-M3(7)(a) or HAZ-NH-M4(7)(a).~~

~~Using Table 7 and~~ The matters listed in (1) to (11) below, are used to inform assess the consequence (catastrophic, major, moderate, minor, or insignificant) of the natural hazard scenarios identified in ~~step~~ Step 1 for Table 7 considering:

(1) the nature and scale of existing activities in the area,

(1A) the nature and scale of the activity proposed or provided for and any hazard mitigation measures,

(2) individual and community vulnerability and resilience,

(3) impacts on individual and community health and safety,

(4) impacts on social, cultural and economic well-being,

(5) impacts on infrastructure and property, including access and services,

(6) available and viable risk reduction and hazard mitigation measures,

(7) lifeline utilities, essential and emergency services, and their co-dependence,

(8) implications for civil defence agencies and emergency services,



(9) the changing natural hazard environment,

(10) cumulative effects including multiple and cascading hazards, where present, and

(11) factors that may exacerbate a natural hazard event including the effects of climate change.

### Step 3 – Assessing natural hazard risk

Table 8: Risk table

Likelihood	Consequences				
	Insignificant	Minor	Moderate	Major	Catastrophic
Almost certain	Green	Yellow	Yellow	Red	Red
Likely	Green	Green	Yellow	Hatching	Red
Possible	Green	Green	Yellow	Yellow	Red
Unlikely	Green	Green	Green	Green	Yellow
Rare	Green	Green	Green	Green	Yellow
Green: Acceptable Risk; Yellow: Tolerable Risk; Red: Significant Risk; Hatching: Quantitative assessment required					

### Step 4 – Undertake a quantitative risk assessment

While Steps 1-3 will qualitatively categorise natural hazard risk based on a community's understanding and acceptance level of risk, it will not provide quantitative understanding of the risk a natural hazard presents to the built environment, or health and safety.

If the assessment undertaken in Steps 1-3 determines that one of the three natural hazard scenarios generate risk that is significant, or a tolerable risk with a catastrophic consequence, undertake with major consequences with an almost

certain or likely likelihood, or catastrophic consequence with an almost certain, likely, or possible likelihood, then a quantitative risk assessment is required. If appropriate, there is discretion for local authorities to also require a quantitative risk assessment for risk that does not come within these categories. A quantitative risk assessment will be undertaken utilising the following methodology:

...

[90] The parties have agreed that removal of the advice notes simplifies APP6.

[91] The parties consider that inclusion of clause (1A) provides further guidance to local authorities when informing the consequence of the natural hazard scenario.

[92] The parties consider that the agreed amendments provide greater flexibility to local authorities as:

- (a) the removal of Advice Note 1 removes the directive requirement on local authorities to apply Table 7 when undertaking a plan change or review;
- (b) the amendments to the opening paragraph of Step 2 clarify that the matters listed in (1) to (11) are to “inform” the consequence inquiry rather than “assess” it; and
- (c) the hatching on Table 8 has been amended so that a mandatory assessment is triggered in more limited circumstances, while Step 4 makes it explicit that local authorities have a discretion to also require a quantitative risk assessment for risk that does not come within these categories.

[93] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(h), 7(b) and 7(i).

### **HAZ-CL-P14 – Managing contaminated land**

[94] Policy HAZ-CL-P14 was appealed by the Fuel Companies.

[95] The Fuel Companies’ appeal sought to amend HAZ-CL-P14 to remove the mitigation hierarchy in clause (3) from the policy. The Fuel Companies’ position was that it was inappropriate to apply an “avoid, remedy, mitigate” hierarchy in all circumstances for an existing contaminant.

[96] The following persons gave notice of an intention to join this part of the Fuel Companies’ appeal under s274 RMA:

- (a) POL; and
- (b) QAC.

### ***Resolution***

[97] The parties have agreed that HAZ-CL-P14 can be amended as follows:

#### **HAZ-CL-P14 – Managing contaminated land**

Manage contaminated or potentially contaminated land so that it does not pose an unacceptable risk to people and the environment, by:

- (1) assessing and, if required, monitoring contaminant levels and environmental risks,
- (2) protecting human health in accordance with regulatory requirements,
- (3) avoiding further or continuing adverse effects, as the first priority, and only where avoidance is not reasonably practicable, mitigating or remediating, adverse effects of the contaminants on the environment,
- (4) requiring closed landfills to be managed in accordance with a closure plan that sets out monitoring requirements and, where necessary, any remedial actions required to address ongoing risks, and

(5) prioritising the identification and management of closed landfills and contaminated land at risk from the effects of climate change.

[98] The parties consider that the agreed amendment makes clear that the “avoidance” as a first priority applies to further or continuing adverse effects, acknowledging that it will not always be practicable or possible to avoid adverse effects generally when dealing with land that is already contaminated.

[99] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 7(b) and 7(f).

### **HAZ-CL-P18 – Waste facilities and services**

[100] Policy HAZ-CL-P18 was appealed by Forest & Bird and Kāi Tahu.

#### ***Forest & Bird***

[101] Forest & Bird’s appeal sought that the text “to the extent reasonably practicable, minimise” be deleted and replaced with “avoid”. Forest & Bird’s position was that the policy direction to minimise adverse effects on the environment only to the extent reasonably practicable may not give effect to the NZCPS, the National Policy Statement for Freshwater Management (NPS-FM) or the National Policy Statement for Indigenous Biodiversity (NPS-IB).

[102] The following persons gave notice of an intention to join this part of Forest & Bird’s appeal under s274 RMA:

- (a) the DGC;
- (b) Cain Whānau;
- (c) DCC;
- (d) the EDBs;
- (e) Fish & Game;
- (f) QLDC;

- (g) QAC;
- (h) the Forestry appellants; and
- (i) POL.

### ***Kāi Tahu***

[103] Kāi Tahu's appeal sought the inclusion of an additional clause in the policy requiring the avoidance of locating new waste treatment and disposal facilities in or near wāhi tūpuna. Kāi Tahu's position was that treatment and disposal of waste on or in close vicinity to wāhi tapu and wāhi taoka in Otago had impacted significantly on the mauri these sites and on customary practices and there was a need to ensure further impacts were avoided.

[104] The following persons gave notice of an intention to join this part of Kāi Tahu's appeal under s274 RMA:

- (a) Cain Whānau;
- (b) the EDBs;
- (c) DCC;
- (d) Fish & Game;
- (e) Forest & Bird;
- (f) QAC;
- (g) QLDC;
- (h) POL; and
- (i) the Forestry Appellants.

### ***Resolution***

[105] The parties have agreed that HAZ-CL-P18 can be amended as follows:

### **HAZ-CL-P18 – Waste facilities and services**

When providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of waste materials:

- (1) avoid adverse effects on the health and safety of people,
- (2) to the extent reasonably practicable, minimise the potential for adverse effects on the environment to occur,
- (3) minimise risk associated with natural hazard events, and
- (4) restrict the establishment of activities that may result in reverse sensitivity effects near waste management facilities and services.
- (5) have particular regard to adverse effects on the cultural values of identified wāhi tūpuna in accordance with HCV-WT-P2.

[106] The parties advised that new clause (5) responds directly to Kāi Tahu’s appeal point as it directs users to Policy ‘HCV-WT-P2 – Management of effects on wāhi tupuna’ which requires protection of wāhi tupuna, including by avoiding significant adverse effects on their cultural values.

[107] The parties have agreed that no amendments are necessary in response to Forest & Bird’s appeal point.

[108] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(e), 7(a), 7(b) and 8.

### **Landfills**

[109] As set out in the consent memorandum dated 14 July 2024 in relation to appealed provisions in the ‘EIT – Energy, infrastructure and transport’ chapter, the parties agreed to remove “landfills and associated solid waste sorting and

transfer facilities which are designated by, or are operated by a local authority” from the definition for ‘regionally significant infrastructure’ because they are not ‘infrastructure’ as defined in s2 RMA.

[110] The parties instead agreed that a new policy be included in the HAZ chapter as follows:

**HAZ-CL-PX – Operation and development of municipal landfills**

(1) recognise the regional importance of operation and development of landfills which are designated by, or are owned or operated by a local authority to the health, safety and welfare of communities, and the operational constraints on the location of these facilities,

(2) when providing for the operation and development of landfills which are designated by, or are owned or operated by a local authority in the following areas outside the coastal environment, avoid, as the first priority, locating in:

(a) significant natural areas,

(b) natural inland wetlands,

(c) wāhi tūpuna, and

(d) outstanding natural landscapes,

(3) if it is not reasonably practicable to avoid locating in the areas listed in (2) above because of the functional needs or operational needs of the landfill, manage adverse effects as follows:

(a) in significant natural areas, in accordance with ECO-P3 and ECO-P5A,

(b) in natural inland wetlands, in accordance with LF-FW-P10A,

(c) in relation to wāhi tūpuna, in accordance with HCV-WT-P2,

(d) in outstanding natural landscapes, adverse effects on the values that contribute to the area's importance shall be:

(i) remedied or mitigated to the extent practicable,

(ii) where they cannot be practicably remedied or mitigated, regard shall be had to offsetting and/or compensation of more than minor residual adverse effects, and

(4) ensure that the ability to develop, use and protect native reserves and Māori land in accordance with MW-P4 is not compromised.

[111] The parties advised that the new policy recognises the importance of landfills while seeking to manage their location and providing a policy framework for the management of adverse effects in the sensitive areas.

[112] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(a) to (c), 6(e), 7(a), 7(b), 7(d), 7(f) and 8.

### **Other relevant matters**

[113] The Fuel Companies' appeal on the PORPS is resolved in full as a result of this Order.

[114] The parties advise that there are no outstanding appeal points on the HAZ chapter as a result of this Order.

### **Consideration**

[115] I have read and considered the consent memorandum of the parties dated 31 August 2025 which proposes to resolve the appeal points in relation to the provisions in the HAZ chapter, Policy CE-P1, and the definition for 'Coastal hazard' in the PORPS, as set out in 'A:(1)' at the commencement of this Order.

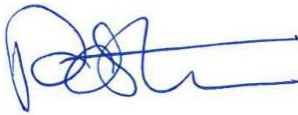
[116] The parties advise that all matters proposed for the court's endorsement



fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

### **Outcome**

[117] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



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**P A Steven**  
**Environment Judge**



## **SCHEDULE ONE**

### **Appeals**

1. ENV-2024-CHC-24 Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited v ORC
2. ENV-2024-CHC-26 Royal Forest and Bird Protection Society of New Zealand Incorporated v ORC
3. ENV-2024-CHC-28 BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited v ORC
4. ENV-2024-CHC-29 Oceana Gold (New Zealand) Limited v ORC
5. ENV-2024-CHC-30 Cain Whānau v ORC
6. ENV-2024-CHC-33 Port Otago Limited v ORC
7. ENV-2024-CHC-36 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Awarua and Te Rūnanga o Ngāi Tahu v ORC
8. ENV-2024-CHC-37 Queenstown Lakes District Council v ORC

### **Section 274 Parties**

1. Director-General of Conservation
2. Dunedin City Council
3. City Forests Limited, Ernslaw One Limited, Port Blakely NZ Limited and Rayonier Matariki Forests
4. Otago and Central South Island Fish and Game Councils
5. Darby Asset Management LP
6. Real Group Limited
7. Environmental Defence Society

## **Annexure 1**

### **Amend definitions:**

<b>Risk (in relation to <del>natural</del> hazards)</b>	has the same meaning as in the Glossary in the New Zealand Coastal Policy Statement 2010 (as set out in the box below)
	<del>Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence (AS/NZS ISO 31000:2009 <i>Risk management Principles and guidelines</i>, November 2009)</del>

### **Amend objectives:**

#### **HAZ-NH-O1 – Natural hazards**

Activities do not exacerbate natural hazard ~~Risks to people, communities and property from natural hazards~~ within Otago, and ~~are maintained where they are acceptable, and~~ managed to reduce significant natural hazard risk. ~~Ensure they do not exceed tolerable risk.~~

#### **HAZ-NH-O2 – Adaptation**

Otago's people, communities, ~~and property,~~ and other aspects of the environment are prepared for and able to adapt to the *effects* of *natural hazards*, including *natural hazard* risks that are exacerbated by *climate change*.

### **Amend policies:**

#### **CE-P1 – Links with other chapters**

- (1) the provisions of the ECO and, EIT, ~~and HAZ~~ chapters apply within the coastal environment, except for the following provisions:
  - (a) ECO-P3 to ECO-P6 and associated methods,

- (b) EIT-INF-P13 and associated methods, and
- ~~(c) HAZ-NH-P1 to HAZ-NH-P4 and associated methods, and~~
- (2) the provisions within the following chapters of this RPS apply in addition to the provisions within this chapter:
  - (a) MW – Mana whenua,
  - (b) IM – Integrated management,
  - (c) AIR – Air,
  - (d) LF – Land and freshwater,
  - (e) HCV – Heritage and historical values, ~~and~~
  - (f) UFD – Urban form and development, and
  - (g) HAZ – Hazards and risks
- (3) the provisions of the NFL – Natural features and landscapes chapter do not apply in the coastal environment.

#### **HAZ-NH-P1A – Identifying areas subject to *coastal hazards***

Identify areas that are potentially affected by *coastal hazards* ~~(including tsunami)~~, giving priority to the identification of areas at high risk of being affected.

#### **HAZ-NH-P1– Identifying areas subject to *natural hazards***

For hazards not identified in accordance with HAZ-NH-P1A, using the best available information, identify areas where *natural hazards* may adversely affect Otago's people, communities and property, by assessing:

- (1) the hazard type and characteristics,
- (2) multiple and *cascading hazards*, where present,
- ~~(3) any cumulative effects,~~
- (4)(3) changes over time, including due to any effects of climate change,
- ~~(5)(4)~~ the likelihood of different hazard scenarios occurring, and
- ~~(6)(5)~~ any other exacerbating factors.

#### **HAZ-NH-P2 – Natural hazard risk assessments**

Within areas identified under HAZ-NH-P1 as being subject to *natural hazards*, assess *natural hazard* risk as significant, tolerable, or acceptable by determining a range of *natural hazard* event scenarios and their potential consequences in accordance with ~~the criteria set out within APP6.~~

### **HAZ-NH-P2A – Coastal hazard risk assessments**

Within areas identified under HAZ-P1A as being subject to *coastal hazards*, assess *coastal hazard* risk as significant, tolerable, or acceptable over at least the next 100 years by determining a range of *natural hazard* event scenarios and their potential consequences in accordance with APP6.

### **HAZ-NH-P3 – Managing ~~N~~new activities for coastal hazard risk and *natural hazard* risk**

~~Once the level of~~ For *natural hazard* risk associated with an activity that has been determined in accordance with HAZ-NH-P2, HAZ-NH-P2A and APP6, manage new activities to achieve the following outcomes:

- (1) significant *natural hazard* risks are avoided,
- (2) when the *natural hazard* risk is tolerable, manage the level of risk so that it does not exceed tolerable, and
- (3) when the *natural hazard* risk is acceptable, maintain the level of risk.

### **HAZ-NH-P7 – Mitigating *natural hazards***

Prioritise risk management approaches that reduce the need for *hard protection structures* or similar engineering interventions, and provide for *hard protection structures* only when:

- (1A) the following apply:
  - (a) there are no reasonable alternatives that manage or reduce the risk exposure to a level the community is able to tolerate,
  - (b) *hard protection structures* would not result in a more than minor increase in risk to people, communities, ~~and property,~~ and other aspects of the *environment*, including displacement of risk off-site,
  - (c) the adverse *effects* of the *hard protection structures* can be adequately managed, and
  - (d) the mitigation is viable in the reasonably foreseeable long term or provides time for future adaptation methods to be implemented, or
- (1B) the *hard protection structure* protects a *lifeline utility*, or a facility for essential or emergency services.

### HAZ-NH-P9 – Protection of hazard mitigation measures, *lifeline utilities*, and essential or emergency services

Protect the ~~functional needs and operational~~ of hazard mitigation measures, *lifeline utilities*, and essential or emergency services, including by:

- (1) avoiding significant adverse *effects* on those measures, utilities or services,
- (2) avoiding, and only where avoidance is not practicable, remedying or mitigating other adverse *effects* on those measures, utilities or services,
- (3) maintaining access to those measures, utilities or services for maintenance and operational purposes, ~~and~~
- (4) restricting the establishment of other activities that may result in reverse sensitivity *effects* on those measures, utilities or services, and
- (5) providing for necessary operation, maintenance and upgrades.

### HAZ-NH-P10 – Coastal hazards

On any ~~land~~ that is potentially affected by coastal hazards over at least the next 100 years:

- (1) ~~avoid increasing the risk of social, environmental and economic harm from coastal hazards,~~
- (2) ~~ensure no land use change or redevelopment occurs that would increase the risk to people and communities from that coastal hazard,~~
- (3) ~~encourage land use change or redevelopment that reduces the risk from that coastal hazard,~~
- (4) ~~ensure decision making about the nature, scale and location of activities considers the ability of Otago's people and communities to adapt to, or mitigate the effects of, sea level rise and climate change, and~~
- (5) ~~apply HAZ-NH-P5 to HAZ-NH-P9.~~

### HAZ-NH-P11 – Kāi Tahu rakatirataka

Recognise and provide for the rakatirataka of Kāi Tahu by:

- (1) enabling *mana whenua*, and owners of Māori land in relation to their land, to lead approaches on the management of *natural hazard* risks affecting native reserves and Māori *land*, to ensure that land is able to be used and developed in accordance with MW-P4, and
- (2) including Kāi Tahu in decision-making on the management of *natural hazard*

risks affecting the values of *wāhi tūpuna*.

### **Amend methods:**

#### **HAZ-NH-M1 – Statement of responsibilities**

In accordance with section 62(1)(i)(i) of the RMA, the responsibilities for the control of *land* use to avoid or mitigate *natural hazards* or any group of hazards are as follows:

- (1) the Regional Council and *territorial authorities* are both responsible for specifying objectives, policies and methods in *regional plans* and *district plans* for managing *land* subject to *natural hazard* risk,
- (2) the Regional Council is responsible for:
  - (a) specifying objectives, policies and methods (including mapping) in *regional plans*:
    - (i) in the *coastal marine area*,
    - (ii) in *wetlands, lakes and rivers*,
    - (iii) in, on or under the *beds* of *rivers* and *lakes*, and
    - (iv) on land in relation to the avoidance or mitigation of *natural hazards* risk reduction,
  - ~~(b) identifying areas in the region subject to *natural hazards* and describing their characteristics as required by Policy HAZ-NH-P1, mapping the extent of those areas in the relevant *regional plan(s)* and including those maps on a *natural hazard* register or database,~~
  - ~~(c) identifying *coastal hazards* as required by HAZ-NH-P1A in accordance with Policy 24 of the NZCPS, mapping the extent of those areas in the relevant *regional plan(s)* and including those maps on a *natural hazard* register or database, and~~
  - ~~(d) continually monitoring *natural hazard risk* to understand how levels of *natural hazard risk* change overtime, and where required, update the *natural hazard* mapping areas identified in 2(b) and (c) above,~~
- (3) territorial authorities are responsible for:
  - ~~(a) specifying objectives, policies and methods (including mapping) in *district plans* for *land* outside of the areas listed in (2)(a)(i), (ii) and (iii), and~~
  - ~~(b) mapping or identifying via the *natural hazard* register or database, areas identified in 2(a), (b) and (c) above subject to natural hazards and describing the characteristics of those areas in the relevant *district plan(s)*.~~

#### **HAZ-NH-MX – Identifying and monitoring *natural hazards***

- (1) Otago Regional Council must:

- (a) identify areas in the region subject to *natural hazards* and describe their

characteristics as required by Policy HAZ-NH-P1, mapping the extent of those areas in any relevant *regional plan(s)* and on a *natural hazard* register or database.

(b) identify *coastal hazards* as required by HAZ-NH-P1A in accordance with Policy 24 of the NZCPS, mapping the extent of those areas in any relevant *regional plan(s)* and on a *natural hazard* register or database, and

(c) monitor *natural hazard* risk to understand how levels of *natural hazard* risk change over time, and where required, update the *natural hazard* mapping areas identified above.

(2) Territorial authorities must map or identify via the *natural hazard* register or database, areas identified in (1) above subject to *natural hazards* and describe the characteristics of those areas in the relevant *district plan(s)*.

(3) Territorial authorities may map and identify land subject to *natural hazards* in accordance with HAZ-NH-P1 and HAZ-NH-P1A for inclusion in the *natural hazard* register or database in addition to areas already identified by the Otago Regional Council.

## **HAZ-NH-M2 – Local authorities**

*Local authorities* must work collaboratively to:

- (1) assess the level of *natural hazard* risk in their region or district in accordance with HAZ-NH-P2, HAZ-NH-P2A and APP6, including by:
  - (a) consulting with communities, stakeholders and Kāi Tahu, including with *local authorities* in neighbouring regions partners regarding risk levels thresholds,
  - (b) developing a Risk Table in accordance with Step 3 of APP6 at a district or community scale, and
  - (c) identifying areas of significant risk,
- (2) continue to undertake research on the identification of *natural hazard* risk and amend *natural hazard* registers, databases, *regional plans* and/or *district plans* as required,
- (3) investigate options for reducing the level of *natural hazard* risk within areas of existing development to a tolerable or lower level, including by managing existing use rights under Sections 10 and 20A of the RMA,
- (4) prepare or amend and maintain their *regional plans* or *district plans* to take into account the *effects* of *climate change* by:
  - (a) using the best relevant *climate change* data and projections to 2115,
  - (b) taking a precautionary approach when assessing and managing the *effects* of *climate change* where there is scientific uncertainty and potentially significant or irreversible *effects*,
  - (c) providing for activities that assist to reduce or mitigate the *effects* of *climate change*, and



- (d) encouraging system *resilience*, and-
- (5) agree how *natural hazard* management is undertaken to achieve a collaborative approach between the local authorities.

### **HAZ-NH-M3 – Regional plans**

Otago Regional Council must prepare or amend and maintain its *regional plans* to:

- (1) manage activities in the *coastal marine area*, *beds of lakes and rivers*, and *wetlands* to achieve policies HAZ-NH-P3 to HAZ-NH-P6, and the outcomes of the Risk Table established within HAZ-NH-M2(1),
- (2) include *natural hazard* risk reduction measures, such as removing or restricting existing *land* uses, where there is significant risk to people or property,
- (3) protect natural or modified features and systems that provide mitigation from the adverse *effects* of *natural hazards* in accordance with HAZ-NH-P6,
- (4) provide for *hard protection structures* in accordance with HAZ-NH-P7,
- (5) provide for the *functional needs* of hazard mitigation measures, *lifeline utilities*, and essential or emergency services in accordance with HAZ-NH-P8 and HAZ-NH-P9, and
- (6) include provisions that require decision makers to apply the precautionary approach set out in HAZ-NH-P5 when considering applications for *resource consent* for activities that will change the use of *land* and thereby increase the risk from *natural hazards* within areas subject to *natural hazard* risk that is uncertain or unknown, but potentially significant or irreversible, and
- ~~(7) require a *natural hazard risk* assessment commensurate with the level of *risk* from the proposed activity be undertaken where an activity requires a *resource consent* to change the use of *land* in areas subject to *natural hazards*, and where the *resource consent* is lodged prior to the *natural hazard risk* assessment required by HAZ-NH-M2(1) being completed, included in the *regional plan* and made operative, the *natural hazard risk* assessment must include:-~~
  - ~~(a) an assessment of the level of *natural hazard risk* associated with the proposal in accordance with APP6, and~~
  - ~~(b) an assessment demonstrating how the proposal will achieve the outcomes set out in Policies HAZ-NH-P3 and HAZ-NH-P4, and~~
- ~~(8) not require a *natural hazard risk* assessment in accordance with APP6 for *resource consent* applications, once the *natural hazard risk* assessment required by HAZ-NH-M2(1) has been completed, included in the relevant *regional plan* and made operative, unless otherwise expressly required by the relevant *regional plan*.~~

#### **HAZ-NH-M4 – District plans**

*Territorial authorities* must prepare or amend and maintain their *district plans* to:

- (1) achieve policies HAZ-NH-P3 to HAZ-NH-P6, and incorporate the outcomes of the Risk Table established within HAZ-NH-M2(1), on *land* outside the *coastal marine area*, *beds of lakes and rivers*, and *wetlands* by managing the location, scale and density of activities that are subject to *natural hazard* risk,
- (3) protect the role of natural or modified features and systems that provide mitigation from the adverse *effects* of *natural hazards* in accordance with HAZ-NH-P6,
- (4) provide for *hard protection structures* in accordance with HAZ-NH-P7,
- (5) provide for the *functional needs* of hazard mitigation measures, *lifeline utilities*, and essential or emergency services in accordance with HAZ-NH-P8 and HAZ-NH-P9,
- (6) include provisions that require decision makers to apply the precautionary approach set out in HAZ-NH-P5 when considering applications for *resource consent* for activities that will change the use of *land* and which may increase the risk from *natural hazards* within areas subject to *natural hazard* risk that is uncertain or unknown, but potentially significant or irreversible, and
- (7) require a *natural hazard* risk assessment commensurate with the level of risk from the proposed activity be undertaken where an activity requires a plan change ~~or resource consent~~ to change the use of *land* in areas subject to *natural hazards*, and ~~where the application is lodged prior to the natural hazard risk assessment required by HAZ-NH-M2(1) being completed, included in the district plan and made operative, the natural hazard risk assessment must include~~ including:
  - (a) an assessment of the level of *natural hazard* risk associated with the proposal in accordance with APP6, and
  - (b) an assessment demonstrating how the proposal will achieve the outcomes set out in Policies HAZ-NH-P3 and HAZ-NH-P4, ~~and~~
- ~~(8) not require a natural hazard risk assessment in accordance with APP6 for resource consent applications, once the natural hazard risk assessment required by HAZ-NH-M2(1) has been completed, included in the relevant regional plan and made operative, unless otherwise expressly required by the relevant regional plan.~~

#### **HAZ-NH-MX – Natural hazard assessment**

- (1) Prior to the natural hazard risk assessment required by HAZ-NH-M2(1) being completed, included in the relevant regional plan or district plan, and made operative, when a natural hazard risk assessment is required within a regional plan or district plan as part of a resource consent, local authorities are encouraged to consider whether that natural hazard risk assessment:
  - (a) includes an assessment of the level of natural hazard risk associated

with the proposal, commensurate with the level of risk, and

(b) demonstrates how the proposal will achieve the outcomes set out in Policies HAZ-NH-P3 and HAZ-NH-P4,

(2) Once the *natural hazard* risk assessment required by HAZ-NH-M2(1) has been completed, included in the relevant *regional plan* or *district plan*, and made operative, unless otherwise expressly required by the relevant *regional plan* or *district plan*, not requiring a *natural hazard* risk assessment in accordance with APP6 for *resource consent* applications.

### **Amend Appendix:**

### **APP6 – Methodology for *natural hazard* risk assessment**

Undertake the following four step process to determine the *natural hazard* risk.

#### **Step 1 – Determine the likelihood**

- (1) Assess the likelihood of three *natural hazard* scenarios occurring, representing a high likelihood, median likelihood, and the maximum credible event, using the best available information.
- (2) Use table 6 to assign a likelihood descriptor to the three natural hazard scenarios.
- (3) The likelihood assessment shall include consideration of the *effect* of *climate change* and should use the Shared Socio-Economic Pathway (SSP) scenarios or Representative Concentration Pathways (RCP) scenarios provided in the National Adaptation Plan.

*Table 6: Likelihood scale*

Likelihood	Indicative frequency
Almost certain	Up to once every 50 years (2% AEP)
Likely	Once every 51 – 100 years (2 – 1% AEP)
Possible	Once every 101 – 1,000 years (1 – 0.11% AEP)
Unlikely	Once every 1,001 – 2,500 years (0.1 – 0.04% AEP)
Rare	2,501 years plus (<0.04% AEP)

## Step 2 – Natural hazard consequence

~~**Advice note 1:** Table 7 shall be utilised by *local authorities* determining the level of *risk* presented by a hazard(s) when undertaking plan change or plan review processes.~~

~~**Advice note 2:** The matters listed in (1) to (11) provide useful considerations for *local authorities* and are the primary considerations for resource consent applications triggering a *risk* assessment requirement in accordance with HAZ-NH-M3(7)(a) or HAZ-NH-M4(7)(a).~~

Using Table 7 and ~~the~~ The matters listed in (1) to (11) below, are used to inform assess the consequence (catastrophic, major, moderate, minor, or insignificant) of the *natural hazard* scenarios identified in ~~step~~ Step 1 for Table 7 considering:

- (1) the nature and scale of existing activities in the area,
- ~~(1A) the nature and scale of the activity proposed or provided for and any hazard mitigation measures,~~
- (2) individual and community vulnerability and *resilience*,
- (3) impacts on individual and community health and safety,
- (4) impacts on social, cultural and economic well-being,
- (5) impacts on *infrastructure* and property, including access and services,
- (6) available and viable risk reduction and hazard mitigation measures,
- (7) *lifeline utilities*, essential and emergency services, and their co-dependence,
- (8) implications for civil defence agencies and emergency services,
- (9) the changing *natural hazard* environment,
- (10) cumulative *effects* including multiple and *cascading hazards*, where present, and
- (11) factors that may exacerbate a *natural hazard* event including the *effects* of *climate change*.

Table 7: Consequence table

Severity of Impact	Built				Health & Safety
	Social/Cultural	Buildings	Critical Buildings	Lifelines	
Catastrophic (V)	≥25% of <i>buildings</i> of social/cultural significance within hazard impact area have functionality compromised	≥50% of <i>buildings</i> within hazard impact area have functionality compromised	≥25% of critical facilities within hazard impact area have functionality compromised	Out of service for > 1 month (affecting ≥20% of the town/city population) OR suburbs out of service for > 6 months (affecting < 20% of the town/city population)	> 10 dead and/or > 1001 injured

<b>Major</b>  <b>(IV)</b>	11-24% of <i>buildings</i> of social/cultural significance within hazard impact area have functionality compromised	21-49% of <i>buildings</i> within hazard impact area have functionality compromised	11-24% of <i>buildings</i> within hazard impact area have functionality compromised	Out of service for 1 week – 1 month (affecting ≥20% of the town/city population) OR suburbs out of service for 6 weeks to 6 months (affecting < 20% of the town/city population)	1 – 10 dead and/or 101 – 1000 injured
<b>Moderate</b>  <b>(III)</b>	6-10% of <i>buildings</i> of social/cultural significance within hazard impact area have functionality compromised	11-20% of <i>buildings</i> within hazard impact area have functionality compromised	6-10% of <i>buildings</i> within hazard impact area have functionality compromised	Out of service for 1 day to 1 week (affecting ≥20% of the town/city population) OR suburbs out of service for 1 week to 6 weeks (affecting < 20% of the town/city population)	11 – 100 injured
<b>Minor</b>  <b>(II)</b>	1-5% of <i>buildings</i> of social/cultural significance within hazard impact area have functionality compromised	2-10% of <i>buildings</i> within hazard impact area have functionality compromised	1-5% of <i>buildings</i> within hazard impact area have functionality compromised	Out of service for 2 hours to 1 day (affecting ≥20% of the town/city population) OR suburbs out of service for 1 day to 1 week (affecting < 20% of the town/city population)	10 injured
<b>Insignificant</b>  <b>(I)</b>	No <i>buildings</i> of social/cultural significance within hazard impact area have functionality compromised	< 1% of <i>buildings</i> within hazard impact area have functionality compromised	No damage within hazard impact area, fully functional	Out of service for up to 2 hours (affecting ≥20% of the town/city population) OR suburbs out of service for up to 1 day (affecting < 20% of the town/city population)	No dead No injured

When assessing consequences within this matrix, the final level of impact is assessed on the 'first past the post' principle, in that the consequence with the highest severity of impact applies. For example, if a *natural hazard* event resulted in moderate severity of impact across all of the categories, with the exception of critical *buildings* which had a 'major' severity of impact, the major impact is what the proposal would be assessed on. If a *natural hazard* event resulted in all of the consequences being at the same level (for example, all of the consequences are rated moderate), then the level of consequence is considered to be moderate.

### Step 3 – Assessing natural hazard risk

Table 8: Risk table

	<b>Consequences</b>
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Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost certain					
Likely					
Possible					
Unlikely					
Rare					
Green: Acceptable Risk: Yellow: Tolerable Risk: Red: Significant Risk, Hatching: Quantitative assessment required					

#### Step 4 – Undertake a quantitative risk assessment

While Steps 1-3 will qualitatively categorise *natural hazard* risk based on a community's understanding and acceptance level of risk, it will not provide quantitative understanding of the risk a *natural hazard* presents to the built environment, or health and safety.

If the assessment undertaken in Steps 1-3 determines that one of the three *natural hazard* scenarios generate risk that is significant, or a tolerable risk with a catastrophic consequence, undertake with major consequences with an almost certain or likely likelihood, or catastrophic consequence with an almost certain, likely, or possible likelihood, then a quantitative risk assessment is required. If appropriate, there is discretion for local authorities to also require a quantitative risk assessment for risk that does not come within these categories. A quantitative risk assessment will be undertaken utilising the following methodology:

##### **HAZ-CL – Contaminated land**

##### **HAZ-CL-P14 – Managing contaminated land**

Manage contaminated or potentially *contaminated land* so that it does not pose an unacceptable risk to people and the *environment*, by:

- (1) assessing and, if required, monitoring *contaminant* levels and environmental risks,
- (2) protecting human health in accordance with regulatory requirements,
- (3) avoiding further or continuing adverse effects, as the first priority, and only where avoidance is not reasonably practicable, mitigating or remediating, adverse *effects* of the *contaminants* on the *environment*,
- (4) requiring closed *landfills* to be managed in accordance with a closure plan that sets out monitoring requirements and, where necessary, any remedial actions required to address ongoing risks, and
- (5) prioritising the identification and management of closed *landfills* and *contaminated land* at risk from the *effects* of *climate change*.

### **HAZ-CL-P18 – Waste facilities and services**

When providing for the development of facilities and services for the storage, recycling, recovery, treatment and disposal of *waste* materials:

- (1) avoid adverse *effects* on the health and safety of people,
- (2) to the extent reasonably practicable, minimise the potential for adverse *effects* on the *environment* to occur,
- (3) minimise risk associated with *natural hazard* events, and
- (4) restrict the establishment of activities that may result in reverse sensitivity *effects* near *waste* management facilities and services, and
- (5) have particular regard to adverse *effects* on the cultural values of identified wāhi tūpuna in accordance with HCV-WT-P2.

### **HAZ-CL-PX – Operation and development of municipal landfills**

- (1) recognise the regional importance of operation and development of *landfills* which are designated by, or are owned or operated by a *local authority* to the health, safety and welfare of communities, and the operational constraints on the location of these facilities,
- (2) when providing for the operation and development of *landfills* which are designated by, or are owned or operated by a *local authority* in the following areas outside the coastal environment, avoid, as the first priority, locating in:
  - (a) *significant natural areas*,
  - (b) natural inland *wetlands*,
  - (c) *wāhi tūpuna*, and
  - (d) outstanding natural landscapes,
- (3) if it is not reasonably practicable to avoid locating in the areas listed in (2) above because of the *functional needs* or *operational needs* of the *landfill*, manage adverse *effects* as follows:
  - (a) in *significant natural areas*, in accordance with ECO-P3 and ECO-P5A,
  - (b) in natural inland *wetlands*, in accordance with LF-FW-P10A,
  - (c) in relation to *wāhi tūpuna*, in accordance with HCV-WT-P2,
  - (d) in outstanding natural landscapes, adverse *effects* on the values that contribute to the area's importance shall be:
    - (i) remedied or mitigated to the extent practicable,
    - (ii) where they cannot be practicably remedied or mitigated,

regard shall be had to offsetting and/or compensation of more than minor residual adverse *effects*, and

(4) ensure that the ability to develop, use and protect *native reserves* and Māori *land* in accordance with MW-P4 is not compromised.

