

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan

Hearing 27C: Flood Hazards and Defended Areas

Report prepared by: Janice Carter

Date: 31 March 2021



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List of submitters and further submitters addressed in this report

Submitters

Original Submitter	Submission number
Allen Fabrics Limited	2072
Angel, Bianca	2092
Ambury Properties Limited	2180
Auckland Waikato Fish and Game	2156
Avant Developments Limited	2143
Baverstock William Bruce	2023
Beaver Karl Philip	2062
Bethell Jane	2176
Boston Six Limited	2035
Buckley, Peter Ross	2038
Cooper David & Karina	2079
Counties Power	2123
Daks Development	2089
de Lautour Mark Ian	2114
de Thierry Vivienne H	2155
Devi, Joytishna Arti	2154
Director General Department of Conservation	2108
Dilworth Trust Board	2161
Fire and Emergency New Zealand	2103
Federated Farmers New Zealand	2173
Finer Steve	2033
Fleming Ranch Trust	2075
Fowler Silvia & Peter Mark	2057
Fraser Gary	2030
Gallagher Judi	2167
Genesis Energy Limited	2104
Gouws Sarina	2013
Graham Frances	2044
Hamilton City Council	2036
Harrison John	2117
Henderson Aaron	2095

Henderson Murray	2159
Heritage New Zealand Pouhere Taonga	2107
Horticulture New Zealand	2149
Huntly Community Board	2188
ITpos Limited	2029
Johansen, Kerry	2025
Kainga Ora Homes and Communities	2094
Leather Philip	2171
Lyons Christine	2113
McNutt Fraser & Rachel, Jacqueline Keelan- Peebles, & Terence Peebles	2166
Mercury New Zealand Limited	2053
Meremere Dragway Incorporated	2150
Paekau Wini	2018
Parker Daniel	2085
Perry Group Limited	2105
Pokeno Village Holdings Limited	2147
Porter Simon	2125
Ports of Auckland Limited	2139
PowerCo Limited	2100
Quilty Cindy and Phillip	2153
Ravlich Amanda & Max	2164
RG de Leeuw Construction Limited	2138
Savill Rodger & Heather	2016
Smith Betsy and Noel	2026
Smith Eugene	2045
Smith Rachel	2046
Spark New Zealand Trading Limited	2040
Spitzer Nathan & Amy	2110
Steens Peter & Natalie	2082
Sunde Juliet & Ian	2129
Tanaki Jayson & Fulisia	2027
TaTa Valley Limited	2093

Terra Firma Resources Limited	2148
Transpower New Zealand Ltd	2101
Trigg Arnold Craig & Dianne Helen	2112
Udy Irvine Raymond	2043
Verstappen Charles	2184
Waikato District Council	2146
Waikato Regional Council	2102
Waikato Tainui Te Kauhanganui Incorporated	2151
Walker Stanley Russell	2056
Ward Ranch Ltd	2050
Waugh Ann	2034
WEL Networks Limited	2106
Wieser Kaaren Alma Lipy	2019

Further submitters

Further Submitter	Submission number
<i>Ambury Properties Limited</i>	<i>FS3028</i>
<i>Beale Kelly</i>	<i>FS3001</i>
<i>Counties Power</i>	<i>FS3021</i>
<i>Director General Department of Conservation</i>	<i>FS3012</i>
<i>Everett Blair</i>	<i>FS3019</i>
<i>Federated Farmers New Zealand</i>	<i>FS3030</i>
<i>Fire and Emergency New Zealand</i>	<i>FS3025</i>
<i>Gallagher Judi</i>	<i>FS3008</i>
<i>Genesis Energy Limited</i>	<i>FS3006</i>
<i>Horticulture New Zealand</i>	<i>FS3027</i>
<i>Hoan Yeroon</i>	<i>FS3004</i>
<i>Kainga Ora Homes and Communities</i>	<i>FS3033</i>
<i>KiwiRail Holdings Limited</i>	<i>FS3010</i>
<i>McBride Graham & Di</i>	<i>FS3026</i>
<i>Melrose Guy</i>	<i>FS3024</i>
<i>Mercury NZ Limited</i>	<i>FS3034</i>
<i>Ministry of Education</i>	<i>FS3011</i>
<i>Nicholl Lawrence Kenneth</i>	<i>FS3015</i>

<i>Ohinewai Lands Limited</i>	<i>FS3022</i>
<i>Perry Group Limited</i>	<i>FS3018</i>
<i>PowerCo Limited</i>	<i>FS3007</i>
<i>Shand Properties Limited</i>	<i>FS3020</i>
<i>Smith Noel</i>	<i>FS3017</i>
<i>Spark New Zealand Trading Limited</i>	<i>FS3002</i>
<i>TaTa Valley Limited</i>	<i>FS3029</i>
<i>Terra Firma Resources</i>	<i>FS3023</i>
<i>Timberline Contracting</i>	<i>FS3032</i>
<i>Transpower New Zealand Limited</i>	<i>FS3003</i>
<i>Waikato Regional Council</i>	<i>FS3031</i>
<i>WEL Networks Limited</i>	<i>FS3014</i>

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My full name is Janice Carter. I hold the position of Senior Associate at Barker and Associates Limited. I have been in this position since September 2019.
2. I hold the qualifications of Bachelor of Science in Geology and Geography from the University of Canterbury and a Master of Science (Hons) (Resource Management) from the University of Canterbury and Lincoln College. I undertook masters level engineering geology papers in applied hydrology, slope stability and natural hazards as part of my masters degree.
3. I have been employed in planning roles in private consultancies and local government for over 28 years. I am a full member of the New Zealand Planning Institute. I have recently undertaken work as an independent commissioner for the Christchurch City Council.
4. My experience specific to this topic, the subject of this report, includes assisting with advice and drafting of Chapter 15 for Stage 2 of the Proposed Waikato District Plan. I have undertaken that role since 2017.
5. I have been providing councils with advice in relation to resource management planning for natural hazards, particularly coastal and flooding issues since 2004. I have also been involved in district plan reviews and plan changes with natural hazards as a component which included the presentation of evidence to the Council, hearings and the Environment Court. Previously I was seconded to the Christchurch City Council to assist in the preparation of the proposed Christchurch District Plan where I was specifically involved with the drafting of the Natural Hazards chapter and in presenting evidence to the Independent Hearings Panel. I am also currently advising Nelson City Council on flooding and coastal hazard matters for its combined unitary plan review.
6. I have undertaken numerous site visits and meetings in relation to the topic subject of this report. This included attending a field day provided by Waikato Regional Council (WRC) on the Lower Waikato Flood Protection Scheme.

I.2 Code of Conduct

7. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
8. I am authorised to give this evidence on the Council's behalf to the hearing commissioners.

I.3 Conflict of Interest

9. I confirm that I have no real or perceived conflict of interest. One of the submitters works as an Associate Planner in the offices of B&A, but my recommendation on that submission is based on the advice of DHI on the ID modelling undertaken.

I.4 Preparation of this report

10. I have been asked to provide evidence in relation to Stage 2, Chapter 15 Flood Hazard and Defended Areas provisions and on the submissions and further submissions received. My recommendations on whether to accept, accept in part or reject the submissions are included throughout the report and compiled in Appendix I. Amendments I propose to the Flood Hazard and Defended Areas provisions as a result of my consideration of the relevant

submissions and further submissions is contained throughout the report and compiled in Appendix 2.

11. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
12. In preparing this report I have relied on expert advice sought from WRC and DHI with regards to the modelling and mapping undertaken to define the extent of the Flood Plain Management Area overlay, Flood Ponding Areas, the High Risk Flood Area overlay and the overlay identifying the Defended Areas.

2 Scope of Report

2.1 Matters addressed by this report

13. This report is prepared in accordance with section 42A of the Resource Management Act (RMA). This report considers submissions that were received by the Council in relation to the provisions on flood hazards and defended areas within Stage 2 of the Waikato Proposed District Plan. It does not, however, address coastal flooding, which will be dealt with in the coastal hazards topic. Provisions relating to management of flood hazards and Defended Areas include activities, buildings, and subdivision.

2.2 Overview of the topic/chapter

14. Stage 2, Chapter 15 addresses natural hazards and climate change. The chapter adopts a risk-based approach as required by the Waikato Regional Policy Statement (2016). The risk-based approach has been explained in more detail in Chapter 15.1 and the section 32 report. This topic deals with flood hazards including floodplain management, high-risk flood areas and flood ponding. It also includes provisions on areas defended by stop banks on the Waikato River as part of a consideration of residual risk required in the Waikato Regional Policy Statement (WRPS). This report does not include coastal flooding, which is dealt with in the coastal hazards topic.
15. The 1% AEP floodplain extent for the Waipa and Waikato Rivers has been identified by either 1D or 2D modelling (key risk areas) and has been included on the Proposed District Plan planning maps. The 2D modelling also enabled high-risk flooding areas and two flood ponding areas to be identified on the planning maps in the key risk areas. The flood mapping extents provided on the planning maps is the key difference in the approach in the Proposed Plan compared to the Operative Plan. Neither the Franklin Section nor the Waikato Section of the Operative Plan had mapped flood extents based on a 1% AEP flood event.
16. The rules operate only where the flood overlay falls. This means that if a property owner has a large site with land within the Flood Plain Management Area and also land outside of it, then the rule only applies to that part of the property within the Flood Plain Management Area. The exception to this is Flood Ponding Areas. Only two areas have been mapped. The status quo method in the Operative Plan is retained for unmapped flood ponding areas that experience floodwater ponding in a 1% AEP rainfall event. This is due to the lack of information available on other 1% AEP flood ponding areas.
17. Expert evidence on the flood modelling is provided by Greg Whyte of DHI and the flood mapping by Rick Liefing of Waikato Regional Council. Both Rick Liefing and Greg Whyte have assisted in the recommendations relevant to the flood modelling and mapping. The 2D

modelling of the key risk areas between Horotiu-Huntly-Ohinewai includes an allowance for climate change of 2.3°C based on the RCP6.0 scenario by the IPCC Fifth Assessment Report¹.

18. The Flood Plain Management Area is defined in the Proposed Plan as follows:

“Flood Plain Management Area

Means an area identified on the planning maps which is at risk of flooding in a 1% AEP flood event and is otherwise described as the 1% AEP floodplain.”

19. The High Risk Flood Areas are contained within the 1% AEP floodplain (i.e., are a subset) but are specifically identified because they are areas where flood waters are deeper and/or faster flowing. The High Risk Flood Areas are defined in the Proposed Plan as follows:

“High risk flood area

Means an area identified on the planning maps, located within the Flood Plain Management Area, which is subject to river or surface flooding during an event with an annual exceedance probability of no more than 1%, and during such an event:

- (a) the depth of water exceeds one metre; or*
- (b) the speed of flood waters exceeds two metres per second; or*
- (c) the flood depth multiplied by the flood speed exceeds one.”*

20. The provisions relating to flood ponding apply to the two Flood Ponding Areas identified on the planning maps, but also apply to areas captured by the definition of a flood ponding area. The Flood Ponding Area at Huntly was identified on the planning maps in the Operative Plan and has been ‘carried over’ to the Proposed Plan, but the Flood Ponding Area identified at Lake Waahi and Lake Puketirini is new. In the Proposed Plan, a flood ponding area is defined as follows:

“Flood Ponding Area

Means an area shown on the planning maps as an identified flood ponding area or an area that experiences floodwater ponding in a 1% AEP rainfall event.”

21. Defended Areas are also identified on the planning maps and have a separate set of provisions in the Proposed Plan relating to them. The mapped overlay, policies and rules for the Defended Areas are new provisions and do not have equivalent policies and rules in the Operative Plan. The mapped areas included as Defended Areas have been provided by WRC and have been distilled from maps of high benefit areas in the Lower Waikato Flood Protection Scheme. The Proposed Plan defines Defended Areas as follows:

“Defended Area

Means an area identified on the planning maps which would normally flood in a 1% AEP flood event but is protected from flooding by a flood protection scheme managed by the Waikato Regional Council, the Waikato District Council or the Crown.”

22. WRC issued a draft guidance note in respect to residual risk/Defended Areas, where it outlined two options for mapping of the Defended Areas:
- 1. ‘As mapped’ benefit area showing the property boundary along with the mapped hazard/defended area.
 - 2. By property, based on the amount of coverage affecting the property.

¹ Ministry for the Environment (2018). Climate Change Projections for New Zealand. Publication Reference No. MFE 1385. September 2018.

23. WRC's preference was for Option 1, however, it acknowledged that there may be practical reasons a territorial authority may require the use of Option 2.
24. The guidance outlines that the focus is identifying in Defended Areas what (new) development would require more detailed natural hazard risk assessments due to its likely higher risk should the structure fail or be overwhelmed.
25. Expert evidence on the Defended Areas is provided by Rick Liefing of WRC (see Appendix 4). The recommendations I make in this report on submissions related to mapping of Defended Areas has relied on advice from Mr Liefing.

2.3 Statutory requirements

26. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for the Council (23 September 2019) and the opening planning submissions for the Council (23 September 2019, paragraphs 18-32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45). The following sections identify statutory documents with particular relevance to this report.

Resource Management Act 1991

27. Section 6(h) of the RMA identifies the management of significant risks from natural hazards as a matter of national importance. In addition, Section 31 of the RMA requires territorial authorities to have the following function in its district (amongst other functions):

“s31

(b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of-*

(i) *the avoidance or mitigation of natural hazards;”*

28. Section 106 enables the Council to refuse or place conditions on a subdivision consent if there is significant risk from natural hazards.

Local Government Act 2002

29. Section 10 of the Local Government Act 2002 (LGA) sets out the purpose of local government. Section 101A requires that as part of their Long Term Plans (LTP), local authorities prepare financial strategies, which include asset management planning (i.e., what capital expenditure for network infrastructure, flood protection and flood control works is required to maintain existing levels of service).
30. Through the LTP and asset management planning process, local authorities must make decisions about what level of natural hazard protection their assets are to provide (in the case of flood protection works) or what level of event they are to withstand (in the case of network infrastructure). A separate infrastructure strategy must be prepared (under section 101B), which covers at least 30 consecutive financial years.

Soil Conservation and Rivers Control Act 1941

31. The Soil Conservation and Rivers Control Act 1941 (SCRCA) established a framework for the establishment of catchment boards and a systematic approach to erosion and flood control issues. Many of the flood protection schemes now administered by regional councils were developed with government and local government funding appropriated under the SCRCA.
32. The object of the SCRCA includes the promotion of soil conservation, the prevention and mitigation of soil erosion, and the prevention of damage done by floods. Much of the original SCRCA has been repealed. However, of relevance to this report, it provides powers for regional councils (and the Minister for the Environment) to undertake catchment works to

promote soil conservation or minimise and prevent damage by floods and erosion. The Lower Waikato Flood Protection Scheme is one such example.

33. Section 10A of the SCRCA sets out the relationship with the RMA, which has primacy over the provisions in the SCRCA.

Building Act 2004

34. Of relevance to this topic are sections 71-74 of the Building Act 2004 which relate to land subject to a known natural hazard.
35. Section 72 states that the territorial authority must issue a building consent for building work on land subject to a natural hazard if the building work will not accelerate, worsen or result in a natural hazard on the land on which the building work is to be carried out or any other property; and it is reasonable to grant a waiver or modification of the Building Code in respect of the natural hazard concerned. Where the territorial authority grants a building consent under section 72, a notice identifying the hazard must be registered on the Record of Title. This process alerts future owners of the presence of the hazard and ensures territorial authorities are protected against civil liability when granting consent to build on land subject to a natural hazard. The Building Code contains requirements to protect against certain hazards such as flooding.
36. Climate change is currently not explicitly mentioned in the Building Act.

2.4 Higher-Order Planning Documents

NPSFM 2020

37. The National Policy Statement for Freshwater Management 2020 (NPSFM) was gazetted in August 2020 and came into force on 3 September 2020. The focus of the NPSFM is on freshwater and it centres on the concept of Te Mana o te Wai. The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises: first the health and well-being of water bodies and freshwater ecosystems, then the health needs of people, and finally the ability of people and communities to provide for their social, economic, and cultural well-being. There are no policies or requirements [applicable to district councils] that are specifically relevant to flooding, ponding or Defended Areas.

Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River

38. The Vision and Strategy in Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, is the primary direction-setting document for the Waikato River and its catchments, including the lower reaches of the Waipa River.
39. Natural hazards or climate change are not specifically mentioned in the Vision and Strategy.
40. However, it is recognised that the river is of strategic importance to New Zealand's social, cultural, environmental and economic wellbeing. Flooding may impact on public access to the river which provides sporting, recreational and cultural opportunities. Flooding may also have adverse impacts on waahi tapu and sites of significance to Waikato-Tainui and other Waikato River iwi and that both Maatauranga Maaori and scientific methods are important for the restoration and protection of the health and well-being of the river.

Waikato Regional Policy Statement

41. The WRPS provides policy direction for managing flood hazard risk through a number of either general or specific objectives, policies and implementation methods within chapters 3, 4, 6, 11, 12 and 13. The Waikato District Plan must give effect to the WRPS (s75 of the RMA).

However, it is noted that WRPS was made operative before section 6(h) was included in the RMA.

42. The relevant chapters of the WRPS to consider in terms of the natural hazard and climate change provisions have been covered in the reports of Yvonne Legarth and Neil Taylor.
43. Objective 3.6 Adapting to climate change, and objective 3.24 Natural hazards, are the two key objectives.
44. In relation to flood hazards and Defended Areas, specifically, the relevant policy provisions are found in Chapters 4 and 13.
45. The relevant policies and implementation methods in Chapter 4 are:

Policy 4.1 Integrated approach and in particular implementation method 4.1.13 incorporating the effects of climate change (summarised as relevant to flood hazard management in the proposed Waikato District Plan):

“4.1.13 Incorporating the effects of climate change

District plans shall recognise and provide for the projected effects of climate change, having particular regard to:

- a) *Historic long-term local climate data*
- b) *Projected increase in rainfall intensity, taking account of the most recent national guidance and assuming a minimum increase in temperature of 2.1°C by 2090 (relative to 1990 levels); and*
- c) *Projected increase in sea level, taking into account the most recent national guidance and assuming a minimum increase in sea level of 0.8m by 2090 (relative to 1990 levels).”*

[WRPS, page 4-4]

46. The relevant policies in Chapter 13 are Policies 13.1 Natural hazard risk management approach and Policy 13.2 Manage activities to reduce the risks from natural hazards. These policies are to be implemented specifically in relation to flood hazards by the following implementation methods (summarised as relevant to flood hazards to be managed in the proposed Waikato District Plan):

13.2.1 District plans shall control subdivision to avoid creating demand for new structures within identified high-risk flood zones.

13.2.2 District plans shall identify the location of areas affected by high-risk flood hazard.

13.2.5 District plans shall ensure that use and development within high-risk flood zones is appropriate, including by avoiding the placement of structures or development where these would be vulnerable to a natural hazard event or would place a community at intolerable risk, including:

- habitable structures;
- significant community infrastructure such as hospitals and emergency services; and
- lifeline utilities.

13.2.6 District plans shall ensure that:

- a) In the 1% annual exceedance probability floodplain (excluding areas defined as high-risk flood zone) subdivision, use and development can only occur where:
 - i. *appropriate assessment of the risks has been undertaken and these risks will not exceed acceptable levels;*
 - ii. *appropriate assessment of the likely effects has been undertaken including effects of any new structure or fill on the diversion of overland flows or any consequential increased runoff volumes;*
 - iii. *the creation of a new, or exacerbation of an existing, hazard including those off-site, and any adverse effects are avoided, remedied or mitigated;*

- iv. any adverse effects of a 1% **annual exceedance probability** flood event on habitable buildings are avoided or mitigated;
- v. any **hazardous substance** stored as part of the development, or during the construction, or found on or near the site, will not create a hazard; or
- b) It is essential infrastructure, and:
 - vi. it cannot be located elsewhere; or
 - vii. it will not increase the risk of or from natural hazard.

13.2.7 District plans shall identify **residual risk zones** and shall control subdivision, use and development within these zones so that **residual risk** is minimised. In doing so particular regard shall be had to:

- a) the level of service provided by the structural defences;
- b) the physical, environmental and financial sustainability of the structural defences over a period of at least 100 years;
- c) the impact caused by an **overwhelming** or a structural failure of protection work; and
- d) a reduction in the ability of a community to respond to and recover from a natural hazard event

[WRPS, pages 13-4 and 13-5]

[Note the words in bold are defined words in the WRPS]

47. Throughout the development of the Proposed District Plan, numerous discussions occurred between the regional council officers and WDC planners/consultant planners drafting the flood hazard provisions for the Proposed Plan. In particular discussions were held and advice sought in respect to flood modelling and mapping of the 1% AEP floodplain and residual risk areas.

Waikato Regional Plan 2012

48. The Waikato Regional Plan 2012 (WRP) is currently under review. Chapter 5 contains provisions relating to land stability and erosion, particularly in the steep hill country, and addresses discharges which can increase flooding and land instability. Relevant objectives and policies are Objective 5.1.2 and policy 5.1.3. Objective 5.1.2 seeks a new reduction of accelerated erosion across the Region so that, among other things, there is no increase in adverse effects of flooding or land instability hazards. Policy 5.1.3 requires activities that cause, or have the potential to cause, accelerated erosion, to be managed with particular regard to the potential to increase the adverse effects of flooding.
49. Waikato Regional Council also adopts an integrated catchment approach to flood management and works with district councils in its regional flood hazard response.

Future Proof Growth Strategy and Implementation Plan 2009

50. Future Proof is currently under review and is a joint strategy prepared by Waikato Regional Council and district councils – Hamilton, Waikato and Waipa – to manage growth across territorial boundaries. It is a non-statutory document, implemented through the WRPS and district plans, LTPs and other regional strategies. The Strategy includes a section (8.13) on natural hazards and climate change. Of relevance to this report, are the following approaches:
- ensuring risks are appropriately assessed before development decisions are made;
 - in general, directing urban and rural-residential development away from the floodplains, natural ponding areas and poorly drained areas, including areas subject to flood protection schemes;
 - avoiding development in areas subject to high likelihood of natural hazards;
 - ensuring strategic transport infrastructure is located away from hazard areas.

Catchment Management Plans

51. A number of catchment management plans have been prepared which consider the potential for flooding or significant ponding and identify flood hazard constraints on growth in specific areas of the district. Catchment management plans have been prepared for Ngaruawahia; Tamahere; Port Waikato; Pokeno; Te Kauwhata and Tuakau. In terms of assisting this process it is noted that the modelling, mapping and terminology used in the various catchment management plans are not consistent and use a variety of modelling version, and assumptions. Some of the catchment management plans date back to the early 2000s.

National Planning Standards

52. The National Planning Standards seek to provide a standard format for district plans across New Zealand. The Hearings Panel has indicated that it wishes to adopt National Planning Standards approaches where possible during the current hearings. This report considers the content of the National Planning Standards where relevant.

Section 32 RMA

53. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules or other methods) of the proposal to be examined for their efficiency, effectiveness and risk. A Section 32 report was published when the Proposed Waikato District Plan (PWDP) Stage 2 was notified in 2020. This report updates that earlier analysis in Section 32AA evaluations where material changes to the plan are recommended.

3 Consideration of submissions received

3.1 Overview of submissions

54. With respect to this report, there were 39 submitters and over 300 original submissions. There were more than 350 further submissions.
55. The submissions cover a wide range of issues, including the common issues below raised by more than one submitter:
- whether unmapped 1% AEP flood ponding areas should be included in the provisions
 - whether the term ‘habitable building’ should be used in respect to minimum floor level rules rather than ‘buildings’
 - whether a different freeboard is appropriate for less vulnerable activities.
 - whether it is appropriate to exempt farm buildings and other smaller buildings from the minimum floor level rules
 - appropriate provisions for utilities and infrastructure
 - appropriate provisions for hazardous substances within the flood plain
 - revised ID mapping for the Waipa River post notification
 - the accuracy of the modelling and mapping of the Flood Plain Management Area and High Risk Flood Area
 - the method for identifying the Defended Areas
 - whether ‘natural hazard sensitive activities’ should be included in the policy and rule framework
 - recognition of the role of catchment management plans
 - whether the approach is risk-based.

3.2 Further submissions

56. I address the further submissions together with the primary submissions they relate to.

57. There are 74 further submissions from Waikato Regional Council [FS 3031] that are neutral in respect to original submissions and have the following general text attached to them:

“WRC acknowledges that there may be some need for refinement of the mapping. WRC will continue to work with Waikato District Council through this process to do so.”

58. WRC may have taken a neutral position on these further submissions due to its role in providing flood modelling and mapping for the Flood Plain Management Area and the Defended Areas in conjunction with DHI. These further submissions do not add any substance to the matters considered in this report and I generally recommend that they be **rejected**. Appendix I records the further submissions and my recommendations on them. There is no further discussion of these further submissions in my report.

3.3 Structure of this report

59. I have structured this report to reflect the submissions received, starting with the introduction, the definitions, then objectives and policies. The report then considers submissions on the rules in the order that they appear in the PWDP. Appendix 4 contains technical modelling and mapping evidence provided by Greg Whyte of DHI and Rick Liefting from WRC. The report contains these sections:

- 4 Introduction
- 5 Definitions to Chapter 15
- 6 Objective 15.2.1 Resilience to natural hazard risk
- 7 Policy 15.2.1.1 New development in areas at significant risk from natural hazards
- 8 Policy 15.2.1.10 Areas defended by stopbanks adjacent to the Waikato River
- 9 Policy 15.2.1.12 Reduce potential for flood damage to buildings located on the Waikato and Waipa River flood plains and flood ponding
- 10 Policy 15.2.1.13 Control filling of land within the 1% AEP floodplain and flood ponding areas
- 11 Policy 15.2.1.14 Hazardous substances located within floodplain and flood ponding areas
- 12 Policy 15.2.1.15 Flood ponding areas and overland flow paths
- 13 Policy 15.2.1.2 Changes to existing land use activities and development in areas at significant risk from natural hazards
- 14 15.3 How to use and interpret the rules
- 15 15.4 General and 15.4.1 Flood Plain Management Areas and Flood Ponding Areas – Permitted Activities
- 16 15.4.2 Flood Plain Management Areas and Flood Ponding Areas – Restricted Discretionary Activities
- 17 15.4.3 Flood Plain Management Areas and Flood Ponding Areas – Discretionary Activities
- 18 15.5 High Risk Flood Area – General
- 19 15.5.1 High Risk Flood Area – Permitted Activities
- 20 15.5.2 High Risk Flood Area – Restricted Discretionary Activities
- 21 15.5.3 High Risk Flood Area – Discretionary Activities

22	15.5.4 High Risk Flood Area – Non-complying Activities
23	15.6 Defended Area (Residual Risk)
24	15.6.1 Defended Area (Residual Risk) – Permitted Activities
25	15.6.2 Defended Area (Residual Risk) Restricted Discretionary Activities
26	15.6.3 Defended Area (Residual Risk) Discretionary Activities
27	15.13.4 Information requirements for Defended Areas
28	General/Miscellaneous
29	Flood Plain Management Area Overlay
30	Flood Ponding Area Overlay
31	High Flood Risk Overlay
32	Defended Area Overlay
33	Maps – River multiple
34	Multiple provisions
35	Conclusion
	Appendix 1 Table of submission points
	Appendix 2: Recommended amendments to text
	Appendix 3: Recommended amendments to Planning Maps
	Appendix 4 Technical evidence

3.4 Amendments to plan text

60. Where amendments to plan text are recommended, the relevant text is presented after the recommendations with new text in red underlined, and deleted text in ~~red struck through~~. All recommended amendments are brought together in Appendix 2.

4 Introduction to Chapter 15

4.1 Overview/Introduction

61. This section of the Plan discusses some background information to assist with understanding the natural hazard provisions. It includes explanations on the flood hazard and defended areas overlays, including a brief explanation about the modelling that has been undertaken. I have addressed the submissions by paragraph as per the submissions themselves, noting that there are other s42a writers addressing some of the paragraphs related to other natural hazards. I have based my assessment on the assumption that the Introduction will remain in the Plan.

4.2 Submissions

62. The submissions and further submissions to Chapter 15 Introduction are listed in the table below.

Submission Point	Submitter	Summary of submission
2053.15	Mercury NZ Limited	Retain Chapter 15.1, paragraph (9).
<i>FS3031.26</i>	<i>Waikato Regional Council</i>	<i>Neutral OS 2053.15</i>
2139.2	Ports of Auckland Limited	Amend Section 15.1(11) by deleting the last sentence, as follows: Other 1% AEP ponding areas will be required to be identified by a suitably-qualified and experienced professional as part of an application for resource consent or a plan change.
<i>FS3031.125</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2139.2</i>
<i>FS3034.52</i>	<i>Mercury NZ Limited</i>	<i>Supports submission point 2139.2</i>
<i>FS3018.1</i>	<i>Perry Group Limited (PGL)</i>	<i>Supports submission point 2139.2</i>
2053.14	Mercury NZ Limited	Amend Chapter 15, paragraph (8) to include reference to the use of existing relevant evidence to inform land use planning and management within the floodplain, including historical flood data and photographic evidence of flood or high flow events
<i>FS3031.25</i>	<i>Waikato Regional Council</i>	<i>Supports submission point 2053.14</i>
2153.1	Cindy and Phillip Quilty	Amend Chapter 15.1(12) Introduction so that the title ('residual risk area') only applies to sections that are to be developed
<i>FS3020.50</i>	<i>Shand Properties Limited</i>	<i>Opposes submission point 2153.1</i>
<i>FS3032.22</i>	<i>Timberline Contracting</i>	<i>Supports submission point 2153.1</i>
2102.62	Waikato Regional Council	Amend Section 15.1(10) – Introduction, as follows: [...] High Flood Risk Areas have also been identified. These are areas within the floodplain where the depth of flood water in a 1% AEP flood event exceeds 1m or and the speed of flood water exceeds 2 metres per second [...]
2146.11	Waikato District Council	Amend Chapter 15.1 paragraph 10 introductory text to clearly identify that the 2D 1% AEP flood modelling includes climate change, i.e., 2D modelling from Horotiu and Saalbrey Road to Ohinewai

		<p>identifying High Flood Risk Flood Area and Flood Plain Management Area based on the RCP 6.0 scenario over a 100-year period to 2120 and that the rest of the Flood Plain Management Area does not include climate change.</p> <p>And, amend Chapter 15.1 paragraph 11 introductory text to clearly identify that the 2D 1% AEP Flood Ponding Area around Lake Puketirini also includes climate change based on the RCP 6.0 climate change scenario over a 100-year period to 2120;</p> <p>And, amend Chapter 15.1 paragraph 12 Introductory text to make it clear that the Defended Areas are defended up to the 1% AEP flood level without climate change.</p> <p>And, any consequential amendments as required. And, any other change necessary to give effect to the intent of this relief sought and to achieve the purpose of the RMA.</p>
2153.2	Cindy and Phillip Quilty	Amend Chapter 15.1(9) and (12) Introduction so that only properties that show risk using 2D flood modelling have proposed hazard applied.
<i>FS3020.51</i>	<i>Shand Properties Limited</i>	<i>Neutral to submission point 2153.2</i>
2161.2	Dilworth Trust Board.	<p>Amend Chapter 15.1 Paragraph 11 by deleting the last sentence as follows:</p> <p>... Other 1% AEP ponding areas will be required to be identified by a suitably qualified and experienced professional as part of an application for resource consent or a plan change...</p>
<i>FS3031.133</i>	<i>Waikato Regional Council</i>	<i>Opposes submission point 2161.2</i>

4.3 Analysis

63. Mercury NZ Limited [2053.14] seeks that paragraph 8 include reference to the use of existing relevant evidence to inform land use planning and management within the floodplain, including historical flood data and photographic evidence of flood or high flow events. This submission point is supported by *Waikato Regional Council* [FS3031.25]. I agree that historic flood data and photographic evidence is important to inform land use planning and management within the floodplain, and has been used in the development of the provisions in the plan were relevant. However, paragraph 8 is a general paragraph about natural hazards and I recommend that this submission be accepted in part to the extent provided for in the amendments proposed below.
64. Mercury NZ Limited [2053.15] seeks Section 15.1 paragraph 9 be retained, while Cindy and Phillip Quilty [2153.2] oppose paragraph 9 and 12 to the extent that they consider that “only properties that show risk using 2D flood modelling have proposed hazard applied”. I am not

clear on the nature of the changes being requested and suggest that the submitter clarify this at the hearing. However, I do not consider that it is appropriate to delete the part of the Flood Plain Management Area overlay which relies on 1D flood modelling. The 1D modelling is explained in the evidence of Greg Whyte (Appendix 4).

65. Paragraph 9 explains why a climate change allowance has been added to the 2D flood modelling for the key risk areas of Horotiu-Huntly-Ohinewai. The actual modelling assumptions and inputs are outlined in the evidence of Greg Whyte and follow national guidelines. I consider it important that paragraph 9 is transparent about the inclusion of such allowances in the 2D flood modelling and I support the submission of Mercury NZ Limited [2053.15] for it to be retained.
66. I recommend that the submission of Mercury NZ Limited [2053.15] be accepted and the submission by Cindy and Phillip Quilty [2153.2] be rejected, subject to clarification at the hearing. Further submissions from Shand Properties Limited [3020.51] and *Waikato Regional Council* [FS3031.26] in respect to paragraph 9 are neutral and do not add to the above discussion. These further submissions are accepted to the extent that the paragraph is recommended to be retained, with minor changes I recommend in respect to another submission.
67. The Waikato District Council [2146.11], requests that paragraph 10 clearly identifies that the 2D 1% AEP flood modelling for the Flood Plain Management Area and High Risk Flood Area between Horotiu and Sulbrey Road to Ohinewai includes climate change, based on the RCP 6.0 scenario over a 100-year period to 2120 and clearly identifies that the rest of the Flood Plain Management Area based on 1D modelling does not include climate change.
68. When paragraph 9 and 10 are read together it is clear that the 2D flood modelling contains an allowance for climate change and the 1D flood modelling does not. I therefore consider there is minimal need to provide the additional detail requested in that part of the submission. However, the actual climate change allowance is not currently specified in either paragraph 9 or 10. While that information is available in the Section 32 Report, I consider that it would be helpful to know what that allowance is and what it is based on, and provide an explanation that ties in with the policies in Section 15.2. Overall, I consider some changes to the Introduction would be appropriate to clarify which overlay extents have a climate change component added and what that allowance is based on. Consequently, I recommend that the Waikato District Council [2146.11], be accepted in part. My recommended changes are provided below.
69. Waikato Regional Council [2102.62] requests that paragraph 10 in respect to the definition of High Risk Flood areas be amended as follows:

“These are areas within the flood plain where the depth of flood water in a 1% AEP flood event exceeds 1 metre or ~~and~~ the speed of flood water exceeds 2 metres per second.”
70. I consider it appropriate to accept this submission point as it will enable the description of the High Risk Flood Area in the Introduction to be more accurate and consistent with the definition of High Risk Flood Area. The definition will also be more consistent with the definition of High Risk Flood Zones in the WRPS. The definition proposed through Stage 2 PDP also states that a High Risk Flood Area includes areas where the flood depth multiplied by the flood speed exceeds one. Should the Hearings Panel consider it appropriate, I have provided that wording below in my recommended amendments.

71. The Waikato District Council [2146.11] requests that paragraph 11 of the Introduction clearly identifies that the 2D 1% AEP Flood Ponding Area around Lake Puketirini also includes climate change based on the RCP 6.0 climate change scenario over a 100-year period to 2120.
72. I agree that it is appropriate to amend the Introduction to identify that the 2D 1% AEP Flood Ponding Area around Lake Puketirini also includes an allowance for climate change as requested by the WDC. My recommended wording in respect to the Waikato District Council [2146.11] is outlined below, but is included in paragraph 9.
73. Ports of Auckland (POA) [2139.2] and Dilworth Trust Board [2161.2] request amendment to Section 15.1 (11) to delete the sentence “Other 1% AEP ponding areas will be required to be identified by a suitably-qualified and experienced professional as part of an application for resource consent or a plan change”. POA and Dilworth Trust Board consider that it is inappropriate to require applicants to identify the extent of the 1% AEP ponding areas outside the mapped areas. The submission is supported by *Mercury NZ Limited* [FS3034.52] and *Perry Group Limited* [FS3018.1], while *Waikato Regional Council (WRC)* [FS3031.125, FS3031.133] is opposed. The requested rewording is relevant to submissions I later discuss in relation to the definition of flood ponding areas and the application of the rules. Overall, I consider it appropriate that the wording in the Introduction remains. I recommend that Ports of Auckland (POA) [2139.2] and Dilworth Trust Board [2161.2] be rejected and the submissions in support by *Mercury NZ Limited* [FS3034.52] and *Perry Group Limited* [FS3018.1] also be rejected. The submission in opposition from *Waikato Regional Council (WRC)* [FS3031.125] is recommended to be accepted.
74. The Waikato District Council [2146.11] seeks amendment to paragraph 12 Introductory text to make it clear that the Defended Areas are defended up to the 1% AEP flood level without climate change. I do not consider that this change is necessary and in fact will over complicate paragraph 12 as currently written. The information on which the Defended Area Overlay is based does not consider climate change as it pre-dates these considerations; in fact, it predates today’s modelling methods and is based on the volumes experienced in the 1958 flood. However, the “1% AEP stopbank” design is conservative and has a 600mm freeboard added. This added freeboard amounts to a greater additional volume capacity for the stopbanks than the RCP6.0 climate change scenario. This means that currently even with the climate change allowance added to the 1% AEP flood event volume, the “1% AEP stopbanks” are not overtopped. I recommend that Waikato District Council [2146.11] be rejected.
75. Cindy and Phillip Quilty [2153.1] request that Chapter 15.1(12) Introduction be amended so that the title (‘residual risk area’) only applies to sections that are to be developed. The submission is supported by *Timberline Contracting* [FS3032.22]; *Shand Properties Limited* [FS3020.50] is neutral and is opposed by *Mercury NZ Limited* [FS3034.77]. The rules in Chapter 15 apply to proposals for new subdivision, use and development. Existing development on land is protected under existing use rights conferred by s10 of the RMA. I also have concerns about the scope of this submission as it does not challenge the policies and rules. To the extent that the provisions only apply to new development the intent of the submission is accepted. However, I do not consider it appropriate to amend paragraph 12 in the manner sought. I recommend that Cindy and Phillip Quilty [2153.1] be rejected and *Timberline Contracting* [FS3032.22] and *Shand Properties Limited* [FS3020.50] also be rejected.

4.4 Recommendations

76. For the reasons above, I recommend to the Hearings Panel:

- (a) **Accept in part** Mercury New Zealand Limited [2053.14] and **accept in part** Waikato Regional Council [FS3031.25] both to the extent of the amendments I recommend to paragraph 8 below.
- (b) **Accept in part** Mercury New Zealand Limited [2053.15] to the extent that while some additions are recommended to paragraph 9, the original text is retained; and reject Cindy and Phillip Quilty [2153.2]. **Accept in part** the neutral submission of Shand Properties Limited [3020.51].
- (c) **Accept** Waikato Regional Council [2102.62]. **Amend** paragraph 10 to correct the definition of High Risk Flood Area.
- (d) **Reject** Ports of Auckland (POA) [2139.2] and Dilworth Trust Board [2161.2] and **reject** the support of *Mercury NZ Limited* [FS3034.52] and *Perry Group Limited* [FS3018.1]. **Accept** the submission in opposition from *Waikato Regional Council* [FS3031.125, FS3031.133]. The last sentence in paragraph 11 is **retained**.
- (e) **Accept in part** the Waikato District Council [2146.11] to the extent of the amendments provided in paragraph 9 (rather than paragraph 11).
- (f) **Reject** the Waikato District Council [2146.11] in respect to changes sought to paragraph 12. Retain paragraph 12.
- (g) **Reject** Cindy and Phillip Quilty [2153.1] and also **reject** the associated further submissions in support from *Timberline Contracting* [FS3032.22] and *Shand Properties Limited* [FS3020.50]. **Accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.77]. **Retain** paragraph 12.

4.5 Recommended amendments

77. The following amendments are recommended:

15.1 Introduction

- (8) High quality up-to-date information is important for natural hazard risk management. The district plan requires the use of the best information available to identify land that may be subject to natural hazards. This includes historical flood data and photographic evidence of flood or high flow events,² hazard maps, databases (such as the regional and district hazard registers) and technical reports held by the Council, and the interpretation of these by qualified and experienced professionals.
- (9) Climate change has the potential to increase risk through exacerbating natural hazards, but will also have effects on the environment beyond natural hazards. The Ministry for the Environment predicts the effects of climate change on the Waikato District to include overall warmer temperatures, fewer frosts, a decrease in spring rainfall, increased storm events (including extreme winds) and an average rise in mean sea level. This is likely to mean more frequent droughts leading to water shortages, more inland flooding and salt water intrusion in low-lying coastal areas and an increase in erosion and land instability. For this reason, an allowance for the projected effects of climate change, based on the RCP 6.0 scenario over a 100-year period to 2120, has been included in the 2D flood modelling of key risk areas within this district plan. The key risk areas are located from (Horotiu – Huntly – Ohinewai) and include the Flood Plain Management Area, the High Risk Flood Area and two Flood Ponding Areas. No

² [2053.14]

climate change allowance is included in the 1D modelling for the remainder of the Flood Plain Management Areas.³ Specific provision has also been made within the Coastal Sensitivity Areas in respect to development that may be impacted by the projected effects of sea level rise over a 100-year timeframe.

- (10) The Flood Plain Management Area is the 1% Annual Exceedance Probability (AEP) floodplain, and is identified through both 1D and 2D modelling, depending on the level of information available. Between Horotiu – Huntly – Ohinewai, where 2D modelling is available, High Flood Risk Areas have also been identified. These are areas within the floodplain where the depth of flood water in a 1% AEP flood event exceeds 1 metre or and⁴ the speed of flood water exceeds 2 metres per second or the flood depth multiplied by the flood speed exceeds one, which is considered to put the community at an unacceptable (or intolerable) level of risk in terms of the potential for loss of life, injury or serious damage to property. Subdivision and new activities within the High Flood Risk overlay are carefully regulated
- (11) [no recommended changes]
- (12) [no recommended changes]

5 Definitions to Chapter 15

5.1 Introduction

78. Chapter 15.14 includes the definitions that apply to the natural hazard provisions. I discuss the submissions and further submissions in relation to specific definitions of relevance to the Flood Hazard and Defended Areas Topic.

5.2 Submissions

79. The submissions and further submissions to Chapter 15.14 Definitions as they relate to Flood Hazard and Defended Areas are listed in the table below.

Submission Point	Submitter	Summary of submission
2053.18	Mercury NZ Limited	Amend 15.14 definitions for Flood Ponding area to make it clear that the flood ponding area overlay forms part of the floodplain.
FS3020.24	Shand Properties Limited	Supports submission point 2053.18
FS3031.29	Waikato Regional Council	Neutral to submission point 2053.18
2149.3	Horticulture New Zealand	Amend Policy 15.14 – Definitions so that the definition of farm building excludes artificial crop protection structures.

³ [2146.11]

⁴ [2102.62]

		<p>And, amend Chapter 13 Definitions so the definition of earthworks excludes ancillary rural earthworks.</p> <p>And, add new provisions in 15.2.1.10 – Areas defended by stop banks adjacent to the Waikato River for artificial crop protection structures and exclude artificial crop protection structures from controls for building coverage, setbacks and daylight angles.</p>
FS3030.25	Federated Farmers of New Zealand	Supports submission point 2149.3
FS3034.71	Mercury NZ Limited	Supports submission point 2149.3
2094.59	Kainga Ora Homes and Communities	Retain the definition of 'Flood Plain Management Area' in Section 15.14 and relocate definition to Chapter 13 of the PWDP
2094.60	Kainga Ora Homes and Communities	Retain the definition of 'Flood Ponding Area' in Section 15.14 and relocate these to Chapter 13 of PWDP.
2094.61	Kainga Ora Homes and Communities	Retain the definition of 'High Risk Flood Area' in Section 15.14 and relocate definition to Chapter 13 of the PWDP.
2173.79	Federated Farmers New Zealand	Retain the definition of 'High Risk Flood Area' in Chapter 15.14 Definitions, subject to appropriate refinement through the Schedule 1 process.
FS3027.28	Horticulture New Zealand	Supports 2173.79, support robust decision making in regard to the planning maps.
2094.56	Kainga Ora Homes and Communities	Retain the definition of 'Defended Area' in Section 15.14 and relocate definition to Chapter 13 of the PWDP.
2173.74	Federated Farmers of New Zealand	Retain the definition of 'Defended Area' in Chapter 15.14 Definitions, subject to appropriate refinement through the Schedule 1 process.
FS3032.61	Timberline Contracting Limited	Supports submission point 2173.74.
FS3027.25	Horticulture New Zealand	Supports submission point 2173.74
2161.16	Dilworth Trust Board	<p>Amend Rule 15.14 Definitions Flood Ponding Area as follows:</p> <p>Means an area shown on the planning maps as an identified flood ponding area or an area that experiences ponding in a 1% AEP rainfall event.</p>
FS3034.90	Mercury NZ Limited	Opposes submission point 2161.16
FS3031.136	Waikato Regional Council	Opposes submission point 2161.16

2173.78	Federated Farmers New Zealand	Retain the definition of 'Flood Ponding Area' in Chapter 15.14. Definitions, subject to appropriate refinement through the Schedule 1 process.
FS3027.27	Horticulture New Zealand	<i>Supports 2173.78, support robust decision making in regard to the planning maps.</i>
2173.77	Federated Farmers of New Zealand	Retain the definition of 'Flood Plain Management Area' in Chapter 15.14 Definitions, subject to appropriate refinement through the Schedule 1 process.
2161.15	Dilworth Trust Board	Retain Section 15.14 Definitions as notified, except the definition of 'Flood Ponding Area'.
2139.16	Ports of Auckland Limited	Amend the definition of 'Flood Ponding Area' in Section 15.14 Definitions as follows: Means an area shown on the planning maps as an identified flood ponding area or an area that experiences floodwater ponding in a 1% AEP rainfall event.
FS3018.5	Perry Group Limited (PGI)	<i>Supports submission point 2139.16</i>
FS3031.126	Waikato Regional Council	<i>Opposes submission point 2139.16</i>
FS3034.57	Mercury NZ Limited	<i>Supports submission point 2139.16</i>

5.3 Analysis

80. Mercury NZ Limited [2053.18] requests amendment to the Flood Ponding Area definition to make it clear that the Flood Ponding Area Overlay forms part of the floodplain. This request is supported by *Shand Properties Limited* [FS3020.24]. I have reviewed both the Flood Ponding Area and Flood Plain Management Area definitions and consider that it would complicate the definition unnecessarily to include this, noting that the Flood Plain Management Area definition is restricted to the flood extent shown on the planning maps. The Rules themselves apply to both the Flood Plain Management Area and Flood Ponding Areas, as defined, and are sufficiently clear. I recommend that the submission of Mercury NZ Limited [2053.18] be rejected and the submission in support by *Shand Properties Limited* [FS3020.24] also be rejected.
81. Horticulture New Zealand [2149.3] requests that artificial crop protection structures be excluded from the definition of farm building. I agree that artificial crop protection structures are unlikely to result in material damage during a flood event. The definition of farm building relies on the definition of building (i.e., it is a subset of the definition of building). However, I note that the definition of building as notified provides an exclusion for crop protection structures less than 4m in height. In addition, if the Hearings Panel chooses to adopt the National Planning Standards definition of building as recommended by the Reporting Planner in Stage 1 then crop protection structures will not be captured at all in the definition of building as they do not have a roof. This is on the basis of the submitter's description of an artificial crop protection structure in their submission as follows:

“Artificial crop protection structures are constructed from large supporting posts around the boundary of the crop, with netting or permeable material covering horizontal and vertical surfaces.”

82. An artificial crop protection structure as described above would fit within the definition of a structure under the National Planning Standards. It may be helpful for Horticulture New Zealand to provide information at the hearing on the range of activities it considers to be crop protection structures to enable a fuller understanding of this submission point.
83. Consequently, at this stage, I recommend that the submission of Horticulture New Zealand [2149.3] be rejected to the extent the definition of farm building is unlikely to need to be changed as requested, and will not assist the submitter in any case. The provisions of policy 15.2.1.10 (b) will also not be triggered for artificial crop protection structures, given that the setback will not apply (earthworks will be discussed later in this report). Further submissions in support from *Federated Farmers of New Zealand* [FS3030.25] and *Mercury NZ Limited* [FS3034.71] are also recommended to be rejected.
84. In respect to the request to exclude ancillary rural earthworks from the earthworks definition, I note that the earthworks definition is not part of Stage 2, and in my view this request is out of scope. Consequently, I recommend that that part of submission 2149.3 also be rejected along with the two further submissions [FS3030.25] [FS3034.71].
85. Kainga Ora Homes and Communities [2094.59, 2094.60, 2094.61, 2094.56] seeks the retention of the definitions of Flood Plain Management Area, Flood Ponding Area, High Risk Flood Area and Defended Area and that they be relocated to Chapter 13 Definitions. Federated Farmers New Zealand [2173.79, 2173.78, 2173.77, 2173.74] also requests the retention of the definition of Flood Management Area, Flood Ponding Area, High Risk Flood Area and Defended Area subject to refinement required under the Schedule 1 process. This I understand to mean that there may be site-specific changes to the areas identified on the maps as Defended Areas required that Federated Farmers may seek to challenge.
86. Dilworth Trust Board [2161.15] seeks the retention of all of the definitions in the Chapter 15 except the definition of Flood Ponding Area. Along with Ports of Auckland [2139.16], Dilworth Trust Board seeks that the definition of Flood Ponding Area be amended. Dilworth and Ports of Auckland are opposed to the Flood Ponding Area being applied to areas not identified on the Planning Maps.
87. The submission by Ports of Auckland [2139.16] on amending the definition of Flood Ponding Area is supported by *Mercury New Zealand Limited* [FS3034.57] and *Perry Group Limited* [FS3018.5] and opposed by *Waikato Regional Council* [FS3031.126].
88. Waikato Regional Council in opposing this submission recognises that there are Flood Ponding Areas that are not captured on the planning maps and the definition should allow for their identification outside of mapped areas and the application of appropriate provisions.
89. The Operative Plan (Franklin Section and Waikato Section) has provisions for addressing flood ponding in a 1% AEP, which do not rely on mapped areas on the planning maps. Only one flood ponding area was provided on the planning maps in the Operative Plan, located at Huntly. For the other 1% AEP flood ponding extents reliance was placed on identification via local knowledge, the presence of catchment management plans and site-specific investigations. I understand from discussions with the Council’s Development Engineer (David Bastion) that these provisions have worked reasonably well.

90. The catchment management plans act as a guide to where 1% AEP flood ponding is located in specific parts of the district. While the information contained in the various catchment plans was not sufficiently consistently modelled to include as a flood ponding overlay it provides useful guidance on the likelihood of flood ponding occurring in a 1% AEP rainfall event.
91. Of the two mapped 1% AEP flood ponding areas in the Proposed Plan, one is the Huntly flood ponding area identified in the Operative Plan, while the other was identified through the 2D modelling. There may also be other areas that pond in a 1% AEP event and providing such information as part of a subdivision application, land use application or building consent is appropriate in my view.
92. I agree with the submitters and further submitters in support that it is appropriate to retain the definitions of Flood Plain Management Area, Flood Ponding Area, High Risk Flood Area and Defended Area. I also agree that it would be appropriate to move these definitions to Chapter 13. Report H27F Fire, Climate Change and Definitions considers similar submissions and has recommended that the definitions be moved to Chapter 13. Consequently, I recommend that these submissions from Kainga Ora Homes and Communities [2094.59, 2094.60, 2094.61, 2094.56] and *Federated Farmers New Zealand* [2173.79, 2173.78, 2173.77, 2173.74] be accepted. The further submissions in support from *Horticulture New Zealand* [FS3027.28, FS3027.25] and *Timberland Contracting* [FS3032.61] to *Federated Farmers New Zealand* [2173.79, 2173.74] is also recommended to be accepted.
93. The submissions from Dilworth Trust Board [2161.15] and Ports of Auckland [2139.16], seeking deletion of that part of the definition of Flood Ponding Area applying to areas outside of the Planning Maps, are recommended to be rejected as is the further submissions in support from *Mercury NZ Limited* [FS3034.57] and *Perry Group Limited* [FS3018.5]. The further submission in opposition from *Waikato Regional Council* [FS3031.126] is recommended to be accepted.

5.4 Recommendations

94. For the reasons above, I recommend that the Hearings Panel:
- (a) **Reject** *Mercury NZ Limited* [2053.18] and **reject** *Shand Properties Limited* [FS3020.24]. **Retains** definition of Flood Ponding Area unchanged.
 - (b) **Reject** *Horticulture New Zealand* [2149.3] and **reject** *Federated Farmers of New Zealand* [FS3030.25] and *Mercury NZ Limited* [FS3034.71]. **Retain** definition of farm building unchanged.
 - (c) **Accept** Kainga Ora Homes and Communities [2094.59, 2094.60, 2094.61, 2094.56] and *Federated Farmers New Zealand* [2173.79, 2173.78, 2173.77, 2173.74] and **accept** the further submission from *Horticulture New Zealand* [FS3027.28]. **Retain** the definitions of Flood Plain Management Area, Flood Ponding Area, High Risk Flood Area unchanged.
 - (d) **Reject** Dilworth Trust Board [2161.15] and Ports of Auckland [2139.16] and also **reject** *Mercury NZ Limited* [FS3034.57] and *Perry Group Limited* [FS3018.5], and **accept** the further submission of *Waikato Regional Council* [FS3031.126]. **Retain** definition of Flood Ponding Area with no amendments.

5.5 Recommended amendments

95. No changes are recommended.

6 Objective 15.2.1 Resilience to natural hazard risk

6.1 Introduction

96. This section discusses the general Objective 15.2.1. I discuss the submissions and further submissions in relation to this objective of relevance to the Flood Hazard and Defended Areas Topic.

Objective 15.2.1 Resilience to natural hazard risk

“A resilient community where the risks from natural hazards on people, property, infrastructure and the environment from subdivision, use and development of land are avoided or appropriately mitigated.”

6.2 Submissions

97. The submissions and further submissions Objective 15.2.1 related to the Flood Hazard topic are listed in the table below.

Submission Point	Submitter	Summary of submission
2053.20	Mercury NZ Limited	Delete Objective 15.2.1, or amend to ensure it provides a clear link between areas subject to flooding.
FS3208.6	Ambury Properties Limited	Opposes submission point 2053.20, the objective as notified is appropriate.
FS3031.31	Waikato Regional Council	Neutral towards submission point 2053.20
FS3029.6	TaTa Valley Limited	Opposes submission point 2053.20
FS3022.7	Ohinewai Lands Limited	Opposes submission point 2053.20

6.3 Analysis

98. Mercury NZ Limited [2053.20] requests that this objective be deleted or amended to ensure it provides a clear link between areas subject to flooding and other chapters relating to land uses. No proposed wording is provided. The submission is opposed in further submissions from TaTa Valley Limited [FS3029.6], Ambury Properties Limited [FS3208.6] and Ohinewai Lands Limited [FS3022.7]. TaTa Valley considers the submission unclear in the absence of specific amendments while the other two further submitters consider the proposed wording appropriately addresses the requirements to avoid or mitigate natural hazards. Overall, I agree with the further submitters that in the absence of proposed wording it is difficult to understand what amendments are being requested to this objective.

6.4 Recommendations

99. For the reasons above, I recommend that the Hearings Panel:
- (a) **Reject** Mercury NZ Limited [2053.20] and **accept** TaTa Valley Limited [FS3029.6], Ambury Properties Limited [FS3208.6] and Ohinewai Lands Limited [FS3022.7]. **Retain** Objective 15.2.1 unchanged.

6.5 Recommended amendments

100. No amendments are recommended.

7 Policy 15.2.1.1 New development in areas at significant risk

7.1 Introduction

101. This section discusses the general policy 15.2.1.1. I discuss the submissions and further submissions in relation to this policy as it relates to the Flood Hazard and Defended Areas Topic.

Policy 15.2.1.1 New development in areas at significant risk from natural hazards

(a) Avoid new subdivision, use and development where they will increase the risk to people's safety, well-being and property in the following areas identified as being at significant risk from natural hazards:

- (i) High Risk Flood Area;*
- (ii) High Risk Coastal Hazard (Inundation) Area;*
- (iii) High Risk Coastal Hazard (Erosion Area).*

7.2 Submissions

102. The submissions and further submissions Objective 15.2.1 related to the Flood Hazard topic are listed in the table below.

Policy 15.2.1.1 New development in areas at significant risk from natural hazards		
2053.21	Mercury NZ Limited	Amend Policy 15.2.1.1(a) to ensure significant risk from flood events is managed including within floodplain management areas, by splitting this objective into two to create: <ul style="list-style-type: none"> • one objective to manage significant risk, and • one objective to manage high risk.
FS3031.32	Waikato Regional Council	Neutral towards submission point 2053.21
FS3029.7	TaTa Valley Limited	Opposes submission point 2053.21: TVL opposes any amendments seeking that the Flood Plain Management Area be brought into this policy. As outlined in its primary submission, TVL generally supports restricting language to 'avoid' certain activities to higher-risk areas and excluding this language from policies referring to the wider Flood Plain Management Areas.
FS3022.8	Ohinewai Lands Limited	Opposes submission point 2053.21: Policy 15.2.1.1(a) appropriately refers to the High Risk Flood Area (and other high-risk areas in the coastal environment) as areas which are at significant risk from natural hazards. The Flood Plain Management Area should continue

		<i>to be addressed separately in the policies to reflect the management approach that is required to be taken.</i>
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103. One submission was received from Mercury NZ Limited [2053.21], submitted to seek an amendment to this policy to split the objective into two to create one objective to manage significant risk and one objective to manage high risk. Three further submissions submitted to oppose this submission point.

7.3 Analysis

104. Mercury NZ Limited [2053.21] seeks to amend Policy 15.2.1.1(a) to include the Flood Plain Management Area within the policy as an area of significant risk. *Ohinewai Lands Limited [FS3022.8]* and *TaTa Valley Limited [FS3029.7]* oppose this submission. I agree with the further submitters that the restrictive language “avoid” in this policy should be reserved for higher risk areas and excluded from policies referring to the Flood Plain Management Areas. I further agree that the separate policy 15.2.1.12 addresses risk within the 1% AEP flood plain and its “mitigation” approach rather than “avoid” is an appropriate policy response for the Flood Plain Management Area. This gives effect to the approach in the VRPS, Policy 13.2 and implementation methods 13.2.5 and 13.2.6.

7.4 Recommendation

105. For the reasons above, I recommend that the Hearings Panel:
- (a) **Reject** Mercury NZ Limited [2053.21] and **accept** *TaTa Valley Limited [FS3029.7]*, and *Ohinewai Lands Limited [FS3022.8]*. **Retain** Policy 15.2.1.1(a) unchanged.

7.5 Recommended amendments

106. No amendments are recommended.

8 Policy 15.2.1.10 Areas defended by stopbanks

8.1 Introduction

107. This section discusses the Policy 15.2.1.10 which relates to Defended Areas (stopbanks) on the Waikato River. The policy is outlined below:

Policy 15.2.1.10 Areas defended by stopbanks adjacent to the Waikato River

- (a) *Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by:*
- (i) *assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before subdivision and development occurs; and*
 - (ii) *requiring that consideration be given to appropriate mitigation to reduce any residual risk identified; and*
 - (iii) *ensuring that any residual risk is not transferred to neighbouring sites.*
- (b) *Specify minimum setbacks for buildings and earthworks from stopbanks to:*
- (i) *protect the structural integrity of the stopbanks; and*
 - (ii) *provide a buffer to reduce the potential risk to life and damage to property from deep and fast-flowing flood waters in the event of a breach.*

8.2 Submissions

108. The submissions and further submissions on Policy 15.2.1.10 are listed in the table below:

Submission point	Submitter	Summary of submission
2103.10	Fire and Emergency New Zealand	Retain the policy as proposed.
2094.6	Kainga Ora Homes and Communities	Retail the policy as notified.
FS3020.31	Shand Properties Limited	<i>Supports the retention of the policy as proposed. The ability to subdivide within the Defended Area Overlay shall be provided where relevant controls can be met.</i>
FS3032.45	Timberline Contracting	<i>Opposes submission 2094.6, the policy should not refer to 'controlling subdivision, use and development', it sets an inappropriately onerous policy direction that constrains development unreasonably.</i>
2053.28	Mercury NZ Limited	Delete and amend the policy to include information and spatial data on risk in the plan to assists assessment of risk in defended areas.
FS3032.43	Timberline Contracting	Supports 2053.28.
FS3020.26	Shand Properties Limited	Supports 2053.28.
FS3031.39	Waikato Regional Council	Neutral to 2035.28. Acknowledge there may be refinement of the mapping.
2102.69	Waikato Regional Council	Amend Policy 15.2.1.10(a) as follows: (a) Control <u>land use change</u> , subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by: (i) assessing the potential risk of ... before <u>land use change</u> , subdivision and development occurs ; <u>is enabled</u> ; and (ii) requiring that consideration be given to appropriate mitigation to reduce any residual risk <u>to acceptable levels</u> identified; and (iii) ensuring that any residual risk is not transferred to neighbouring sites; <u>and</u> (iv) <u>requiring assessment of the ongoing function and efficacy of flood defence systems, and the identification of associated economic and social costs and benefits associated with these.</u>

FS3020.42	Shand Properties Limited	Opposes 2102.69 and the suggestion to require social costs and benefits associated with these, it is not the applicant's responsibility to maintain flood defence systems.
FS3034.144	Mercury NZ Limited	Supports submission 2102.69
FS3027.31	Horticulture New Zealand	Opposes 2102.69 as the onus of the additional assessment sought (for flood defence systems) and the circumstances in which this is unclear.
FS3032.48	Timberline Contracting	Supports 2102.69 as the additions are logical.
2101.9	Transpower New Zealand	Amend Policy 15.2.1.10(a) as follows: (a) Control subdivision, use and development in areas.... (i) [...]; and (iv) <u>recognising the functional needs and operational needs of the National Grid.</u>
FS3020.32	Shand Properties Limited	Supports 2101.9 and suggested amendments.
2173.12	Federated Farmers of New Zealand	Amend Policy 15.2.1.10 as follows: (a) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River, <u>acceptable or tolerable levels commensurate to the risk to human life and the structural integrity of flood defences</u> by [...] (b) Specify minimum setbacks for buildings and earthworks, <u>excluding Ancillary Rural Earthworks</u> , from stopbanks to [...] And, any other consequential amendments that may be required.
FS3032.59	Timberline Contracting	Supports 2173.12 as the amendments are logical and can be used for assessing discretionary and non-complying activities.
FS3027.5	Horticulture New Zealand	Supports submission point 2173.12, submission aligns with the principle of HortNZ's submission.
FS3034.93	Mercury NZ Limited	Supports submission point 2173.12.

8.3 Analysis

109. Fire and Emergency New Zealand [2103.10] and Kainga Ora Homes and Communities [2094.6] seek that the policy is retained, and this is supported by *Shand Properties Limited* [FS3020.31] and opposed by *Timberline Contracting* [FS3032.42]. I recommend that the submissions in support from Fire and Emergency New Zealand [2103.10] and Kainga Ora Homes and Communities [2094.6] be accepted in part as I recommend some minor changes to the policy below. The submissions in support are also recommended to be accepted in part

for the same reason, while the submission in opposition from *Timberline Contracting* [FS3032.42] is recommended to be rejected.

- I 10. Mercury NZ Limited [2053.28] requests that the policy be deleted and amended to include information and spatial data on risk in the plan to assist assessment of risk in Defended Areas and is supported by both *Shand Properties Limited* [FS3020.26] and *Timberline Contracting* [FS3032.43]. Mercury has not provided any proposed wording to clarify its intent and I also do not consider that it is appropriate in a policy, or in another part of the Proposed Plan to provide the information that Mercury Energy seeks. Any information on the risk in an area defended by the Lower Waikato stopbanks will need to be assessed on a case-by-case basis, particularly in relation to potential for breakout. Accordingly, I recommend that the submission from Mercury Energy [2053.28] be rejected and the further submissions in support from *Shand Properties Limited* [FS3020.26] and *Timberline Contracting* [FS3032.43] also be rejected.
- I 11. Waikato Regional Council (WRC) [2102.69] requests a number of amendments to this policy and is generally supported in a further submission by *Mercury NZ Limited* [FS3034.144]. The amendment to add the words “to acceptable levels” to Policy 15.2.1.10(a) (ii) provides greater clarity and I consider it appropriate to include the proposed amendment.
- I 12. WRC further requests that “land use change” be added to the activities under control in addition to subdivision, use and development. I do not support this addition as the words subdivision, use and development cover land use change and the addition is therefore superfluous. However, I note that the word “use” is missing from clause (a) (i) and agree it should be added.
- I 13. WRC seeks to add a new clause to the policy to require “assessment of the ongoing function and efficacy of flood defence systems, and the identification of associated economic and social costs and benefits associated with these”. This is opposed by *Shand Properties Limited* [FS3020.42] and *Horticulture New Zealand Limited* [FS3027.31] and supported by *Timberline Contracting* [FS3032.48]. Horticulture New Zealand considers that the onus of the additional assessment sought (for flood defence systems) and the circumstances in which this will occur is unclear, while Shand Properties Limited considers it is not the applicants’/landowners’ responsibility to maintain the flood defence systems and the associated economic and social costs and benefits.
- I 14. I agree that the proposed amendments from WRC are unclear and it would be helpful if the submitter provided details at the hearing to enable a more thorough assessment on whether this change is necessary. My opinion at this stage is that this suggested addition to the policy is not necessary given that responsibility for the maintenance or upgrading of the entire stopbank system will fall on the WRC itself. Policy 15.2.1.10 (a)(i) to (iii) already require a risk assessment which will enable identification of site-specific issues in respect to the potential for overtopping or structural failure in the specific localities subject to relevant proposals. I also consider that if these areas are identified as Defended Areas due to being rated for receiving benefit from the stopbanks then it is inappropriate to further require assessment of the social and economic costs and benefits of the stopbanks for individual proposals.
- I 15. Consequently, overall, I recommend that Waikato Regional Council [2102.69] be accepted in part to the extent that I recommend some minor amendments to the policy which are shown below. Likewise, the support offered by *Timberline Contracting* [FS3032.48] and *Mercury NZ Limited* [FS3034.144]. is also accepted in part. The opposition from *Shand Properties Limited*

[FS3020.42] and *Horticulture New Zealand Limited* [FS3027.31] is also accepted in part to the extent that I do not agree with all the changes proposed by WRC.

- I 16. Transpower New Zealand [2101.9] requests that a new clause (iv) be added to Policy 15.2.1.10 9(a) to include the following words “Recognising the functional needs and operational needs of the National Grid.” The submission is supported by *Shand Properties Limited* [FS3020.32]. I note that there are no specific policies recognising the National Grid in respect to Defended Areas/Natural Hazards, consequently I recommend that this submission and the submission in support be accepted. Other amendments may be proposed by other Reporting Officers that effectively deal with this issue and may make this change unnecessary, however at the time of writing this was not available to me. The requested changes are included below.
- I 17. Federated Farmers of New Zealand [2173.12] seeks two amendments to this policy. The first is to add a qualifier to the end of Policy 15.2.1.10 (a) as follows:
 - (b) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River, [to] acceptable or tolerable levels commensurate to the risk to human life and the structural integrity of flood defences by [...].
- I 18. The second is to add an exclusion for Ancillary Rural Earthworks to clause (b).
- I 19. Further submissions in support were received from *Mercury NZ Limited* [FS3034.93], *Horticulture New Zealand Limited* [FS3027.9] and *Timberline Contracting* [FS3032.59].
- I 20. The submitter is concerned that only inappropriate land uses should be controlled and that farm uses are appropriate and do not need to be controlled. I agree in principle with this statement, but do not consider that the policy needs to be altered as a result. Farming is not one of the activities that the policy and associated rules are directed towards. The rules will be discussed later in this report. It is subdivision on land within the Defended Area Overlay, and new buildings, new accessory buildings and earthworks within 50 metres of the toe of the stopbanks that are proposed to be controlled by this policy and rule framework. If the land is farmed it will not be captured and only proposed new buildings and earthworks located within the 50m buffer will need resource consent. The definition of earthworks will be discussed in more detail later. However, I note at this point, that the definition of earthworks is proposed to be changed to reflect the National Planning Standards which will exclude gardening, cultivation, and disturbance of land for the installation of fence posts. Hence cultivation and the installation of fence posts will be a permitted activity within the 50m stopbank setback.
- I 21. In respect to the requested exclusion in the policy for Ancillary Rural Earthworks, I have looked at the revised ancillary rural earthworks proposed at the end of the Rural Topic hearing for Stage 1 and consider it too broad, and potentially counter-productive to the purpose of the policy to protect the structural integrity of the stopbanks. For example, this revised definition would effectively remove the stopbank setback and enable earthworks for helipads, airstrips, farm ponds and drains directly adjacent to the stopbank without any assessment of the risk to the structural integrity of the stopbank. The result would also be permitted activity status in Rule 15.6 which will be discussed later in this report.
- I 22. Overall, I do not consider that this exclusion is necessary. The definition of earthworks in the National Planning Standards provides an exclusion for cultivation and for installation of fence posts and if adopted by the Hearings Panel will mean farming activity such as ploughing and fencing will not be captured.

123. For the reasons provided above I recommend that the submission of Federated Farmers of New Zealand [2173.12] be rejected and the further submissions in support [FS3034.93], [FS3027.9] and [FS3032.59] also be rejected.

8.4 Recommendation

124. For the reasons above, I recommend that the Hearings Panel:

- (a) **Accept in part** Fire and Emergency New Zealand [2103.10] and Kainga Ora Homes and Communities [2094.6], given I make some minor changes to Policy 15.2.1.10 and also **accept in part** the further submission of *Shand Properties Limited* [FS3020.31]. *Timberline Contracting* [FS3032.42] is recommended to be rejected. **Retain** Policy 15.2.1.1(a) with only minor amendments as outlined below.
- (b) **Reject** Mercury NZ Limited [2053.28], and **reject** the further submissions of *Shand Properties Limited* [FS3020.26] and *Timberline Contracting* [FS3032.43].
- (c) **Accept in part** Waikato Regional Council [2102.69] to the extent of the amendments I recommend below to Policy 15.2.1.10. **Accept in part** *Shand Properties Limited* [FS3020.42], *Horticulture New Zealand Limited* [FS3027.31], *Mercury NZ Limited* [FS3034.144] and *Timberline Contracting* [FS3032.48].
- (d) **Accept** Transpower New Zealand [2101.9] and the further submission from *Shand Properties Limited* [FS3020.32]. **Amend** Policy 15.2.1.10(a) to provide for the National Grid as outlined below.
- (e) **Reject** Federated Farmers of New Zealand [2173.12] and the further submissions from *Mercury NZ Limited* [FS3034.93], *Horticulture New Zealand Limited* [FS3027.9] and *Timberline Contracting* [FS3032.59]. Do not amend Policy 15.2.1.10 (a) and (b) in the manner requested.

8.5 Recommended amendments

125. The following amendments are recommended:

Policy 15.2.1.10 Areas defended by stopbanks adjacent to the Waikato River

- (a) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by:
 - (i) assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before subdivision, use and development occurs; and
 - (ii) requiring that consideration be given to appropriate mitigation to reduce any residual risk identified to acceptable levels⁵; and
 - (iii) ensuring that any residual risk is not transferred to neighbouring sites; and
 - (iv) recognising the functional needs and operational needs of the National Grid.⁶
- (a) Specify minimum setbacks for buildings and earthworks from stopbanks to:
 - (i) protect the structural integrity of the stopbanks; and
 - (ii) provide a buffer to reduce the potential risk to life and damage to property from deep and fast-flowing flood waters in the event of a breach.

⁵ 2102.69

⁶ 2101.9

8.6 s32AA evaluation

126. The s32 report 'Natural hazards and Climate Change' (2020) evaluates this policy. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the original text adequately covers and justifies the minor amendments now proposed. The reference to the national grid gives effect to the National Policy Statement on Electricity Transmission.

9 Policy 15.2.1.12 Reduce potential for flood damage

9.1 Introduction

127. This section discusses the Policy 15.2.1.12 which relates to reducing the potential for flood damage to buildings located on the floodplain by requiring the application of minimum floor levels set above the flood level of a 1% AEP flood event for new buildings. The policy provides for a small number of exceptions and is outlined below:

Policy 15.2.1.12 Reduce potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas

- (a) *Reduce the potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas by ensuring that the minimum floor level of building development is above the design flood levels / ponding levels in a 1% AEP flood event, plus an allowance for freeboard, unless:*
- (i) *the building development is of a type that is not likely to suffer material damage during a flood; or*
 - (ii) *the building is a small-scale addition to an existing building; or*
 - (iii) *the risk from flooding is otherwise avoided, remedied or mitigated.*

9.2 Submissions

128. The submissions and further submissions on Policy 15.2.1.12 are listed in the table below:

Submission point	Submitter	Summary of submission
2173.14	Federated Farmers of New Zealand	<p>Amend Policy 15.2.1.12 as follows:</p> <p>(a) Reduce the potential for flood damage to <u>habitable</u> buildings located on the Waikato and Waipa River floodplains and flood ponding areas by ensuring that the minimum floor level of <u>habitable</u> building development is above the design flood levels/ponding levels in a 1% AEP flood event, plus an allowance for freeboard, unless:</p> <ul style="list-style-type: none"> (i) the building development is of a type that is not likely to suffer material damage <u>increase risk to human life</u> during a flood; or (ii) The building is a small-scale addition to an existing

		<p>building any addition to an existing habitable building is of a small scale; or</p> <p>(iii) ...</p> <p>And any other consequential amendments that may be required.</p>
FS3034.94	Mercury NZ Limited	Supports submission point 2173.14
FS3027.6	Horticulture New Zealand	Supports submission point 2173.14
2103.12	Fire and Emergency New Zealand	Retain Policy 15.2.1.12 as proposed.
2105.5	Perry Group Limited	<p>Amend Policy 15.2.1.2(a) as follows:</p> <p>(a) Reduce <u>manage</u> the potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas.</p>
2125.2	Simon Porter	Amend Policy 15.2.1.2
2149.4	Horticulture New Zealand	Retain Policy 15.2.1.12 and amend 15.14
FS3030.26	Federated Farmers of New Zealand	Supports submission point 2149.4, in addition consider that 15.2.1.12 should not apply to non-habitable buildings.
FS3034.72	Mercury NZ Limited	Supports submission point 2149.4 as it is appropriate to identify natural hazard risk within the plan for the purposes of ensuring that land use and development decisions are cognisant of flood risk.
2026.4	Betsy and Noel Smith	Retain Policy 15.2.1.12.
2075.1	Fleming Ranch Trust	Amend Policy 15.2.1.12 to clarify future subdivision and building codes pertaining to the Flood Plain Management Area.
2102.63	Waikato Regional Council	<p>Amend Policy 15.2.1.12 as follows:</p> <p>Policy 15.2.1.12 – Reduce potential for flood damage to buildings <u>Managing flood risk for subdivision, use and development</u> located on the Waikato and Waipa River floodplains <u>in the 1% AEP floodplain and flood ponding areas.</u></p> <p>(a) Reduce <u>Mitigate</u> the potential for flood damage to buildings located on the Waikato and Waipa River 1% AEP floodplains and flood ponding...</p> <p>(i) the building <u>design</u> development is of a type that is not likely to suffer material damage during a flood; or</p> <p>(ii) [...]</p>

		(iii) [...] (b) <u>The establishment of new natural hazard sensitive land uses and changes of use to accommodate natural hazard sensitive land uses are assessed and mitigations are provided to ensure that risks to people and property are managed to acceptable levels.</u>
FS3027.32	Horticulture New Zealand	Opposes submission point 2102.63 as the change sought will extend the scope of the policy beyond the intended area.
FS3020.40	Shand Properties Limited	Supports submission point 2102.63, the suggested wording provides clarity and the added point regarding new natural hazard sensitive land uses shall be included in the instance that this is carried through from other submission points.
FS3034.139	Mercury NZ Limited	Supports submission point 2102.63
FS3029.17	TaTa Valley Limited	Supports submission point 2102.63, the proposed amendments improve the readability and clarity of the policy.
2094.8	Kainga Ora Homes and Communities	Retain Policy 15.2.1.12
2093.5	TaTa Valley Limited	Retain Policy 15.2.1.12
2053.30	Mercury NZ Limited	No specific relief sought; however, the submission seeks clarity as to how significant risk which presents potentially intolerable levels of risk have been assessed in a risk-based manner.
FS3031.41	Waikato Regional Council	Neutral to submission 2043.30.

9.3 Analysis

129. Fire and Emergency New Zealand [2103.12], Kainga Ora Homes and Communities [2094.8], TaTa Valley Limited [2093.5], Betsy and Noel Smith [2026.4] and Horticulture New Zealand [2149.4] seek that policy 15.2.1.12 be retained and is supported by *Mercury NZ limited* [FS3034.72] and *Federated Farmers of New Zealand* [FS3030.26]. I recommend that this support be accepted in part to the extent that I recommend some amendments to the policy as a result of other submissions as identified below.
130. Federated Farmers of New Zealand [2173.14] seeks a number of amendments to Policy 15.2.1.12 which are supported by *Mercury NZ Limited* [FS3034.94] and *Horticulture New Zealand* [FS3027.6]. Federated Farmers seeks that habitable buildings be the focus of the policy instead of all buildings. They further seek that the exemptions to the policy be deleted and replaced with exemptions for when there is no increase in risk to human life and where an addition to an existing “habitable” building is of a small scale. The changes requested by Federated Farmers fundamentally change Policy 15.2.1.12 which has been specifically drafted to address the losses and damages to property caused by flooding. This policy is not focused on loss of life, which

is considered to be an unusual occurrence during a 1% AEP flood event on the floodplain (as opposed to high-risk flood areas).

131. I also consider that narrowing the focus of the policy to habitable buildings only rather than all buildings is inappropriate and would not meet Objective 15.2.1:
- “A resilient community where the risks from natural hazards on people, property, infrastructure and the environment from subdivision, use and development of land are avoided or appropriately mitigated.”*
132. Consequently, I recommend that the amendments proposed by Federated Farmers [2173.14] be rejected along with the further submissions from *Mercury NZ Limited* [FS3034.94] and *Horticulture New Zealand* [FS3027.6] in support.
133. Perry Group Limited [2105.5] seeks that the opening word at the beginning of the policy be changed from ‘Reduce’ to ‘Manage’. While Waikato Regional Council [2102.63] requests a number of changes including that the word ‘Reduce’ be replaced with ‘Managing’ (in the title of the policy) and mitigate at the beginning of clause (a). I do not agree that use of the word ‘Manage’ provides a better policy direction than the existing word ‘Reduce’ and I recommend that these amendments be rejected. ‘Mitigate’ in some circumstances could be a more appropriate word than ‘reduce’. However, in the context of this specific policy, I consider ‘reduce’ signals that less damage to buildings is anticipated if an appropriate minimum floor level is implemented, and is slightly more helpful.
134. Waikato Regional Council also seeks to widen the title to this policy to include subdivision and use and development, and this is opposed by *Horticulture New Zealand* [FS3027.32]. No similar amendments are proposed to the actual policy in clause (a). It would be helpful if the submitter provided more details to enable a better understanding of why this has been requested. Overall, I do not consider the change is appropriate. This policy is specifically intended to provide for the rules relating to minimum floor levels in new buildings and to express when minimum floor levels will not be required. In respect to the request to replace the word ‘development’ with ‘design’, in clause (a) (i) I have little preference, other than it might be more helpful and clearer to delete the word ‘development’ altogether, rather than replace it with ‘design’ and I am recommending that change.
135. Further amendments requested by Waikato Regional Council seek the inclusion of a policy direction for the establishment of new natural hazard sensitive land uses and changes of use to accommodate natural hazard sensitive land uses. As mentioned previously, Policy 15.2.1.12 is specific to flooding and damage to buildings due to flood hazard. In my view, if such a policy is considered appropriate as a result of considering other submissions, then this is not the correct place to put it.
136. One final change requested by Waikato Regional Council [2102.63] is to exclude the references to the Waipa and Waikato Rivers from the policy. I agree that reference to the Waikato and Waipa Rivers in the policy produces ambiguity and inaccuracy in relation to where this policy is intended to apply. I agree that those references are better deleted so that it is clear that the policy is to be applied in all 1% AEP floodplain and 1% AEP flood ponding areas in the district.
137. Overall, I recommend that the submission of Waikato Regional Council [2102.63] on Policy 15.2.1.12 be accepted in part to the extent that I agree that some of the amendments are necessary to improve the clarity and accuracy of the policy. The further submissions by *TaTa*

Valley [FS3029.17], Mercury NZ Limited [FS3034.139] and Shand Properties Limited [FS3020.40]
I also recommend be accepted in part for the same reason.

- I38. Simon Porter [2125.2] considers that the building restrictions in Policy 15.2.1.12 apply to an area that is incorrectly mapped. No specific relief is sought to the policy and the issue of whether the mapping is incorrect will be addressed later in this report. Consequently, I recommend that this submission be rejected.
- I39. Fleming Ranch Trust [2075.1] also does not provide relief sought to its submission and I am unclear what it seeks to be amended. It would be helpful if it could provide further details of the concerns and proposed changes to the Policy at the hearing. In the absence of evidence, I recommend that it be rejected.
- I40. Mercury NZ Limited [2053.30] seeks clarity as to “how significant risk which presents potentially intolerable levels of risk have been assessed in a risk-based manner”. No specific relief is sought in terms of Policy 15.2.1.12. As no relief is sought, I recommend that this submission be rejected.
- I41. However, to assist with the clarification sought, I note that significant risk and intolerable risk are not necessarily the same thing. The WRPS addresses what it considers to be intolerable risk, but does so without addressing ‘significant risks’, which is a concept that was brought in more recently in the RMA (s6h and s106). In risk-based literature, intolerable risk is often expressed mathematically such as a 1×10^{-4} life risk (AIFR) or a certain amount in \$Millions in damage. In the WRPS it is “risk which cannot be justified and risk reduction is essential.”⁷
- I42. The term intolerable risk has not been used in the policies for the district plan, but is mentioned in the introduction. The risk-based approach in this plan has equated areas defined as being at high risk as being areas of significant risk (e.g., high risk flood areas). Other areas at risk of natural hazards (but not being areas identified as being at high risk), fall below this level and are not considered to be a significant risk.
- I43. This approach gives effect to the two-level approach in the WRPS (see Implementation method 13.2.6 a), page 13-5 of the WRPS). Given the risk-based literature, intolerable risk may conceptually sit towards (and hence within) the upper limits of what could be described as significant risk and it is clear from Implementation method 13.2.1, page 13-4 of the WRPS that that high-risk flood zones (as defined) and areas of high-risk coastal hazard are considered to be areas of intolerable risk. This contrasts the mitigation approach in Implementation method 13.2.6 which signals that the level of risk for areas of the 1% AEP floodplain (but not high-risk flood areas within it) fall into the tolerable category and sit outside of what could be considered a significant risk. Given this, I consider there is no inconsistency with the WRPS.
- I44. To address the clarity requested by Mercury, the high-risk flood areas in the Proposed Plan are assessed by flood modelling which has identified areas within the floodplain where the depth of water is greater than one metre, or where the speed of flood waters exceeds 2m/s or the flood depth multiplied by flood speed exceeds one. As explained above, these areas are considered intolerable under the WRPS, and are also areas at significant risk from flooding.

⁷ See definition of Natural hazard risk, page G-7, WRPS 2016.

9.4 Recommendations

145. For the reasons above, I recommend that the Hearings Panel:

- (a) **Accept in part** Fire and Emergency New Zealand [2103.12], Kainga Ora Homes and Communities [2094.8], TaTa Valley Limited [2093.5], Betsy and Noel Smith [2026.4] and Horticulture New Zealand [2149.4] and also **accept in part** the further submission by *Mercury NZ Limited* [FS3034.72] and *Federated Farmers of New Zealand* [FS3030.26]. **Retain** Policy 15.2.1.12 with amendments as recommended below.
- (b) **Reject** Federated Farmers [2173.14] along with the further submissions from *Mercury NZ Limited* [FS3034.94] and *Horticulture New Zealand* [FS3027.6]. **Retain** Policy 15.2.1.12 without reference to habitable building.
- (c) **Reject** Perry Group Limited [2105.5]. **Retain** Policy 15.2.1.12 in terms of “Reduce the potential for flood damage...”, rather than “Manage the potential for flood damage...”
- (d) **Accept in part** Waikato Regional Council [2102.63] and **accept in part** *TaTa Valley* [FS3029.17], *Mercury NZ Limited* [FS3034.139] and *Shand Properties Limited* [FS3020.40]. **Accept** the specific opposition of *Horticulture New Zealand* [FS3027.32] to changes to the title of the policy to include subdivision and use and development. **Amend** parts of Policy 15.2.1.12 as recommended below.
- (e) **Reject** *Mercury NZ Limited* [2053.30], Fleming Ranch Trust [2075.1] and Simon Porter [2125.2], as no specific relief has been sought.

9.5 Recommended amendments

146. The following amendments to Policy 15.2.1.12 are recommended:

Policy 15.2.1.12 Reduce potential for flood damage to buildings located on ~~the Waikato and Waipa River~~ floodplains and flood ponding areas

- (a) Reduce the potential for flood damage to buildings located on ~~the Waikato and Waipa~~⁸ ~~River~~ floodplains and flood ponding areas by ensuring that the minimum floor level of building development is above the design flood levels/ponding levels in a 1% AEP flood event, plus an allowance for freeboard, unless:
 - (i) the building ~~development~~ is of a type that is not likely to suffer material damage during a flood; or
 - (ii) the building is a small-scale addition to an existing building; or
 - (iii) the risk from flooding is otherwise avoided, remedied or mitigated.

9.6 s32AA evaluation

147. The s32 report ‘Natural hazards and Climate Change’ (2020) evaluates this policy. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the original text adequately covers and justifies the minor amendments now proposed.

⁸ [2102.63]

10 Policy 15.2.1.13 Control filling of land

10.1 Introduction

148. This section discusses the Policy 15.2.1.13 which relates to filling of land in the 1% AEP floodplain and flood ponding areas. The policy is outlined below:

Policy 15.2.1.13 Control filling of land within the 1% AEP floodplain and flood ponding areas

- (a) *Control filling of land within the 1% AEP floodplain and flood ponding areas to ensure that the potential adverse effects on flood storage capacity, overland flows, run-off volumes on surrounding properties on infrastructure, are avoided or mitigated.*

10.2 Submissions

149. The following submissions and further submissions on Policy 15.2.1.13 are listed in the table below:

Submission point	Submitter	Summary of submission
2125.3	Simon Porter	Amend Policy 15.2.1.13 to control filling of land within the 1% AEP floodplain and flood ponding areas.
2173.15	Federated Farmers of New Zealand	Retail Policy 15.2.13 as notified.
FS3027.7	Horticulture New Zealand	<i>Supports submission point 2173.15, this aligns with HortNZ's submission in regard to ancillary rural earthworks.</i>
FS3034.95	Mercury NZ Limited	<i>Supports submission point 2173.15 as it is appropriate to identify natural hazard risk within the plan for the purposes of ensuring land use and development decisions are cognisant of flood risk.</i>
2102.65	Waikato Regional Council	Amend Policy 15.2.13 as follows: Control filling <u>and structures</u> of land within the 1% AEP floodplain and flood ponding areas. (a) Control filling of land <u>and the location of structures</u> within the 1% AEP floodplain and flood ponding areas to ensure that the potential adverse effects on flood storage capacity, overland flows, run-off volumes on surrounding properties on infrastructure, are avoided or mitigated.
FS3034.141	Mercury NZ Limited	<i>Supports submission point 2102.65.</i>

FS3027.33	Horticulture New Zealand	Opposes submission point 2102.65, oppose the inclusion of structures, unless aligned with HortNZ submission.
2106.5	WEL Networks Limited	Retain Policy 15.2.1.13 as proposed.
2103.13	Fire and Emergency New Zealand	Retain Policy 15.2.1.13 as proposed.
2094.9	Kainga Ora Homes and Communities	Retail Policy 15.2.1.13 as proposed.
2053.31	Mercury NZ Limited	Amend Flood Plain Management Area overlay on the planning maps to include the flood plain surrounding Lake Waikare that is represented by ground levels less than 8m RL. And that infill development is documented and recorded over time to ensure infill volumes and cumulative loss of storage capacity of the Lower Waikato Flood Protection Scheme is managed and displacement of water is understood.
FS3031.42	Waikato Regional Council	Neutral to submission point 2053.31.
2104.5	Genesis Energy Limited	Amend Policy 15.2.1.13(a) as follows: (a) Control filling of land within the 1% AEP floodplain... run-off volumes on surrounding properties on or infrastructure, are avoided or mitigated.

10.3 Analysis

150. Federated Farmers of New Zealand [2173.15] WEL Networks Limited [2106.5], Fire and Emergency New Zealand [2103.13], and Kainga Ora Homes and Communities [2094.9] seek that Policy 15.2.1.13 be retained as notified, and this is supported by *Horticulture New Zealand* [FS3027.7] and *Mercury NZ Limited* [FS3034.95].
151. Waikato Regional Council [2102.65] requests some changes to the policy which are supported by *Mercury NZ Limited* [FS3034.141] and opposed by *Horticulture New Zealand* [FS3027.33]. The submission seeks amendment to the policy to include control over the location of structures on the 1% floodplain and flood ponding areas, rather than just filling.
152. Building is a subset of structure in the National Planning Standards, in the RMA and in the WRPS. However, in the Building Act 2004 it is the other way around: structures are included in the definition of a building. In the 1% floodplain and flood ponding areas, the focus is on requiring minimum floor levels for buildings and is addressed in Policy 15.2.1.12. Other policies provide for utilities as a permitted activity because of their functional need and operational need. I do not consider a specific policy to control the location of structures in the 1% AEP floodplain and flood ponding areas is appropriate and consider that the building consent process under the Building Act 2004 is the appropriate place to control the location of a structure that may impede overland flow paths. It is further noted that Policy 15.2.1.6 – Managing natural hazard risk generally, provides for subdivision, use and development in a broad sense where it does not transfer or exacerbate risk to adjoining properties. In addition,

Policy 15.2.1.15 – Flood ponding areas and overland flow paths, requires development to maintain the function and capacity of overland flow paths and not transfer or increase risk elsewhere. I recommend that Waikato Regional Council [2102.65] be rejected and the further submission in support from *Mercury NZ Limited* [FS3034.141] also be rejected. I recommend the submission in opposition from *Horticulture New Zealand* [FS3027.33] be accepted.

153. Mercury NZ Limited [2053.31] requests that the Flood Plain Management Area overlay on the planning maps includes the floodplain surrounding Lake Waikare and that infill development is documented to ensure that infill volumes and cumulative loss of the storage capacity of the Lower Waikato Flood Protection Scheme is managed.
154. The issue in respect to mapping will be discussed later in this report. The request for documenting and recording infill volumes to manage storage capacity issues in the Lower Waikato is an important one for Waikato Regional Council, the District Council and Mercury, and should be assisted by the policy as drafted and implementation of the relevant rules. I cannot comment further in terms of this process. Given that no specific relief to Policy 15.2.1.13 is sought, I recommend that the submission be rejected.
155. Genesis Energy [2104.5] requests a minor typographical error in Policy 15.2.1.13 be corrected I recommend that this submission point be accepted. The correction is shown in the recommended changes below.
156. Simon Porter [2125.3] considers that the building restrictions in Policy 15.2.1.13 apply to an area that is incorrectly mapped. No specific relief is sought to the policy and the issue of whether the mapping is incorrect will be addressed later in this report. Consequently, I recommend that this submission be rejected.

10.4 Recommendations

157. For the reasons above, I recommend that the Hearings Panel:
 - (a) **Accept** Federated Farmers of New Zealand [2173.15], WEL Networks Limited [2106.5], Fire and Emergency New Zealand [2103.13], and Kainga Ora Homes and Communities [2094.9] and the further submissions of *Horticulture New Zealand* [FS3027.7] and *Mercury NZ Limited* [FS3034.95]. **Retain** Policy 15.2.1.13 as notified, with the exception of amending a typographical error recommended below.
 - (b) **Reject** Waikato Regional Council [2102.65] and the further submission by *Mercury NZ Limited* [FS3034.141] and **accept** the further submission of *Horticulture New Zealand* [FS3027.33]. **Retain** Policy 15.2.1.13 as notified with the exception of amending a minor typographical error as recommended below.
 - (c) **Accept** Genesis Energy [2104.5]. **Amend** the typographical error in Policy 15.2.1.13 as recommended below.
 - (d) **Reject** Mercury NZ Limited [2053.31] and Simon Porter [2125.2], as no specific relief has been sought.

10.5 Recommended amendments

158. The following amendments to Policy 15.2.1.13 are recommended:

Policy 15.2.1.13 Control filling of land within the 1% AEP floodplain and flood ponding areas

- (a) Control filling of land within the 1% AEP floodplain and flood ponding areas to ensure that the potential adverse effects on flood storage capacity, overland flows, run-off volumes on surrounding properties ~~on or~~⁹ infrastructure, are avoided or mitigated.

10.6 s32AA evaluation

159. The s32 report 'Natural hazards and Climate Change' (2020) evaluates this policy. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the original text adequately covers and justifies the minor amendments now proposed.

11 Policy 15.2.1.14 Hazardous substances within floodplain

11.1 Introduction

160. This section discusses the Policy 15.2.1.14 which relates to hazardous substances located within floodplain and flood ponding areas. The policy is outlined below:

Policy 15.2.1.14 Hazardous substances located within floodplain and flood ponding areas

- (a) *Ensure that the location and storage of hazardous substances within the 1% AEP floodplain and flood ponding areas do not create an unacceptable hazard to people, property or the environment.*

11.2 Submissions

161. The following submissions and further submissions on Policy 15.2.1.14 are listed in the table below:

Submission point	Submitter	Summary of submission
2053.32	Mercury NZ Limited	Amend Policy 15.2.1.14(a) as follows: (a) <u>Avoid ensure that the location and storage of hazardous substances in areas within the 1% AEP floodplain and flood ponding areas which are at significant risk from natural hazards, including High Risk Flood, Flood Plain Management Area, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion), unless, considering engineering and technical constraints or functional and operational requirements, they cannot be reasonably located elsewhere and do not create an unacceptable hazard to people, property or the environment will not increase the risk to or</u>

⁹ 2104.5

		<u>vulnerability of people or communities.</u>
FS3031.43	Waikato Regional Council	Neutral towards submission point 2053.52.
FS3029.9	TaTa Valley Limited	Opposes submission point 2053.32, TaTa Valley supports the relief sought to the extent it is consistent with its primary submissions that sought of the clarification of the word 'unacceptable' in this policy. TaTa Valley opposes the other amendments to the policy in respect of the Flood Plain Management Area on the grounds the proposed amendments are unnecessarily restrictive.
2093.6	TaTa Valley Limited	Amend Policy 15.2.1.14 as follows: ...flood ponding areas do not create a an unacceptable hazard to people, property or the environment <u>that cannot be appropriately managed</u> . Or, Amend the policy so the term "unacceptable" is better defined.
2173.16	Federated Farmers of New Zealand	Delete Policy 15.2.1.14 and any consequential amendments that may be required.
FS3027.8	Horticulture New Zealand	Supports submission point 2173.16 as the regime for hazardous facilities needs to be cognisant of the outcomes sought in the Stage 1 process.
2103.14	Fire and Emergency New Zealand	Retain Policy 15.2.1.14 as proposed.
2102.78	Waikato Regional Council	Amend Policy 15.2.1.14 as follows: Hazardous substances located within the <u>1% AEP floodplain and flood ponding areas, defended areas, high-risk flood hazard area, high-risk coastal hazard area (inundation and erosion), coastal sensitivity areas, and areas subject to land instability, subsidence and liquefaction risk.</u> (a) Ensure that the location and storage of hazardous substances within the 1% AEP floodplain and flood ponding areas <u>does</u> not create an unacceptable hazard to people, property <u>infrastructure</u> or the environment.
FS3030.21	Federated Farmers New Zealand	Opposes submission point 2012.78, FFNZ has concerns with the policy response and implementation method for hazardous substances as proposed in Chapter 15.

11.3 Analysis

162. Waikato Regional Council [2102.78], TaTa Valley [2093.6] and Mercury NZ Limited [2053.32] seek substantial amendments to Policy 15.2.1.14, Federated Farmers [2173.16] requests that it be deleted due to changes to Stage 1 Hazardous substances and facilities provisions, while Fire and Emergency New Zealand [2103.14] requests that the policy be retained. *TaTa Valley* [FS3029.9] opposes the changes sought by Mercury NZ Limited [2053.32], and *Horticulture New Zealand* [FS3027.8] supports Federated Farmers' request to delete Policy 15.2.1.14. *Federated Farmers* [FS3030.21] opposes the changes requested by Waikato Regional Council [2102.78]. I note that I have read the minute of the Hearings Panel in respect to the direction to be taken in the Hazardous Substances Topic.
163. I do not agree with Federated Farmers of New Zealand [2173.16] that Policy 15.2.1.14 should be deleted as it is needed to give effect to the WRPS, but I do consider that it can be improved through amendments suggested by other submitters. The High Risk Flood Area is a subset of the 1% AEP floodplain as is effectively covered in Policy 15.2.1.14. However, I agree with Waikato Regional Council [2102.78] that including High Risk Flood Areas specifically within the policy provides greater clarity and recommend it be included. I also agree that it is appropriate to include reference to the 1% AEP in the title to the policy, and the word "infrastructure" in the policy itself for both consistency with other policies and for clarity.
164. TaTa Valley [2093.6] requests deletion of the word "unacceptable" within the Policy, and inclusion of the words "that cannot be appropriately managed" at the end of the policy. The submission from Mercury NZ Limited [2053.32] provides amendments focusing on increased risk to people and communities. I have reviewed these submissions alongside the amendments proposed by Waikato Regional Council [2102.78], and consider some further amendment is appropriate, largely because I consider an "unacceptable hazard" to be unusual wording. My proposed wording is provided below.

11.4 Recommendations

165. For the reasons above, I recommend that the Hearings Panel:
- (a) **Accept in part** Waikato Regional Council [2102.78], TaTa Valley [2093.6] and Mercury NZ Limited [2053.32], to the extent that I recommend some changes based on these submission requests. The further submission by TaTa Valley [2053.32] opposing the amendments proposed by Mercury NZ and the further submission of *Federated Farmers* [FS3030.21] opposing the submission of Waikato Regional Council are also **accepted in part**. **Amend** Policy 15.2.1.14 as recommended below.
 - (b) **Reject** Federated Farmers [2173.16]. **Reject** the submission in support by *Horticulture New Zealand* [FS3027.8]. Policy 15.2.1.14 is **retained** with amendments as recommended below.
 - (c) **Accept in part** Fire and Emergency New Zealand [2103.14], to the extent that I have recommended Policy 15.2.1.14 be retained with amendments.

11.5 Recommended amendments

166. The following amendments to Policy 15.2.1.14 are recommended, noting that subject to other submissions, it may be appropriate to amend the policy to apply to natural hazard areas rather than confining it to the flood hazard overlays:

Policy 15.2.1.14 Hazardous substances located within the 1% AEP floodplain and flood ponding areas, and High Risk Flood Areas

- (a) Ensure that the location and storage of hazardous substances within the 1% AEP floodplain and flood ponding areas, including High Risk Flood Areas, are managed to prevent do not create an unacceptable hazard risks to people, property, infrastructure¹⁰ or the environment.

Alternative amendment:

- (a) Ensure that the location and storage of hazardous substances within the 1% AEP floodplain and flood ponding area areas affected by natural hazards are managed to prevent do not create an unacceptable hazard risks to people, property, infrastructure or the environment.

And amend title accordingly.

11.6 s32AA evaluation

167. The s32 report 'Natural hazards and Climate Change' (2020) evaluates this policy. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the original text adequately covers and justifies the amendments now proposed for the purposes of clarification.

12 Policy 15.2.1.15 Flood ponding areas and overland flow

12.1 Introduction

168. This section discusses the Policy 15.2.1.15 which relates to managing stormwater hazards within flood ponding areas and overland flow paths. The policy is outlined below:

Policy 15.2.1.15 Flood ponding areas and overland flow paths

- (a) *Manage stormwater hazards by requiring new subdivision and development within flood ponding areas and overland flow paths to adopt integrated catchment plan-based stormwater management methods which:*
- (i) *maintain the flood storage capacity of natural floodplains, wetlands and ponding areas; and*
 - (ii) *retain the function and capacity of overland flow paths to convey stormwater runoff; and*
 - (iii) *do not transfer or increase risk elsewhere; and*
 - (iv) *promote low impact stormwater management practices with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and*
 - (v) *minimise impervious surfaces.*

12.2 Submissions

169. The following submissions and further submissions on Policy 15.2.1.15 are listed in the table below:

¹⁰ [2102.78], [2093.6], [2053.32].

Submission point	Submitter	Summary of submission
2180.3	Ambury Properties Limited	Amend Policy 15.2.1.15(a)(i) as follows: (i) <u>maintain or appropriately manage</u> the flood storage capacity of natural floodplains, wetlands and ponding areas; and... any further relief or amendments required.
FS3034.107	Mercury NZ Limited	<i>Opposes submission point 2180.3 due to the management of cumulative effects arising from the loss.</i>
FS3022.10	Ohinewai Lands Limited	<i>Supports submission point 2180.3, as outcomes which result in negligible/low levels of effects should not be precluded.</i>
2173.17	Federated Farmers of New Zealand	Retain Policy 15.2.1.15 as notified.
2149.5	Horticulture New Zealand	Retain Policy 15.2.1.15 as notified.
FS3030.27	Federated Farmers of New Zealand	<i>Supports submission point 2149.5, support the policy applying to new subdivision and development only. In our original submission on Stage 2 we consider this policy should not restrict normal farming activities.</i>
2161.4	Dilworth Trust Board	Amend Policy 15.2.1.15(a) as follows: (a) manage stormwater hazards by requiring new subdivision and development within flood ponding areas and overland flow paths to adopt integrated catchment plan-based stormwater management methods which...
2103.15	Fire and Emergency New Zealand	Retain Policy 15.2.1.15 as proposed.
2094.10	Kainga Ora Homes and Communities	Retain Policy 15.2.1.15 as notified.
2102.66	Waikato Regional Council	Amend Policy 15.2.1.15 as follows: (a) manage the exacerbation of flood stormwater hazards by requiring new subdivision and development within the 1% AEP flood ponding areas and overland flow paths to adopt integrated catchment plan-based stormwater management methods which: (i) maintain the <u>function of flood storage capacity</u> of natural floodplains, wetlands

		<p>and ponding areas, <u>including storage capacity</u>; and</p> <p>(ii) retain the function and capacity of overland flow paths <u>and 1% AEP floodplains</u> to convey <u>rainfall</u>;</p> <p>(iii) do not transfer or increase risk elsewhere <u>within the catchment</u>; and</p> <p>(iv) promote <u>best practice approaches to maintaining and enhancing natural systems which function as a defence against flood hazards</u>; low impact stormwater management practices with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and</p> <p>(v) minimise impervious surfaces.</p>
2139.4	Ports of Auckland Limited	<p>Amend Policy 15.2.1.15 as follows:</p> <p>(a) manage stormwater hazards by requiring new subdivision and development within flood ponding areas and overland areas and overland flow paths to adopt integrated catchment plan-based stormwater management methods which...</p>
2053.33	Mercury NZ Limited	<p>Amend Policy 15.2.1.15(a) as follows:</p> <p>(a) Manage stormwater hazards by requiring new subdivision and development <u>that is within a</u> flood ponding areas and/or overland flow paths to should adopt <u>an</u> integrated catchment plan-based stormwater management methods <u>methodology</u> <u>which</u>:</p> <p>(i) maintains the flood storage capacity of natural floodplains, wetlands and ponding areas; and</p> <p>(ii) retains the function and capacity of overland flow paths to convey stormwater runoff; and</p> <p>(iii) <u>does</u> not transfer or increase risk elsewhere; and</p>

		<p>(iv) promotes low impact stormwater management practices with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and</p> <p>(v) minimises impervious surfaces.</p>
FS3031.44	Waikato Regional Council	Neutral to submission point 2053.33.
2105.6	Perry Group Limited	Delete Policy 15.2.1.15(a)(iv).

12.3 Analysis

170. Federated Farmers of New Zealand [2173.17], Horticulture New Zealand [2149.5], Fire and Emergency New Zealand [2103.15] and Kainga Ora Homes and Communities [2094.10] seek that Policy 15.2.1.15 be retained. Horticulture New Zealand's submission [2149.5] is supported by *Federated Farmers of New Zealand [FS3030.27]*. I recommend that Federated Farmers of New Zealand [2173.17], Horticulture New Zealand [2149.5], Fire and Emergency New Zealand [2103.15], Kainga Ora Homes and Communities [2094.10] and *Federated Farmers of New Zealand [FS3030.27]* be accepted in part, subject to amendments made under other submission.
171. Waikato Regional Council [2102.66] requests numerous amendments to Policy 15.2.1.15, while Mercury NZ Limited [2053.33], Ambury Properties Limited [2180.3], Ports of Auckland Limited [2139.4] and Dilworth Trust Board [2161.4] suggest minor changes. *Mercury NZ Limited [FS3034.107]* opposes, and *Ohinewai Lands Limited [FS3022.10]* supports, the amendments requested by Ambury Properties Limited [2180.3]. Perry Group Limited [2105.6] seek that clause a) iv) of Policy 15.2.1.15 be deleted.
172. I agree that some amendments to this policy are required to improve its clarity. In particular I agree with submitters who request the reference to low impact stormwater design to be deleted (Waikato Regional Council [2102.66] and Perry Group Limited [2105.6]). Waikato Regional Council [2102.66] suggests a replacement for clause a) iv) which I recommend be accepted in part to the extent that it provides for the promotion of best practice stormwater management recognising that clause a) i) already provides for maintaining the function of natural floodplains, ponding areas and overland flow paths in managing flood hazards.
173. I do not agree that adding the words "or appropriately manage" after "maintain" in clause a) i) are necessary. The clause requires the function of those areas to be maintained for flood management purposes which is consistent with, and supportive of, Waikato Regional Council's role in integrated catchment management (see WRPS, implementation method 13.2.4, page 13-4). My recommended changes as a result of these submissions are outlined below.
174. I do not consider it is appropriate to delete the references in this policy to overland flow paths as this is an integral part of catchment management for flood management purposes. In my opinion it is not necessary to map overland flow paths in the Proposed Plan in order to justify inclusion of a policy addressing them as suggested by Ports of Auckland Limited [2139.4] and Dilworth Trust Board [2161.4].

175. As a consequential amendment to the above submissions, I recommend that the title of Policy 15.2.1.15 be changed to incorporate integrated catchment management for flood management purposes and hence better reflect the focus of the policy.

12.4 Recommendations

176. For the reasons above, I recommend that the Hearings Panel:

- (a) **Reject** Ambury Properties Limited [2180.3] and the further submission in support by *Ohinewai Lands Limited* [FS3022.10]. **Accept** the further submission in opposition by *Mercury NZ Limited* [FS3034.107]. **Retain** Policy 15.2.1.15 with the amendments recommended below.
- (b) **Accept in part** Federated Farmers of New Zealand [2173.17], Horticulture New Zealand [2149.5], Fire and Emergency New Zealand [2103.15] and Kainga Ora Homes and Communities [2094.10] and the further submission by *Federated Farmers of New Zealand* [FS3030.27]. **Retain** Policy 15.2.1.15 with amendments as recommended below.
- (c) **Reject** Ports of Auckland Limited [2139.4] and Dilworth Trust Board [2161.4] Fire and Emergency New Zealand [2103.14]. **Retain** overland flow paths within Policy 15.2.1.15.
- (d) **Accept in part** Waikato Regional Council [2102.66]. **Retain** Policy 15.2.1.15 with amendments as a result of this submission as recommended below.
- (e) **Reject** Mercury NZ Limited [2053.33]. **Retain** Policy 15.2.1.15 with amendments as a result of other submission as recommended below.
- (f) **Accept in part** Perry Group Limited [2105.6]. **Retain** Policy 15.2.1.15 (a)(iv) with amendments to remove references to the promotion of low impact stormwater management practices.

12.5 Recommended amendments

177. The following amendments to Policy 15.2.1.15 are recommended:

Policy 15.2.1.15 ~~Flood ponding areas and overland flow paths~~ Managing flood hazards through integrated catchment management

- (a) Manage ~~stormwater~~ flood hazards by requiring new subdivision and development within floodplains, flood ponding areas and overland flow paths to adopt integrated catchment plan-based ~~stormwater~~ management methods which:
 - (i) maintain the ~~flood storage capacity~~ function of natural floodplains, wetlands and ponding areas including flood storage capacity; and
 - (ii) retain the function and capacity of overland flow paths to convey stormwater run-off; and
 - (iii) do not transfer or increase risk elsewhere within the catchment; and
 - (iv) promote ~~low impact best practice~~ stormwater management ~~practices~~¹¹ with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and
 - (v) minimise impervious surfaces.

¹¹ [2105.6], [2102.66]

12.6 s32AA evaluation

178. The s32 report 'Natural hazards and Climate Change' (2020) evaluates this policy. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the original text adequately covers and justifies the minor amendments now proposed.

13 Policy 15.2.1.2 Changes to existing land use

13.1 Introduction

179. This section discusses Policy 15.2.1.2. The policy is outlined below:

Policy 15.2.1.2 Changes to existing land use activities and development in areas at significant risk from natural hazards

- (a) *In areas of High-Risk Flood, High Risk Coastal Hazard (Erosion) and High Risk Coastal Hazard (Inundation), ensure that when changes to existing land use activities and development occur, a range of risk reduction options are assessed, and development that would increase risk to people's safety, well-being and property is avoided.*

13.2 Submissions

180. The following submission and further submission on Policy 15.2.1.2 relevant to this topic are listed in the table below:

Submission point	Submitter	Summary of submission
2053.22	Mercury NZ Limited	Amend Policy 15.2.1.2(a) as follows: (a) in areas of High Risk Flood, <u>Flood Plain Management Area</u> , High Risk Coastal Hazard (Erosion) and High Risk Coastal Hazard (Inundation), ensure that when changes to existing land use activities and development occur, <u>people and communities are not exposed to intolerable levels of risk from natural hazards</u> and a range of risk reduction options are assessed, and development that would increase risk to people's safety, well-being and property is avoided.
FS3031.33	Waikato Regional Council	Neutral to submission point 2053.22

13.3 Analysis

181. Mercury NZ Limited [2053.22] seeks to amend the Policy 15.2.1.2 to include the Flood Plain Management Area alongside High Risk Flood, High Risk Coastal Hazard (Erosion) and High Risk Coastal (Inundation) Areas. As previously discussed, I do not consider this amendment would be consistent with the overall approach taken in the VRPS which identifies a two-tier approach in terms of the 1% AEP floodplain and high-risk flood areas within it. In respect to high-risk flood zones, the VRPS states that "development will be more tightly controlled"¹².

¹² WRPS 2016 Explanation, page 13-6

Implementation method 13.2.5¹³ also expects use and development within high-risk flood zones to be appropriate, including by avoiding the placement of structures or development where these would be vulnerable. This differs from the mitigation approach, including the use of minimum floor levels anticipated in the Flood Plain Management Area

182. Mercury NZ Limited [2053.22] also requests adding words so that Policy 15.2.1.2 reads as follows: “In areas of..., ensure that when changes to existing land use activities and development occur, people and communities are not exposed to intolerable levels of risk from natural hazards and a range of risk reduction options are assessed, and development that would increase risk to people’s safety, well-being and property is avoided.” Overall, I consider that the proposed amendment is unnecessary and adds more words with little overall benefit.

13.4 Recommendation

183. For the reasons above, I recommend that the Hearings Panel:

(a) **Reject** Mercury NZ Limited [2053.33]. **Retain** Policy 15.2.1.2.

13.5 Recommended amendments

184. No amendments are recommended.

14 How to use and interpret the rules

14.1 Introduction

185. This section discusses the introductory section to the rules, which explains how they are to be interpreted.

14.2 Submissions

186. One submission and one further submission relevant to this topic were received and are listed in the table below:

Submission point	Submitter	Summary of submission
2053.43	Mercury NZ Limited	Add additional text to Chapter 15.3 How to use and interpret the rules that provides a clear link between areas subject to flooding, including the Floodplain Management Area and High Risk Flood Areas and other chapters relating to land uses that are at significant risk from flooding, and rules controlling these activities in the Floodplain Management Area and High Risk Flood Areas.
FS3031.54	Waikato Regional Council	Neutral to submission point 2053.43

¹³ WRPS 2016, Implementation Method 13.2.5, page 13-4.

14.3 Analysis

187. This issue has been discussed at Section 6.3 of this report. For the reasons given in that paragraph I recommend that this submission be rejected.

14.4 Recommendation

188. For the reasons given in Section 6.3 I recommend that the Hearings Panel:

(a) **Reject** Mercury NZ Limited [2053.43].

14.5 Recommended amendments

189. No amendments are recommended.

15 Rules 15.4 and 15.4.1 Flood Plain - Permitted activities

15.1 Introduction

190. This section of the report discusses submissions and further submissions relating to Rule 15.4.1 Flood Plain Management Area and Flood Ponding Areas – Permitted Activities P1–P8. This section is focused on buildings and earthworks within the 1% AEP floodplain including 1% AEP flood ponding areas. Some permitted activities listed are subject to some activity-specific standards such as minimum floor levels, or in terms of earthworks, maximum volumes.

15.2 Submissions

191. The following submissions and further submissions on Rule 15.4 and 15.4.1 – Permitted Activities are listed in the table below. The report will address submissions made in the order that they appear in the rule; for instance: submissions on P1 will be dealt with first before moving onto P2.

Submission point	Submitter	Summary of submission
2103.32	Fire and Emergency New Zealand	Retain Section 15.4 as proposed
2026.5	Betsy and Noel Smith	Retain Rule 15.4.1 Permitted Activities as proposed.
2106.9	WEL Networks Limited	Retain Rule 15.4.1 – P6 as proposed.
<i>FS3010.6</i>	<i>KiwiRail Holdings Limited</i>	<i>Supports submission point 2106.9.</i>
<i>FS3007.9</i>	<i>PowerCo Limited</i>	<i>Supports submission point 2106.9.</i>
2094.23	Kainga Ora Homes and Communities	Amend Rule 15.4.1 – P1 as follows: Construction of a new building <u>or the reconstruction of, or addition to an existing building unless specified in P2-P5 in Rule 15.4.1.</u> And, delete the activity-specific conditions for Rule 15.4.1 – P1.
2094. 24	Kainga Ora Homes and Communities	Retain Rule 15.4.1 – P2 as notified.

2151.19	Waikato Tainui Te Kauhanganui Incorporated	Add to Rule 15.4.1 a permitted/controlled activity to enable earthworks for the establishment and re-instatement of wetland habitat and creation of eel and whitebait habitat.
2161.6	Dilworth Trust Board	Retain Rule 15.4.1 as notified where the rule applies to the mapped Flood Plain Management areas and Flood Ponding Areas that are mapped, subject to other submissions.
2161.7	Dilworth Trust Board	Amend Rule 15.4.1 Permitted Activities as follows: (a) The activities listed below are permitted activities within the Flood Management Area <u>or the Flood Ponding Area</u> shown on the Planning Maps or in a Flood Ponding Area , if they meet the activity-specific conditions set out in this table.
FS3034.86	Mercury NZ Limited	Supports submission point 2161.7
FS3031.134	Waikato Regional Council	Opposes submission point 2161.7.
2173.35	Federated Farmers of New Zealand	Amend Rule 15.4.1 – P1 as follows P1 – Construction of a new <u>habitable</u> building or an addition to an existing <u>habitable</u> building, unless specified in P2–P5 in Rule 15.4.1. And, any consequential amendments that may be required.
FS3034.100	Mercury NZ Limited	Opposes submission point 2173.34
FS3031.141	Waikato Regional Council	Opposes submission point 2173.35
FS3027.11	Horticulture New Zealand	Supports submission point 2173.35
FS3030.44	Federated Farmers of New Zealand	Opposes submission point 2173.35
2093.7	TaTa Valley Limited	Amend Rule 15.4.1 – P1 by deleting the activity-specific conditions as follows: (a) The minimum floor level is at least 0.5m above the 1% AEP flood level; and (b) Compliance with condition (1) shall be demonstrated by a suitably qualified engineer with experience in hydrology. (a) <u>The minimum floor level is at least 0.5m above the 1% AEP flood level for more vulnerable land uses;</u>

		<p>(b) <u>The minimum floor level is at least 0.3m above the 1% AEP flood level for less vulnerable activities.</u></p> <p>And, add new definitions of 'more vulnerable activities' and 'less vulnerable activities' consistent with the Auckland Unitary Plan.</p>
FS3033.1	Kainga Ora Homes and Communities	Supports submission point 2093.7.
FS3034.19	Mercury NZ Limited	Supports submission point 2093.7.
FS3031.111	Waikato Regional Council	Supports submission point 2093.7
2156.3	Auckland Waikato Fish and Game	<p>Add a new P8 Rule to 15.4.1, to read: <u>15.4.1 – P8 Earthworks ancillary to a conservation activity.</u></p> <p>And, amend Rule 15.4.1 P8 Flood Management Area and Flood Ponding Areas, Permitted Activities to read: <u>P9 Earthworks not provided for under Rule 15.4.1 P6 or P7, P8</u></p>
FS3030.43	Federated Farmers of New Zealand	Supports submission point 2156.3
2093.8	TaTa Valley Limited	<p>Amend Rule 15.4.1 P8 (b) as follows: (b) In the Rural Zone – a maximum volume of filling above natural ground level of 100m³ <u>per-site within the Flood Plain Management Area and Flood Ponding Areas applying to that part of a site,</u> and a maximum cumulative volume of filling and excavation of 200m³ <u>per-site within the Flood Plain Management Area and Flood Ponding Areas applying to that part of this site.</u></p>
2106.8	WEL Networks Limited	Retain 15.4.1 P5 as proposed.
2053.46	Mercury NZ Limited	<p>Amend Rule 15.4.1 – P1 as follows: Construction of a new building or an addition to an existing building unless specified in P2 – P5 in Rule 15.4.1, where the minimum floor level is at least 0.5m above the 1% AEP flood level. Compliance with Rule 15.4.1 shall be demonstrated by a suitably qualified engineer with experience in hydrology.</p>
FS3031.57	Waikato Regional Council	Neutral to submission point 2053.46
2100.3	PowerCo Limited	Retain 15.4.1 – P5 as notified.
FS3034.37	Mercury NZ Limited	Supports submission point 2100.3
2053.45	Mercury NZ Limited	Amend Section 15.4.1 Permitted Activities within Land Use Zones which could be affected by the Flood Plain need to be

		identified and rationalised in a risk-based manner.
<i>FS3031.56</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.45.</i>
2104.6	Genesis Energy Limited	Amend Rule 15.4.1 – P5 as follows: Construction, replacement, repair, maintenance, minor upgrading, or upgrading, <u>or rehabilitation of infrastructure and utilities, and their ancillary activities.</u>
2104.7	Genesis Energy Limited	Amend Rule 15.4.1 P6 as follows: Earthworks associated with construction, replacement, repair, maintenance, minor upgrading or upgrading <u>or rehabilitation of infrastructure and utilities, including ancillary activities and</u> the formation and maintenance of access tracks.
2040.4	Spark New Zealand Trading Limited	Retain Rules 15.4.1 – P5 and P6.
2053.47	Mercury NZ Limited	Delete Rule 15.4.1 – P2.
<i>FS3031.58</i>	<i>Waikato Regional Council</i>	<i>Neutral to 2053.47.</i>
2053.53	Mercury NZ Limited	Amend Rule 15.4.1 – P8 to ensure that <ul style="list-style-type: none"> - Infill earthworks volumes within the floodplain below relevant 1% RL levels protect the storage capacity of the Lower Waikato Flood Protection Scheme; and - Earthworks provisions relevant to the flood plain take precedence over any land use zone provision; and - A council process is established to ensure consent information is provided to managers of flood risk data at Waikato Regional Council upon approval.
<i>FS3031.64</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.53.</i>
2053.48	Mercury NZ Limited	Retain Rule 15.4.1 P3.
<i>FS3031.59</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.48</i>
2053.49	Mercury NZ Limited	Retain Rule 15.4.1 – P4.
<i>FS3031.60</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.49.</i>
2053.50	Mercury NZ Limited	Retain Rule 15.4.1 – P5.
<i>FS3031.61</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.50.</i>
2053.51	Mercury NZ Limited	Amend Rule 15.4.1 – P6 to include an activity-specific condition, as follows: (a) <u>A maximum volume of filling above natural ground level of 10m3 per</u>

		<u>site, and a maximum cumulative volume of filling and excavation of 20m³.</u>
FS3031.62	Waikato Regional Council	Neutral to submission point 2053.51.
2053.52	Mercury NZ Limited	Retain Rule 15.4.1 – P7.
FS3031.63	Waikato Regional Council	Neutral to submission point 2053.52.
2156.2	Auckland Waikato Fish and Game	Add a new paragraph to Rule 15.4.1 – P4 as follows: <u>(3) Construction of a maimai with a minimum floor level of at least 0.5m above the 1% AEP flood level.</u>
2102.39	Waikato Regional Council	Amend Rule 15.4.1 – P5 to confirm the activity does not apply to new construction.
FS3003.14	Transpower New Zealand	Opposes submission point 2102.39
FS30034.135	Mercury NZ Limited	Supports submission point 2102.39
2146.9	Waikato District Council	Amend Rule 15.4.1 P8 (a), (b) and (c) to read: (a) In the Residential, Village and Country Living Zones – a maximum volume of filling above natural ground level of 10m ³ per <u>site</u> , and a maximum cumulative volume of filling and excavation of the <u>earthworks do not result in a reduction of flood water storage capacity on the site of more than 20m³; or</u> (b) In the Rural Zone – a maximum volume of filling above natural ground level of 100m per site, and a maximum cumulative volume of filling and excavation of the <u>earthworks do not result in a reduction of flood water storage capacity on the site of more than 200m³ per site; or</u> (c) All other zones – a maximum volume of filling above natural ground level of 20m per <u>site</u> , and a maximum cumulative volume of filling and excavation of the <u>earthworks do not result in a reduction of flood water storage capacity on the site of more than 50m³ per site; and</u> Any consequential amendments as required, And, any other change necessary to give effect to the intent of this relief sought and

		to achieve the purpose of the Resource Management Act 1991.
FS3034.67	Mercury NZ Limited	Opposes submission point 2146.9
FS3030.41	Federated Farmers New Zealand	Opposes 2146.9
2139.6	Ports of Auckland Limited	Retain Rule 15.4.1
2102.68	Waikato Regional Council	Amend Table 15.4.1 for permitted activities to further consider the activity conditions to ensure the effects are appropriately managed and mitigations are provided.
FS3027.36	Horticulture New Zealand	Opposes submission point 2102.68.
FS3030.20	Federated Farmers of New Zealand	Opposes submission point 2102.68.
FS3034.143	Mercury NZ Limited	Supports submission point 2102.68.
2101.16	Transpower New Zealand Limited	Amend Rule 15.4.1 – P5 as follows: P5 – <u>Operation</u> , construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities.
FS3010.4	KiwiRail Holdings Limited	Supports submission point 2010.16.
2101.17	Transpower New Zealand Limited	Amend Rule 15.4.1 – P6 Earthworks associated with <u>operation</u> , construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities, including the formation and maintenance of access tracks.
FS3010.5	KiwiRail Holdings Limited	Supports submission point 2101.17
2173.42	Federated Farmers of New Zealand	Retain Rule 15.4.1 – P8, condition on the outcomes of the relief sought for Rule 15.4.1 P6
FS3034.101	Mercury NZ Limited	Opposes submission point 2173.42.
FS3027.15	Horticulture New Zealand	Supports submission point 2173.42.
2102.67	Waikato Regional Council	Delete Rule 15.4.1 P7.
FS3029.18	TaTa Valley Limited	Opposes submission point 2102.67, TVL oppose the relief sought to the extent it is inconsistent with TVL's original submission that sought retention of the rule with changes to several permitted activity standards.
FS3020.41	Shand Properties Limited	Supports submission point 2102.67.
FS3034.142	Mercury NZ Limited	Supports submission point 2102.67
FS3030.19	Federated Farmers of New Zealand	Opposes submission point 2102.67.

2139.7	Ports of Auckland Limited	Amend Rule 15.4.1(a) as follows: (a) The activities listed below are permitted activities within the Flood Plain Management Area <u>or the Flood Ponding Areas</u> shown on the Planning Maps or in a Flood Ponding Area , if they meet the activity-specific conditions set out in this table.
FS3018.2	Perry Group Limited (PGL)	Supports submission point 2139.7.
FS3034.53	Mercury NZ Limited	Supports submission point 2139.7.
2173.36	Federated Farmers of New Zealand	Amend Rule 15.4.1 P2 as follows: additions to an existing <u>habitable</u> building that does not increase the ground floor area of the building by more than 15m ² . And, any consequential amendments that may be required.
FS3030.45	Federated Farmers of New Zealand	Opposes submission point 2173.36, on reflection FFNZ realised the plan worded as notified in relation to P1 and P2 is appropriate. The concerns raised in submissions 2173.35 and 2173.36 will be better addressed with adoption of submission point 2173.38.
FS3027.12	Horticulture New Zealand	Supports submission point 2173.36.
2094.28	Kainga Ora Homes and Communities	Retain Rule 15.4.1 P8 as notified.
2094.25	Kainga Ora Homes and Communities	Retain Rule 15.4.1 P3 as notified.
2094.26	Kainga Ora Homes and Communities	Retain Rule 15.4.1 P4(1) as notified.
2094.27	Kainga Ora Homes and Communities	Retain Rule 15.4.1 P7 as notified.
2173.37	Federated Farmers of New Zealand	Retain Rule 15.4.1 P3 as notified.
2173.38	Federated Farmers of New Zealand	Amend Rule 15.4.1 P4 as follows: 1. Construction of an accessory building without a floor ; 2. Construction of a farm building without a floor . And, any consequential amendments required.
FS3027.13	Horticulture New Zealand	Supports 2173.38 as the approach of a PA rule for ancillary earthworks aligns with HortNZ's submission.
FS3031.142	Waikato Regional Council	Opposes submission point 2173.38

2173.39	Federated Farmers of New Zealand	Retain Rule 15.4.1 P5 as notified.
2173.40	Federated Farmers of New Zealand	Amend Rule 15.4.1 P6 as follows: (a) Earthworks associated with construction, replacement, repair, <u>maintenance, minor upgrading</u> , or upgrading of utilities, including the formation and maintenance of access tracks; (b) <u>Ancillary Rural Earthworks</u> ; Or, add a new permitted activity Rule to 15.4.1 with no conditions for ancillary earthworks. And, any consequential relief required to give effect to this submission point.
<i>FS3027.14</i>	<i>Horticulture New Zealand</i>	<i>Supports submission point 2173.40</i>
2149.8	Horticulture New Zealand	Amend Rule 15.4.1 P4, permitted activities to read: (1) Construction of an a <u>non-habitable</u> accessory building without a floor; (2) Construction of a farm building <u>without a floor</u> .
<i>FS3030.29</i>	<i>Federated Farmers New Zealand</i>	<i>Supports submission point 2149.8.</i>
2149.9	Horticulture New Zealand	Retain Rule 15.4.1 P8.
<i>FS3030.30</i>	<i>Federated Farmers New Zealand</i>	<i>Supports submission point 2149.9.</i>
2173.41	Federated Farmers New Zealand	Retain Rule 15.4.1 P7 as notified.
2108.15	Department of Conservation	Amend Rule 15.4.1 P1 to make construction of new building in flood management areas a restricted discretionary activity, with matters of discretion to include risk that development will compromise catchment management objectives.
<i>FS3027.51</i>	<i>Horticulture New Zealand</i>	<i>Opposes submission 2108.15</i>
<i>FS3022.11</i>	<i>Ohinewai Lands Limited</i>	<i>Opposes submission 2108.15</i>
<i>FS3034.44</i>	<i>Mercury NZ Limited</i>	<i>Supports 2108.15</i>
<i>FS3030.3</i>	<i>Federated Farmers New Zealand</i>	<i>Opposes 2108.15</i>

15.3 Analysis General Submissions to 15.4.1

192. Dilworth Trust Board [2161.6] and [2161.7] and Ports of Auckland [2139.7] request that the rules as outlined in 15.4.1(a) apply only to flood ponding areas that are mapped on the planning maps. Further submissions were received, in support from *Mercury NZ Limited* [FS3034.86, FS3034.53] and *Perry Group Limited* [FS3018.2] and one opposing from *Waikato Regional Council* [FS3031.134]. This issue has already been discussed in relation to the definition of flood ponding area, in section 5, and I refer to my conclusions in respect to those submissions. Overall, I recommend Rule 15.4.1 clause (a) remains unchanged.
193. Waikato Regional Council [2102.68] requests that in respect to Table 15.4.1 “Permitted activities to further consider the activity conditions to ensure the effects are appropriately managed and mitigations are provided”. Three further submissions were received, two opposed from *Horticulture New Zealand and Federated Farmers* [FS3027.36, FS3030.20] and one in support *Mercury NZ Limited* [FS3034.143]. I agree with *Horticulture New Zealand* [FS3027.36] that this request is unclear. Overall, subject to some amendments that I recommend in relation to other submissions, I recommend that this submission be rejected.
194. Fire and Emergency New Zealand [2103.2] request that Rule 15.4 be retained as proposed, while Betsy and Noel Smith [2026.5] and Ports of Auckland Limited [2139.6] request that Rule 15.4.1 be retained as notified. Ports of Auckland support is subject to other changes it is requesting. To the extent that I will be recommending some changes to Rule 15.4.1 I recommend that these submissions be accepted in part.
195. Mercury NZ Limited [2053.45] seek to amend Section 15.4.1 Permitted Activities within Land Use Zones which could be affected by the Flood Plain need to be identified and rationalised in a risk-based manner. I am unsure what the submitter is seeking through this submission and given that no specific relief is sought, I recommend that it be rejected.

15.3.1 Recommendations

196. For the reasons above, I recommend that the Hearings Panel:
- (a) **Accept in part** Fire and Emergency New Zealand [2103.32], Betsy and Noel Smith [2026.5] and Ports of Auckland [2139.6], to the extent that some changes will be recommended to 15.4 and 15.4.1 as a result of accepting other submission points.
 - (b) **Reject** Dilworth Trust Board [2161.6] and [2161.7] and Ports of Auckland [2139.7] and the further submissions in support from *Mercury NZ Limited* [FS3034.86, FS3034.53] and *Perry Group Limited* [FS3018.2]. **Accept** the further submission in opposition from *Waikato Regional Council* [FS3031.134]. **Retain** Rule 15.4.1 clause (a) without any changes.
 - (c) **Reject** Waikato Regional Council [2102.68] and **reject** the further submission in support from *Mercury NZ Limited* [FS3034.143]. **Accept** the further submissions in opposition from *Horticulture New Zealand* and *Federated Farmers* [FS3027.36, FS3030.20]. **Retain** activity-specific conditions in 15.4.1.
 - (d) **Reject** Mercury NZ Limited [2053.45].

15.3.2 Recommended amendments

205. No amendments are recommended

15.4 Analysis – Rule 15.4.1 PI

197. There are numerous specific submissions on PI covering the following requests:

- Add to P1 the underlined words “Construction of a new building or the reconstruction of,” [2094.23].
 - Delete the activity-specific conditions for P1 [2094.23] and more specifically delete activity-specific condition (b) [2093.7].
 - Add the word “habitable” before building in P1 [2173.35]. Opposed by [FS3034.100, FS3031.141, and FS3030.44].
 - Reduce the 0.5m freeboard required in activity-specific condition (a) to 0.3m for less vulnerable activities. [2093.7], supported by [FS3033.1, FS3034.19 and FS3031.111]
 - Add a definition of ‘more vulnerable activities’ and ‘less vulnerable activities’ consistent with the Auckland Unitary Plan. [2093.7], supported by [FS3033.1, FS3034.19 and FS3031.111].
 - Delete the words “unless specified in P2-P5 in Rule 15.4.1” from P1 [2053.46].
198. Kainga Ora Homes [2094.23] requests that “reconstruction of a building” be added to P1. I do not consider that this addition is necessary as a reconstruction in the same location and at the same scale as the previous building (as clarified in the submission), is covered by existing use rights and the provisions in Chapter 15 cannot override section 10 of the RMA. I therefore recommend that Kainga Ora Homes [2094.23] be rejected.
199. Kainga Ora Homes [2094.23] also requests the activity-specific conditions in P1 be deleted and considers that The Building Act floor level requirements are preferable. I disagree with this position. The Building Code sets building floor levels based on a 2% AEP flood event across the board for individual buildings whilst the WRPS, taking a broader floodplain management approach, requires the adverse effects of a 1% AEP flood event to be avoided or mitigated.¹⁴ As the higher order planning direction the Council is required to give effect to this in its District Plan.
200. TaTa Valley [2093.7] requests a lower freeboard of 0.3m for “less vulnerable activities” and seeks new definitions be included for “more vulnerable” and “less vulnerable” activities similar to the Auckland Unitary Plan. Freeboard is an allowance added to the design flood water level to take into account uncertainties, such as flood modelling error margins, inaccuracies in surveying land levels, construction intolerances, obstructions in drainage networks and wind effects.¹⁵
201. Overall, I do not consider differentiating buildings based on whether they are more vulnerable or less vulnerable using the definitions provided in the Auckland Unitary Plan is helpful. I note that the Franklin Section of the Operative Waikato District Plan uses the definition of occupiable floor space and requires a freeboard of 500mm above the 1% AEP design flood level. Occupiable floor space is defined below:

Occupiable floor space

Means a building or part of a building which functions primarily as a meeting place of residence or place or residence or work (and includes houses, travellers’ accommodation, and commercial, industrial, community or recreational buildings) but does not include garages, hay barns or other out buildings.

¹⁴ WRPS Implementation method 13.2.6, page 13-5.

¹⁵ This discussion of freeboard comes from the definition in the Christchurch District Plan. It is further noted that LiDAR has reduced inaccuracies in land levels considerably in the past decade.

202. The Auckland Unitary Plan (which is a regional policy statement and a regional, coastal, and district plan combined) defines less vulnerable activity as:

Less vulnerable activities

Means activities listed in the following nesting tables:

- Commerce;
- Community, excluding care centres, and healthcare facilities with overnight stay facilities;
- Industry; and
- Rural.

203. It is clear that the definition of less vulnerable activities contains many activities and buildings that would be considered occupiable and habitable. Consequently, I do not find this definition helpful. I also do not find a two-tier freeboard allowance based on activity or building type a sound approach to flood hazard management. A better approach is to signal what level of freeboard is appropriate to take into account the flood modelling potential inaccuracies and other identified limitations and use that value consistently. Whether 500mm is too much given advances in flood modelling is outside my area of expertise. Overall, I recommend that the submission of TaTa Valley [2093.7] be rejected
204. TaTa Valley [2093.7] seeks to delete the requirement in activity-specific condition (b) that compliance with the floor levels be demonstrated by a suitably qualified engineer with experience in hydrology. I consider that this requirement is important to include as a permitted activity condition, without it there is no assurance that the minimum floor levels applied to a site will be accurate and consistently adopted and implemented and could lead to significant enforcement issues. There would be no guarantee that the proposed building is actually a permitted activity under this rule, without confirmation/corroboration from a specialist. The rule provides certainty of compliance for both property owner, developer and the Council. I further consider that without this condition the minimum floor levels requirement in flood hazard areas would need to be assessed by the Council and hence require either a controlled or restricted discretionary activity resource consent application. Accordingly, I recommend that this submission be rejected.
205. Federated Farmers [2173.35] seeks amendment to P1 to narrow the rule to apply to habitable buildings only. The outcome sought through Chapter 15 is expressed in Objective 15.2.1 as follows:
- Objective 15.2.1:
- “A resilient community where the risks from natural hazards on people, property, infrastructure and the environment from subdivision, use and development of land are avoided or appropriately mitigated.”*
206. This objective is focused on more than just habitable buildings. Flooding above floor levels causes considerable damage to many other built resources at high cost and disruption to the community. I also consider it is very difficult to determine what is a habitable building from what is not and find the definition in the Building Act unsuitable for present purposes. Overall, it is my opinion Objective 15.2.1 would not be able to be met if this rule was focused solely on habitable buildings.

207. Mercury NZ Limited [2053.46] seeks to delete the reference to P2-P5 in Rule 15.4.1 P1. I am unclear why the submitters considers that this reference should be deleted as the rules would not work as intended without this exception to P1. Clarification at the hearing would be helpful. In the meantime, I recommend that Mercury NZ Limited [2053.46] be rejected.
208. Department of Conservation [2108.15] seeks to amend Rule 15.4.1 P1 to make construction of new building in flood management areas a restricted discretionary activity, with matters of discretion to include risk that development will compromise catchment management objectives. This submission is opposed in further submissions by *Horticulture New Zealand* [FS3027.51], *Federated Farmers New Zealand* [FS3030.3] and *Ohinewai Lands Limited* [FS3022.11] and supported by *Mercury NZ Limited* [FS3034.44]. In my opinion this activity status is not necessary in order to ensure a minimum floor level in accordance with Policy 15.2.1.12. Where the minimum floor level is being complied with, there is no need to utilise a resource consenting process. In terms of s32 of the RMA a restricted activity status is less efficient than what is proposed. I therefore recommend that Department of Conservation [2108.15] and the further submission in support by *Mercury NZ Limited* [FS3034.44] be rejected, and the further submissions in opposition from *Horticulture New Zealand* [FS3027.51], *Federated Farmers New Zealand* [FS3030.3] and *Ohinewai Lands Limited* [FS3022.11] be accepted.

15.4.1 Recommendations – Rule 15.4.1 P1

- (a) **Reject** Kainga Ora Homes [2094.23] on both issues: adding reconstruction of a building and using the 2% AEP design flood instead of a 1% AEP design flood. Retain P1 unchanged.
- (b) **Reject** TaTa Valley Limited [2093.7] on both issues: lower freeboard of 0.3m for “less vulnerable activities” and remove from activity-specific condition (b) requirement for a suitably qualified engineer with experience in hydrology. **Reject** the further submissions in support from *Kainga Ora Homes* [FS3033.1], *Mercury NZ Limited* [FS3034.19] and *Waikato Regional Council* [FS3031.111].
- (c) **Reject** Federated Farmers [2173.35] and **accept** the further submissions in opposition from *Mercury NZ Limited* [FS3034.100], *Waikato Regional Council* [FS3031.141] and *Federated Farmers* [FS3030.44]. **Retain** building without reference to “habitable”.
- (d) **Reject** Mercury NZ Limited [2053.46]. **Retain** in P1 references to exceptions for activities identified in P2-P5.
- (e) **Reject** Department of Conservation [2108.15]. **Reject** and the further submission in support by *Mercury NZ Limited* [FS3034.44]. **Accept** the further submissions in opposition from *Horticulture New Zealand* [FS3027.51], *Federated Farmers New Zealand* [FS3030.3] and *Ohinewai Lands Limited* [FS3022.11]. Retain P1 as notified.

15.4.2 Recommended amendments - Rule 15.4.1.P1

209. No changes are recommended.

15.5 Analysis -Rule 15.4.1 - P2

210. There are three submissions in respect to Rule 15.4.1 P2, Kainga Ora Homes and Communities [2094. 24] seeks to retain the rule as notified. Mercury NZ Limited [2053.47] seeks that it be deleted and Federated Farmers of New Zealand [2173.36] seeks that P2 be

amended to refer to a habitable building. P2 is a permissive rule which provides for a small (up to 15m²) addition to an existing building. This rule is consistent with the policy direction in Policy 15.2.1.12. which provides for situations where it may be impractical and unreasonable to require a minimum floor level. I have already discussed my recommendation in respect to P1 to not narrow the rules by using the word “habitable buildings” and the same reasons apply here. Overall, I recommend that P2 not be deleted or amended as requested by Mercury NZ Limited [2053.47] and Federated Farmers of New Zealand [2173.36] and be retained as requested by Kainga Ora Homes and Communities [2094. 24]. I further note that Federated Farmers on further reflection considers P1 and P2 to be appropriate and will pursue the relief they seek by its submission to P4. I therefore recommend that the request to retain P2 by Kainga Ora Homes and Communities [2094. 24] be accepted.

15.5.1 Recommendations – Rule 15.4.1 P2

211. For the reasons above, I recommend that the Hearings Panel:

- (a) **Reject** Mercury NZ Limited [2053.47] and Federated Farmers of New Zealand [2173.36]. **Accept** Kainga Ora Homes and Communities [2094. 24]. Retain P2.

15.5.2 Recommended amendments – Rule 15.4.1 P2

212. No changes are recommended.

15.6 Analysis – 15.4.1 – P3

213. Mercury NZ Limited [2053.48] Federated Farmers of New Zealand [2173.37] and Kainga Ora Homes and Communities [2094.25] request that Rule 15.4.1 P3 be retained as notified. No other submissions were received in respect to P3. I recommend that P3 be retained with no recommended changes.

15.6.1 Recommendations – Rule 15.4.1 P3

214. For the reasons above, I recommend that the Hearings Panel:

- (a) **Accept** Mercury NZ Limited [2053.48], Federated Farmers of New Zealand [2173.37] and Kainga Ora Homes and Communities [2094.25]. **Retain** P3 as notified.

15.6.2 Recommended amendments – Rule 15.4.1 P3

215. No changes are recommended.

15.7 Analysis – Rule 15.4.1 - P4

216. There are numerous specific submissions on P4 covering the following requests:

- Retain Rule 15.4.1 – P4, Mercury NZ Limited [2053.49].
- Retain Rule 15.4.1 – P4 (1) Kainga Ora Homes and Communities [2094.26].
- Add a new rule enabling construction of a maimai 0.5m above the 1% AEP flood level, Auckland Waikato Fish and Game [2156.2].
- Amend Rule 15.4.1 P4 by deleting the words “without a floor”, Federated Farmers of New Zealand [2173.38] supported by *Horticulture New Zealand* [FS3027.13] and opposed by *Waikato Regional Council* [FS3031.142].
- Amend Rule 15.4.1 P4 by adding “non-habitable” in front of the words “accessory building”, *Horticulture New Zealand* [2149.8], supported by *Federated Farmers* [FS3030.29].

217. Auckland Waikato Fish and Game [2156.2] requests the following wording be added to P4:
- (3) Construction of a maimai with a minimum floor level at least 0.5m above the 1% AEP flood level.
218. If the amendment to P4 was included as requested it would capture all maimai no matter how small. However, while the Franklin Section of the Operative Waikato Plan excluded buildings less than 9m² and 1.2m in height the definition of a building in Stage 1 Proposed Plan does not have a size restriction and neither does the National Planning Standards. The approach in the Proposed Plan is on reducing damage to buildings in a 1% AEP event by requiring minimum floor levels. It is not appropriate in my opinion that the rules apply to very small, low-value buildings.
219. With respect to providing for maimai I note that the submitter references the Waikato Regional Plan, the Waikato Coastal Plan and the Auckland Unitary Plan. The jurisdiction of those plans to control structures is within the beds of lakes and rivers and the CMA, while the District has jurisdiction over land. This includes flood plains. The Regional Plan includes many permitted activity standards for maimai to comply with before they can be permitted, including a maximum area of 10m² area and maximum height of 2.5m.
220. Given the wording proposed by the submitter, the main concern appears to be the requirement for an expert to determine the appropriate minimum floor being at least 0.5m above the 1% AEP flood level. I do not consider that requirement to be overly onerous. It may simply be an appropriate minimum floor level with a freeboard of 500mm added, provided by experienced staff at the Regional Council. Consequently, I recommend that this submission point be rejected. Other councils provide this information readily and often without any charge.
221. Federated Farmers of New Zealand [2173.38] requests deletion of the words “without a floor” in P4, so that all accessory buildings and farm buildings would be a permitted activity without the need to provide a minimum floor level. Waikato Regional Council opposes this submission point and states “By restricting buildings to those without a floor, the district plan is providing guidance as to the acceptable level of risk in this location”. I agree with the WRC. Buildings without a floor fall within the exceptions provided by Policy 15.2.1.12(a) (i) which enables building developments of a type that are not likely to suffer material damage during a flood event to be exempted from the minimum floor level requirements. Consequently, I recommend that this submission by Federated Farmers [2173.38] be rejected along with the submission in support from *Horticulture New Zealand* [FS3027.13]. The further submission in opposition from *Waikato Regional Council* [FS3031.142], I recommend be accepted.
222. Horticulture New Zealand [2149.8] requests that the words “non habitable” be added to clause (1) of P4 (along with its request to delete the words “without a floor”) so that construction of a non-habitable building is a permitted activity and is not required to comply with the minimum floor level. I have already discussed my view on the use of habitable building in respect to Rule 15.4.1 P1, and overall consider that including a habitable/non habitable distinction is not helpful. For the reasons given in the discussion to P1 above, I recommend that the submission of Horticulture New Zealand [2149.8] be rejected and the further submission in support from *Federated Farmers* [FS3030.29] also be rejected.

15.7.1 Recommendations – Rule 15.4.1 P4

223. For the reasons above, I recommend that the Hearings Panel:
- (a) **Accept** Mercury NZ Limited [2053.49] and Kainga Ora Homes and Communities [2094.26]. **Retain** P4 as notified.
 - (b) **Reject** Auckland Waikato Fish and Game [2156.2]. **Retain** P4 as notified by not adding provision for maimai as requested.

- (c) **Reject** Federated Farmers of New Zealand [2173.38] and the support of *Horticulture New Zealand* [FS3027.13]. **Accept** the further submission in opposition from *Waikato Regional Council* [FS3031.142]. **Retain** the words “without a floor” in P4.
- (d) **Reject** Horticulture New Zealand [2149.8] [2173.37] and further submission from *Federated Farmers* [FS3030.29]. **Retain** P4 as notified by not including the term “non-habitable”.

15.7.2 Recommended amendments – Rule 15.4.1 P4

224. No changes are recommended.

15.8 Analysis – Rule 15.4.1 P5

225. Submissions and further submissions on P5 cover the following requests:

- Retain Rule 15.4.1 – P5, WEL Networks Limited [2106.8], Spark New Zealand Trading Limited [2040.4], Mercury NZ Limited [2053.50], Federated Farmers of New Zealand [2173.39], PowerCo Limited [2100.3] supported by *Mercury NZ Limited* [FS3034.37].
- Add provision for rehabilitation of infrastructure, and add ancillary activities to P5, Genesis Energy Limited [2104.6].
- Confirm P5 does not apply to new construction, Waikato Regional Council [2102.39] supported by *Mercury NZ Limited* [FS30034.135] and opposed by *Transpower New Zealand* [FS3003.14].
- Add “operation” to the list of activities for utilities in P5, Transpower New Zealand Limited [2101.16], supported by *KiwiRail Holdings Limited* [FS3010.4].

226. Genesis Energy Limited [2104.6] seeks addition to P5 so that rehabilitation of utilities is a permitted activity. They further seek that ancillary activities to utilities also be permitted. I consider the words “Construction, replacement, maintenance, repair, minor upgrading or upgrading” to include “rehabilitation”. I may be incorrect in that and consider it appropriate that the submitter provide clarification at the hearing of what they consider constitutes rehabilitation that is different from the above. At this stage, therefore, I recommend that this request be rejected.

227. I am also unsure what additional activities would fall under “and their ancillary activities”, as the definition of utility provided for Chapter 15 is reasonably broad. In respect to transmission lines and distribution lines the definition includes “and associated equipment”. It may be that the definition already includes what the submitter is seeking. Consequently, at this stage I recommend that this part of the submission by Genesis Energy Limited [2104.6] be rejected.

228. Waikato Regional Council [2102.39] seeks confirmation that P5 does not apply to new construction. My reading of P5 is that it does include construction, so confirmation that it does not cannot be given. No further relief is sought, although it may be that WRC opposes this provision and will be discussed under another submission point. I recommend that this submission point from Waikato Regional Council [2102.39] be rejected and its support by *Mercury NZ Limited* [FS30034.135] also be rejected. I recommend that the further submission in opposition from *Transpower New Zealand* [FS3003.14] be accepted.

229. Transpower New Zealand Limited [2101.16], supported by *KiwiRail Holdings Limited* [FS3010.4] request that the word “Operation” be included at the beginning of P5. I do not consider it is necessary to add the word “operation” to this rule. The focus of the rule is not on the activity that takes place within the utility but on the construction, replacement and maintenance of the buildings and equipment. There is no rule in Rule 15.4. for the Flood Plain Management

Area and Flood Ponding Areas that would restrict operation of a utility. For example: there are no hours of operation or noise limits in 15.4. Chapter 14 is likely to have the relevant rules relating to operation of these facilities. Accordingly, I recommend that the submission of Transpower New Zealand Limited [2101.16] and the further submission in support by *KiwiRail Holdings Limited* [FS3010.4] be rejected.

15.8.1 Recommendations – Rule 15.4.1 P5

230. For the reasons above, I recommend that the Hearings Panel:

- (a) **Accept** WEL Networks Limited [2106.8], Spark New Zealand Trading Limited [2040.4], Mercury NZ Limited [2053.50], Federated Farmers of New Zealand [2173.39], and PowerCo Limited [2100.3]. **Accept** the further submission in support by *Mercury NZ Limited* [FS3034.37]. **Retain** P5 as notified.
- (b) **Reject** Genesis Energy Limited [2104.6]. The word “rehabilitation” and inclusion of “ancillary activities” are not needed. **Retain** P5 as notified.
- (c) **Reject** Waikato Regional Council [2102.39] and **reject** the further submission in support by *Mercury NZ Limited* [FS30034.135]. **Accept** the further submission in opposition from *Transpower New Zealand* [FS3003.14]. **Retain** P5 as notified.
- (d) **Reject** Transpower New Zealand Limited [2101.16] and the further submission in support by *KiwiRail Holdings Limited* [FS3010.4]. There is no need to add the word “operation”. **Retain** P5 as notified.

15.8.2 Recommended amendments – Rule 15.4.1 P5

231. No amendments are recommended to P5.

15.9 Analysis – Rule 15.4.1 P6

232. Submissions and further submissions on P6 cover the following requests:

- Retain Rule 15.4.1 – P6, Spark New Zealand Trading Limited [2040.4], WEL Networks Limited [2106.9], supported by *KiwiRail Holdings Limited* [FS3010.6] and *PowerCo Limited* [FS3007.9].
- Add a specific earthworks volume condition to P6, Mercury NZ Limited [2053.51].
- Add the word “operation” to P6, Transpower New Zealand Limited [2101.17] supported by *KiwiRail Holdings Limited* [FS3010.5].
- Add “ancillary rural earthworks” to P6, or provide a new permitted activity rule for ancillary rural earthworks, Federated Farmers of New Zealand [2173.40], supported by *Horticulture New Zealand* [FS3027.14].
- Add “rehabilitation” of infrastructure” and “ancillary activities” to P6, Genesis Energy Limited [2104.7]

233. Mercury NZ Limited [2053.51] requests that a new activity-specific condition be added to P6 to introduce a volume control to the amount of earthworks that can be undertaken in association with construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities. The maximum volume of filling proposed by Mercury is 10m³ and a maximum cumulative volume of filling and excavation of 20m³. There is no specific further submission in support or opposition of this request. However, Spark New Zealand Trading Limited [2040.4], WEL Networks Limited [2106.9], *KiwiRail Holdings Limited* [FS3010.6] and

PowerCo Limited [FS3007.9] all seek that P6 be retained as notified, and Transpower New Zealand Limited [2101.17] seeks only a minor change to the rule.

234. The proposed earthworks volume restriction would mean that a large proportion of the activities provided by P5 would need a resource consent for the associated earthworks and I do not support the introduction of this low limit. I also consider that earthworks will normally be restored such that the effects are only temporary. Furthermore, Chapter 14 Infrastructure applies and P6 should not be read in isolation from those provisions, in particular Rule 14.3.1.3 addresses earthworks activities associated with infrastructure. Rule 14.3.1.3 (f) requires all areas exposed by earthworks to be recontoured and replanted within 6 months of the commencement of the earthwork and Rule 14.3.1.3 (g) requires earthworks to not obstruct or divert any stormwater, overland flow path or result in changed stormwater drainage patterns on another site. In addition to these provisions there is a maximum permitted volume of only 5m³ within 10m of a waterway. Consequently, I recommend that this submission by Mercury NZ Limited [2053.51] be rejected.
235. My comments on Genesis Energy Limited [2104.7] are similar to my discussion in respect to a similar submission by Genesis Energy Limited [2104.7] in respect to P5 above. Consequently, I recommend that the submission of Genesis Energy Limited [2104.7] be rejected.
236. Similar to P5, Transpower New Zealand Limited [2101.17] requests the word “operation” be added to P6. My comments above in relation to P5 apply. Consequently, I recommend that Transpower New Zealand Limited [2101.17] and the further submission in support by *KiwiRail Holdings Limited [FS3010.5]* be rejected.
237. Federated Farmers of New Zealand [2173.40], supported by *Horticulture New Zealand [FS3027.14]*, request provision for ancillary rural earthworks to be permitted under P6 or a new rule provided. I have discussed this definition in earlier parts of this report. The main issue is the scale of earthworks that ancillary rural earthworks provide for. In the Proposed and revised Rural Topic Rules, “ancillary rural earthworks” appear to have no permitted volume controls, which I consider to be inappropriate within the Flood Plain Management Area and Flood Ponding Areas. Consequently, I recommend that this submission by Federated Farmers [2173.40] be rejected and the further submission in support from *Horticulture New Zealand [FS3027.14]* also be rejected.

15.9.1 Recommendations – Rule 15.4.1 P6

238. For the reasons above, I recommend that the Hearings Panel:
 - (a) **Accept** Spark New Zealand Trading Limited [2040.4], WEL Networks Limited [2106.9], and the further submissions in support by *KiwiRail Holdings Limited [FS3010.6]* and *PowerCo Limited [FS3007.9]*. **Retain** P6 as notified.
 - (b) **Reject** Mercury NZ Limited [2053.51]. **Retain** P6 as notified with no added earthworks limits.
 - (c) **Reject** Genesis Energy Limited [2104.7]. The word “rehabilitation” and inclusion of “ancillary activities” are not needed. **Retain** P6 as notified.
 - (d) **Reject** Transpower New Zealand Limited [2101.17] and the further submission in support from *KiwiRail Holdings Limited [FS3010.5]*. **Retain** P6 as notified with the addition of the word “operation”.

- (e) **Reject** Federated Farmers of New Zealand [2173.40] and the further submission in support by *Horticulture New Zealand* [FS3027.14]. **Do not add** permitted activity provision for ancillary rural earthwork. **Retain** P6 as notified.

15.9.2 Recommended amendments – Rule 15.4.1 P6

239. No amendments are recommended to P6.

15.10 Analysis – Rule 15.4.1 P7

240. Submissions and further submissions on P7 cover the following requests:

- Retain Rule 15.4.1 – P7, Mercury NZ Limited [2053.52], Kainga Ora Homes and Communities [2094.27], and Federated Farmers New Zealand [2173.41].
- Delete Rule 15.4.1 P7, Waikato Regional Council [2102.67] with further submissions in support from *Mercury NZ Limited* [FS3034.142] and *Shand Properties Limited* FS3020.41 and further submission in opposition from *TaTa Valley Limited* [FS3029.18] and *Federated Farmers of New Zealand* [FS3030.19].

241. Waikato Regional Council [2102.67] seeks that Rule 15.4.1 – P7 be deleted. This rule provides for earthworks for a building platform for residential purposes as a permitted activity in the Flood Plain Management Area and Flood Ponding areas. This permissive rule has essentially been carried over from the Operative Waikato Plan where it applied to filling within the Flood Risk area for a building platform for a building approved by a building consent. The submitter considers that providing for unlimited earthworks to enable the elevation of buildings above floodplain depths as a permitted activity will not allow for adequate assessment of the potential for the displacement of flood flows on to the neighbouring properties or for the consideration of the effect on the function of the floodplain.
242. The first matter to note is that the proposed rule applies only to a residential platform 15.4.1 P1(a). I therefore consider that the rule does not provide for “unlimited earthworks to enable the elevation of buildings above the floodplain depths as a permitted activity” as stated by the submitter. In terms of the second matter, I do agree that as a permitted activity the rule does not allow for assessment of the potential for the displacement of flood flows on to neighbouring properties or for consideration of the effects on the function of the floodplain. Displacement of flood flows to neighbouring properties is a concern which is normally dealt with when new subdivisions are created, often with provision made for flood storage and conveyance. In terms of infill within urban areas, diversion/transfer of runoff to neighbouring properties is a major concern dealt with through the building consent process. This concern is often referred to as filling in the floodplain and a number of studies are being undertaken on this issue in other districts.
243. In my experience the main reason for allowing a residential building platform as a permitted activity is that within the floodplain a new house is often a permitted activity provided it complies with the minimum floor level (being at least 0.5m above the 1% AEP flood level as prescribed in 15.4.1. P1 (a)). If the house is a permitted activity provided it complies with the required minimum floor, it creates inefficiencies if the earthworks to raise the ground level to assist this are not also permitted. There is the further complication that raising the land (as opposed building on piles) is a known pathway to avoid a hazard notice being placed on the title during the building consent process under s72 of the Building Act. Consequently, at this stage I consider it appropriate to reject the submission point of Waikato Regional Council [2102.67] and the further submissions in support from *Mercury NZ Limited* [FS3034.142] and

Shand Properties Limited [FS3020.41], and accept the opposing further submissions from *TaTa Valley Limited [FS3029.18]* and *Federated Farmers of New Zealand [FS3030.19]*.

15.10.1 Recommendations – Rule 15.4.1 P7

244. For the reasons above, I recommend that the Hearings Panel:

- (a) **Accept** Mercury NZ Limited [2053.52], Kainga Ora Homes and Communities [2094.27], and Federated Farmers New Zealand [2173.41]. **Retain** P7 as notified.
- (b) **Reject** Waikato Regional Council [2102.67] and further submissions in support from *Mercury NZ Limited [FS3034.142]* and *Shand Properties Limited*. **Accept** the further submissions in opposition from *TaTa Valley Limited [FS3029.18]* and *Federated Farmers of New Zealand [FS3030.19]*. **Retain** residential building platform rule 15.4.1 P7 as notified.

15.10.2 Recommended amendments – Rule 15.4.1 P7

245. No amendments are recommended to P7.

15.11 Analysis – Rule 15.4.1 P8

246. Submissions and further submissions on P8 cover the following requests:

- Retain Rule 15.4.1 – P8, Kainga Ora Homes and Communities [2094.28], Horticulture New Zealand [2149.9] supported by *Federated Farmers New Zealand [FS3030.30]*, *Federated Farmers of New Zealand [2173.42]*, supported in further submissions by *Horticulture New Zealand [FS3027.15]* and opposed by *Mercury NZ Limited [FS3034.101]*.
- Add new P8 earthworks ancillary to a conservation activity, Auckland Waikato Fish and Game [2156.3], supported by *Federated Farmers of New Zealand [FS3030.43]*.
- Add a permitted or controlled activity earthworks rule for the establishment and re-instatement of wetland habitat and creation of eel and whitebait habitat, Waikato Tainui Te Kauhanganui Incorporated [2151.19].
- Amend P8(b) to clarify that the rule only applies to the part of the site within the Flood Plain Management Area and Flood Ponding area, TaTa Valley Limited [2093.8].
- Clarification on which earthworks rules take precedence, Mercury NZ Limited [2053.53].
- Delete part of R8 relating to maximum cumulative volume of filling in R8 (a), (b) and (c), the Waikato District Council [2146.9], opposed by *Mercury NZ Limited [FS3034.67]* and *Federated Farmers New Zealand [FS3030.41]*.

247. Federated Farmers [2173.42] is unsure if the maximum filling volumes and maximum cumulative filling and excavation volumes provided in P8 would allow normal farming activities which it considers are low risk. Federated Farmers therefore only seeks that P8 be retained if its submission on P6 is accepted and allows for ancillary rural earthworks. If its amendments to P6 are not successful then it seeks an increase in the volume thresholds. I have already recommended that Federated Farmers' submission on P6 be rejected, with an explanation that the National Planning Standards definition of earthworks, if adopted by the Hearings Panel, provides for cultivation, and the disturbance of land for the installation of fence posts. I further note that the definition of cultivation in the National Planning Standards is:

“Cultivation”¹⁶

means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) for the purpose of sowing, growing or harvesting of pasture or crops.”

248. I consider that the definition of earthworks and the definition of cultivation within it, if adopted for the PWDP will mean that normal farming practices will not be constrained by this rule. Consequently, I recommend that Federated Farmers of New Zealand [2173.42] be accepted in part, and the further submissions from *Horticulture New Zealand* [FS3027.15] and Mercury NZ Limited also be accepted in part, to the extent that the rule is retained, albeit operating under a revised definition of earthworks.
249. Auckland Waikato Fish and Game [2156.3] seeks a new rule: P8 Earthworks ancillary to a conservation activity, with consequential amendments and renumbering of existing proposed P8 to become P9. In principle I consider some provision for earthworks ancillary to a conservation activity may be appropriate. However, in stage I a conservation activity is only listed as a permitted activity in the Reserve Zone and the definition of conservation activity may not align entirely with the intent of the submission by Auckland Waikato Fish and Game. The current proposed Stage I definition is:
- “Conservation activity*
- Means activities associated with indigenous habitat, wetlands and wildlife management and restoration that fundamentally benefit indigenous biodiversity or raise public awareness of indigenous biodiversity values. This includes stock exclusion, research and monitoring, the establishment, maintenance or upgrading of public walking or cycle tracks, interpretive and directional signs, accessory buildings including those for tourism, interpretation or education purposes and the provision of access for plant or animal pest management.”*
250. Further clarification and information from the submitter on this issue is required before I can consider it further. Consequently, I recommend that the submission from Auckland Waikato Fish and Game [2156.3] be rejected. The further submission in support from *Federated Farmers of New Zealand* [FS3030.43] is also rejected.
251. Waikato Tainui Te Kauhanganui Incorporated [2151.19] seeks a new rule be added to Rule 15.4.1 as a permitted or controlled activity to enable earthworks for the establishment and re-instatement of wetland habitat and creation of eel and whitebait habitat. The submitter considers the proposed rule better aligns the proposed plan with the Vision and Strategy for the Waikato River (Te Ture Whaimana) and considers such structures do not generally increase risk of natural hazards and would assist in managing adverse effects of natural hazards.
252. The establishment and re-instatement of a wetland habitat and creation of eel and whitebait habitat is unlikely to be a permitted activity under most zones in Stage I, except in the Reserve Zone, and has issues similar to the request by Auckland Waikato Fish and Game mentioned above. While the submission finds support in Policy 15.2.1.9 – Natural features and buffers providing natural hazard protection, I do not consider permitted activity status or controlled activity status appropriate within the Flood Plain Management Area and Flood Ponding areas for this type of earthworks. Consequently, I recommend that Waikato Tainui Te Kauhanganui Incorporated [2151.19] be rejected.

¹⁶ National Planning Standards definition of “cultivation” page 56.

253. TaTa Valley Limited [2093.8] requests that Rule 15.4.1 P8(b) be amended to clarify that the rule only applies to the part of the site within the Flood Plain Management Area and Flood Ponding area. There is merit in providing this clarification. The rules only apply within the 1% AEP Flood Management Area and Flood Ponding Areas (see 15.4.1 (a)), but the reference to “site” is ambiguous. I recommend that the submission from TaTa Valley Limited [2093.8] be accepted. My proposed amendments based on accepting this submission are provided below, noting that I have provided the amendment to apply to clauses (a), (b) and (c) should the panel determine that there is scope to do that, in terms of maintaining plan consistency. This clarifying note could also be further extended to apply to all of Rule 15.4.1 in my view.
254. Mercury NZ Limited [2053.53] seeks that P8 be amended to ensure that earthwork provisions relevant to the floodplain take precedence over any land use zone. No other specific relief is sought in this submission point. The rules in chapter 15 are in addition to any other rules in the Plan, so they must be complied with and cannot be “trumped” by another rule. This is explained in section 15.3 How to use and interpret the rules clause (a). To the extent that the Plan already provides for this, I recommend that this submission of Mercury NZ Limited [2053.53] be accepted in part, as no amendment is required.
255. The Waikato District Council [2146.9] seeks to amend P8 (a), (b) and (c), by deleting “a maximum cumulative volume of filling and excavation of...” and replacing it with “the earthworks do not result in a reduction of flood water storage capacity on the site of more than...”. The amendment is opposed by *Mercury NZ Limited* [FS3034.67] and *Federated Farmers New Zealand* [FS3030.41].
256. Overall, I do not agree with this amendment as it introduces a level of uncertainty for a permitted activity rule in terms of measuring the reduction in flood water storage capacity on the site, compared with measuring the actual volume of earthworks, or land disturbance. It may be that the flood storage capacity on the site is not reduced as a result of the earthworks once work is complete. However, there may be other adverse effects on drainage patterns including overland flow paths to which the cumulative volume control for earthworks is also directed towards. Overall, it is more efficient and effective to measure the volume of earthworks as a trigger point to determine compliance with the permitted activity limit, and is potentially more consistent with Policy 15.2.1.13. The volume is set very low so that generally earthworks consent will be required as a restricted discretionary activity and a range of matters assessed in relation to the effects of the earthworks on the floodplain and flood ponding areas. Overall, I recommend that the Waikato District Council [2146.9] be rejected, and the submissions in opposition from *Mercury NZ Limited* [FS3034.67] and *Federated Farmers New Zealand* [FS3030.41] be accepted.

15.11.1 Recommendations – Rule 15.4.1 P8

257. For the reasons above, I recommend that the Hearings Panel:
- (a) **Accept** Kainga Ora Homes and Communities [2094.28], Horticulture New Zealand [2149.9] supported by *Federated Farmers New Zealand* [FS3030.30]. **Retain** P8 with minor amendments as a result of another submission.
 - (b) **Accept in part** Federated Farmers of New Zealand [2173.42], and the further submission by *Horticulture New Zealand* [FS3027.15]. **Accept in part** the further submission of *Mercury NZ Limited* [FS3034.101]. **Retain** P8 with minor amendments as a result of another submission.

- (c) **Reject** Auckland Waikato Fish and Game [2156.3] and **reject** the further submission in support from *Federated Farmers of New Zealand* [FS3030.43]. Note that further discussion may alter this recommendation as discussed above. **Retain** P8 with minor amendments as a result of another submission.
- (d) **Reject** Waikato Tainui Te Kauhanganui Incorporated [2151.19]. **Retain** P8 with minor amendments as a result of another submission.
- (e) **Accept** TaTa Valley Limited [2093.8]. A minor change to clarify the rule is recommended below, otherwise Retain P8.
- (f) **Accept in part** Mercury NZ Limited [2053.53]. **Retain** P8 with minor amendments as a result of another submission.
- (g) **Reject** the Waikato District Council [2146.9]. **Retain** P8 with minor amendments as a result of another submission. **Accept** further submissions by *Mercury NZ Limited* [FS3034.67] and *Federated Farmers New Zealand* [FS3030.41].

15.11.2 Recommended amendments – Rule 15.4.1 P8

258. The following amendments are recommended to P8:

P8	<p><u>Earthworks</u> not provided for under Rule 15.4.1 P6 or P7.</p>	<ul style="list-style-type: none"> (a) In the Residential, Village and Country Living Zones – a maximum volume of filling above natural ground level of 10m³ per site, and a maximum cumulative volume of filling and excavation of 20m³; or (b) In the Rural Zone – a maximum volume of filling above natural ground level of 100m³ per site, and a maximum cumulative volume of filling and excavation of 200m³ per site; or (c) All other zones – a maximum volume of filling above natural ground level of 20m³ per site, and a maximum cumulative volume of filling and excavation of 50m³ per site; and (d) Height and depth of earthworks in all zones <ul style="list-style-type: none"> (i) a maximum height of 0.2m of filling above natural ground level; and (ii) a maximum depth of excavation of 0.5m below natural ground level. <p><u>Where a site is located partly within the Flood Plain Management Area or Flood Ponding Area this rule only applies to that part of the site within the Flood Plain Management Area or Flood Ponding Area.</u>¹⁷</p>
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¹⁷ [2093.8].

15.11.3 s32AA evaluation

259. The s32 report 'Natural hazards and Climate Change' (2020) evaluates this rule. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the original text adequately covers and justifies the minor amendments now proposed.

16 Rule 15.4.2 Flood Plain - Restricted discretionary activities

16.1 Introduction

260. There is only one restricted discretionary activity provision (RDI) under Rule 15.4.2 and that rule relates to earthworks. However, a number of submitters have requested certain activities, be provided with restricted discretionary activity status that are currently discretionary under Rule 15.4.3 under the PWDP. These requests are discussed below. In addition, many of the submission points to Rule 15.4.1 are also included as submission points to Rule 15.4.2. I will refer back to my discussion under Rule 15.4.1 rather than repeat that discussion here.

16.2 Submissions

261. The following submissions and further submissions on Rule 15.4.2 – Restricted discretionary activities are listed in the table below.

Submission point	Submitter	Summary of submission
2139.10	Ports of Auckland Limited	Amend Rule 15.4.2 to include activities identified in D1, D2 and D3 of Rule 15.4.3. And, delete Rule 15.4.3 Flood Plain Management Area and Flood Ponding Areas, Discretionary Activities.
FS3034.56	Mercury NZ Limited	Opposes submission point 2139.10.
FS3018.4	Perry Group Limited (PGL)	Supports submission point 2139.10
2139.9	Ports of Auckland Limited	Amend Rule 15.4.2(a) as follows: (a) The activities listed below are restricted discretionary activities within the Flood Plain Management Area <u>or the Flood Ponding Area</u> shown on the Planning Maps or in a Flood Ponding Area.
FS3018.3	Perry Group Limited (PGL)	Supports submission point 2139.9.
FS3034.55	Mercury NZ Limited	Supports submission point 2139.9.
2161.8	Dilworth Trust Board	Retain Rule 15.4.2 to the extent that the rule is only applied to the mapped Flood Plain Management and Flood Ponding Areas in the district plan.
FS3034.87	Mercury NZ Limited	Supports submission point 2161.8.
2161.9	Dilworth Trust Board	Amend Rule 15.4.2(a) as follows:

		(a) The activities listed below are restricted discretionary activities within the Flood Plain Management Area <u>or the Flood Ponding Area</u> shown on the Planning Maps or in a Flood Ponding Area.
FS3031.135	Waikato Regional Council	Opposes submission point 2161.9.
FS3034.88	Mercury NZ Limited	Supports submission point 2161.9.
2139.8	Ports of Auckland Limited	Retain Rule 15.4.2. except as set out in submission.
FS3034.54	Mercury NZ Limited	Support submission point 2139.8.
2173.43	Federated Farmers of New Zealand	Retain Rule 15.4.2 RDI as notified.
2149.10	Horticulture New Zealand	Retain Rule 15.4.2 RDI, on the condition that the definition of earthworks is amended to exclude ancillary rural earthworks.
2094.29	Kainga Ora New Zealand	Retain Rule 15.4.2 RDI as notified.
2053.54	Mercury NZ Limited	Delete 15.4.2(c) [...] (c) any application arising from this rule shall not be limited or publicly notified.
FS3031.65	Waikato Regional Council	Neutral to submission point 2053.54.
2143.2	Avant Developments Limited	Request a new rule to 15.4.2 Flood Management Area and Flood Ponding Area, Restricted Discretionary Activities to include subdivision of utility allotments, access allotments and reserve allotments. And, any consequential relief as is necessary to achieve this.
FS3034.58	Mercury NZ Limited	Opposes submission point 2143.2.
FS3021.23	Counties Power	Supports submission point 2143.2

16.3 Analysis

262. A number of issues have already been dealt with and I propose to cross reference to recommendations already made as follows:

- Horticulture New Zealand [2149.10]: retain Rule 15.4.2 RDI on the condition that the definition of earthworks is amended to exclude ancillary rural earthworks (see Analysis Rule 15.4.1 P6).
- Dilworth Trust Board [2161.8, 2161.9] and Ports of Auckland Limited [2139.9] supported by Mercury NZ Limited [FS3034.87], Perry Group Limited (PGI) [FS3018.3] and Mercury NZ Limited [FS3034.55]: amend so that the rule only refers to flood ponding areas shown on the planning maps (see Analysis Rule 15.4 - General).

263. Kainga Ora New Zealand [2094.29], Federated Farmers of New Zealand [2173.43] seek that Rule 15.4.2 RDI be retained as notified, while Ports of Auckland [2139.8.] only seek that it

only be retained to the extent set out in their submission [2139.10], and is supported by *Mercury NZ Limited* [FS3034.54].

264. Ports of Auckland Limited [2139.10] seeks to amend Rule 15.4.2 to include as restricted discretionary activities the activities identified in D1, D2 and D3 of Rule 15.4.3 and to consequently delete Rule 15.4.3 Flood Plain Management Area and Flood Ponding Areas, Discretionary Activities. *Mercury NZ Limited* [FS3034.56] opposes this submission point while *Perry Group Limited* [FS3018.4] supports it. In their explanation, Ports of Auckland indicates concern that applicants will have to undertake a full assessment of the effects of the activity on the environment, which in the context of flooding is unnecessary and unduly onerous.
265. With respect to D1, the relevant Policy is 15.2.1.12. This policy is directive and states "... by ensuring that the minimum floor level of building development is above the design flood levels/ponding levels in a 1% AEP event". A restricted discretionary activity status does not entirely align with this policy. Restricted discretionary activity status signals that consent will be forthcoming, where the relevant matters the Council has restricted its discretion to are addressed. A stronger signal of the importance of adopting minimum floor levels anticipated by the policy is discretionary activity status for non-compliance with the required minimum floor level. In the Operative Waikato District Plan – Waikato Section non-compliance with the minimum floor level within a flood risk area is a non-complying activity (see Rule 21.54.2), so the discretionary activity status for D1 in the PWDP is already a step down from the status quo.
266. For D2 the policy support is not as strong in Chapter 15 and relies on general natural hazard Policy 15.2.1.6. Policy 15.2.1.6 requires rezoning, subdivision, use and development to be provided for where natural hazard risk has been appropriately identified and assessed and can be adequately avoided, remedied or mitigated and does not transfer or exacerbate risk to adjoining properties. Subdivision in the district is a restricted discretionary activity generally. When potential for considerable intensification of development in the Waikato district through subdivision in the Flood Plain Management Area or Flood Ponding Areas is taken into consideration, an increased activity status from the general RDA situation for subdivision is appropriate in my opinion. In the Operative Waikato District Plan – Waikato Section subdivision is a discretionary activity where it is within a flood risk area (see Rule 21.70.2). Hence, the proposed rule is no more restrictive than the status quo.
267. A hazardous facility is identified as a discretionary activity in D3 within Rule 15.4.3 and was initially put in the PWDP Stage 2 as a placeholder as issues with the hazardous substances and hazardous facilities for Stage 1 meant that in many zones the activity status appeared to default to non-complying. Within the context of the revised framework for hazardous substances and "major hazardous facility" proposed by the Hearings Panel and the proposed Chapter 15 specific definition for "hazardous facility", I consider the discretionary activity status is still appropriate. The policy direction is to ensure that the location and storage of hazardous substances within the 1% AEP floodplain and flood ponding areas do not create an unacceptable hazard to people, property or the environment (Policy 15.2.1.14). In my opinion the policy framework in the PWDP and the WRPS (Policy 13.1, 13.2 and Implementation method 13.2.6) supports this activity status, given the potential for additional risk from hazardous substances during flooding.
268. Ports of Auckland does not provide any matters of discretion to enable me to determine whether D1, D2 and D3 could effectively be addressed as restricted discretionary activities and still meet the objective and policies of Chapter 15. The overall objective (15.2.1) is a

resilient community where risks from natural hazards on people, property, infrastructure and the environment from subdivision, use and development of land are avoided or appropriately mitigated. If the panel is of a mind to direct that the activity status of any one or all of D1-D3 should be restricted discretionary, I consider additional work would be required to draft appropriate matters for each.

269. My overall recommendation, for the reasons provided above, is that Ports of Auckland Limited [2139.10] be rejected, and the further submission in support from *Perry Group Limited* [FS3018.4] also be rejected. I recommend that the further submission in opposition from *Mercury NZ Limited* [FS3034.56] be accepted.

270. Mercury NZ Limited [2053.54] seeks to delete 15.4.2(c) which states:

“(c) any application arising from this rule shall not be limited or publicly notified.”

I agree that this clause is inappropriate in the context of earthworks within the Flood Management area or Flood Ponding Areas. There are no further volume controls or thresholds in Rule 15.4.2 RDI, which means that earthworks for a significant land development proposal within the Flood Plain Management Area or Flood Ponding Area, with potentially significant adverse effects would not be limited or publicly notified except under special circumstances. The Stage 1 rules for earthworks (e.g. Rural Zone) do not contain a similar non-notification clause and I consider retaining consistency is appropriate. Consequently, I recommend that the submission from Mercury NZ Limited [2053.54] be accepted.

271. Avant Developments Limited [2143.2] requests a new rule to 15.4.2 Flood Management Area and Flood Ponding Area, Restricted Discretionary Activities to include subdivision of utility allotments, access allotments and reserve allotments. This submission is opposed by *Mercury NZ Limited* [FS3034.58] and supported by *Counties Power* [FS3021.23]. Chapter 15 Rules are additional to the subdivision rules contained in Stage 1. Therefore Chapter 14 Infrastructure applies for utility allotments and Chapter 25 Reserve Zone applies to reserve allotments for instance. Therefore, the relief sought is not necessary. By providing an exclusion to D2 for utility allotments, access allotments and reserve allotments, the rules on these types of subdivision can default to Chapter 14, and Chapter 25 and the relevant zone rules. Consequently, I recommend that the submission of Avant Developments Limited [2143.2] be rejected along with the submission in support by *Counties Power* [FS3021.23]. The further submission in opposition from Mercury NZ Limited is recommended to be accepted.

16.4 Recommendations

272. For the reasons above, I recommend that the Hearings Panel:

- (a) **Reject** Horticulture New Zealand [2149.10]: **Retain** RD as notified with minor amendment as a result of another submission.
- (b) **Reject** Dilworth Trust Board [2161.8, 2161.9] and Ports of Auckland Limited [2139.9] and the further submission in support by *Perry Group Limited (PGI)* [FS3018.3] and *Mercury NZ Limited* [FS3034.55, [FS3034.87].
- (c) **Accept** Kainga Ora New Zealand [2094.29] and Federated Farmers of New Zealand [2173.43]. **Retain** 15.4.2 RDI as notified with minor amendment as a result of another submission.
- (d) **Accept in part** Ports of Auckland [2139.8.] and the support from *Mercury NZ Limited* [FS3034.54]. Rule 15.4.2 is **retained** but its submission to include further activities

[2139.10] is recommended to be **rejected**. **Retain** 15.4.2 RDI as notified with minor amendment as a result of another submission.

- (e) **Reject** Ports of Auckland Limited [2139.10] and the further submission from *Perry Group Limited* [FS3018.4]. **Accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.56].
- (f) **Accept** Mercury NZ Limited [2053.54]. **Delete** 15.4.2 (c) and otherwise **retain** Rule 15.4.2 RDI.
- (g) **Reject** Avant Developments Limited [2143.2] and **reject** the further submission in support by *Counties Power* [FS3021.23]. **Accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.58]. **Retain** 15.4.2 RDI, with the minor change below as a result of another submission.

16.5 Recommended amendments

273. The following amendments are recommended to Rule 15.4.2 (c):

15.4.2 Restricted Discretionary Activities

- (a) The activities listed below are restricted discretionary activities within the [Flood Plain Management Area](#) shown on the Planning Maps or in a [Flood Ponding Area](#).
- (b) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

~~(c) Any application arising from this rule shall not be limited or publicly notified.¹⁸~~

16.6 s32AA evaluation

274. The amendments proposed improve the effectiveness of the rule in implementing Policy 15.2.1.13, and provide greater consistency with Stage 1 earthworks provisions. For these reasons I consider that the amendment is more appropriate to achieve objective 15.2.1.

17 Rule 15.4.3 Flood Plain - Discretionary activities

17.1 Introduction

275. There are three discretionary activities under Rule 15.4.3. Submission and further submissions are discussed below. In addition, many of the submission points to Rule 15.4.1 and 15.4.2 are also included as submission points to Rule 15.4.3. I will refer back to my discussion under Rule 15.4.1 and 15.4.2 rather than repeat that discussion here.

¹⁸ [2053.54].

17.2 Submissions

276. The following submissions and further submissions on Rule 15.4.3 – Discretionary activities are listed in the table below.

Submission point	Submitter	Summary of submission
2161.10	Dilworth Trust Board	Amend Rule 15.4.3 so that the activities identified in D1, D2 and D3 of Rule 15.4.3 are provided for as restricted discretionary activities under 15.4.2.
FS3034.89	Mercury NZ Limited	Opposes submission point 2161.10
2053.56	Mercury NZ Limited	Retain Rule 15.4.3 D1
FS3031.67	Waikato Regional Council	Neutral towards submission point 2053.56.
2053.55	Mercury NZ Limited	Retain Rule 15.4.3 Discretionary Activities.
FS3031.66	Waikato Regional Council	Neutral to submission point 2053.55.
FS3029.10	TaTa Valley Limited	Opposes submission point 2053.55.
2106.10	WEL Networks Limited	Retain Rule 15.4.3 D2 as proposed.
FS3021.11	Counties Power	Supports submission point 2106.10.
2094.30	Kainga Ora Homes and Communities	Amend the activity status of Rule 15.4.3 D1 to be restricted discretionary rather than discretionary within the Flood Management Area. Add “reconstruction” to the rule, And, add the following matters of discretion: <ul style="list-style-type: none"> (a) <u>The ability to design and construct a building or additions to an existing building so that it is resilient to natural hazards;</u> (b) <u>Likely effects on public safety and property resulting from the proposed building or the addition to an existing building;</u> (c) <u>The ongoing ability to manage and maintain a building, or additions to an existing building;</u> (d) <u>Any exacerbation of the natural hazard or creation of a new natural hazard as a result of the proposed building, or additions to an existing building.</u>
FS3034.27	Mercury NZ Limited	Opposes submission point 20194.30.
2053.57	Mercury NZ Limited	Retain Rule 15.4.3 D2.
FS3031.68	Waikato Regional Council	Neutral to submission point 2053.57.

2094.31	Kainga Ora Homes and Communities	Amend the activity status of Rule 15.4.3 D2 from Discretionary to Restricted Discretionary Activity. And, add the following matters of discretion: (a) <u>The effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events.</u>
2053.58	Mercury NZ limited	Retain Rule 15.4.3 D3.
FS3031.69	Waikato Regional Council	Neutral to submission point 2053.58.
2102.64	Waikato Regional Council	Add two new discretionary activities to Rule 15.4.3, as follows: <u>D4 – Emergency or critical community service facility.</u> <u>D5 – natural hazard-sensitive activities.</u>
FS3033.19	Kainga Ora Homes and Communities	Opposes submission point 2102.64, Kainga Ora sought a Restricted Discretionary Activity approach to 'sensitive' activities in identified natural hazard areas where the risks are discrete and well understood and design can avoid, remedy and mitigate such risks.
FS3034.140	Mercury NZ Limited	Supports submission point 2102.64.
2173.46	Federated Farmers of New Zealand	Delete Rule 15.4.3 D3. And, any consequential amendments that may be required.
2173.45	Federated Farmers of New Zealand	Retain Rule 15.4.3 D2 Flood as notified.
2173.44	Federated Farmers of New Zealand	Retain Rule 15.4.3 D1, conditional on the outcome of the relief sought for Rule 15.4.1 P4.
2149.11	Horticulture New Zealand	Adopt changes sought in HortNZ's submission to Stage 1 relating to hazardous substances and in the evidence of Ms. Wharfe to Hearing 8A. And, amend the definition of hazardous facility in Chapter 13 Definitions
FS3030.32	Federated Farmers New Zealand	Supports 2149.11.
2093.9	TaTa Valley Limited	Amend the activity status of Rule 15.4.3 D1 from Discretionary to Restricted Discretionary. And, add the following matters of restricted discretion: (a) <u>The type of activity being undertaken and its vulnerability to natural hazard events including the</u>

		<p><u>consequences of a natural hazard event in relation to more or less vulnerable activities;</u></p> <p>(b) <u>The likelihood of a natural hazard event occurring and the likely extent of any damage to people, property or the environment;</u></p> <p>(c) <u>The effects on public access, landscape and other environmental values, caused by any works proposed in association with the building or structure, including any associated earthworks and landform modifications, to address the hazard by way of mitigation; and</u></p> <p>(d) <u>The ability to relocate buildings or structures including the proposed duration of occupation of the building or structure within a hazard area, taking into account the long-term likely effects of climate change.</u></p>
FS3034.20	Mercury NZ Limited	Opposes submission point 2093.9.

17.3 Analysis

277. A number of issues have already been dealt with and I propose to cross reference to recommendations already made as follows:

- Dilworth Trust Board [2161.10], opposed by further submission by *Mercury NZ Limited* [FS3034.89]. See Analysis – Rule 15.4.2 Restricted discretionary activities.
- TaTa Valley Limited [2093.9], opposed in further submission from *Mercury NZ Limited* [FS3034.20]. See – Analysis – Rule 15.4.2 Restricted discretionary activities.
- Kainga Ora Homes and Communities [2094.30 and 2094.31] – See Analysis – Rule 15.4.2 Restricted discretionary activities, particularly Ports of Auckland [2139.10]. Further submission in opposition from *Mercury NZ Limited* [FS3034.27].
- Federated Farmers of New Zealand [2173.44]. see discussion on request to delete “without a floor” – Analysis – Rule 15.4.1 – P4.
- Federated Farmers of New Zealand [2173.46]. Delete Rule 15.4.3 D3. See Analysis, – Rule 15.4.2 Restricted discretionary activities, particularly Ports of Auckland [2139.10].

278. Mercury NZ Limited [2053.56, 2053.57, 2053.58 and 2053.55] seeks to retain Rule 15.4.3 D1, D2 and D3 and to retain the discretionary activities in Rule 15.4.3 generally, the latter is opposed in the further submission by *TaTa Valley Limited* [FS3029.10]. Rule 15.4.3 D1 requires new buildings and additions to an existing building, not provided for as a permitted activity, to be considered as a discretionary activity. Mercury also supports the discretionary activity status for subdivision (D2) and hazardous facilities (D3). I have already discussed the merits of this in Section 17. I consider it appropriate to retain D1-D3 and recommend that Mercury NZ Limited [2053.56, 2053.57, 2053.58, 2053.55] be accepted and the further submission in opposition from *TaTa Valley Limited* [FS3029.10] to submission point [2053.55] be rejected.

279. Federated Farmers of New Zealand [2173.45], Mercury NZ Limited [2053.57] and WEL Networks Limited [2106.10] seek to retain Rule 15.4.3 D2 as notified. *Counties Power [FS3021.11]* supports submission point 2106.10. As per the previous paragraph, I have already discussed the merits of retaining subdivision within the Flood Plain Management Area and Flood Ponding Areas as a discretionary activity this in Section 17. I consider it appropriate to retain D2 and recommend that Federated Farmers of New Zealand [2173.45], Mercury NZ Limited [2053.57] and WEL Networks Limited [2106.10] and the further submission in support from *Counties Power [FS3021.11]* be accepted.
280. With respect to D3, Horticulture New Zealand [2149.11] seeks to adopt the changes sought in HortNZ's submission to Stage 1 including relating to the definition of hazardous substances. *Federated Farmers New Zealand [FS3030.32]* supports this submission point. Changes to Hazardous Substances and Major Hazardous Facility have been directed by the Hearings Panel, prior to notification and submissions to stage 2. An amendment to the definition is proposed through this process specifically for Chapter 15. Without further discussion with Horticulture New Zealand, I am unable to determine whether these changes will provide the relief sought. However, I note that vehicles have been excluded and the thresholds for hazardous substances adjusted. To the extent that changes have been made, I recommend that the submission by Horticulture New Zealand [2149.11] be accepted in part and the further submission in support from *Federated Farmers New Zealand [FS3030.32]* also be accepted in part.
281. Waikato Regional Council [2102.64] requests two new discretionary activities to Rule 15.4.3, as follows: Emergency or critical community service facility (D4) and natural hazard-sensitive activities (D5). This submission is opposed by *Kainga Ora Homes and Communities [FS3033.19]* and supported by *Mercury NZ Limited [FS3034.140]*. The provisions in Chapter 15 mainly focus on buildings, earthworks and subdivision, and much less so on the activities, which are controlled through Stage 1 Chapters.
282. I understand that natural hazard-sensitive land use is intended to apply to “more vulnerable” land uses such as residential activity, education facilities (school, child care, day care) and rest homes, retirement village, traveller's accommodation, home stays, health facility or hospital. The *Ministry of Education [FS3011.2]* has commented on this proposal in its further submission in respect to high risk flood areas. The Ministry states:
- “In its original submission, the Ministry reviewed the associated rule provisions within Rules 15.4 to 15.13 and considered that these provisions generally provide sufficiently robust mechanisms to ensure that the above objectives and policies can be achieved. Given that the Ministry's land and any future acquisition sites will be subject to the various natural hazard overlays (and associated rules) that have been mapped as part of the plan review process, the Ministry do not consider that the introduction of a 'Natural hazard sensitive land use' list of activities is necessary to further restrict the development of educational facilities in the Waikato district and has the potential to create unintended consequences by trying to identify some land uses but not others... the Ministry considers that the district plan, as notified, appropriately communicates to the Ministry and the community generally the location and extent of land areas subject to natural hazards and the susceptibility to climate change effects on existing education facilities and associated infrastructure. Further, the rules as set out in 15.4 to 15.13 appropriately manage activities that will likely be affected by natural hazards, and in most cases, require resource consent... “*
283. I agree with the Ministry of Education that the introduction of “natural hazard-sensitive land use” activity is unnecessary, and is particularly unnecessary within Rule 15.4.3 as a discretionary activity in the Flood Plain Management Area and the Flood Ponding Areas. I further note that

the WRPS does not direct the need for this level of control on activities in the Flood Plain (Implementation method 13.2.6). My comments above apply equally to health care facilities, rest homes and residential activities and also emergency or critical community service facility. Emergency or critical community service providers will be able to assess the risk and either chose to locate elsewhere or mitigate the risk to ensure that can operate during a wide range of natural hazards.

284. Overall, I recommend that Waikato Regional Council [2102.64] and supported by *Mercury NZ Limited* [FS3034.140] be rejected and the further submission in opposition from *Kainga Ora Homes and Communities* [FS3033.19] be accepted.

17.4 Recommendations

285. For the reasons above, I recommend that the Hearings Panel:

- (a) **Reject** Dilworth Trust Board [2161.10], and **accept** the further submission in opposition by *Mercury NZ Limited* [FS3034.89]. **Retain** Rule 15.4.3 unmodified.
- (b) **Reject** TaTa Valley Limited [2093.9], and **accept** the opposing further submission from *Mercury NZ* [FS3034.20]. Retains Rule 15.4.3 unmodified.
- (c) **Reject** Kainga Ora Homes and Communities [2094.30 and 2094.31]. **Accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.27]. **Retain** Rule 15.4.3 unmodified.
- (d) **Reject** Federated Farmers of New Zealand [2173.44]. **Retain** Rule 15.4.3 unmodified.
- (e) **Reject** Federated Farmers of New Zealand [2173.46]. **Retain** Rule 15.4.3 unmodified.
- (f) **Reject** Federated Farmers of New Zealand [2173.46]. **Retain** Rule 15.4.3 unmodified.
- (g) **Accept** Mercury NZ Limited [2053.56, 2053.57, 2053.58 and 2053.55] and **reject** the further submission in opposition from *TaTa Valley Limited* [FS3029.10].
- (h) **Accept** Federated Farmers of New Zealand [2173.45], Mercury NZ Limited [2053.57] and WEL Networks Limited [2106.10] and **accept** the submission in support from *Counties Power* [FS3021.11] to submission point [2106.10]. **Retain** Rule 15.4.3 unmodified.
- (i) **Accept in part** Horticulture New Zealand [2149.11] and the further submission in support from *Federated Farmers New Zealand* [FS3030.32] also be **accepted in part**. Some changes have been recommended to the definition of hazardous facility.
- (j) **Reject** Waikato Regional Council [2102.64] and the further submission in support from *Mercury NZ Limited* [FS3034.140]. **Accept** the further submission in opposition from *Kainga Ora Homes and Communities* [FS3033.19]. **Retain** Rule 15.4.3 unchanged, and do not add Emergency or Critical Community Service Facility as D4 and Natural Hazard Sensitive Activity as D5 as requested.

17.5 Recommended amendments

286. There are no recommended changes to Rule 15.4.3:

18 Rule 15.5 High Risk Flood Area - General

18.1 Introduction

287. The High Risk Flood Area is a subset of the Flood Plain Management Area. This is stated at the beginning of Rule 15.5 but can best be seen on the maps by switching off the high-risk flood areas to reveal the Flood Plain Management area underneath it. This means that land within the High Risk Flood Area is required to comply with rules in both the High Risk Flood Area and the Flood Plain Management Area. It is noted that the rules in the High Risk Flood area have been drafted specifically to be additional to those applying in the Flood Plain Management Area. No submissions have been received in respect to this matter.

18.2 General Submissions

288. The following submissions and further submissions on 15.5 High Risk Flood Area are listed in the table below.

Submission point	Submitter	Summary of submission
2143.5	Avant Developments Limited	Add to Chapter 15.5 High Risk Flood Area specific rules and standards for earthworks; AND Any additional or consequential relief as is necessary to achieve consistency with the above.
<i>FS3034.60</i>	<i>Mercury NZ Limited</i>	<i>Supports submission 2143.5</i>
2102.61	Waikato Regional Council	Retain provisions (rules and assessment matters) in Section 15.5 High Risk Flood Area subject to amendments by the submitter.
2053.1	Mercury NZ Limited	Retain the approach to management of high-risk flood areas. AND Amend Flood Plain Management Area to include areas affected by high-risk flood hazards.
<i>FS3034.138</i>	<i>Mercury NZ Limited</i>	<i>Supports submission 2102.61</i>
2161.11	Dilworth Trust Board	Retain Section 15.5 High Risk Flood Area as notified.
2139.11	Ports of Auckland Limited	Retain Rule 15.5 High Risk Flood Area as notified.

18.3 Analysis

289. Dilworth Trust Board [2161.11], Ports of Auckland Limited [2139.11], Mercury NZ Limited [2053.1] and Waikato Regional Council [2102.61] seek that the provisions of 15.5 High Risk Flood Area are retained. Waikato Regional Council's support is conditional on a number of its amendments being accepted. The further submission by *Mercury NZ Limited [FS3034.138]* supports the Waikato Regional Council. *Ohinewai Lands Limited [FS3022.1]*, and *Ambury Properties Limited [FS3028.1]* oppose the submission from Mercury NZ Limited [2053.1].

290. Avant Developments Limited [2143.5] requests that specific rules and standards for earthworks be added to Chapter 15.5 and is supported in a further submission by *Mercury NZ Limited* [FS3034.60]. This issue is dealt with in the following sections discussing the rules. However, I note at this stage that rules on earthworks are contained within the Flood Plain Management and Flood Ponding Areas Rules (Rule 15.4) and apply in the High Risk Flood Area.

18.4 Recommendations

292. For the reasons above, I recommend that the Hearings Panel:

(a) **Accept in part** Dilworth Trust Board [2161.11], Mercury NZ Limited [2053.1], Ports of Auckland Limited [2139.11] and Waikato Regional Council [2102.61] and the further submission from *Mercury NZ Limited* [FS3034.138]. **Reject** *Ohinewai Lands Limited* [FS3022.1] and *Ambury Properties Limited* [FS3028.1]. **Retain** 15.5 with amendments, noting that not all of Waikato Regional Council's proposed amendments have been adopted.

(b) **Reject** Avant Developments Limited [2143.5] and the further submission in support by *Mercury NZ Limited* [FS3034.60]. **Retain** 15.5 with amendments as recommended below as a result of other submissions.

18.5 Recommended amendments

293. There are no recommended changes as a result of general submissions to Rule 15.5.

19 Rule 15.5.1 High Risk Flood Area – Permitted Activities

19.1 Introduction

291. The section addresses submissions and further submissions on permitted activities in the High Risk Flood Area. Many of the submission points made to Rule 15.4.1, 15.4.2 and 15.4.3 are also included as submission points to Rule 15.5. I will refer back to my discussion under Rule 15.4.1, 15.4.2 and 15.3 rather than repeat that discussion here.

19.2 Submissions

292. The following submissions and further submissions on Rule 15.5.1 – Permitted activities are listed in the table below.

Submission point	Submitter	Summary of submission
2149.12	Horticulture New Zealand	<p>Amend Rule 15.5.1 P2 High Risk Flood Area, Permitted Activities to read:</p> <p>(1) Construction of <u>an a non-habitable accessory building without a floor</u>;</p> <p>(2) Construction of a farm building <u>without a floor</u>.</p> <p>And, amend Chapter 13 definitions so that the definition of a farm building excludes artificial crop protection structures.</p> <p>And, adopt other changes sought in HortNZ's submission to Stage 1 relating to</p>

		buildings, particularly artificial crop protection structures.
FS3030.33	Federated Farmers New Zealand	Supports submission point 2149.12.
FS3031.128	Waikato Regional Council	Opposes submission point 2149.12.
FS3034.73	Mercury NZ Limited	Opposes submission point 2149.12.
2101.18	Transpower New Zealand Limited	Amend Rule 15.5.1 PI (1) as follows: PI(1) <u>Operation, Repair, replacement, maintenance or minor upgrading of existing utilities, including associated earthworks and the formation and maintenance of access tracks.</u>
FS3002.1	Spark New Zealand Trading Limited	Opposes submission point 2101.18.
FS3014.6	WEL Networks Limited	Supports submission point 2101.18.
2104.8	Genesis Energy Limited	Amend Rule 15.5.1 PI(1) and add new (3) as follows: (1) Repair, maintenance, or minor upgrading, <u>or rehabilitation of existing infrastructure, utilities, and their ancillary activities.</u> (2) (3) <u>Earthworks associated with activities under (1) and (2) or rehabilitation of the site occupied by the infrastructure, utilities or ancillary activities.</u>
FS3007.7	PowerCo Limited	Supports submission point 2104.8.
2102.27	Waikato Regional Council	Add to Rule 15.5.1 PI to include an activity specific condition as follows: <u>The structure is constructed and located to ensure that if damaged within a 1% AEP hazard event the structures will be contained within the site.</u>
FS3027.41	Horticulture New Zealand	Opposes submission point 21012.27.
FS3030.14	Federated Farmers New Zealand	Opposes submission point 2012.27.
FS3034.130	Mercury NZ Limited	Supports submission point 2102.27.
FS3033.15	Kainga Ora Homes and Communities	Opposes submission point 2102.27.
2173.48	Federated Farmers of New Zealand	Amend Rule 15.5.1 P2 as follows: (1) Construction of an accessory building without a floor ; (2) Construction of a farm building without a floor .

		And, any consequential amendments required.
<i>FS3031.143</i>	<i>Waikato Regional Council</i>	<i>Opposes submission point 2173.48.</i>
2106.11	WEL Networks Limited	Amend Rule 15.5.1 PI as follows: (1) Repair, maintenance or minor upgrading of existing utilities <u>and associated earthworks.</u> (2) New telecommunication <u>and electricity</u> lines, poles, cabinets and masts/poles supporting antennas <u>and associated earthworks.</u>
<i>FS3007.10</i>	<i>PowerCo Limited</i>	<i>Supports submission point 2106.11</i>
<i>FS3006.3</i>	<i>Genesis Energy Limited</i>	<i>Supports submission point 2106.11.</i>
2173.47	Federated Farmers of New Zealand	Retain Rule 15.5.1 PI as notified.
2053.62	Mercury NZ Limited	Retain Rule 15.5.1 P2 as notified.
<i>FS3031.73</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.62.</i>
2123.5	Counties Power Limited	Amend Rule 15.5.1 PI to allow for new electricity distribution lines, poles, cabinets, masts/poles and supporting structures as permitted activities.
2094.32	Kainga Ora Homes and Communities	Retain Rule 15.5.1 P2 (1) as notified.
2100.4	PowerCo Limited	Add a new clause (3) to Rule 15.5.1 PI as follows: (3) <u>New electricity lines, poles, transformers and associated equipment.</u>
<i>FS3021.5</i>	<i>Counties Power</i>	<i>Supports submission point 2100.4.</i>
<i>FS3014.5</i>	<i>WEL Networks Limited</i>	<i>Supports submission point 2100.4.</i>
2040.5	Spark New Zealand Trading Limited	Amend Rule 15.5.1 PI (2) to cover both new and upgrading of infrastructure and utilities to the extent it is not minor upgrading. Amend PI (2) to read: Operation, construction, replacement, repair, maintenance, minor upgrading or upgrading of new telecommunication lines, poles, cabinets and masts/poles supporting antennas.
2053.60	Mercury NZ Limited	Retain 15.5.1 permitted activities.
<i>FS3031.71</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.60</i>
2053.61	Mercury NZ Limited	Retain Rule 15.5.1 PI.

FS3031.72	Waikato Regional Council	Neutral to submission point 2053.6.1
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19.3 Analysis

293. A number of issues have already been dealt with and I propose to cross reference to recommendations already made as follows:
- Horticulture New Zealand [2149.1] and Federated Farmers of New Zealand [2173.48] supported by *Federated Farmers New Zealand* [FS3030.33] and opposed by *Waikato Regional Council* [FS3031.128, FS3031.143] and *Mercury NZ Limited* [FS3034.73], see discussion on request to delete “without a floor” Rule 15.4.1– P4.
294. Three submissions seek that earthworks associated with the repair and maintenance of existing utilities be included in Rule 15.5.1 P1. These are Transpower New Zealand Limited [2101.18] opposed by a further submission from Spark New Zealand Trading Limited [FS3002.1] and supported by *WEL Networks Limited* [FS3014.6], *Genesis Energy Limited* [2104.8] supported by *PowerCo Limited* [FS3007.7] and *WEL Networks Limited* [2106.1] supported by *PowerCo Limited* [FS3007.10] and *Genesis Energy Limited* [FS3006.3].
295. Overall, I do not consider that this addition is required. Earthworks associated with utilities are provided for in Rule 15.4.1 P6 in the Flood Plain Management Area and Flood Ponding Areas, with no additional regulation added in the High Risk Flood Area. I therefore recommend that the submission by Transpower New Zealand Limited [2101.18], *Genesis Energy Limited* [2104.8] and *WEL Networks Limited* [2106.1] be accepted in part to the extent that the relief they seek is provided elsewhere. The further submissions in support by *PowerCo Limited* [FS3007.7, FS3007.10], *WEL Networks Limited* [FS3014.6], and *Genesis Energy Limited* FS3006.3 are also accepted in part. Opposition from *Spark New Zealand Trading Limited* [FS3002.1] is recommended to be accepted as I agree with its further submission that earthworks are not regulated in the High Risk Flood Area.
296. Transpower New Zealand Limited also seeks the inclusion of “operation” and “replacement” in P1. The issue of operation has already been previously discussed and I note that adding operation would be superfluous as there is no rule in Chapter 15 that prevents it. Complete replacement of existing utilities are essentially new utilities and are only enabled by Policy 15.2.1.4 in certain circumstances in the High Risk Flood Area. Assessment is therefore required and if the opportunity arises to relocate the utility out of the High Risk Flood Area then that would be a more desirable outcome. Overall, I consider permitted activity status for “replacement” of utilities to be inappropriate.
297. The submission from Waikato Regional Council [2102.27] requests that an activity-specific condition is added to 15.5.1 P1 as follows:
- “The structure is constructed and located to ensure that if damaged within a 1% AEP hazard event the structures will be contained within the site.”
298. This submission is opposed by *Horticulture New Zealand* [FS3027.41], *Federated Farmers New Zealand* [FS3030.14] and *Kainga Ora Homes and Communities* [FS3033.15] and supported by *Mercury NZ Limited* FS3034.130]. I agree with Horticulture New Zealand and Kainga Ora Homes that the proposed amendment creates uncertainty as a permitted activity condition. The intended outcome is speculative, and the standard unreasonable and unsuitable as a permitted activity condition. Compliance with permitted activity conditions need to be able

to be clearly determined prior to an activity commencing. Accordingly, I recommend that this submission from Waikato Regional Council [2102.27] be rejected along with the further submission in support from *Mercury NZ Limited* [FS3034.130], and the further submissions in opposition from *Horticulture New Zealand* [FS3027.41], *Federated Farmers New Zealand* [FS3030.14] and *Kainga Ora Homes and Communities* [FS3033.15] be accepted.

299. Counties Power Limited [2123.5] seeks to amend Rule 15.5.1 P1 to allow for new electricity distribution lines, poles, cabinets, masts/poles and supporting structures as permitted activities. PowerCo Limited [2100.4] makes a similar request but includes transformers and the words “and associated equipment”. These submissions are supported by *Counties Power* [FS3021.5] and *WEL Networks Limited* [FS3014.5]. I agree that electricity lines and supporting structures are very similar to new telecommunication lines, and that provision for them should be included in the rules. I agree with the submitter that these types of utilities are built by utility providers to appropriate standards that provide resilience to flood hazards. Providing for them is also consistent with the policy framework. Consequently, I recommend that the submission from Counties Power Limited [2123.5] and PowerCo Limited [2100.4] be accepted and the further submissions in support from *Counties Power* [FS3021.5] and *WEL Networks Limited* [FS3014.5] also be accepted. My recommended changes to the rule are shown below.
300. Spark New Zealand Trading Limited [2040.5] seeks to amend P1(2) to read:
- P1(2) **Operation, construction, replacement, repair, maintenance, minor upgrading or upgrading of** ~~new~~ telecommunication lines, poles, cabinets and masts/poles supporting antennas.
301. I agree with the submitter that clause 2 needs to be amended to also provide for upgrading that does not fall within the definition of minor upgrading. While a provision that allows for new telecommunication lines etc, may be interpreted to allow for upgrading it should be clear and unambiguous. Consequently, I recommend that the submission of Spark New Zealand Trading Limited [2040.5] be accepted.
302. A number of submitters seek that 15.5.1 P1 or P2, or both, be retained as notified. I have recommended some changes to P1 and consequently recommend that *Mercury NZ Limited* [2053.60, 2053.61], and *Federated Farmers of New Zealand* [2173.47], be accepted in part.
303. There are no changes recommended to P2 so I recommend that *Mercury NZ Limited* [2053.62] and *Kainga Ora Homes and Communities* [2094.32] be accepted.

19.4 Recommendations

304. For the reasons above, I recommend that the Hearings Panel:
- (a) **Reject** *Horticulture New Zealand* [2149.1] and *Federated Farmers of New Zealand* [2173.48] and the further submission in support by *Federated Farmers New Zealand* [FS3030.33]. **Accept** the further submission in opposition from *Waikato Regional Council* [FS3031.128, FS3031.143] and *Mercury NZ Limited* [FS3034.73]. No amendments to P2 are recommended to exclude the words “without a floor”.
 - (b) **Accept in part** *Transpower New Zealand Limited* [2101.18], *Genesis Energy Limited* [2104.8] and *WEL Networks Limited* [2106.1] to the extent that the relief they seek is provided elsewhere, also **accept in part** the further submissions in support from

PowerCo Limited [FS3007.7, FS3007.10], WEL Networks Limited [FS3014.6], and Genesis Energy Limited [FS3006.3]. **Accept** the further submission in opposition from *Spark New Zealand Trading Limited [FS3002.1]*. No change to the rule is required as a result of these submissions.

- (c) **Reject** Waikato Regional Council [2102.27] along with the further submission in support from *Mercury NZ Limited [FS3034.130]*. **Accept** the further submissions in opposition from *Horticulture New Zealand [FS3027.41]*, *Federated Farmers New Zealand [FS3030.14]* and *Kainga Ora Homes and Communities [FS3033.15]*. **Retain** PI with minor changes in response to another submitter.
- (d) **Accept** Counties Power Limited [2123.5] and PowerCo Limited [2100.4] and the further submissions in support from *Counties Power [FS3021.5]* and *WEL Networks Limited [FS3014.5]*. **Add** PI (3) as shown below.
- (e) **Accept** Spark New Zealand Trading Limited [2040.5]. **Amend** the Rule PI (2) as shown below.
- (f) **Accept in part** Mercury NZ Limited [2053.60, 2053.61], and Federated Farmers of New Zealand [2173.47]. **Retain** PI with minor changes shown below.
- (g) **Accept** Mercury NZ Limited [2053.62] and Kainga Ora Homes and Communities [2094.32]. **Retain** P2 unchanged.

19.5 Recommended amendments

305. The following amendments are recommended to Rule 15.5.1 PI:

Activity		Activity-specific conditions
PI	<ol style="list-style-type: none"> 1. Repair, maintenance or <u>minor upgrading</u> of existing <u>utilities</u>. 2. <u>New-Construction, replacement or upgrading of</u>.¹⁹telecommunication lines, poles, cabinets and masts/poles supporting antennas. 3. <u>Construction, replacement or upgrading of electricity lines, poles, cabinets, and supporting structures.</u>²⁰ 	Nil

19.6 S32AA Evaluation

306. The s32 report 'Natural hazards and Climate Change' (2020) does not evaluate the proposed activities being recommended to be included as a new component of this rule. The amendments proposed improve the effectiveness of the rule in implementing Policy 15.2.1.4. The proposed addition of construction, replacement or upgrading of electricity lines, poles, cabinets, and supporting structures to the rule provides greater consistency to the rule as there is little difference between these electricity utilities and telecommunication utilities that are functionally and operationally required to locate in these areas and do not result in an

¹⁹ [2040.5].

²⁰ [2123.5], [2100.4]

increase in risk. For these reasons I consider that the proposed amendment is more appropriate to achieve objective 15.2.1.

20 Rule 15.5.2 High Risk Flood - Restricted discretionary Activities

20.1 Introduction

307. This section of the report addresses submissions and further submissions on restricted discretionary activities in the High Risk Flood Area. As for 15.5.1 permitted activities, some issues have already been addressed through submissions on other rules and I intend to cross reference to those sections rather than repeat those discussions.

20.2 Submissions

308. The following submissions and further submissions on Rule 15.5.1 – Restricted discretionary activities are listed in the table below.

Submission point	Submitter	Summary of submission
2085.1	Daniel Parker	Amend Rule 15.5.2 RD2 to increase the maximum floor area of 15m ² to 80m ² . Or, delete Rule 15.5.2 RD2.
FS3031.107	Waikato Regional Council	<i>Opposes submission point 2085.1. Given the high level of risk in this area, there is a need to undertake site-specific assessment so a greater floor area as a permitted activity is not appropriate.</i>
FS3034.14	Mercury NZ Limited	<i>Opposes submission point 2085.1.</i>
2173.49	Federated Farmers of New Zealand	Retain Rule 15.5.2 RD1 as notified.
2173.50	Federated Farmers of New Zealand	Amend Rule 15.5.2 RD2 as follows: One addition to a lawfully established <u>habitable</u> building existing at [the date this rule becomes operative], where the addition does not increase the ground floor area of the existing <u>habitable</u> building by more than 15m ² , unless provided for in Rule 15.5.2 RD1. And, any consequential amendments required.
FS3034.102	Mercury NZ Limited	<i>Opposes submission point 2173.50</i>
FS3031.144	Waikato Regional Council	<i>Opposes submission point 2173.50, the inclusion of all buildings in this rule rather than just habitable buildings is intended to ensure there is adequate assessment of the need to locate a building in this area based on the level of risk. It also serves as an indication to</i>

		<i>applicants of the level of risk of building in these areas so that they can judge the level of investment they wish to make given the risk. The rule could exclude buildings under a certain size such as 15m² to allow for minor structures such as garden sheds.</i>
2101.19	Transpower New Zealand Ltd	Amend Rule 15.5.2 RD1 as follows: (1) New utilities not provided for in Rule 15.5.1 PI (2) <u>including associated earthworks and the formation and maintenance of access tracks.</u> (2) Upgrading of existing facilities not provided for in Rule 15.5.1 PI(1), <u>including associated earthworks and the formation and maintenance of access tracks.</u>
FS3002.2	Spark New Zealand Trading Limited	<i>Opposes submission point 2191.19</i>
2123.6	Counties Power Limited	Amend Rule 15.5.2 RD1 to ensure any electricity distribution lines, poles, cabinets, masts/poles and supporting structures are not captured under this rule and are permitted activities under Rule 15.5.1 PI.
2094.33	Kainga Ora Homes and Communities	Amend Rule 15.5.2 RD2 as follows: One <u>Additions, and alterations to, or reconstruction of</u> a lawfully established building existing at [date this rule becomes operative] where the addition does not increase the ground floor area of the existing building by more than 15m, unless provided for in Rule 15.5.2 RD1. And, Add to Rule 15.5.2 RD2 a new matter of discretion: (d) <u>Any exacerbation of the natural hazard or creation of a new natural hazard as a result of the proposed additions to an existing building.</u>
FS3034.28	Mercury NZ Limited	<i>Opposes submission point 2094.33.</i>
2053.64	Mercury NZ Limited	Add a new matter of discretion as follows: (g) <u>cumulative effect on the storage capacity of the Lower Waikato Flood Protection Scheme.</u>
FS3031.75	Waikato Regional Council	<i>Neutral to submission point 2053.64.</i>
2143.4	Avant Developments Limited	Add a new rule to Chapter 15.5.2 to include subdivision of utility allotments, access allotments and reserve allotments.

		And, any consequential relief as is necessary to achieve consistency with the above.
FS3021.24	Counties Power	Supports submission point 2143.4.
2149.13	Horticulture New Zealand	Amend Rule 15.5.2 RD2 to read: One addition to a lawfully established <u>habitable</u> building existing at [date this rule becomes operative], where the addition does not increase the ground floor area of the existing <u>habitable</u> building by more than 15m ² , unless provided for in Rule 15.5.2 RD1.
FS3031.129	Waikato Regional Council	Opposes submission point 2149.14.
FS3034.74	Mercury NZ Limited	Opposes submission point 2149.13
FS3030.34	Federated Farmers New Zealand	Supports submission point 2149.13.
2104.9	Genesis Energy Limited	Amend Rule 15.5.2 RD1 and add new (3) as follows: (1) New utilities not provided for in Rule 15.5.1 PI(2) (2) Upgrading of existing <u>infrastructure, utilities, and their ancillary activities</u> not provided for in Rule 15.5.1 PI(1). (3) <u>Earthworks associated with activities under (1) and (2).</u>
2053.65	Mercury NZ Limited	Delete Rule 15.5.2 RD2 and include this activity as a discretionary activity.
FS3031.76	Waikato Regional Council	Neutral to submission point 2053.65
2106.12	WEL Networks Limited	Retain Rule 15.5.2 RD1 subject to submitted changes being made to Rule 15.5.1 PI.
2053.63	Mercury NZ Limited	Retain Rule 15.5.2 Restricted Discretionary Activities.
FS3031.74	Waikato Regional Council	Neutral to submission point 2503.63

20.3 Analysis

309. A number of issues have already been dealt with and I propose to cross reference to recommendations already made to the above submissions as follows:

- Transpower New Zealand Ltd [2101.19] and Genesis Energy Limited [2104.9] in relation to “associated earthworks”, see discussion for Rule 15.5.1 PI. Further submission in opposition from Spark New Zealand Trading Limited [FS3002.2].
- Horticulture New Zealand [2149.13] and Federated Farmers of New Zealand [2173.50] in relation to “habitable building”, see discussion for Rule 15.4.1 PI. Further submissions in opposition from Mercury NZ Limited [FS3034.102] and Waikato Regional Council [FS3031.144].

- Avant Developments Limited [2143.4] and further submission in support from *Counties Power* [FS3021.24] in relation to subdivision of utility allotments, access allotments and reserve allotments, see discussion on Rule 15.4.2.
310. Counties Power Limited [2123.6] seeks to amend Rule 15.5.2 RD1 to ensure any electricity distribution lines, poles, cabinets, masts/poles and supporting structures are not captured under this rule and are permitted activities under Rule 15.5.1 P1. Rule 15.5.1 has already been recommended to be amended to include the above-mentioned electricity lines and poles etc. A minor consequential amendment is required to Rule 15.5.2 RD1 and is shown below. The submission from Counties Power Limited [2123.6] is recommended to be accepted.
311. Mercury NZ Limited [2053.64] seeks to add a new matter of discretion to RD1 as follows:
- (g) cumulative effect on the storage capacity of the Lower Waikato Flood Protection Scheme.
312. I have some doubts about the usefulness of this suggested matter of restricted discretion, when viewed alongside the matters already included in the rule, particularly (b), (c) and (f). It would be helpful if the submitter could provide more information at the hearing on how the “cumulative” matter of restricted discretion could be assessed on a case-by-case basis. Mercury NZ Limited may have information on “tipping points” in respect to the storage capacity of the Lower Waikato Scheme. Alternatively matter of discretion (c) could be amended to include a reference to the Lower Waikato Scheme, rather than just “neighbouring properties”. At this stage I recommend that the submission of Mercury NZ Limited [2053.64] be rejected.
313. Kainga Ora Homes and Communities [2094.33] seeks to amend RD2 to read as follows:
- ~~One addition~~ Additions, and alterations to, or reconstruction of a lawfully established building existing at [date this rule becomes operative] ~~where the addition does not increase the ground floor area of the existing building by more than 15m², unless provided for in Rule 15.5.2 RD1.~~
- Kainga Ora Homes and Communities also seeks to add a new matter of restricted discretion:
- (d) Any exacerbation of the natural hazard or creation of a new natural hazard as a result of the proposed additions to an existing building.
314. The proposed additions have already been discussed and recommended to be rejected earlier in this report. In respect to the proposed additional matter of restricted discretion, I do not consider it to be appropriate. The 15m² addition threshold provided for in this rule as a restricted discretionary activity has already been assessed to be appropriate in terms of policy framework. At this scale, the main issues for consideration in the resource consent application are the setting of an appropriate minimum floor level, locational aspects, or alternative flood-resilient technique/engineering solutions or design to mitigate the risk. Consequently, I recommend that Kainga Ora Homes and Communities [2094.33] be rejected and the further submission in opposition from *Mercury NZ Limited* [FS3034.28] be accepted.
315. Daniel Parker [2085.1] seeks an amendment to Rule 15.5.2 RD2 to increase the maximum floor area provided for from 15m² to 80m², or alternatively to delete Rule 15.5.2 RD2. Deleting Rule 15.5.2 RD2 would have the effect of making new buildings and additions to existing buildings (not already listed in P1, P2 and RD1) a non-complying activity and is a more restrictive proposition than the request to increase the floor area from 15m² to 80m².

316. The purpose of this rule is an acceptance that people sometimes need some potential to extend their homes. However, in order for the risk to not be increased as per Policy 15.2.1.1, only a very small addition is considered appropriate (see also WRPS 13.2.5). An 80m² addition in my view is too large and would see considerable increase in investment and intensification in the High Risk Flood Area. A further submission was received from the *Waikato Regional Council* [FS3031.107], however, its further submission relates to permitted activities rather than restricted discretionary activities.
317. Overall, I recommend that the submission from Daniel Parker [2085.1] be rejected and the further submissions in opposition from *Waikato Regional Council* [FS3031.107] and *Mercury NZ Limited* [FS3034.14] be accepted.
318. Mercury NZ Limited [2053.65] seeks to delete Rule 15.5.2 RD2. Mercury NZ considers that any extensions to existing buildings should be assessed as a discretionary activity. I do not consider that it is appropriate to delete the rule given the purpose of the rule explained above. Consequently, I recommend that this submission from Mercury NZ Limited [2053.65] be rejected.
319. Some submitters seek to retain provisions in Rule 15.5.2, this includes WEL Networks Limited [2106.12] RD1, subject to submitted changes being made to Rule 15.5.1 P1; Federated Farmers of New Zealand [2173.49], RD2; and Mercury NZ Limited [2053.63], RD1 and RD2. I recommend that these submissions be accepted.

20.4 Recommendations

320. For the reasons provided above, I recommend that the Hearings Panel:
- (a) **Reject** Transpower New Zealand Ltd [2101.19] and Genesis Energy Limited [2104.9]. **Retain** 15.5.2 RD1 with minor amendments as a result of other submissions.
 - (b) **Reject** Horticulture New Zealand [2149.13] and Federated Farmers of New Zealand [2173.50]. **Retain** 15.5.2 RD2.
 - (c) **Reject** Avant Developments Limited [2143.4] and further submission in support from *Counties Power* [FS3021.24]. **Retain** 15.5.2 with minor amendment to RD1 as a result of another submission.
 - (d) **Accept** Counties Power Limited [2123.6]. **Retain** 15.5.2 RD1 with minor amendment as shown below.
 - (e) **Reject** Mercury NZ Limited [2053.64]. **Retain** RD2.
 - (f) **Reject** Kainga Ora Homes and Communities [2094.33], **accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.28]. **Retain** RD2.
 - (g) **Reject** Daniel Parker [2085.1]. **Accept** the further submissions in opposition from *Waikato Regional Council* [FS3031.107] and *Mercury NZ Limited* [FS3034.14]. **Retain** RD2 unchanged.
 - (h) **Reject** Mercury NZ Limited [2053.65]. **Retain** RD2.
 - (i) **Accept** WEL Networks Limited [2106.12], Federated Farmers of New Zealand [2173.49] and Mercury NZ Limited [2053.63]. **Retain** RD1 and RD2 with minor change to RD1.

20.5 Recommended amendments

321. The following minor amendments are recommended to Rule 15.5.2 RDI:

Activity		Activity-specific conditions
RDI	<ol style="list-style-type: none"> 1. New <u>utilities</u> not provided for in Rule 15.5.1 PI(2) <u>or PI(3)</u>²¹. 2. Upgrading of existing utilities not provided for in Rule 15.5.1 PI(1). 	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 1. Functional and operational requirements to be located in the <u>High Risk Flood Area</u>; 2. The adverse effects on people and property from establishing or upgrading the <u>utility</u> in the <u>High Risk Flood Area</u>; 3. The potential for the development to transfer/increase flood risk to neighbouring properties; 4. Consideration of alternative locations; 5. Consideration of the projected effects of climate change; 6. Any mitigation measures to reduce the risk to people's safety, well-being and property.

20.6 S32AA Evaluation

322. This change is consequential to the amendment to Rule 15.5.1 PI and no additional evaluation is required.

21 Rule 15.5.3– High Risk Flood - Discretionary activities

21.1 Introduction

323. This section of the report addresses submissions and further submissions on discretionary activities in the High Risk Flood Area. As for 15.5.1 and 15.5.2, some issues have already been addressed through submissions on other rules and I intend to cross reference to those sections rather than repeat those discussions.

21.2 Submissions

324. The following submissions and further submissions on Rule 15.5.3 – Discretionary activities are listed in the table below.

Submission point	Submitter	Summary of submission
2106.13	WEL Networks Limited	Retain Rule 15.5.3 DI (2) as proposed.
FS3021.12	Counties Power	Supports submission point 2106.13.

²¹ [2123.6]

2094.34	Kainga Ora Homes and Communities	<p>Amend activity status of Rule 15.5.3 DI from Discretionary to Restricted Discretionary.</p> <p>And,</p> <p>Amend the wording of Rule 15.5.3 DI(b) as follows:</p> <p>(b) The additional lot(s) are partially within the High-Risk Flood Area and each additional lot(s) contains a net site area capable of containing a <u>rectangle of at least 100m² with a minimum of 6m exclusive of yards</u> complying building platform entirely outside the High Risk Flood Area.</p> <p>And, add to Rule 15.5.3 DI the following matters of discretion:</p> <p>(a) <u>The effects of the hazard on the intended use of the site or sites created by the subdivision</u></p> <p>(b) <u>The vulnerability of the uses to flood hazard events</u></p> <p>(c) <u>Whether the location and design of the development, including building platforms are located to avoid the hazard.</u></p> <p>(d) <u>The extent to which changes to the landform for the subdivision are necessary.</u></p>
2053.67	Mercury NZ Limited	Retain Rule 15.5.3 DI.
FS3031.78	Waikato Regional Council	Neutral to submission point 2053.67.
2053.66	Mercury NZ Limited	Retain 15.5.3 Discretionary Activities.
FS3031.77	Waikato Regional Council	Neutral to submission point 2053.66
2143.3	Avant Developments Limited	<p>Amend Rule 15.5.3(a) DI(1)(b) to read:</p> <p>The additional lot(s) are partially within the High Risk Flood Area and each additional lot(s) contains a net site area <u>an area</u> capable of containing a complying building platform entirely outside the High Risk Flood Area.</p> <p>And, any additional or consequential relief to achieve consistency with the above.</p>
FS3034.59	Mercury NZ Limited	Opposes submission point 2143.3.

21.3 Analysis

325. I agree with Avant Developments Limited [2143.3]. that the words “net site area” should be deleted from Rule 15.5.3 DI (1) (b) and replaced with “an area”. The key component of the rule is that the lot is able to contain a complying building platform entirely outside the High

Risk Flood Area. Accordingly, I recommend that Avant Developments Limited [2143.3] be accepted and the submission in opposition from *Mercury NZ Limited* [FS3034.9] be rejected.

326. Kainga Ora Homes and Communities [2094.34] firstly seeks that the activity status of DI be changed to a restricted discretionary activity. Secondly, they seek that the area of any additional lot required outside of the High Risk Flood Area be an area capable of containing a rectangle of at least 100m² with a minimum of 6m exclusive of yards, instead of an area capable of containing a complying building platform. They further provide matters of discretion for the rule as a restricted discretionary activity as follows:
- a. The effects of the hazard on the intended use of the site or sites created by the subdivision.
 - b. The vulnerability of the uses to flood hazard events.
 - c. Whether the location and design of the development, including building platforms are located to avoid the hazard.
 - d. The extent to which changes to the landform for the subdivision are necessary.
327. In respect to the first issue, I do not consider that restrictive discretionary activity status subdivision in the High Risk Flood Area is appropriate. The policy framework in the High Risk Flood Area is directive and states:
- Policy 15.2.1.1
- (a) Avoid new subdivision, use and development where they will increase the risk to people's safety, well-being and property in the following areas identified as being at significant risk from natural hazards:
 - (i) High Risk Flood Area;
 - (ii) High Risk Coastal Hazard (Inundation) Area;
 - (iii) High Risk Coastal Hazard (Erosion) Area.
328. This policy directive to avoid new development in the High Risk Flood Area where it will increase risk is further supported by the WRPS, Implementation method 13.2.5. While it is not as clear as it could be, there is an inference that High Risk Flood Zones (the definition of which correlates with the definition of High Risk Flood Area in the PWDP) are areas of intolerable risk.²²
329. Subdivision in the district is a restricted discretionary activity generally. When potential for considerable intensification of development in the Waikato District through subdivision in the High Risk Flood Areas is taken into consideration, an increased activity status from the general RDA situation for subdivision to full discretionary activity status is appropriate in my opinion. Accordingly, I do not support this part of Kainga Ora's submission and consequently have not further assessed and reviewed the proposed matters of restricted discretion.
330. In respect to removing the reference to a complying building platform and replacing it with a rectangle of at least 100m² with a minimum of 6m exclusive of yards, I find I cannot support that either. Even setting aside the words "complying" and its implications for a moment, the definition of building platform in the PWDP provides a far superior test of suitability:

²² WRPS, Implementation method 13.2.5, page 13-4

“Building platform

Means land that is suitable and practical for building developments, having regard to soil conditions, geotechnical stability, gradient, access and natural hazards.”

331. It is further noted that the parts of the site outside the High Risk Flood Area are still likely to be within the Flood Plain Management Area or a Flood Ponding Area.
332. Overall, I recommend that the relief sought by Kainga Ora Homes and Communities [2094.34] be rejected.
333. Mercury NZ Limited [2053.67, 2053.67] seeks that 15.5.3 Discretionary Activities and DI be retained, while WEL Networks Limited [2106.13], supported by *Counties Power* [FS3021.12] seeks that 15.5.3 DI (2) be retained. I recommend minor amendments in relation to other submissions, but the overall rule is retained with no material changes. Accordingly, I recommend that the submissions of Mercury NZ Limited [2053.67, 2053.67] and WEL Networks Limited [2106.13], and the further submission in support by *Counties Power* [FS3021.12] be accepted.

21.4 Recommendations

334. For the reasons provided above, I recommend that the Hearings Panel:
- (a) **Accept** Avant Developments Limited [2143.3] and **reject** the further submission in opposition from *Mercury NZ Limited* [FS3034.9]. **Replace** “net site area” with “an area”, otherwise **retain** Rule 15.5.3 DI.
 - (b) **Reject** Kainga Ora Homes and Communities [2094.34]. **Retain** 15.5.3 DI with minor amendments as a result of the above submission.
 - (c) **Accept** Mercury NZ Limited [2053.67, 2053.67] and WEL Networks Limited [2106.13], and the further submission in support by *Counties Power* [FS3021.12]. **Retain** 15.5.3 DI with minor amendments as a result of another submission (shown below).

21.5 Recommended amendments

335. The following minor amendments are recommended to Rule 15.5.3 DI:

DI	<ol style="list-style-type: none"> 1. Subdivision that creates one or more additional vacant lot(s) where: <ol style="list-style-type: none"> (a) The additional lot(s) are located entirely outside the High Risk Flood Area; or (b) The additional lot(s) are partially within the High Risk Flood Area and each additional lot(s) contains a net site an²³ area capable of containing a complying building platform entirely outside the High Risk Flood Area. 2. This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.
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21.6 S32AA Evaluation

336. The s32 report ‘Natural hazards and Climate Change’ (2020) evaluates this rule. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the

²³ [2143.3]

original text adequately covers and justifies the minor amendments now proposed. The change clarifies the intention of this rule and improves the effectiveness of the rule in implementing Policy 15.2.1.1. For these reasons I consider that the amendment is more appropriate to achieve objective 15.2.1.

22 Rule 15.5.4 High Risk Flood – Non-complying activities

22.1 Introduction

337. This section of the report addresses submissions and further submissions on non-complying activities in the High Risk Flood Area. As for 15.5.1, 15.5.2 and 15.5.3, some issues have already been addressed through submissions and further submissions on other rules and I intend to cross reference to those sections rather than repeat those discussions.

22.2 Submissions

338. The following submissions and further submissions on Rule 15.5.4 – Non-complying activities are listed in the table below.

Submission point	Submitter	Summary of submission
2173.51	Federated Farmers of New Zealand	Amend Rule 15.5.4 NCI as follows: Construction of a new <u>habitable</u> building or additions to an existing <u>habitable</u> building, not provided for in Rule 15.5.1 P1 – P2 or Rule 15.5.2 RD1 and RD2. And, any consequential amendments required.
FS3034.103	Mercury NZ Limited	<i>Opposes submission point 2173.51.</i>
FS3031.145	Waikato Regional Council	<i>Opposes submission point 2173.51.</i>
2094.36	Kainga Ora Homes and Communities	Amend Rule 15.5.4 NC2(1) as follows: 1. Subdivision that does not comply with Rule 15.5.3 RD1 <u>RD3</u>
2102.20	Waikato Regional Council	Add new Rule 15.5.4 NC4 as follows: <u>NC4 Natural Hazard Sensitive Activities</u>
FS3011.2	Ministry of Education	<i>Opposes submission point 2102.20.</i>
FS3033.10	Kainga Ora Homes and Communities	<i>Opposes submission point 2102.20.</i>
FS3034.125	Mercury NZ Limited	<i>Supports submission point 2102.20</i>
2094.35	Kainga Ora Homes and Communities	Amend Rule 15.5.4 NCI as follows: Construction of a new building or additions to an existing building , not provided for in Rule 15.5.1 P1 – P2 or Rule 15.5.2 RD1 and RD2 .
2085.2	Daniel Parker	Delete Rule 15.5.4 NCI or,

		Amend Rule 15.5.4 NCI to allow for rebuilding in the case of something such as a fire.
FS3031.108	Waikato Regional Council	Opposes submission point 2085.2.
FS3034.15	Mercury NZ Limited	Opposes submission point 2085.2.
2149.14	Horticulture New Zealand	Amend Rule 15.5.4 NCI to read: Construction of a new <u>habitable</u> building or additions to an existing <u>habitable</u> building, not provided for in Rule 15.5.1 PI – P2 or Rule 15.5.2 RD1 and RD2.
FS3030.35	Federated Farmers of New Zealand	Supports submission point 2149.14
FS3034.75	Mercury NZ Limited	Opposes submission point 2149.14.
FS3031.130	Waikato Regional Council	Opposes submission point 2149.14.
2053.68	Mercury NZ Limited	Retain 15.5.4 Non-complying activities.
FS3031.79	Waikato Regional Council	Neutral to submission point 2053.68
2053.69	Mercury NZ Limited	Retain Rule 15.5.4 NCI.
FS3031.80	Waikato Regional Council	Neutral to submission point 2053.69.
2053.70	Mercury NZ Limited	Retain Rule 15.5.4 NC2.
FS3031.81	Waikato Regional Council	Neutral to submission point 2053.70.
2053.71	Mercury NZ Limited	Retain Rule 15.5.4 NC3.
FS3031.82	Waikato Regional Council	Neutral to submission point 2053.71.
2103.33	Fire and Emergency New Zealand	Retain Section 15.5, subject to a minor amendment to 15.5.4 NC3 to change “emergency services facilities” to “emergency service facilities”.

22.3 Analysis

339. Horticulture New Zealand [2149.14] and Federated Farmers of New Zealand [2173.51] request that NCI be amended to refer to “habitable” building. These submissions are supported in a further submission from *Federated Farmers of New Zealand* [FS3030.35] and opposed by *Mercury NZ Limited* [FS3034.75, FS3034.103] and *Waikato Regional Council* [FS3031.130, FS3031.145]. I have already addressed this terminology in respect to other rules assessed in this report from the same submitters. For the reasons provided earlier, I recommend that the submissions of Horticulture New Zealand [2149.14] and Federated Farmers of New Zealand [2173.51] be rejected and the further submissions in support from *Federated Farmers of New Zealand* [FS3030.35] also be rejected. The further submissions in opposition from *Mercury NZ Limited* [FS3034.75, FS3034.103] and *Waikato Regional Council* [FS3031.130, FS3031.145] are recommended to be accepted.
340. Kainga Ora Homes and Communities [2094.36] seeks to amend NCI as a consequential amendment to its request to amend the status of Rule 15.5.3 DI to restricted discretionary activity status. I have recommended that Rule 15.5.3 DI be retained and therefore recommend that this amendment from Kainga Ora Homes and Communities [2094.36] also be rejected.

341. Waikato Regional Council [2102.20] seeks to add a new Rule NC4 for Natural Hazard Sensitive Activities. This amendment is opposed in further submissions by *Ministry of Education* [FS3011.2] and *Kainga Ora Homes and Communities* [FS3033.10] and supported by *Mercury NZ Limited* [FS3034.125]. I have already discussed the term natural hazard sensitive activities at 17.3 Analysis Rule 15.4.3 (Discretionary Activities) in respect to the Flood Plain Management Area. In terms of the High Risk Flood Area, Rule 15.5.4 lists construction of a new building or addition to an existing building, subdivision, and emergency services facilities and hospitals, as non-complying activities. I consider that this is appropriate and consistent with Implementation method 13.2.5 of the WRPS and policy 15.2.1.1. In terms of implementing Policy 15.2.1.2, the activities proposed by Waikato Regional Council [2102.20] will require resource consent, and more likely than not building consent, which will allow assessment of appropriate risk reduction options for re-use of an existing building.
342. Consequently, I recommend that this submission from Waikato Regional Council [2102.20] be rejected along with the further submission in support by *Mercury NZ Limited* [FS3034.125]. I recommend that the further submissions in opposition from *Ministry of Education* [FS3011.2] and *Kainga Ora Homes and Communities* [FS3033.10] be accepted.
343. Daniel Parker [2085.2] seeks that Rule 15.5.4 NC1 be deleted or provision made for rebuilding in the case of something such as a fire. This submission is opposed in further submissions by *Waikato Regional Council* [FS3031.108] and *Mercury NZ Limited* [FS3034.15]. The RMA already provides for rebuilding of an existing building under section 10 (existing use rights), and no changes are required to the rules to enable this. Consequently, I recommend that the submission of Daniel Parker be rejected and the further submissions opposing this request from *Waikato Regional Council* [FS3031.108] and *Mercury NZ Limited* [FS3034.15] be accepted.
344. Fire and Emergency New Zealand [2103.33] seeks to retain Section 15.5, subject to a minor amendment to 15.5.4 NC3 to change “emergency services facilities” to “emergency service facilities”. I agree that it is appropriate to make this minor change as it is consistent with the definition. Consequently, I recommend that Fire and Emergency New Zealand [2103.33] be accepted.
345. Mercury NZ Limited [2053.68, 2053.69, 2053.70, 2053.71] seeks to retain 5.5.4 Non-Complying Activities and more specifically NC1, NC2 and NC3.

22.4 Recommendations

346. For the reasons provided above, I recommend that the Hearings Panel:
- (a) **Reject** Horticulture New Zealand [2149.14] and Federated Farmers of New Zealand [2173.51] and the further submissions in support from *Federated Farmers of New Zealand* [FS3030.35]. **Accept** the further submissions in opposition from *Mercury NZ Limited* [FS3034.75, FS3034.103] and *Waikato Regional Council* [FS3031.130, FS3031.145]. Retain NC1-NC3.
 - (b) **Reject** Kainga Ora Homes and Communities [2094.36]. **Retain** NC2(1).
 - (c) **Reject** Kainga Ora Homes and Communities [2094.35]. **Retain** NC1 unchanged.
 - (d) **Reject** Waikato Regional Council [2102.20] along with the further submission in support by *Mercury NZ Limited* [FS3034.125]. **Accept** the further submissions in opposition from *Ministry of Education* [FS3011.2] and *Kainga Ora Homes*. **Do not add** a new NC4 for Natural Hazard Sensitive Activities.

- (e) **Accept** Fire and Emergency New Zealand [2103.33]. **Amend** the minor error in emergency service facilities, but other-wise retain Rule 15.5.4.
- (f) **Accept** Mercury NZ Limited [2053.68, 2053.69, 2053.70, 2053.71]. **Retain** 5.5.4 Non-Complying Activities and more specifically NCI, NC2 and NC3.
- (g) **Reject** Daniel Parker [2085.2] and **accept** the further submissions from *Waikato Regional Council* [FS3031.108] and *Mercury NZ Limited* [FS3034.15].

22.5 Recommended amendments

347. The following minor amendment is recommended to Rule 15.5.4 NC3

NC3	Emergency services s facilities and hospitals.
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23 Rule 15.6 Defended Area (Residual Risk)

23.1 Introduction

348. This section of the report addresses general submissions and further submissions in relation to Defended Areas (residual risk). The submissions largely seek to retain the provisions with some minor amendments.

23.2 Submissions

349. The following general submissions and further submissions received on the Defended Areas are listed in the table below:

Submission point	Submitter	Summary of submission
2154.2	Joytishna Arti Devi	Retain 15.6, and Add relocation of building and structure on submitters property if risk is too bad, and Add Waikato District Council to undertake relocation of building and structure on submitters property, if there is a high risk of flooding even after a stopbank has been developed, and Add Waikato District Council to subdivide submitters land.
FS3020.52	Shand Properties Limited	Oppose submission point 2154.2.
FS3032.55	Timberline Contracting	Oppose submission point 2154.2.
FS3032.56	Timberline Contracting	Support 2154.2, rules to enable relocation of buildings as a permitted activity would be helpful.
2025.1	Kerry Johansen	Amend Rule 15.6.3 DI to not restrict building on the two sections at 3806 State Highway 1, Huntly.

FS3034.2	Mercury NZ Limited	Oppose submission point 2025.1.
FS3032.37	Timberline Contracting	Support submission point 2025.1.
FS3031.2	Waikato Regional Council	Neutral to submission point 2025.1.
2139.12	Ports of Auckland Limited	Retain Rule 15.6 Defended Area as notified.
FS3032.52	Timberline Contracting	Oppose submission point 2139.12.
2103.34	Fire and Emergency New Zealand	Retain Section 15.6 as proposed.
FS3020.46	Shand Properties Limited	Support submission point 2103.34
FS3032.50	Timberline Contracting	Oppose submission point 2103.34.
2094.87	Kainga Ora Homes and Communities	Amend the rules so that non-compliance of a permitted activity thresholds is a restricted discretionary activity rather than a discretionary activity.
FS3034.32	Mercury NZ Limited	Oppose submission point 2094.87
2102.71	Waikato Regional Council	Add new rules to Section 15.6 – Defended Area (Residual Risk) to implement an appropriate consideration of residual risk when locating more intensive and vulnerable land uses within defended areas.
FS3032.49	Timberline Contracting	Oppose submission point 2102.71.
FS3027.37	Horticulture New Zealand	Support submission point 2102.71
FS3034.146	Mercury NZ Limited	Support submission point 2102.71
FS3020.43	Shand Properties Limited	Oppose submission point 2102.71
2161.12	Dilworth Trust Board	Retain Section 15.6 Defended Area (Residual Risk) as notified.
FS3032.58	Timberline Contracting	Oppose submission point 2161.12.

23.3 Analysis

350. Joytishna Arti Devi [2154.2] seeks to retain Rule 15.6. and to add relocation of a building and structure on their property if the risk is too bad. A number of additional requests are included in the submission which are outside the scope of this process. This submission is opposed by *Shand Properties Limited* [FS3020.52] and *Timberline Contracting* [FS3032.55]. However, *Timberline Contracting* [FS3032.56] support part of the submission relating to relocation of a building and structure. I note that the provisions of Rule 15.6 do not restrict the relocation of buildings and structures in the Defended Areas, except for the area within 50 m of the toe of the stopbank. Consequently, the property owner can relocate a building or structure within their property.
351. Consequently, I recommend that Joytishna Arti Devi [2154.2] be accepted in part to the extent that the provisions are recommended to be retained. The submission in support from *Timberline Contracting* [FS3032.56] is rejected to the extent that no changes are required to the rules to affect the relief sought. The submissions in opposition from *Shand Properties Limited* [FS3020.52] and *Timberline Contracting* [FS3032.55] are accepted to the extent that the submitters amendments have not been adopted.

352. Kainga Ora Homes and Communities [2094.87] seeks a restricted discretionary activity status for activities that exceed the permitted activity threshold instead of discretionary activity status. This submission is opposed by *Mercury NZ Limited* [FS3034.32]. The rules in 15.6 have no permitted activities listed with thresholds, as mentioned in the submission. Activities are permitted if they are not restricted discretionary or discretionary activities in Rules 15.6.2 or 15.6.3, provided they do not contravene rules in other chapters of PWDP. The submitter may wish to suggest a permitted activity rule or set of rules with thresholds for new buildings, accessory buildings and earthworks within 50m of the toe of the stopbank, and suggest matters of restricted discretion, for consideration at the hearing. For now, I recommend that Kainga Ora Homes and Communities [2094.87] be rejected and the further submission in opposition from *Mercury NZ Limited* [FS3034.32] be accepted.
353. Waikato Regional Council [2102.71] seek to add new rules to Section 15.6 – Defended Area (Residual Risk) to implement an appropriate consideration of residual risk when locating more intensive and vulnerable land uses within defended areas. This is supported by *Horticulture New Zealand* [FS3027.37] and *Mercury NZ Limited* [FS3034.146] and opposed by *Timberline Contracting* [FS3032.49] and *Shand Properties Limited* [FS3020.43]. The WRC state that there is currently no mechanism for this to be specifically considered when natural hazard sensitive land uses are proposed to be established in new or repurposed buildings. Policy 15.2.1.10 provides a clear policy framework for the rules as currently proposed, however, I agree that the policy could be used to support additional rules if it was considered appropriate to have a higher level of land use regulation in the Defended Areas.
354. I am of the opinion that the rules as proposed provide a reasonable balance in terms of the level of regulation applied and the actual residual risk. Some reliance on the stopbanks must be allowed for, in terms of activities, otherwise it negates the purpose for which they were built. I consider that the policy can be used to provide an extra lens in respect to residual risk when a rezoning proposal is before the Council. I also have no rules before me to consider. If the Regional Council considers that further regulation is required, I would prefer to assess the actual rules proposed. At this stage I am not sure of the benefits that would accrue from the additional risk assessment of the activities the Regional Council is concerned about. I invite Waikato Regional Council to provide some rules at the hearing so I can better understand the extent and intent of new rules and assess their value. Overall, at this stage, I consider it appropriate to recommend that the submission of Waikato Regional Council [2102.71] and the further submissions in support by *Horticulture New Zealand* [FS3027.37] and *Mercury NZ Limited* [FS3034.146] be rejected. I further recommend that the further submissions in opposition from *Timberline Contracting* [FS3032.49] and *Shand Properties Limited* [FS3020.43] be accepted.
355. Ports of Auckland Limited [2139.12], Dilworth Trust Board [2161.12] and Fire and Emergency New Zealand [2103.34] seek to retain Rule 15.6 Defended Area as notified. This is opposed by *Timberline Contracting* [FS3032.52, FS3032.50, FS3032.58], and supported by *Shand Properties Limited* [FS3020.46]. Timberline Contracting's opposition appears to be more related to the mapping of the Defended Area in Huntly rather than the rules. I discuss the mapping later in this report. I agree with Fire and Emergency New Zealand that the rule framework is sufficiently robust to ensure that the objective and policy framework can be achieved for the Defended Areas. Consequently, I recommend that the submissions in support of Rule 15.6 from Ports of Auckland Limited [2139.12], Dilworth Trust Board [2161.12] and Fire and Emergency New Zealand [2103.34] be accepted and the further submission in support from *Shand Properties Limited* [FS3020.46] also be accepted. I recommend that the further

submissions in opposition from *Timberline Contracting* [FS3032.52, FS3032.50, FS3032.58] be rejected.

356. Kerry Johansen [2025.1] seeks to amend Rule 15.6.3 DI to not restrict building on the two sections at 3806 State Highway 1, Huntly. This submission is supported by *Timberline Contracting* [FS3032.37] and opposed by *Mercury NZ Limited* [FS3034.2]. To the extent that the rules do not restrict building but require consideration of the effect on the stopbank and any residual risk, I recommend that the submission of Kerry Johansen [2025.1] be rejected along with the further submission in support from *Timberline Contracting* [FS3032.37]. The further submission in opposition from *Mercury NZ Limited* [FS3034.2] limited is recommended to be accepted.

23.4 Recommendations

357. For the reasons provided above I recommend that the Hearings Panel:

- (a) **Accept in part** Joytishna Arti Devi [2154.2], to the extent Rule 15.6 is retained. Reject *Timberline Contracting* [FS3032.56] to the extent that the supported provisions are not required to be adopted. **Accept** *Shand Properties Limited* [FS3020.52] and *Timberline Contracting* [FS3032.55] to the extent that the proposed amendments have not been adopted.
- (b) **Reject** Kainga Ora Homes and Communities [2094.87]. **Accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.32]. **Retain** Rule 15.6
- (c) **Reject** Waikato Regional Council [2102.71] and the further submissions in support by *Horticulture New Zealand* [FS3027.37] and *Mercury NZ Limited* [FS3034.146]. **Accept** the further submissions in opposition from *Timberline Contracting* [FS3032.49] and *Shand Properties Limited* [FS3020.43]. **Retain** Rule 15.6.
- (d) **Accept** Ports of Auckland Limited [2139.12], Dilworth Trust Board [2161.12] and Fire and Emergency New Zealand [2103.34] and the further submission in support from *Shand Properties Limited* [FS3020.46]. **Reject** the further submissions in opposition from *Timberline Contracting* [FS3032.52, FS3032.50, FS3032.58]. **Retain** 15.6 unchanged.
- (e) **Reject** Kerry Johansen [2025.1] along with the further submission in support from *Timberline Contracting* [FS3032.37]. **Accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.2].

23.5 Recommended amendments

358. No amendments are recommended as a result of these general submission points.

24 Rule 15.6.1 Defended Areas– Permitted Activities

24.1 Introduction

359. This section of the report addresses submissions and further submissions in relation to permitted activities in Defended Areas (residual risk). These submissions seek to retain the provisions.

24.2 Submissions

360. The following general submissions and further submissions received on the Defended Areas “permitted activities” are listed in the table below:

Submission point	Submitter	Summary of submission
2102.20	Transpower New Zealand Ltd	Retain Rule 15.6.1(a)
2149.15	Horticulture New Zealand	Retain Rule 15.6.1 Defended Area (Residual Risk), Permitted Activities on the condition that changes requested in submissions are adopted.
FS3032.53	Timberline Contracting	Support submission point 2149.15.
FS3020.49	Shand Properties Limited	Support submission point 2149.15.
2173.52	Federated Farmers of New Zealand	Retain Rule 15.6.1 Permitted activities as notified.
2053.72	Mercury NZ Limited	Retain 15.6.1 Permitted Activities
FS3031.83	Waikato Regional Council	Neutral to submission point 2053.72.

24.3 Analysis

361. All submissions and further submissions listed above seek to retain Rule 15.6 (a) with one submitter (Horticulture New Zealand [2149.15]) giving that support conditional on other changes being made. Consequently, I recommend that Transpower New Zealand Limited [2102.20], Horticulture New Zealand [2149.15], Federated Farmers of New Zealand [2173.52] and Mercury NZ Limited [2053.72] be accepted and the further submissions from *Timberline Contracting* [FS3032.53], *Shand Properties Limited* [FS3020.49] also be accepted.

24.4 Recommendations

362. For the reasons provided above I recommend that the Hearings Panel:

- (a) **Accept** Transpower New Zealand Limited [2102.20], Horticulture New Zealand [2149.15], Federated Farmers of New Zealand [2173.52] and Mercury NZ Limited [2053.72] and accept the further submissions from *Timberline Contracting* [FS3032.53] and *Shand Properties Limited* [FS3020.49].

24.5 Recommended amendments

363. No amendments are recommended as a result of these submission points to Rule 15.6 (a).

25 Rule 15.6.2 Defended Areas - Restricted discretionary activities

25.1 Introduction

364. This section of the report addresses submissions and further submissions in relation to subdivision as restricted discretionary activities in Defended Areas (residual risk).

25.2 Submissions

365. The submissions and further submissions received on subdivision in the Defended Areas are listed in the table below:

Submission point	Submitter	Summary of submission
2038.1	Peter Ross Buckley	Amend Rule 15.6.2 RDI Subdivision that creates one or more additional lot(s) to include provision to be a permitted activity if a contingency plan is developed that allows access to the property when the property is above the flood plain.
<i>FS3031.6</i>	<i>Waikato Regional Council</i>	<i>Oppose submission point 2038.1.</i>
2173.53	Federated Farmers of New Zealand	Retain Rule 15.6.2 Restricted Discretionary Activities as notified.
2107.19	Heritage New Zealand Pouhere Taonga	Amend Rule 15.6.2 RDI – Matter of Discretion (f) as follows: (f) The adverse effects to people and property <u>and historic heritage and Sites and Areas of Significance to Maori</u> and overall vulnerability from potential failure or overwhelming of the structural defences and associated flood protection works relevant to the proposed new lot(s).
2106.14	WEL Networks Limited	Retain Rule 15.6.2 RDI (2) as proposed.
<i>FS3021.13</i>	<i>Counties Power</i>	<i>Supports 2106.14</i>
2138.1	Leeuw Construction Limited	Amend Rule 15.6.2 Defended Area (Residual Risk), Restricted Discretionary Activities to clearly state that a private land owner responsibility is not to determine the efficacy of existing flood protection works.
<i>FS3034.51</i>	<i>Mercury NZ Limited</i>	<i>Oppose submission point 2138.1.</i>
<i>FS3020.47</i>	<i>Shand Properties Limited</i>	<i>Oppose submission point 2138.1.</i>
<i>FS3032.51</i>	<i>Timberline Contracting Limited</i>	<i>Support submission point 2138.1</i>
2053.73	Mercury NZ Limited	Delete 15.6.2 Restricted Discretionary Activities.

FS3031.84	Waikato Regional Council	Neutral to submission point 2053.73
2053.74	Mercury NZ limited	Amend Rule 15.6.2 by increasing the activity status to a Discretionary Activity and include the current Matters of Discretion (a) to (h) as assessment criteria within the discretionary rule.
FS3023.1	Terra Firma Resources Ltd	Opposes 2053.74
FS3031.85	Waikato Regional Council	Neutral to submission point 2053.74
2094.37	Kainga Ora Homes and Communities	Retain Rule 15.6.2 RDI as notified.

25.3 Analysis

366. Mercury NZ limited [2053.74, 2053.73] seeks to delete restricted discretionary activity rule for subdivision in the Defended Areas and replace it with a discretionary activity rule. *Terra Firma Resources Ltd* [FS3023.1] oppose this submission. Mercury further seeks that the matters of restricted discretion (a) to (h) become the assessment criteria for considering the proposed new discretionary activity rule. I do not support the submission points of Mercury NZ limited [2053.74, 2053.73]. The rule as drafted allows for appropriate consideration of the risk when subdividing in the residual risk area and I recommend that the submission of Mercury NZ limited [2053.74, 2053.73] be rejected. I recommend that the further submission in opposition from *Terra Firma Resources Ltd* [FS3023.1] be accepted.

367. Leeuw Construction Limited [2138.1] request that Rule 15.6.2 Defended Area (Residual Risk), Restricted Discretionary Activities be amended to clearly state that a private land owner responsibility is not to determine the efficacy of existing flood protection works. The submitter considers that the rule places a responsibility on private development to resolve catchment wide flood risk potential which they consider should be a central and local government function. This submission is opposed by *Mercury NZ Limited* [FS3034.51] and *Shand Properties Limited* [FS3020.47] and supported by *Timberline Contracting Limited* [FS3032.51]. I have reviewed the matters that discretion to grant subdivision consent is restricted to under the matters in RDI and do not consider that they require an applicant to resolve catchment wide flood risk potential, but rather require a site-specific assessment of the residual risk of a breach or overtopping in the specific locality. This may include whether the location of the site is more likely to suffer breakout than other locations (e.g., on a bend of the river), affect neighbouring sites, and whether localised groundwater and soil conditions and/or maintenance affect the security of the stopbank (as was the case at Edgumbe, for example). These matters need to be assessed and do not fall to be assessed by central or local government in situations when private development is proposed. Consequently, I recommend that Leeuw Construction Limited [2138.1] be rejected along with the further submission in support from *Timberline Contracting Limited* [FS3032.51]. I recommend that the further submissions in opposition from *Mercury NZ Limited* [FS3034.51] and *Shand Properties Limited* [FS3020.47] be accepted.

368. Heritage New Zealand Pouhere Taonga [2107.19] request that an additional matter of restricted discretion be added to RDI Matter of Discretion (f) as follows:

- (f) The adverse effects to people and property and historic heritage and Sites and Areas of Significance to Maori and overall vulnerability from potential failure or

overwhelming of the structural defences and associated flood protection works relevant to the proposed new lot(s).

369. I generally agree that this addition is appropriate. The focus in matter (f) in terms of residual risk is on people and property but Policy 15.2.1.10 provides for a wider consideration. Consequently, I recommend that the submission of Heritage New Zealand Pouhere Taonga [2107.19] be accepted. My recommended changes are included below.
370. Peter Ross Buckley [2038.1] seeks that the subdivision rule in Defended Areas be amended to include provision to be a permitted activity if a contingency plan is developed that allows access to the property when the property is above the flood plain. This submission is opposed in a further submission from *Waikato Regional Council* [FS3031]. Subdivision throughout the PWDP is generally a restricted discretionary activity, so even if this statement was included in this rule, it would not result in subdivision being a permitted activity in the Defended areas. The purpose of this rule is to bring in additional matters of restricted discretion to specifically address residual risk for subdivision being undertaken in the Defended Areas. In addition, as pointed out by the further submitter: there would need to be an assessment of the adequacy of the contingency plan which a permitted activity status would not allow for. Overall, I recommend that Peter Ross Buckley [2038.1] be rejected and the further submission in opposition from *Waikato Regional Council* [FS3031] be accepted.
371. Kainga Ora Homes and Communities [2094.37], Federated Farmers of New Zealand [2173.53] and WEL Networks Limited [2106.14], supported by *Counties Power* [FS3021.13] request that Rule 15.6.2 RDI be retained as notified. I have recommended one amendment to the matters that discretion is restricted to. Therefore, these submissions and further submission in support are accepted in part to the extent that I recommend the RDI be retained with an amendment to satisfy the submission of Heritage New Zealand Pouhere Taonga [2107.19].

25.4 Recommendations

372. For the reasons provided above I recommend that the Hearings Panel:
- (a) **Reject** Mercury NZ limited [2053.74, 2053.73]. **Accept** the further submission in opposition from *Terra Firma Resources Ltd* [FS3023.1]. **Retain** Rule 15.6.2 RDI, with amendment as a result of another submission
 - (b) **Reject** Leeuw Construction Limited [2138.1] along with the further submission in support from *Timberline Contracting Limited* [FS3032.51]. **Accept** the further submissions in opposition from *Mercury NZ Limited* [FS3034.51] and *Shand Properties Limited* [FS3020.47]. **Retain** Rule 15.6.2 RDI, with amendment as a result of another submission.
 - (c) **Accept** Heritage New Zealand Pouhere Taonga [2107.19]. **Retain** Rule 15.6.2 RDI with amendment as shown below.
 - (d) **Reject** Peter Ross Buckley [2038.1]. **Accept** the further submission in opposition from *Waikato Regional Council* [FS3031] **Retain** Rule 15.6.2 with amendment as a result of another submission.
 - (e) **Accept** Kainga Ora Homes and Communities [2094.37], Federated Farmers of New Zealand [2173.53] and WEL Networks Limited [2106.14], supported by *Counties Power* [FS3021.13].

25.5 Recommended amendments

373. The following amendment is recommended to Rule 15.6.2 RDI (with restructuring):

Activity	Matters of Discretion
<p>RDI</p> <p>(1) Subdivision that creates one or more additional vacant lot(s).</p> <p>(2) Rule 15.6.2 RDI(1) does not apply to subdivision for a <u>utility allotment</u>, an <u>access allotment</u> or subdivision to create a reserve allotment.</p>	<p>Discretion is restricted to:</p> <ul style="list-style-type: none"> (a) The actual level of service provided by the structural defence and associated flood protection works, including any change in the level of service anticipated due to climate change and sea level rise; (b) The impact of any planned improvements, maintenance or upgrading on the residual risk; (c) The effect of groundwater levels and variability in ground conditions on stop-bank security at and adjacent to the site to be subdivided; (d) the likely depth and duration of flooding as a result of a breach or overtopping event or flood ponding; (e) the location of the subdivision, including services such as wastewater, water supply and roading/access (including escape routes), in relation to potential breakout points (failure zone); (f) The adverse effects to <u>on</u>: <ul style="list-style-type: none"> i. people and property, ii. <u>historic heritage and Sites and Areas of Significance to Maori</u>, and iii. overall vulnerability from potential failure or overwhelming of the structural defences and associated flood protection works relevant to the proposed new lot(s); (g) Potential for the development to transfer/increase flood risk/residual risk to neighbouring properties; (h) Any additional mitigation measures proposed or site features which reduce residual risk (e.g. natural high ground; evacuation plan).

26 Rule 15.6.3 Defended Area - Discretionary activities

26.1 Introduction

374. This section of the report addresses submissions and further submissions in relation to discretionary activities in Defended Areas (residual risk). The two activities subject to Rule 15.6.3 are construction of a new building or accessory buildings and earthworks within 50m of the toe of a WDC, WRC or Crown owned and maintained stopbank.

26.2 Submissions

375. The submissions and further submissions received on the discretionary activities in the Defended Areas are listed in the table below:

Submission point	Submitter	Summary of submission
2173.54	Federated Farmers of New Zealand	<p>Amend Rule 15.6.3 Discretionary Activities as follows:</p> <p>(a) The activities listed below are discretionary activities within the Defended Area.</p> <p>D1 - Construction of a new <u>habitable</u> building or new accessory building, located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown.</p> <p>D2 – Earthworks <u>that are not a permitted activity under Rule 15.4.1 P6 or P7 or ancillary rural earthworks</u>, located within 50m...</p> <p>And, any consequential amendments required.</p>
FS3034.104	Mercury NZ Limited	Oppose submission point 2173.54.
FS3031.146	Waikato Regional Council	Oppose submission point 2173.54.
FS3032.60	Timberline Contracting	Oppose submission point 2173.54.
FS3020.53	Shand Properties Limited	Support submission point 2173.54.
2053.75	Mercury NZ Limited	Retain 15.6.3 Discretionary Activities.
FS3031.86	Waikato Regional Council	Neutral to submission point 2053.75.
2149.16	Horticulture New Zealand	<p>Amend Rule 15.6.3 D1 – Defended Area (Residual Risk), Discretionary Activities to read:</p> <p>Construction of a new <u>habitable</u> building, or new accessory building, located within...</p>
FS3030.36	Federated Farmers of New Zealand	Support submission point 2149.16.
FS3031.131	Waikato Regional Council	Oppose submission point 2149.16.
FS3032.54	Timberline Contracting	Oppose submission point 2149.16.
2155.1	Vivienne H de Thierry	Amend Rule 15.6.3(a) restrictions of placement of new building within 50m of a stop-bank.
FS3034.78	Mercury NZ Limited	Oppose submission point 2155.1.
FS3031.132	Waikato Regional Council	Oppose submission point 2155.1.

2040.6	Spark New Zealand Trading Limited	Amend Rule 15.6.3 D1 and D2 such that the rules do not apply to network utilities and ancillary earthworks within road reserves, and that all other network utility equipment and ancillary earthworks is a permitted activity where the written approval of the authority managing the stop bank has been obtained.
<i>FS3021.1</i>	<i>Counties Power</i>	<i>Supports submission point 2040.6</i>
2043.1	Irvine Raymond Udy	Amend Section 15.6.3 D1 to read: Construction of a new building or new accessory building, located within 50m <u>10m</u> of the toe of a stop bank where the stop bank is under the responsibility of the Council.
<i>FS3034.9</i>	<i>Mercury NZ Limited</i>	<i>Oppose submission point 2043.1</i>
<i>FS3031.7</i>	<i>Waikato Regional Council</i>	<i>Oppose submission point 2043.1.</i>
2043.2	Irvine Raymond Udy	Amend Section 15.6.3 D2 to read: Earthworks located within 50m <u>10m</u> of the toe of a stopbank where the stopbank is under the responsibility of the Council.
<i>FS3034.10</i>	<i>Mercury NZ Limited</i>	<i>Support submission point 2043.2.</i>
<i>FS3031.8</i>	<i>Waikato Regional Council</i>	<i>Oppose submission point 2043.2.</i>
2053.77	Mercury NZ Limited	Retain Rule 15.6.3 D2.
<i>FS3031.88</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.77.</i>
2102.70	Waikato Regional Council	Add a new discretionary activity to Rule 15.6.3 as follows: <u>D4 – Emergency or critical community service facility.</u>
<i>FS3025.6</i>	<i>Fire and Emergency New Zealand</i>	<i>Support submission point 2102.70</i>
<i>FS3034.145</i>	<i>Mercury NZ Limited</i>	<i>Support submission point 2012.70</i>
2033.1	Steve Finer	Amend Rule 15.6.3 D1 as follows: (b) <u>Where a waterway of at least 1.5m width and 1.5m depth exists near a stop bank within private land, construction of a new building or new accessory building within 10m from the edge of that waterway on the site furthest from the stop bank.</u>
<i>FS3031.3</i>	<i>Waikato Regional Council</i>	<i>Oppose submission point 2033.1, the rule is appropriate given the level of risk within close proximity to a stopbank and allows for sufficient assessment of proposed development.</i>
2053.76	Mercury NZ Limited	Retain Rule 15.6.3 D1

FS3031.87	Waikato Regional Council	Neutral to submission point 2053.76
2101.21	Transpower NZ Limited	Retain Rule 15.6.3 D2
2094.38	Kainga Ora Homes and Communities	<p>Amend the activity status of Rule 15.6.3 D1 from Discretionary activity to Restricted Discretionary, and</p> <p>Amend Rule 15.6.3.1 D1 as follows:</p> <p>Construction of a new building, <u>reconstruction of an existing building</u> or new accessory building, located within 50m of the toe of a stopbank where the stopbank is under the responsibility of the Council, the Waikato Regional Council or the Crown.</p> <p>And, add the following matters of discretion:</p> <ul style="list-style-type: none"> (a) <u>The potential for the construction, occupation and use of the building(s) to compromise or limit the function of flood protection structures.</u> (b) <u>The potential for the construction, occupation and use of the building(s) to result in overtopping of flood protection structures.</u> (c) <u>The potential for facilities associated with flood protection structures to be overwhelmed.</u>
FS3034.29	Mercury NZ Limited	Oppose submission point 2094.38.
2094.39	Kainga Ora Homes and Communities	<p>Amend the activity status of Rule 15.6.3 D2 from Discretionary activity to Restricted Discretionary activity, and add the following matters of discretion:</p> <ul style="list-style-type: none"> (a) <u>The potential for earthworks to compromise or limit the function of flood protection structures;</u> (b) <u>The potential for the earthworks to result in overtopping of flood protection structures</u> (c) <u>The potential for facilities associated with flood protection structures to be overwhelmed.</u>
FS3034.30	Mercury NZ Limited	Support submission point 2094.39.

26.3 Analysis

376. Horticulture New Zealand [2149.16] and Federated Farmers of New Zealand [2173.54] seek to amend D1 to include the words “new habitable building”. These submissions are supported by *Federated Farmers of New Zealand* [FS3030.36] and *Shand Properties Limited* [FS3020.53] and opposed by *Waikato Regional Council* [FS3031.131, FS3031.146], *Timberline Contracting* [FS3032.54, FS3032.60] and *Mercury NZ Limited* [FS3034.104].

377. This issue has previously been discussed in this report, particularly in the Analysis to Rule 15.4.1 P1 and I do not intend to repeat that discussion. In respect to the second part of the requested changes I note that 15.4.1 P6 and P7 does not apply in the Defended Areas, and I have previously indicated that I do not support the broad exemption to the earthworks rules for ancillary rural earthworks, noting also my comments on cultivation in the analysis section for Policy 15.2.1.10.
378. Overall, I recommend that the submission of Horticulture New Zealand [2149.16] supported by *Federated Farmers of New Zealand* [FS3030.36] and *Shand Properties Limited* [FS3020.53] be rejected. The further submissions opposing this submission from *Waikato Regional Council* [FS3031.131, FS3031.146], *Timberline Contracting* [FS3032.54, FS3032.60] and *Mercury NZ Limited* [FS3034.104] are recommended to be accepted.
379. Kainga Ora Homes and Communities [2094.38] request to changes to D1. The first request relates to use of the word “reconstruction of an existing building”. I have previously made recommendations on the use of the words “reconstruction of an existing building”, in terms of existing use rights and again I do not intend to repeat that discussion here (see Analysis 15.4.1 P1, and elsewhere). Kainga Ora Homes and Communities also seek that the activity status for new buildings and accessory buildings within 50m of the toe of the stopbanks be reduced from discretionary activity status to restricted discretionary, with the following matters of restricted discretion:
- a. The potential for the construction, occupation and use of the building(s) to compromise or limit the function of flood protection structures.
 - b. The potential for the construction, occupation and use of the building(s) to result in overtopping of flood protection structures.
 - c. The potential for facilities associated with flood protection structures to be overwhelmed.
380. The submission of Kainga Ora Homes and Communities [2094.38] is opposed in a further submission from *Mercury NZ Limited* [FS3034.29].
381. Policy 15.2.1.10 is reasonably directive in its purpose which is to **protect** the structural integrity of the stopbanks and provide a buffer to reduce the potential risk to life and damage to property should overtopping or a breakout occur. I do not consider that restricted discretionary activity status sends the correct signal that buildings within the setback are undesirable from a residual risk perspective. However, if the Hearing Panel were to consider a restricted discretionary activity status to be more appropriate, then I consider that the matters of restricted discretion put forward by Kainga Ora need further consideration and development. Overall, I recommend that the activity status remain at full discretionary, to enable the peculiarities of each case to be properly considered without constraint of pre-developed matters of restricted discretion.
382. Consequently, I recommend that Kainga Ora Homes and Communities [2094.38] be rejected and the further submission from *Mercury NZ Limited* [FS3034.29] be accepted.
383. Kainga Ora Homes and Communities [2094.39] request changes to D2, in a similar vein to the changes they requested to D1 and are also opposed by *Mercury NZ Limited* [FS3034.30]. My opinion on this request is the same as the reasons I provide for rejecting the changes proposed to D1. Consequently, I recommend that Kainga Ora Homes and Communities [2094.39] be rejected and the further submission from *Mercury NZ Limited* [FS3034.30] be accepted.

384. Steve Finer [2033.13] DI requests the following amendment to DI as follows:
- (b) Where a waterway of at least 1.5m width and 1.5m depth exists near a stop bank within private land, construction of a new building or new accessory building within 10m from the edge of that waterway on the site furthest from the stop bank
385. *Waikato Regional Council* [FS3031.3] oppose this submission point and state that the rule is appropriate given the level of risk within close proximity to a stopbank and allows for sufficient assessment of proposed development. I agree that there is no need to provide the proposed relaxation of the setback rule where a waterway exists near the stopbank. It is also not clear what the submitter considers to be “near” the stopbank. Further comment from the submitter at the hearing would be helpful to determine whether this proposed amendment has merit. Overall, I recommend that this submission from Steve Finer [2033.13] be rejected and the submission in opposition from *Waikato Regional Council* [FS3031.3] be accepted.
386. *Waikato Regional Council* [2102.70] have requested a new discretionary activity rule for emergency or critical community service facilities within the Defended Area. This request is supported in part by *Fire and Emergency New Zealand* [FS3025.6]. Fire and Emergency indicate in their further submission that its overarching objective is to help build resilient communities through providing and contributing to a safer environment for New Zealanders through reducing consequences from emergencies. While I support a more resilient community I do not consider, in this case, that increased regulation for emergency service facilities is required within defended areas. The rule for building and earthworks within 50m of the stopbanks will adequately control new activities in close proximity to the stopbanks. Further away the residual risk is reduced and I consider that Emergency Service providers will have their own protocols and mitigation strategies when deciding whether to locate within the wider Defended Areas is necessary, noting that the risk is a residual one, and lesser than that on the flood plain. In respect to the use of the term “emergency or critical community service facility”, I agree with Fire and Emergency New Zealand that this term is inappropriate.
387. Overall, I recommend that this submission from *Waikato Regional Council* [2102.70] be rejected along with the further submission in support from *Fire and Emergency New Zealand* [FS3025.6].
388. Irvine Raymond Udy [2043.1, 2043.2] requests that the setback for Rule 15.6.3 DI and D2 be reduced to 10m instead of the proposed 50m. Vivienne H de Thierry [2155.1] requests the same reduction for DI and D2. The submitter considers that the 50m setback would make building on the adjoining properties completely impossible. The submitter indicates that the property has had no flooding issues in the 43 years they have lived there. *Waikato Regional Council* [FS3031.7, FS3031.8, FS3031.132] opposes both these submission points, while *Mercury NZ Limited* [FS3034.9, FS3034.78] opposes the amendment to DI and supports the amendment to D2 [FS3034.10].
389. In my view it is not surprising that the property has had no flooding for the 43 years that the submitter has lived there as the property is defended by the stopbanks. The risk in question is a residual one in terms of overtopping or a breach. Buildings within 50m of a breach could be seriously damaged by the water flow, as occurred in Edgecumbe in 2017. I do not consider that the 10m suggested by the submitter is wide enough to provide the protection of the stopbank necessary to give effect to Policy 15.2.1.10. It is also contrary to guidance from the *Waikato Regional Council* (who support a setback of at least of 20m for stopbank maintenance, and a buffer should there be a breach). I further generally agree with *Waikato*

Regional Council [FS3031.8], who state in their further submission that a discretionary activity status does not create a building restriction, but it does mean that there is additional cost for a resource consent application, which allows for consideration of the risk to the development and any potential impacts on the operation of the flood protection works.

390. Overall, I consider it appropriate to retain the setback of 50m and recommend that Irvine Raymond Udy [2043.1, 2043.2] and Vivienne H de Thierry [2155.1] be rejected and the further submissions in opposition from *Waikato Regional Council [FS3031.7, FS3031.8, FS3031.132]* and *Mercury NZ Limited [FS3034.9]* be accepted and *Mercury NZ Limited [FS3034.78]* (in so far as it opposes the change to D1) be accepted in part. The further submission from *Mercury NZ Limited [FS3034.10]* in respect to D2 is recommended to be rejected.
391. Spark New Zealand Trading Limited [2040.6] seek amendments to Rule D1 and D2 so that the rules do not apply to network utilities and ancillary earthworks within road reserves, and that all other network utility equipment and ancillary earthworks is a permitted activity where the written approval of the authority managing the stopbank has been obtained. This submission is supported by Counties Power [3021.1]. As currently proposed, there is minimal regulation within the Defended Areas in respect to utilities and associated earthworks. Rule 15.3 clarifies the position that the rules in this chapter do not apply to any activity which is a regulated activity under the National Environmental Standards for Telecommunication Facilities 2016 (NESTF). The exception to this is the 50m stopbank setback which applies to buildings and earthworks. The submitter describes telecommunication equipment that falls outside the NESTF regulations such as: a new pole supporting antennas, in a zone other than a rural zone; a new pole supporting antennas in a road not within 100m of an existing utility pole; and new overhead lines supported by poles, stating that poles could fall within the definition of a building. If the National Planning Standards definition is adopted by the Hearings Panel then these utilities will fall outside the definition of a building. If this is the case then I do not consider there is a need to provide the requested exemptions to D1. Earthworks ancillary to utilities within the 50m stopbank setback will however remain problematic in terms of Rule 15.6.3 D2, and I agree that a permitted activity pathway is appropriate with suitable conditions attached.
392. I have taken the submitters suggestion to provide an exclusion to the rule for earthworks ancillary to utilities where the written approval of the authority managing the stopbank has been obtained. Some suggested wording is provided below. Overall, I recommend that Spark New Zealand Trading Limited [2040.6] be accepted in part and the further submission in support from Counties Power [3021.1] also be accepted in part.
393. Mercury NZ Limited [2053.75, 2053.76, 2053.77] seeks to retain Rule 15.6.3 D1 and D2, while Transpower NZ Limited [2101.21] seeks to retain Rule 15.6.3 D2. I recommend that the submissions of Mercury NZ Limited [2053.75, 2053.76, 2053.77] and Transpower NZ Limited [2101.21] be accepted to the extent that they are essentially retained with a minor amendment to D2.

26.4 Recommendations

394. For the reasons provided above I recommend that the Hearings Panel:

(a) **Reject** Horticulture New Zealand [2149.16], *Federated Farmers of New Zealand [FS3030.36]* and *Shand Properties Limited [FS3020.53]*. **Accept** the further submissions opposing this submission from *Waikato Regional Council [FS3031.131]*,

FS3031.146], Timberline Contracting [FS3032.54, FS3032.60] and Mercury NZ Limited [FS3034.104]. **Retain** D1 unchanged.

- (b) **Reject** Kainga Ora Homes and Communities [2094.38] and **accept** the further submission in opposition from Mercury NZ Limited [FS3034.29]. **Retain** D1 unchanged.
- (c) **Reject** Kainga Ora Homes and Communities [2094.39] and **accept** the further submission from Mercury NZ Limited [FS3034.30]. **Retain** D2 except for additions requested by another submitter as shown below.
- (d) **Reject** Steve Finer [2033.13] and **accept** the further submission in opposition from Waikato Regional Council [FS3031.3]. **Retain** D1 unchanged.
- (e) **Reject** Waikato Regional Council [2102.70] and **reject** the further submission in support from Fire and Emergency New Zealand [FS3025.6]. **Retain** Rule 15.6.3 unchanged with no additional rule for emergency or critical community service facilities.
- (f) **Reject** Irvine Raymond Udy [2043.1, 2043.2] and Vivienne H de Thierry [2155.1]. **Accept** the further submissions in opposition from Waikato Regional Council [FS3031.7, FS3031.8, FS3031.132], Mercury NZ Limited [FS3034.9]. **Accept in part** Mercury NZ Limited [FS3034.78] (in so far as it opposes the change to D1). The further submission from Mercury NZ Limited [FS3034.10] in respect to D2 is recommended to be **rejected**. **Retain** D1 and D2, with minor change as a result of another submitter's request.
- (g) **Accept in part** Spark New Zealand Trading Limited [2040.6] and **accept in part** the further submission in support from Counties Power [3021.1]. **Amend** D2 as shown below.
- (h) **Accept** Mercury NZ Limited [2053.75, 2053.76, 2053.77] and Transpower NZ Limited [2101.21] to the extent that D1 and D2 are **retained** with an addition to D2 as a result of another submitter's request.

26.5 Recommended amendments

395. The following amendment is recommended to Rule 15.6.3 D2:

- (a) The activities listed below are discretionary activities within the Defended Area.

D1	Construction of a new <u>building</u> or new <u>accessory building</u> , located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown.
D2	<ul style="list-style-type: none"> i. <u>Earthworks</u> located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown. ii. <u>This rule does not apply to earthworks associated with utilities where the written approval of the authority managing the stopbank has been obtained.</u>²⁴

²⁴ [2040.6]

26.6 S32AA Evaluation

396. The s32 report 'Natural hazards and Climate Change' (2020) evaluates this rule. No additional evaluation of the amended text under s32AA is required, because the s32 evaluation of the original text adequately justifies the minor amendments now proposed in that it explains that the policies and rules provide a more permissive regime for utilities recognising that in many instances utilities are required to be located in areas subject to natural hazards and will be designed and located by utility providers in a manner that takes these risks into account.

27 15.13.4 Information requirements for Defended Areas

27.1 Introduction

397. This section of the report addresses submissions and further submissions in relation to 15.13.4 Information requirements for resource consents within Defended Areas.

27.2 Submissions

398. The submission and further submission received on the information requirements in the Defended Areas are listed in the table below:

Submission Point	Submitter	Summary of submission
2149.19	Horticulture New Zealand	Retain Rule 15.13.4 Information requirements for all resource consent applications addressing natural hazard, Defended Areas And, amend Chapter 13 Definitions so that the definition of earthworks excludes ancillary rural earthworks. And, adopt changes sought elsewhere in the submission relating to farm buildings or habitable/non-habitable buildings.
FS3030.39	Federated Farmers New Zealand	Support submission point 2149.19
2053.79	Mercury NZ Limited	Delete 15.13.4 Defended Areas
FS3020.29	Shand Properties Limited	Oppose submission point 2053.79
FS3031.90	Waikato Regional Council	Neutral to submission point 2053.79
FS3020.28	Shand Properties Limited	Oppose submission point 253.79
FS3032.44	Timberline Contracting	Support submission point 2053.79

27.3 Analysis

399. Horticulture New Zealand [2149.19], supported in a further submission from *Federated Farmers New Zealand* [FS3030.39], seeks to retain Rule 15.13.4 in respect to Defended Areas, but to also amend Chapter 13 in respect to the definitions of earthworks to exclude rural

ancillary earthworks, and adopt changes the submitter sought elsewhere relating to farm buildings or habitable buildings. These submissions on these words and definitions have been recommended to be rejected elsewhere in this report and consequently I do not support their inclusion within 15.13.4. I recommend that Horticulture New Zealand [2149.19], and the further submission in support from *Federated Farmers New Zealand* [FS3030.39] be rejected.

400. Mercury NZ Limited [2053.79] seeks to delete the information requirements in 15.13.4 for restricted discretionary activities in the defended area in support of its request in another submission to increase the activity status for subdivision to a discretionary activity. This submission is supported by *Timberline Contracting* [FS3032.44] and opposed by *Shand Properties Limited* [FS3020.28, FS3020.29]. In section 25 of this report, I recommend that the restricted discretionary activity status for subdivision in the Defended Areas be retained as a restricted discretionary activity. Consequently, if my recommendation is adopted, there is no need to amend 15.13.4. Overall, I recommend that Mercury NZ Limited [2053.79] be rejected and the further submission in support from *Timberline Contracting* [FS3032.44] also be rejected. The further submissions from *Shand Properties Limited* [FS3020.28, FS3020.29] are recommended to be accepted.

27.4 Recommendations

401. For the reasons provided above I recommend that the Hearings Panel:

- (a) **Reject** Horticulture New Zealand [2149.19] and the further submission in support from *Federated Farmers of New Zealand* [FS3030.39]. **Retain** 15.13.4 without the changes requested.
- (b) **Reject** Mercury NZ Limited [2053.79]. **Reject** the further submission in support from *Timberline Contracting* [FS3032.44]. **Accept** the further submissions from *Shand Properties Limited* [FS3020.28, FS3020.29]. **Retain** 15.13.4 with no amendments.

27.5 Recommended amendments

402. No amendments are recommended to 15.13.4 as a result of this submission and further submission.

28 General / Miscellaneous – Chapter 15 Provisions

28.1 Introduction

403. This section of the report addresses general and miscellaneous submissions and further submissions to the provisions in Chapter 15 relating to flood hazard and defended areas.

28.2 Submissions

404. The general submission and further submission received on the provisions are listed in the table below:

Submission Point	Submitter	Summary of submission
2053.5	Mercury NZ Limited	Amend Chapter 15 to recognise of the effects and consequences within the wider flood plain provisions of the Proposed Waikato District Plan through the implementation of a risk-based approach.
<i>FS3029.3</i>	<i>TaTa Valley Limited</i>	<i>Oppose submission point 2053.5</i>
<i>FS3031.16</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.5</i>
2180.2	Ambury Properties Limited	Add definitions for the 'natural ponding areas' and 'floodways' in relation to proposed Policy 15.2.19 – Natural features and buffers providing natural hazard protection, and any further relief and/or amendments required.
<i>FS3027.45</i>	<i>Horticulture New Zealand</i>	<i>Support submission point 2180.2, support defining undefined terms; subject to how the terms 'natural ponding areas' and 'floodways' are defined.</i>
2102.79	Waikato Regional Council	Add new rule to include hazardous facilities as a discretionary activity in: 15.6.3 D5 – Defended Area (Residual Risk) 15.7.3 D5 – Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast) 15.8.3 D5 – Coastal Sensitivity Area (Inundation) 15.9.2 D10 – High Risk Coastal Hazard (Erosion) Area 15.10.2 D9 – High Risk Coastal Hazard (Inundation) Area
<i>FS3034.148</i>	<i>Mercury NZ Limited</i>	<i>Supports submission point 2102.79</i>
<i>FS3030.22</i>	<i>Federated Farmers New Zealand</i>	<i>Opposes submission point 2102.79</i>
<i>FS3027.43</i>	<i>Horticulture New Zealand</i>	<i>Opposes submission point 2102.79</i>
<i>FS3020.44</i>	<i>Shand Properties Limited</i>	<i>Supports submission point 2102.79</i>
2050.1	Ward Ranch Ltd	No clear decision sought, oppose the Department of Conservation Weir System
2093.3	TaTa Valley Limited	Amend policies relating to High-Risk Flood and Flood Plan Management Areas to clarify that not all Flood Management Areas are High Risk Flood Areas.

<i>FS3034.18</i>	<i>Mercury NZ Limited</i>	<i>Supports submission point 2093.3</i>
2093.4	TaTa Valley Limited	Amend policies relating to High Risk Flood and Flood Plain Management Areas to ensure consistency in terminology between mapping, rules and policies.
2050.2	Ward Ranch Ltd	Add to the plan provisions to protect the Swan Road stop bank, including by demolishing or lowering the DoC and Fish and Game weir system.
2082.1	Peter and Natalie Steens	Delete Chapter 15: Natural Hazards and Climate Change, or Delete Flood Plain Management Area from Map 25 Waipa River
<i>FS3031.106</i>	<i>Waikato Regional Council</i>	<i>Oppose submission point 2082.1</i>
2053.2	Mercury NZ Limited	Delete and amend objective 15.2.1 to ensure it provides a clear link between areas subject to flooding
<i>FS3031.13</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.2</i>
<i>FS3029.1</i>	<i>TaTa Valley Limited</i>	<i>Oppose submission point 2053.2</i>
2093.12	TaTa Valley Limited	Amend all definitions in Chapter 15 that refer to the Planning Maps in respect of the Flood Management Area to make reference to the Waikato District Council GIS.
<i>FS3034.21</i>	<i>Mercury NZ Limited</i>	<i>Support submission point 2093.12</i>
2155.2	Vivienne H de Thierry	Retain current Defended Area rule.
<i>FS3032.57</i>	<i>Timberline Contracting Limited</i>	<i>Oppose submission point 2155.2</i>
2075.3	Fleming Ranch Trust	Amend Chapter 15 to clarify what compensation and financial support will be given to land owners in the Flood Management Area when changes require greater reliance on engineers.
2184.2	Charles Verstappen	Amend Chapter 15.4 Flood Plain Management Area and Flood Ponding Areas to enable development without punitive costs where hazards are identified and can be mitigated
2053.4	Mercury NZ Limited	Amend Chapter 15 by: 1) Undertaking a comprehensive Waikato River catchment wide flood risk assessment, utilising the best available information (including climate change assumptions) to evaluate risks associated

		<p>with flood events and anticipated land use change and development; and</p> <p>2) Using the outcomes of the risk assessment to support the revision to the Proposed District Plan framework.</p>
FS3029.2	TaTa Valley Limited	Support submission point 2053.4
FS3031.15	Waikato Regional Council	Neutral to submission point 2053.4
2147.4	Pokeno Village Holdings Limited	<p>Amend the Proposed Waikato District Plan approach to flooding risks to include:</p> <ul style="list-style-type: none"> a) An acknowledgement of existing Catchment Management Plans b) A catchment-wide management approach to stormwater management and flooding risks; and c) Specific guidance on matters to be addressed in a flood hazard assessment.
FS3034.68	Mercury NZ Limited	Support submission point 2147.4
2102.17	Waikato Regional Council	<p>Add a new Policy 15.2.1.2A as follows:</p> <p><u>Policy 15.2.1.2.A - Natural hazard sensitive land uses in areas at significant risk from natural hazards (outside of the coastal environment)</u></p> <p><u>(a) Avoid locating natural hazard sensitive land uses in areas at significant risk from natural hazards including High Risk Flood, unless risk assessment demonstrates mitigation measures will ensure such land uses will not increase the risk to vulnerable people, communities, other property, or the environment.</u></p>
FS3030.7	Federated Farmers New Zealand	Oppose submission point 2102.17
FS3033.7	Kainga Ora Homes and Communities	Oppose submission point 2102.17
FS3020.37	Shand Properties Limited	Neutral to submission point 2102.17
FS3029.15	TaTa Valley Limited	Oppose submission point 2102.17

28.3 Analysis

405. Mercury NZ Limited [2053.5, 2053.2] request that Chapter 15 be amended to recognise the effects and consequences within the wider flood plain provisions of the Proposed Waikato District Plan through the implementation of a risk-based approach. This request has been

opposed by *TaTa Valley Limited FS3029.3*]. This issue has been discussed earlier in this report. Overall, I consider that a risk-based approach has been adopted in the PWDP (see Introduction to Chapter 15, paragraphs 3,4, 9 and 10). If the submitter has specific amendments to suggest I would be happy to consider them further if presented at the hearing. At this stage I recommend that Mercury NZ Limited 2053.5 be rejected and the further submitter in opposition from *TaTa Valley Limited [FS3029.3]* be accepted.

406. Ambury Properties Limited [2180.2] request two new definitions be added 'natural ponding areas' and 'floodways' in relation to proposed Policy 15.2.9. *Horticulture New Zealand [FS3027.45]* provides qualified support for this request. The words "natural ponding areas" and "floodways" do not in my view need to be defined in order to understand the policy direction. There is no rule in the plan reliant on a definition of natural ponding areas and floodways, to determine the activity status, so these areas will only be considered through the resource consent process if triggered by other rules and conditions, and only if they are relevant to the activity and protecting the integrity of natural features and buffers which provide a natural defence against the effects of natural hazards and climate change. I consider that the two words 'natural ponding areas' and 'floodways' are best left to a wider/common interpretation than being narrowed to specific meaning. Accordingly, I recommend that Ambury Properties Limited [2180.2] be rejected and the submission in support from *Horticulture New Zealand [FS3027.45]* also be rejected. No changes to define natural ponding area and floodway are recommended.
407. Waikato Regional Council [2102.79] seek to add new discretionary activities for hazardous facilities within Chapter 15. Waikato Regional Council request that Rule 15.6.3 include a new discretionary activity for hazardous facilities. *Federated Farmers New Zealand [FS3030.22]* and *Horticulture New Zealand [FS3027.43]* oppose this submission, while *Shand Properties Limited [FS3020.44]* and *Mercury NZ Limited [FS3034.148]* support it.
408. I have discussed the issue of hazardous facilities earlier in this report at section 11,16 and 17. I do not agree that hazardous facilities should be a discretionary activity in the Defended Areas. A lighter level of regulatory control is provided for in the Defended Areas recognising that they are areas of residual risk, they are not at the same level of risk from flooding as the Flood Plain Management Area or the High Risk Flood Area. Hazardous facilities are a discretionary activity in the Flood Plain Management Area and the Flood Ponding Area under Rule 15.4.3 D3 as notified and hence will also be a discretionary activity in the High Risk Flood Area. I recommend no change to the status of hazardous facilities in flood hazard areas referred to in this report. This submission is also being considered by the author of Report H27D Coastal Hazards, who I understand may recommend some controls on hazardous facilities in coastal hazard overlays. I recommend that the submission of Waikato Regional Council [2102.79] be accepted in part to the extent that a discretionary activity status or restricted discretionary activity status may be considered appropriate in the coastal overlays. I recommend that the further submissions in opposition from *Federated Farmers New Zealand [FS3030.22]* and *Horticulture New Zealand [FS3027.43]* be accepted in part and the further submissions in support from *Shand Properties Limited [FS3020.44]* and *[Mercury NZ Limited FS3034.148]* also be accepted in part, to the extent that some relief is provided as requested by the submitter.
409. Ward Ranch Ltd [2050.1, 2050.2] oppose the Department of Conservation Weir System and seek to add to the plan provisions to protect the Swan Road stop bank, including by demolishing or lowering the DoC and Fish and Game weir system. It is noted that the PWDP is not the appropriate place to include provisions to protect the Swan Road stopbank and demolish the DoC and fish and Game Weir system in the manner sought by the submitter. It

may be more appropriate to discuss these issues with the Waikato Regional Council and/or DoC and Fish and Game. Consequently, I recommend that the submissions of Ward Ranch Ltd [2050.1, 2050.2] be rejected.

410. TaTa Valley Limited [2093.3, 2093.4] seek to amend the policies so that it is clear that not all Flood Management Areas are High Risk Flood Areas. They further seek that the policies relating to High Risk Flood and Flood Plain Management Areas are amended to ensure consistency in terminology between mapping, rules and policies. *Mercury NZ Limited* [FS3034.18] supports submission point [2093.3].
411. In my view the definitions of Flood Plain Management Area and High Risk Flood Area make it clear that the High Risk Flood Area is a subset of the Flood Plain Management Area (see Chapter 15.14), not the other way around. The High Risk Flood area is defined as being located within the Flood Plain Management Area where during a 1% AEP event the depth of flood waters exceeds one metre; the speed of flood waters exceeds 2m/s, or the flood depth multiplied by the flood speed exceeds one. Hence the High Risk Flood Area is the deepest and fastest flowing parts of the 1% AEP Flood Plain. Viewing the online maps also make it clear that the High Risk Flood areas are a smaller area within the Flood Plain Management Area (switching the layers on and off shows this). With respect to the second part of the submission, again I consider that the definitions assist in this. The Flood Plain Management Area is defined below:

Flood Plain Management Area

Means an area identified on the planning maps which is at risk of flooding in a 1% AEP flood event and is otherwise described as the 1% AEP floodplain.

412. This means that for the purpose of the PWDP the references to the 1% AEP floodplain are references to the Flood Plain Management Area. I consider it might be helpful to amend the definition slightly as shown below.

Flood Plain Management Area

Means an area identified on the planning maps which is at risk of flooding in a 1% AEP flood event and is otherwise described [in this District Plan²⁵](#) as the 1% AEP floodplain.

413. Overall, therefore I recommend that TaTa Valley Limited [2093.3] be rejected and TaTa Valley Limited [2093.4] be accepted in part. As I am recommending that TaTa Valley Limited [2093.3] be rejected, I also recommend that *Mercury NZ Limited* [FS3034.18] be rejected.
414. Peter and Natalie Steens [2082.1] request that Chapter 15: Natural Hazards and Climate Change, be deleted or that the Flood Plain Management Area from Map 25 Waipa River be deleted. This submission is opposed by *Waikato Regional Council* [FS3031.106] who consider that it would be inconsistent with the WRPS and national policy to not address natural hazards in the district plan.
415. The submitters property is located at 546B Horotiu Road and while the revised maps show a slightly different 1% AEP flood extent over properties in this area, they are still well within it. Discussions with the Waikato Regional Council indicate that the ID mapping for the Waipa is corroborated by the aerial extent of the 1998 Flood, and LiDAR survey. Only recent filling

²⁵ [2093.4]

would show a different pattern and I have no evidence of this from the submitter. Consequently, I recommend that Peter and Natalie Steens [2082.1] submission be rejected and further submission from the Waikato Regional Council be accepted.

416. Mercury NZ Limited [2053.2] seek that objective 15.2.1 be deleted and amended to ensure it provides a clear link between areas subject to flooding. The submission is opposed by *TaTa Valley Limited* [FS3029.1]. This submission point has already been addressed at section 6.3 of this report, where I recommend that it be rejected. Consequently, I recommend that Mercury NZ Limited [2053.2] be rejected and the opposition by *TaTa Valley Limited* [FS3029.1] be accepted.
417. TaTa Valley Limited [2093.12] request that all definitions in Chapter 15 that refer to the Planning Maps in respect of the Flood Management Area be amended to make reference to the Waikato District Council GIS. This submission is supported in a further submission by *Mercury NZ Limited* [FS3034.2]. I discuss the merits of a non-statutory GIS layer in detail at section 29 which covers the planning maps and the various natural hazard overlays contained within the planning maps. This submission is a consequential amendment in the event that that submission (TaTa Valley Limited [2093.2]) is accepted. Since I do not consider it appropriate to take the Flood Plain Management Area Overlay out of the planning maps and place it on the GIS, I recommend that this consequential amendment requested by TaTa Valley Limited [2093.12] be rejected. I also recommend that the further submission in support by *Mercury NZ Limited* [FS3034.2] be rejected.
418. Vivienne H de Thierry [2155.2] seeks that the current Defended Area rule be retained as it identifies the current flood risk area but doesn't restrict development. This submission is opposed by *Timberline Contracting Limited* [FS3032.57] who consider that the underlying zone rules should apply. There are specific additional rules in the Defended Areas. New subdivision is kept at the restricted discretionary activity status level as per the Zone rules, but additional matters of discretion are included to ensure that residual risk is assessed. A 50m setback from the stopbanks is also included for new building and earthworks. I consider these rules to be appropriate to manage the risks of potential undermining of the integrity of the stopbanks, provide a buffer should a breach occur, and ensure when subdivision occurs a risk assessment is undertaken, and if required appropriate mitigation is provided. Overall, I do not consider these rules to be overly restrictive and I recommend that the submission of Vivienne H de Thierry [2155.2] be accepted and the submission in opposition from *Timberline Contracting Limited* [FS3032.57] be rejected.
419. Fleming Ranch Trust [2075.3] seek clarification on what compensation and financial support will be given to land owners to develop properties in the Flood Management Area when changes require greater reliance on engineers. The main requirement in the Flood Plain Management Area is providing minimum floor levels above the 1% AEP flood event, including freeboard. This will cost land owners when they develop their properties. However, those properties will be more resilient, and hence will be able to obtain insurance, and possibly more marketable/desirable, where the flood hazard has been addressed. As per the Statutory section at the beginning of this report, the Council has responsibility under s31 of the MA to control land use to avoid or mitigate the adverse effects from natural hazards in the district. Provided the land is not unreasonably affected by the provisions and is still capable of reasonable use, s85 of the RMA currently provides no avenue for financial compensation.
420. S17 of the RMA also confers a duty on every person to avoid, remedy or mitigate any adverse effects on the environment arising from an activity carried on or behalf of the person. Overall,

therefore given that no actual relief is sought, and I am recommending no changes, I recommend that the submission of Fleming Ranch Trust [2075.3] be rejected.

421. Charles Verstappen [2184.2] seeks to amend Chapter 15.4 Flood Plain Management Area and Flood Ponding Areas to enable development without punitive costs where hazards are identified and can be mitigated. Without clarification and specific relief being sought I am unable to suggest any improvements that might meet the submitters concerns. I recommend that this submission from Charles Verstappen [2184.2] be rejected.
422. Mercury NZ Limited [2053.4] seek a comprehensive Waikato River catchment wide flood risk assessment be carried out to provide the basis of a revision to the Proposed District Plan framework. This submission is supported by a further submission from *TaTa Valley Limited* [FS3029.2]. I have discussed a similar submission from Mercury at the beginning of this section in response to submission 2053.5 and others [2053.8, 2053.3, 2053.80]. In my opinion the approach to the natural hazards chapter is a risk-based approach and is discussed in sections 3,4, 9 and 10 of the Introduction to Chapter 15. I also discuss this topic in section 9 and 31 of this report. Consequently, I recommend that Mercury NZ Limited [2053.4] be rejected and the further submission in support from *TaTa Valley Limited* [FS3029.2] also be rejected. I note that if the submitter provides further information at the hearing, I will reconsider my recommendation.
423. Pokeno Village Holdings Limited [2147.4] seek to amend the Proposed Waikato District Plan approach to flooding risks to include: an acknowledgment of existing catchment management plans; a catchment-wide management approach to stormwater management and flooding risks; and specific guidance on matters to be addressed in a flood hazard assessment. The submission is supported by a further submission from *Mercury NZ Limited* [FS3034.68].
424. The main policy in Chapter 15 which acknowledges the role of catchment management plans is Policy 15.2.1.15. I have recommended some changes to that policy earlier in this report as a result of submissions from others as follows:

Policy 15.2.1.15 ~~Flood ponding areas and overland flow paths~~ Managing flood hazards through integrated catchment management

(a) Manage ~~stormwater~~ flood hazards by requiring new subdivision and development within floodplains, flood ponding areas and overland flow paths to adopt integrated catchment plan-based ~~stormwater~~ management methods which:

- (i) maintain the ~~flood storage capacity~~ function of natural floodplains, wetlands and ponding areas including flood storage capacity; and
- (ii) retain the function and capacity of overland flow paths to convey stormwater run-off; and
- (iii) do not transfer or increase risk elsewhere within the catchment; and
- (iv) promote ~~low impact best practice~~ stormwater management ~~practices~~²⁶ with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and
- (v) minimise impervious surfaces.

²⁶ [2105.6], [2102.66]

425. My overall opinion is that this policy as part of the PWDP approach to flood risk does acknowledge catchment management plans generally, and supports a catchment-wide approach to stormwater management and flood risk. I consider it might be helpful to refer to catchment management plans already prepared or in preparation in section 15.13 Information Requirements for all resource consent applications addressing natural hazards. My recommended amendments are outlined below. The biggest concern with the catchment management plans prepared to date was that many are out of date and have been prepared by a variety of different consultants at different dates using a variety of models, methods and assumptions which had not been recently reviewed. The exception to this is the Tamahere Stormwater Catchment Area, which is already referenced in section 15.13.3.
426. The final request from Pokeno Holdings is that the PWDP provide a specific guidance on matters to be addressed in a flood hazard assessment. It is my opinion that applicants need to engage a suitably qualified engineer with experience in hydrology to assess flood hazards rather than rely on a guidance produced by the Council. While I consider a guidance document might be helpful, I do not consider it should be included in the PWDP. I consider a non-statutory guidance document that can be regularly reviewed would be of greater assistance.
427. Overall, I recommend that the submission of Pokeno Village Holdings Limited [2147.4] be accepted in part to the extent that I recommend some changes to 15.13 outlining information requirements for resource consent applications. I also recommend that the further submission in support from *Mercury NZ Limited* [FS3034.68] also be accepted in part.
428. Waikato Regional Council [2102.17] request a new policy 15.2.1.2A for natural hazard sensitive land uses. This request is opposed by *Federated Farmers New Zealand* [FS3030.7], *Kainga Ora Homes and Communities* [FS3033.7], *TaTa Valley Limited* [FS3029.15], and *Shand Properties Limited* [FS3020.37] is neutral but wishes to follow progression of the submission point. Federated Farmers New Zealand considers the creation of further policy direction proposed in 15.2.1.2A does nothing beyond that which is achieved in Policy 15.2.1.2 and is not required to achieve Objective 15.2.1. I agree with Federated Farmers that this new policy is not required. In addition, in response to another submission I have not supported the inclusion of new rules that use the term “natural hazard sensitive land uses” (see section 22 earlier in this report). Overall, I recommend that Waikato Regional Council [2102.17] be rejected and the further submissions in opposition from *Federated Farmers New Zealand* [FS3030.7], *Kainga Ora Homes and Communities* [FS3033.7] and *TaTa Valley Limited* [FS3029.15], and *Shand Properties Limited* [FS3020.37] (neutral) be rejected.

28.4 Recommendations

429. For the reasons provided above I recommend that the Hearings Panel:

- (a) **Reject** Mercury NZ Limited [2053.5] and **accept** the further submission in opposition from *TaTa Valley Limited* [FS3029.3]. **Retain** Chapter 15 approach.
- (b) **Reject** Ambury Properties Limited [2180.2]. **Reject** the further submission in support from *Horticulture New Zealand* [FS3027.45]. **Retain** policy 15.2.1.9 without defining natural ponding areas and floodways.
- (c) **Accept in part** Waikato Regional Council [2102.79]. **Accept in part** the further submissions of *Shand Properties Limited* [FS3020.44] and *Mercury NZ Limited* [FS3034.148] in support, and **accept in part** also, the further submissions in

opposition from *Federated Farmers New Zealand* [FS3030.22] and *Horticulture New Zealand* [FS3027.43]. **Retain** Defended Areas without a discretionary activity status for hazardous facilities.

- (d) **Reject** Ward Ranch Ltd [2050.1, 2050.2]. **Retain** Chapter 15 unchanged.
- (e) **Accept in part** TaTa Valley Limited [2093.4]. **Retain** definition of Flood Plain Management Area with minor amendment below.
- (f) **Reject** TaTa Valley Limited [2093.3]. **Reject** *Mercury NZ Limited* [FS3034.18]. No changes are recommended.
- (g) **Reject** Peter and Natalie Steens [2082.1]. **Accept** the further submission from the Waikato Regional Council. Retain Chapter 15 and the Flood Plain Management Area Overlay.
- (h) **Reject** Mercury NZ Limited [2053.2] and **accept** the opposition by *TaTa Valley Limited* [FS 3029.1].
- (i) **Reject** TaTa Valley Limited [2093.12]. **Reject** the further submission in support by *Mercury NZ Limited* [FS3034.2]. **Retain** reference to the planning maps in the definition of Flood Plain Management Area.
- (j) **Accept** Vivienne H de Thierry [2155.2]. **Reject** the submission in opposition from *Timberline Contracting Limited* [FS3032.57]. **Retain** Defended Areas as notified.
- (k) **Reject** Fleming Ranch Trust [2075.3]. No relief in terms of plan amendments sought.
- (l) **Reject** Charles Verstappen [2184.2]. Retain 15.4. No clear or specific relief has been sought.
- (m) **Reject** Mercury NZ Limited [2053.4]. **Reject** the further submission in support from *TaTa Valley Limited* [FS3029.2]. **Retain** current approach.
- (n) **Accept in part** Pokeno Village Holdings Limited [2147.4]. **Accept in part** *Mercury NZ Limited* [FS3034.68]. **Amend** 15.13.1 as shown below.
- (o) **Reject** Waikato Regional Council [2102.17]. **Accept** the further submissions in opposition from *Federated Farmers New Zealand* [FS3030.7], *Kainga Ora Homes and Communities* [FS3033.7] and *TaTa Valley Limited* [FS3029.15], and reject the neutral further submission of *Shand Properties Limited* [FS3020.37]. **Retain** Policy 15.2.1.2, without an additional new policy 15.2.1.2A for natural hazard sensitive activities.

28.5 Recommended amendments

430. The following amendments are recommended:

1. Amend definition of Flood Plain Management Area as follows

Flood Plain Management Area

Means an area identified on the planning maps which is at risk of flooding in a 1% AEP flood event and is otherwise described [in this District Plan²⁷](#) as the 1% AEP floodplain.

2. Amend 15.13.1 as follows:

15.13.1 General

(1) The following documents, to the extent relevant to the proposal:

²⁷

- (a) Geotechnical assessment, including ...;
 - (b) An assessment of natural hazard risk...;
 - (c) Remediation and mitigation measures...
- (2) Plans identifying:
- (a) Topographical features within the site and surrounding area;
 - (b) The location of natural hazards on all or part of the site.
- (3) Consideration of the information contained in the following stormwater catchment management plans where relevant:
- (a) Ngaruawahia Catchment Management Plan, March 2005;
 - (b) Tamahere Stormwater Catchment Management Plan and Report, 2011
 - (c) Port Waikato Stormwater Catchment Management Plan and Report, 2004;
 - (d) Pokeno Catchment Management Plan, 2010;
 - (e) Te Kauwhata Catchment Management Plan, 2009;
 - (f) Tuakau Catchment Management Plan, Draft 2014. ²⁸

28.6 S32AA Evaluation

431. The s32 report 'Natural hazards and Climate Change' (2020) does not evaluate the catchment plans recommended above to be included in the information requirements for resource consents. The amendments proposed contribute to improving the effectiveness of the PWDP in implementing Policy 15.2.15 in respect to catchment management. The proposed addition of the catchment management plans in this section also supports, and better implements, Policy 15.2.1.6, particularly in relation to identifying natural hazards (flooding in this case), providing for mitigation and not transferring risk to adjoining properties. For these reasons I consider that the proposed amendment is more appropriate to achieve objective 15.2.1.

29 Flood Plain Management Area Overlay

29.1 Introduction

432. This section of the report addresses submissions and further submissions in relation to the Flood Plain Management Area identified on the planning maps. Mr Greg Whyte has assessed these submissions in terms of the flood modelling and I rely on his evidence in respect to my comments and recommendations below.

29.2 Submissions

433. The submissions and further submissions received on Flood Plain Management Overlay are listed in the table below:

Submission point	Submitter	Summary of submission
2167.1	Judi Gallagher	Amend Planning Map 25 Waipa River so that Flood Plain Management Area does not affect property located at 958 Horotiu Road.

²⁸ [2147.4].

2164.1	Amanda and Max Ravlich	Amend Planning Map 26.2 Te Kowhai so that Flood Plain Management Area does not affect property located at 564D Horotiu Road.
2019.1	Kaaren Alma Lipsy Wieser	Amend the High Risk Flood Mapping on 441 Bedford Road, Te Kowhai.
2023.1	William Bruce Baverstock	Amend Planning Map 14.5 Rangiriri to reduce the Flood Plain Management Area on 151 Plantation Road, Te Kauwhata.
FS3034.1	Mercury NZ Limited	Oppose submission point 2023.1
2110.1	Nathan and Amy Spitzer	Amend Map 26.2 Te Kowhai to remove the Flood Plain Management Area from 14 Coombes Road, Te Kowhai.
2112.1	Arnold Craig and Dianne Helen Trigg	Amend Planning Map 26.2 Te Kowhai to accurately represent the Flood Plain Management Area mapped on property located at 564c Horotiu Road, RD8 Hamilton.
2146.1	Waikato District Council	Amend the Floodplain Management Area by replacing the mapped area along the Waipa River between the Waikato district boundary and Saulbrey Road, with the corrected flood extent. And, any consequential amendments required, and any other changes necessary to give effect to the intent of this relief sought.
FS3031.127	Waikato Regional Council	Support submission point 2146.1
FS3026.2	Graham and Di McBride	Not stated – submission point 2146.1. The original WDC map shows a small triangle of at-risk land at the south-western corner of the map. We are comfortable with that. However, the correction version appears to show flood-risk way up into high ground. This does not flood; Council has over-estimated what may be flood-prone areas.
FS3026.1	Graham and Di McBride	Neutral to submission point 2146.1.
FS3024.1	Guy Melrose	Neutral to submission point 2146.1.
FS3017.1	Noel Smith	Support submission point 2146.1.
FS3015.1	Lawrence Kenneth Nicholl	Support submission point 2146.1.
FS3004.1	Yeroon Hoan	Support submission point 2146.1.
FS3001.1	Beale Kelly	Oppose submission point 2146.1.
FS3008.1	Judy Gallagher	Support submission point 2146.1
2030.1	Gary Fraser	Amend Map 25 Waipa River to accurately reflect the overlay at 64B Houghton Road, Whatawhata

2026.3	Betsy and Noel Smith	Amend Map 20.7 Ngaruawahia South and Map 25 Waipa River to remove elevated land from the Flood Plain Management Area over the entire property at 353 Ngaruawahia Road.
2026.2	Betsy and Noel Smith	Amend Map 25 Waipa River to correctly show the Flood Plain Management Area with respect to 394A Ngaruawahia Road and 372 Ngaruawahia.
FS3034.4	Mercury NZ Limited	<i>Oppose submission point 2026.2.</i>
2026.1	Betsy and Noel Smith	Amend Map 20.7 Ngaruawahia South to correctly show the Flood Plain Management Area with respect to 394A Ngaruawahia and 372 Ngaruawahia Road.
FS3034.3	Mercury NZ Limited	<i>Oppose submission point 2026.1</i>
2113.1	Christine Lyons	Amend Planning Map 13 – Lake Whangape so that the Flood Plain Management Area is removed from the bottom of the lake at 585 Glen Murray Road.
FS3034.46	Mercury NZ Limited	<i>Oppose submission point 2113.1.</i>
2146.2	Waikato District Council	Amend the Floodplain Management Area map for the Waikato River to remove the section of the 1% AEP floodplain where it overlaps with the Defended Area, And, any consequential amendments as required and any other change necessary to give effect to the intent of this relief sought.
FS3034.62	Mercury NZ Limited	<i>Support submission point 2146.2</i>
FS3020.48	Shand Properties Limited	<i>Support submission point 2146.2.</i>
2113.2	Christine Lyons	<i>Amend planning map 13 – Lake Whangape so that the Flood Plain Management Area is removed from properties located at 547 and 545 Glen Murray Road.</i>
FS3034.47	Mercury NZ Limited	<i>Oppose submission point 2113.2.</i>
2114.1	Mark Ian de Lautour	Amend planning map 20.7 – Ngaruawahia South so that it excludes property located at 46 Jackson Street from the natural hazard area.
2117.1	John Harrison	Amend planning map 26.3 – Whatawhata so that the Flood Plain Management Area matches the natural contour of the land.
2117.2	John Harrison	Amend planning map 26.3 to specify that flood levels should be determined from a ground height above the existing river level.

2129.1	Juliet and Ian Sunde	Add the Environmental Policy Protection Area to the New Plain at 126 Travers Road, Te Kauwhata (Planning Map 14.1).
2166.1	Fraser and Rachel, McNutt, Jacqueline Keelan-Peebles and Terence Peebles	Amend Planning Map 26.3 Whatawhata so that Flood Plain Management Area is removed entirely from property located at 3 Awatea Road. And, retain a small portion of Flood Plain Management Area over 54 Bell Road.
2053.8	Mercury NZ Limited	Amend Flood Plain Management Area following a risk assessment that ensures correct attributes are mapped.
<i>FS3031.19</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.8</i>
<i>FS3029.4</i>	<i>TaTa Valley Limited</i>	<i>Oppose submission point 2053.8</i>
2171.1	Robyn Healey on behalf of Philip Leather	Delete proposed hazard overlays mapped on properties: <ul style="list-style-type: none"> - 9b River Downs, Rototuna - 516 Great South Road, Huntly - 494 Great South Road, Huntly - 492 Great South Road, Huntly - Great South Road, Huntly - 478 Great South Road, Huntly - 4 Jackson Road, Huntly - 101 Ohinewai South Road, Huntly - 137 Ohinewai South Road, Huntly - 40 George Drive, Huntly - 6 Waugh Lane, Huntly; and - 114 Riverview Road, Huntly Or, amend the relevant objectives, policies and rules, including all of Chapter 15 so they do not restrict the ability to undertake works on these properties, and any consequential relief of the PDP to give effect to the above.
<i>FS3034.91</i>	<i>Mercury NZ Limited</i>	<i>Oppose submission point 2171.1.</i>
<i>FS3031.139</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2171.1.</i>
<i>FS3032.23</i>	<i>Timberline Contracting</i>	<i>Support submission point 2171.1.</i>
2016.1	Rodger and Heather Savill	Delete Flood Plain Management Area in so far as it effects 355A Ngaruawahia Road, Te Kowhai
2093.2	TaTa Valley Limited	Amend the plan to relocate the Floodplain Management Area from the planning maps to a non-statutory map in the Waikato Council GIS outside of the PWDP.
<i>FS3012.14</i>	<i>Department of Conservation</i>	<i>Oppose submission point 2093.2</i>

FS3034.17	Mercury NZ Limited	Support submission point 2093.2
FS3017.2	Noel Smith	Support submission point 2093.2.
2089.1	Daks Development	Delete the Flood Plain Management Area from the maps.
FS3031.1	Waikato Regional Council	Neutral to submission point 2089.1
2053.44	Mercury NZ Limited	Amend planning maps to include the flood extent for Lake Waikare and the surrounding catchment below ground level of 8m RL in the Flood Plain Management Area overlay on the Planning Maps.
FS3031.55	Waikato Regional Council	Neutral to submission point 2053.44
2108.16	Department of Conservation	Amend planning maps to ensure all Flood Plain Management Areas adjacent to lakes, wetlands and other flood infrastructure are accurately mapped, and consider flood risk (1% AEP) under climate change projections. High flood risk areas at Lake Waikare should be based on both: <ul style="list-style-type: none"> 1) The current design flood level (RL 7.37m); and 2) Include provision for changes in flood areas in response to climate change and catchment management programmes.
FS3028.4	Ambury Properties Limited	Oppose submission point 2108.16
FS3022.4	Ohinewai Lands Limited	Oppose submission point 2108.16
FS3027.52	Horticulture New Zealand	Oppose submission point 2108.16
FS3034.45	Mercury NZ Limited	Support submission point 2108.16
FS3031.118	Waikato Regional Council	Neutral to submission point 2108.16
2053.80	Mercury NZ Limited	Amend Flood Plain Management Area following a risk assessment that ensures correct attributes are mapped.
FS3031.91	Waikato Regional Council	Neutral to submission point 2053.80
2053.84	Mercury NZ Limited	Amend Proposed District Plan – Stage 2 – Planning Maps to include Lake Waikare and its surrounding catchment, where ground levels are below 8m RL (Moturiki datum), within the Flood Plain Management Area. Mapping changes to include: <ul style="list-style-type: none"> - Spatially significant natural hazard risk areas. These areas of significant risk would include the Floodplain and the specific areas described around Lake Waikare. Spatial overlays should characterise the

		<p>location, probability, magnitude, and consequences of flood risk;</p> <ul style="list-style-type: none"> - The 'existing environment; which includes actual existing land uses as well as activities provided for as permitted activities; - Future growth areas, which includes any plan change / resource consent submissions that relate to the rezoning of the land, where that rezoning provides for activities that are sensitive to flood hazard.
FS3031.95	Waikato Regional Council	Neutral to submission point 2053.84
FS3022.2	Ohinewai Lands Limited	Opposes submission point 2053.84
FS3028.2	Ambury Properties Limited	Oppose submission point 2053.84
2046.1	Rachel Smith	Amend Section 15.4 so that Flood Plain Management Area does not apply to property located at 124 Te Ohaki Road, Huntly
FS3031.11	Waikato Regional Council	Neutral to submission point 2046.1
2079.1	David and Karina Cooper	Delete the Flood Plain Management Area from 22 Westvale Lane, Te Kowhai as shown on Planning Map 26.1 Te Kowhai
FS3031.105	Waikato Regional Council	Neutral to submission point 2079.1
2036.1	Hamilton City Council	Delete Flood Plain Management Area shown on Map 26 Hamilton Environs in so far as it relates to 2483 River Road, Horsham Downs
FS3031.4	Waikato Regional Council	Neutral to submission point 2036.1
2053.3	Mercury NZ Limited	No specific relief sought. However, the submission seeks clarity as to how significant risk which presents potentially intolerable levels of risk have been assessed in a risk based manner.
FS3031.14	Waikato Regional Council	Neutral to submission point 2053.3.
FS3012.29	Department of Conservation	Support submission point 2053.3
FS3012.28	Department of Conservation	Support submission point 2053.3
2062.1	Karl Beaver	Amend Map 13 Lake Whangape to reduce the Flood Plain Management Area, in particular at 964 Churchill Road, Pukekawa.
FS3034.12	Mercury NZ Limited	Oppose submission point 2062.1
FS3031.98	Waikato Regional Council	Neutral to submission point 2062.1
2057.1	Silvia and Peter Mark Fowler	Amend Map 25 Waipa River, Flood Plain Management Area so that it accurately aligns

		with existing ground contours the property located at 257 Collie Road.
2053.16	Mercury NZ Limited	Amend the Floodplain Management Area overlay to include the full extent of the flood plain, so that Lake Waikare and the surrounding catchment, where ground levels are below 8m RL (Moturiki datum), are included as a Floodplain Management Area overlay within the District Plan.
FS3031.27	Waikato Regional Council	Neutral to submission point 2053.16
2184.1	Charles Verstappen	Amend Flood Plain Management Area on 25A Old Taupiri Road, Taupiri
FS3034.108	Mercury NZ Limited	Oppose submission point 2184.1.
2139.17	Ports of Auckland	Retain Variation 2 Planning Maps for Horotiu
OS 2147.5	Pokeno Village Holdings Limited	Add, at a minimum, non-statutory hazard maps showing areas that warrant detailed liquefaction investigations and flood assessments.
FS3034.69	Mercury NZ Limited	Support OS 2147.5

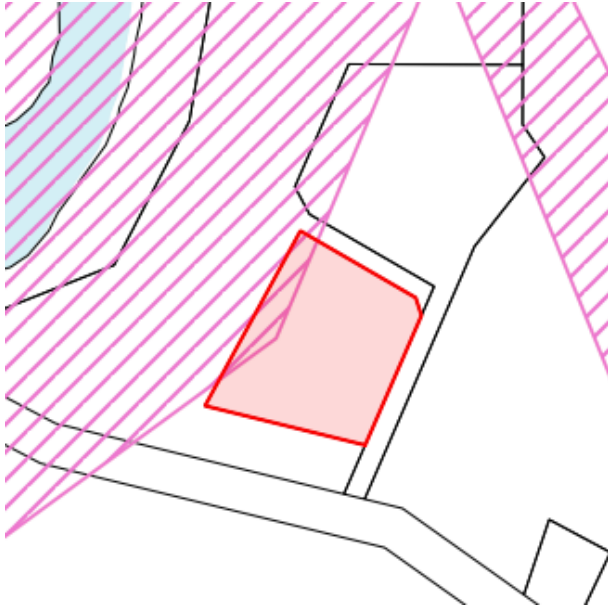
29.3 Analysis

Waipa 1% AEP Flood Extent

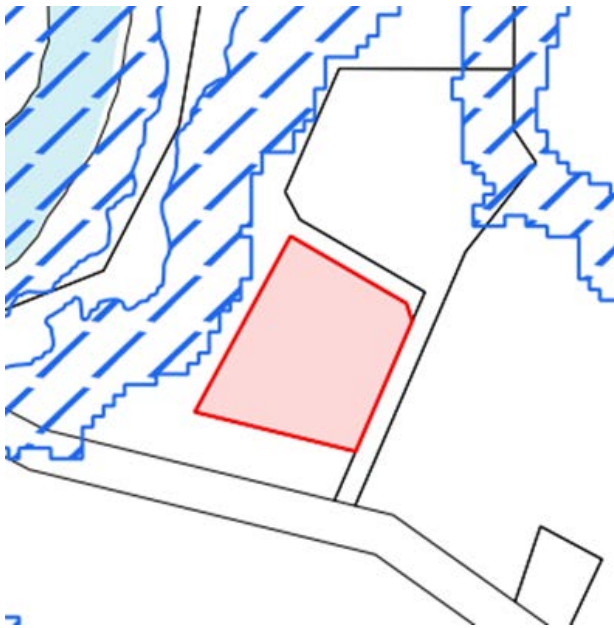
434. The Waipa River 1% AEP flood extent shown on the planning maps are affected by an error in the notified planning maps and is covered in the submission from the Waikato District Council [2146.1]. I will address this submission first as it affects the analysis and recommended outcome for many of the submissions and further submissions in relation to the Waipa River flood mapping.
435. Waikato District Council [2146.1] seek to amend the Floodplain Management Area by replacing the mapped area along the Waipa River between the Waikato district boundary and Saalbrey Road, with the corrected flood extent. The replacement maps can be seen on the online planning maps. An example is shown below where the pink hashed line shows the original notified extent and the blue lines show the corrected flood extent.
436. Original Notified Flood Extent for 64B Houghton Road (in pink stripes below) identified on the online planning maps as Proposed District Plan – Stage 2.

- ☒ ☐ Flood Plain Management Area (Waipa)
- ☒ ☐ Flood Plain Management Area

Original notified extent



Revised extent



437. Corrected extent (in blue dashed lines above) as a result of the submission from Waikato District Council [2146.1]. Identified on the on-line maps as “PDP Stage 2 – Waipa Floodplain” as blue hatched area.
438. In the example above, the property is clearly now shown outside the Waipa 1% AEP flood extent and the submission opposing the original notified plan will be recommended to be accepted.
439. Waikato District Council [2146.1] is supported in further submissions by Noel Smith [FS3017.1], Lawrence Kenneth Nicholl [FS3015.1], Yeroon Hoan [FS3004.1], Waikato Regional Council [FS3031.127], Judy Gallagher [FS3008.1], and opposed by Beale Kelly [FS3001.1]. Graham and Di McBride [FS3026.1] and Guy Melrose [FS3024.1] are neutral but Graham and Di McBride [FS3026.2] state neither support or opposition but state that they were happier with the small

corner identified in the first maps, and considers the Council has over-estimated what may be flood-prone areas.

440. I recommend that Waikato District Council [2146.1] be accepted and the submissions in support from Noel Smith [FS3017.1], Lawrence Kenneth Nicholl [FS3015.1], Yeroon Hoan [FS3004.1], Waikato Regional Council [FS3031.127], and Judy Gallagher [FS3008.1] also be accepted. The opposition of Beale Kelly [FS3001.1] is rejected as the property is clearly well within the flood extent, as is Graham and Di McBride [FS3026.1, FS3026.2] and Guy Melrose [FS3024.1].
441. As I am recommending the submission of Waikato District Council be accepted, I assess the remaining ID 1% AEP Waipa flood extent submissions in accordance with the revised maps, I also take into consideration the expert advice of Greg Whyte (DHI) and Rick Liefing (WRC).
442. Judi Gallagher [2167.1] seek that the planning maps be amended so that it does not affect the property located at 958 Horotiu Road. This property is clearly within the Revised ID 1% AEP Waipa flood modelling extent. Consequently, I recommend that this submission from Judi Gallagher [2167.1] be rejected.
443. There are a number of submissions who request their properties be taken off the Waipa flood extent overlay but are still clearly well within the revised modelled flood extent. Consequently, I also recommend that the following submissions identified below be rejected:
- Amanda and Max Ravlich [2164.1], 564D Horotiu Road.
 - Betsy and Noel Smith [2026.3], 353 Ngaruawahia Road.
 - Betsy and Noel Smith [2026.2], 372 Ngaruawahia Road, opposed by Mercury NZ Limited [FS3034.4].
 - Betsy and Noel Smith [2026.1], 394A Ngaruawahia Road, opposed by Mercury NZ Limited [FS3034.3].
 - Rodger and Heather Savill [2016.1], 335A Ngaruawahia Road.
 - David and Karina Cooper [2079.1] – 22 Westvale Lane.
444. There are three submitters whose submissions to remove the Flood Management Area Overlay can be accepted as a result of the revised mapping for the ID 1%AEP Waipa flood extent:
- Nathan and Amy Spitzer [2110.1], 14 Coombes Road, Te Kowhai.
 - Gary Fraser [2030.1], 64B Houghton Road, Whatawhata.
 - Mark Ian de Lautour [2114.1], 46 Jackson Street, Ngaruawahia South.
445. Kaaren Alma Lipsy Wieser [2019.1] request that their property at 441 Bedford Road, Te Kowhai be removed from the High Risk Flood Area. The submitters property is clearly within the Flood Plain Management Area overlay -ID 1% AEP Waipa flood extent and is not within the High Risk Flood Area. To the extent that this submitter's property is not in the High Risk Flood Area Overlay, I recommend that the submission be accepted in part.
446. Arnold Craig and Dianne Helen Trigg [2112.1] seek a reduction to the area of their property shown as being within the Flood Plain Management Area mapped on property located at 564c Horotiu Road. The revised maps have reduced the area originally shown, and consequently this submission of Arnold Craig and Dianne Helen Trigg [2112.1] can be accepted.

447. Fraser and Rachel McNutt, Jacqueline Keelan-Peebles and Terence Peebles [2166.1] seek to amend the extent of the flood extent at 3 Awatea Road and 54 Bell Road, by completely removing it from 3 Awatea Road, and leaving just a small portion at the top of 54 Bells Road. The submitter considers that the modelling is based on outdated information and that recent filling, stream realignment and culverting on the two sites have changed the flooding pattern in a 1% AEP event. While the revised ID 1% Waipa modelled flood extent shows less of the site affected I agree that the submission information shows that the stream has been realigned and culverted and will not now form part of the 1% AEP flooding extent on the properties. However, the hand drawn line on the figure supplied by the submitter still shows a small portion of both properties within the Flood Plain Management Area (albeit very small in respect to 3 Awatea Road) and no supporting flood hazard report has been provided. I recommend that Fraser and Rachel McNutt, Jacqueline Keelan-Peebles and Terence Peebles [2166.1] be accepted in part to the extent that the revised ID mapping shows less of the two sites affected by the 1% AEP flooding extent. I also consider that obtaining more accurate representation of the 1% AEP flood event may enable a further revision of the lines, which I do not currently have.
448. Silvia and Peter Mark Fowler [2057.1] request that the Flood Plain Management Area be amended so that it accurately aligns with existing ground contours the property located at 257 Collie Road. The original flood mapping as notified showed the flood extent over a wider part of the property and this has now been revised to align with the gully at the eastern end of the property. While the area is reduced it is still clearly within the property boundary. Accordingly, I recommend that this submission from Silvia and Peter Mark Fowler [2057.1] be accepted in part, to the extent that the revised mapping now shows a reduced extent from that originally notified.
449. John Harrison [2117.1, 2117.2] seeks that map 26.3 – Whatawhata be amended so that the Flood Plain Management Area matches the natural contour of the land and further that planning map 26.3 be amended to specify that flood levels be determined from a ground height above the existing river level. The revised Waipa flood mapping shows a more realistic mapped extent on the submitter's property at 30A Miriama Way and this delineation is based on the best information currently available. The assumptions behind the modelled flood area have been explained in the evidence of Greg Whyte. The data is a digital read out and it is not practical using existing technology to significantly alter that appearance. However, I consider the revised maps to be an improvement on the originally notified maps. Overall, I recommend that the submissions from John Harrison [2117.1, 2117.2] be accepted in part to the extent that the revised mapping is a better representation of the 1% AEP flood extent on this property. The flood delineation is based on aerial photography during the 1998 flood and supported by LiDAR survey.
450. Ports of Auckland [2139.18] request that the Variation 2 Planning Maps for Horotiu be retained. The notified planning maps for the Flood Plain Management Area Overlay for this location have been revised through the submission from the Waikato District Council, which I have recommended be accepted. Consequently, I recommend that the submission from Ports of Auckland [2139.18] be accepted in part, to the extent that the changes as a result of the revised maps in this location are minimal.

Flood Plain Management Area Overlay Submissions not affected by Revised Waipa ID 1% AEP Maps

451. William Bruce Baverstock [2023.1] seeks to amend Planning Map 14.5 Rangiriri to reduce the Flood Plain Management Area on 151 Plantation Road, Te Kauwhata. This submission is opposed in a further submission by *Mercury NZ Limited* [FS3034.1]. This property is well within the ID modelled extent. Consequently, I recommend that the submission of William Bruce Baverstock [2023.1] be rejected. I recommend that the further submission of *Mercury NZ Limited* [FS3034.1] be accepted.
452. Christine Lyons [2113.1] seek the removal of the Flood Plain Management Area Overlay from 585 Glenn Murray Road. This submission is opposed by *Mercury NZ Limited* [FS3034.46]. The site is clearly within the mapped flood extent and I recommend that this submission be rejected and the submission in opposition from *Mercury NZ Limited* [FS3034.46] accepted.
453. A similar submission is made in respect to 547 and 545 Glen Murray Road by Christine Lyons [2113.2] and has been opposed by *Mercury NZ Limited* [FS3034.47]. These two properties are clearly within the mapped flood extent, and I recommend that this submission be rejected. The further submission from *Mercury NZ Limited* [FS3034.47] is recommended to be accepted.
454. Waikato District Council [2146.2] request that the Flood Plain Management Area map for the Waikato River be amended to remove the section of the 1% AEP floodplain where it overlaps with the Defended Area. *Mercury NZ Limited* [FS3034.62] and *Shand Properties Limited* [FS3020.48] support this submission point. It is considered that this is an error. The area in question is protected by a 1% AEP level of service stopbank and should be shown as a Defended Area. Consequently, I recommend that the submission from Waikato District Council [2146.2] be accepted and the further submissions in support by *Mercury NZ Limited* [FS3034.62] and *Shand Properties Limited* [FS3020.48] also be accepted. The changes are identified below and in Appendix 3.
455. Juliet and Ian Sunde [2129.1, 2152.1] request that the Environmental Policy Protection Area be added to the New Plan at 126 Travers Road, Te Kauwhata (Planning Map 14.1). These submissions appear unrelated to the Flood Hazard Topic. It would be helpful if the submitter could provide more information so that the submission can be properly assessed. In the meantime, I recommend that Juliet and Ian Sunde [2129.1, 2152.1] be rejected because the request does not fit within the Chapter 15 proposals.
456. Mercury NZ Limited [2053.8, 2053.80, 2053.3] seek to generally amend the Flood Plain Management Area following a risk assessment that ensures correct attributes are mapped. *TaTa Valley Limited* [FS3029.4] oppose submission point 2053.8. The inputs, assumptions and use of actual flood documentation to calibrate the flood modelling is described in the evidence of Greg Whyte. While modelling can always be improved with more information and calibration, I accept the advice of Mr Whyte that the modelling is generally sound. Mercury also request clarification on how intolerable risk has been assessed [2053.3] and is supported by the *Department of Conservation* [FS3012.29, FS3012.28]. This latter issue is addressed in the Analysis at section 9.3 of this report. Overall, I recommend that the submission points from Mercury NZ Limited [2053.8, 2053.80, 2053.3] be rejected and the submission in opposition from *TaTa Valley Limited* [FS3029.4] be accepted. The further submission points by *Department of Conservation* [FS3012.29, FS3012.28] in support of Mercury NZ Limited 2053.3] are recommended to be rejected.

457. Robyn Healey on behalf of Philip Leather [2171.1] seeks that the hazard layers be removed from 12 properties listed in the submission. This submission is supported by *Timberline Contracting [FS3032.23]* and opposed by *Mercury NZ Limited FS3034.91*. All of these properties have either a Flood Plain Management Area Overlay, a Defended Area, or a Flood Ponding Area identified on the site and one has High Risk Flood Area, some have both Flood Ponding area and Defended area. Only one of these properties is marginally affected; all others are clearly within the respective overlay. I consider that it would be appropriate to remove the Flood Plain Management Area notation from this property. In the alternative, the submitter seeks amendment to the relevant objectives, policies and rules, including all of Chapter 15 so they do not restrict the ability to undertake works on these properties. Overall, I recommend that the submission of Robyn Healey on behalf of Philip Leather [2171.1] be accepted in part but only to the extent that I recommend that the Flood Plain Management area be removed from 114 Riverview Road. I recommend that the submission in support from *Timberline Contracting [FS3032.23]* be accepted in part to the same extent, and the submission in opposition from *[Mercury NZ Limited FS3034.91]* also be accepted in part.
458. Rachel Smith [2046.1] requests that the Flood Plain Management Area not apply to property located at 124 Te Ohaki Road, Huntly. The eastern part of this property is clearly located within the modelled Flood Plain Management Area, and also includes an area of the site within the High Risk Flood Area. Consequently, I recommend that the submission of Rachel Smith [2046.1] be rejected.
459. Hamilton City Council [2036.1] have requested that the Flood Plain Management Area shown at 2483 River Road, Horsham Downs, be deleted. The submission outlines that this is the area of the Horotiu Landfill and was recently filled, but on looking at the site more closely, I consider that the Flood Plain Management Area shown on the planning maps is adjacent to the landfill. I have discussed this request with staff at the Hamilton City Council who, at the time of writing had not confirmed the location of the landfill that has been recently filled. On the basis of the information I currently have, I recommend that the submission from Hamilton City Council [2036.1] be rejected.
460. Karl Beaver [2062.1] seeks to amend Map 13 Lake Whangape to reduce the Flood Plain Management Area, in particular at 964 Churchill Road, Pukekawa. *Mercury NZ Limited [FS3034.12]* oppose this submission point. The submitter considers that the area depicted on the maps is excessive and that in the past 15 years there has been no flooding in the areas depicted on the map. The ID 1% AEP Waikato River modelling is discussed in the evidence of Greg Whyte. It is quite often the case that a landowner will not have experienced flooding on their property given that it is the 1 in 100-year event that has been modelled (1% AEP). The northern half of the submitters land is clearly within the modelled extent and I recommend that this submission from Karl Beaver [2062.1] be rejected and the further submission in opposition from *Mercury NZ Limited [FS3034.12]* be accepted.
461. Charles Verstappen [2184.1] requests that the Flood Plain Management Area on 25A Old Taupiri Road, be amended as the land has never flooded. This submission is opposed in a further submission from *Mercury NZ Limited [2053.108]*. My comments in respect to the above submission applies equally here. The western third of the site is well within the Flood Plain Management Area Overlay, and a very minute part is within the High Risk flood Area. Consequently, I recommend that the submission of Charles Verstappen [2184.1] be rejected and the submission in opposition from *Mercury NZ Limited [2053.108]* be accepted.

462. Daks Development [2089.1] request that the Flood Plain Management Area be deleted from the maps. The submitter considers that the proposed flood plain is illogical and has no evidence to support it. I refer to the evidence of Greg Whyte who describes the flood modelling and how the flood extents were arrived at. I consider that it is inappropriate to delete the Flood Plain Management Area from the planning maps and recommend that Daks Development [2089.1] be rejected.

1% AEP Flood Plain Management Area Overlay Mapping

463. TaTa Valley Limited [2093.2] request that the Floodplain Management Area be relocated from the planning maps to a non-statutory map in the Waikato Council GIS outside of the PWDP. This submission is supported by *Mercury NZ Limited* [FS3034.17] and *Noel Smith* [FS3017.2] and opposed by *Department of Conservation* [FS3012.14]. TaTa Valley Limited consider that Mapping the Flood Plain Management Area as a non-statutory GIS layer would be the most efficient and effective means of managing flood risk while enabling Council to regularly update and maintain the information and avoid cost and time delays often associated with a Schedule 1 process. The submitter states that other local authorities such as Auckland Council, include hazard maps as non-statutory maps within their GIS systems. The *Director General of Conservation* [FS3034.17] considers that a non-statutory map would not provide the level of certainty to ensure the Flood Plain Management Area is given appropriate statutory weighting in decisions relating to flood hazard. I generally agree with this view.
464. The submitter is requesting that the mapped 1% AEP flood modelling information already available and mapped be put in a GIS layer, rather than the PWDP itself. In Waikato District, the flood modelling information is not uncertain, which in other places might be a reason to adopt non-statutory maps.
465. It is noted that Pokeno Village Holdings Limited [2147.5] supported in a further submission from *Mercury NZ Limited* [FS3034.69] also request that, at a minimum, non-statutory hazard maps be added showing areas that warrant detailed liquefaction investigations and flood assessments. Pokeno Village Holdings Limited consider that providing for hazard maps as non-statutory layer is important as it would allow the Council to regularly update the hazard maps with new information without undertaking a plan change process every time. I understand that liquefaction maps are currently being prepared. In respect to flood hazard, areas that may require a flood assessment my comments with respect to the submission from TaTa Valley Limited [2093.2] above apply equally here.
466. Overall, putting the information on the GIS instead of the Plan itself is second best in my opinion. Placing the flood modelling information on the planning maps gives the community the greatest amount of certainty regarding whether they are in or out of the overlay and therefore whether there are standards to be met or consent required. A non-statutory layer is potentially subject to multiple changes, and hence the permitted threshold can change when the maps are tweaked or updated. I further consider that allowing the Council to update the flood maps without a statutory process can be problematic in terms of fairness and transparency. People cannot submit in support or opposition to a non-statutory layer and have no recourse to challenge it in terms of RMA processes. A statutory layer is also more likely to be informed by evidence, because of the rigour of the process to place it within a statutory planning document.
467. Overall, I do not consider that a non-statutory layer is more appropriate in comparison to a robustly constructed and peer reviewed modelled flood extent placed on the planning maps

through the plan making process. I therefore recommend that TaTa Valley Limited [2093.2] and the further submission in support from Mercury NZ Limited [FS3034.17] and Noel Smith [FS3017.2] be rejected and the further submission in opposition from Department of Conservation [FS3012.14] be accepted.

468. The Department of Conservation [2108.16] seek amendments to the planning maps to ensure all Flood Plain Management Areas adjacent to lakes, wetlands and other flood infrastructure are accurately mapped, and consider flood risk (1% AEP) under climate change projections. The Department of Conservation further seek that High Flood Risk Areas at Lake Waikare should be based on the current design flood level (RL7.37) and include provision for changes in flood areas in response to climate change and catchment management programmes. This submission is supported by Mercury NZ Limited [FS3034.45] and opposed by Ambury Properties Limited [FS3028.4], Ohinewai Lands Limited [FS3022.4], and Horticulture New Zealand [FS3027.52].
469. I agree that not all High Risk Flood Areas in the District are mapped, and in particular, a 1% AEP flood extent has not yet been mapped at Rangiriri Spillway and Lake Waikare. Ohinewai Lands Limited [FS3022.4] oppose this submission as the submitter has not provided any maps showing areas it seeks for inclusion within the Flood Plain Management area near Lake Waikare. It is further unclear what assumptions the submitter considers appropriate for climate change and catchment management. In the absence of such detail Ohinewai Lands Limited state that they cannot review what impact the requested relief could have on their land which currently sits outside the Flood Plain Management Area Overlay in this locality. Horticulture New Zealand considers that any changes to the planning maps should occur in accordance with a clear and transparent methodology.
470. It is my opinion that these matters raised by the further submitters are valid. The Waikato Regional Council in association with DHI have provided a 1% AEP flood level (including climate change) for the main channel of the Waikato River using a consistent and best practice methodology. Work outside the main channel to establish a 1% AEP flood level with climate change in the locality of Lake Waikare and the Rangiriri Spillway is a separate and complex exercise which has not yet been commissioned. It is my understanding that this is scheduled for the next financial year. In time the results of that flood modelling can be included in the 1% AEP flood extent mapping.
471. Consequently, I recommend that the submission of the Department of Conservation [2108.16] be rejected and the further submission in support from by Mercury NZ Limited [FS3034.45] also be rejected. I recommend that the further submissions in opposition from Ambury Properties Limited [FS3028.4], Ohinewai Lands Limited [FS3022.4], and Horticulture New Zealand [FS3027.52] be accepted.
472. Related to the above submission Mercury NZ Limited [2053.44, 2053.84, 2053.16] seeks that the planning maps include Lake Waikare and surrounding catchment below 8m RL within the Flood Plain Management Area Overlay. There are other aspects to the submissions which I do not fully understand, and it will be helpful if the submitter can explain more clearly at the hearing what relief is sought in respect to the requests to make mapping changes to include “identifying spatially significant natural hazard risk areas”, “the existing environment” and “future growth areas”. The submissions are opposed by Ohinewai Lands Limited [FS3022.2] and Ambury Properties Limited [FS3028.2].

473. I have already explained in the previous discussion on the submission by the Department of Conservation, why this area has not been included in the planning maps. In addition, I note the request to include land below the 8m RL within the Flood Plain Management Area Overlay. Including a line in the planning maps to “represent” the 1% AEP Flood event in this location would not be consistent with the best practice flood modelling achieved to date for the main channel. It is unknown what the 8m RL line actually represents in terms of a flood design level, it could be above or below, the 1% AEP flood level (although it is generally considered to be conservative). In effect, as I understand it from discussions with Rick Liefing from the Waikato Regional Council, the 8m RL is a “pseudo level” that corresponds with the stopbank level (scheme design) at the northern end of Lake Waikare, if the Lake were to fill up and spill over into the Whangamarino Catchment. This level was agreed with the developers of “Sleepyhead” who could choose whether to adopt this level or undertake its own 1% AEP flood modelling, including an allowance for climate change, ahead of the Waikato Regional Council completing its work.
474. Overall, I recommend that the submission by Mercury NZ Limited [2053.44, 2053.84, 2053.16] be rejected. This is because I am not recommending the 8m RL be used as a surrogate 1% AEP flood level and inserted as part of the Flood Plain Management Area Overlay. In due time (possibly in the next year) this work will be undertaken by the Waikato Regional Council and DHI, and the complexities of the hydrology and the interaction of the main channel with the storage function of the Lake and wetlands can be properly addressed. I therefore recommend that the further submissions in opposition from *Ohinewai Lands Limited* [FS3022.2] and Ambury Properties Limited [FS3028.2] be accepted.

29.4 Recommendations

475. For the reasons provided above I recommend that the Hearings Panel:
- (a) **Accept** Waikato District Council [2146.1]. **Accept** the submissions in support from Noel Smith [FS3017.1], Lawrence Kenneth Nicholl [FS3015.1], Yeroon Hoan [FS3004.1], Waikato Regional Council [FS3031.127], and Judy Gallagher [FS3008.1]. **Reject** Beale Kelly [FS3001.1] as the property is clearly well within the flood extent, and reject Graham and Di McBride [FS3026.1, FS3026.2] and Guy Melrose [FS3024.1]. **Replace** the ID 1% AEP Waipa Flood Plain Management as notified with the revised version shown on the planning maps (blue hatched area).
 - (b) **Reject** Judi Gallagher [2167.1], Amanda and Max Ravlich [2164.1], Betsy and Noel Smith [2026.3, 2026.2, 2026.1], Rodger and Heather Savill [2016.1], and David and Karina Cooper [2079.1]. **Accept** the further submissions from Mercury NZ Limited [FS3034.4, FS3034.3].
 - (c) **Accept** Nathan and Amy Spitzer [2110.1], Gary Fraser [2030.1] and Mark Ian de Lautour [2114.1]. These properties are now outside the revised 1% AEP Waipa Flood Plain Management Area.
 - (d) **Accept in part** Kaaren Alma Lipsy Wieser [2019.1]. **Retain** property within Flood Plain Management Area. Site is not within the High Risk Flood Area.
 - (e) **Accept** Arnold Craig and Dianne Helen Trigg [2112.1]. Revised maps for Waipa show a reduced area as requested.
 - (f) **Accept in part** Fraser and Rachel McNutt, Jacqueline Keelan-Peebles and Terence Peebles [2166.1] to the extent that the revised ID mapping shows less of the two sites affected by the 1% AEP flooding extent.

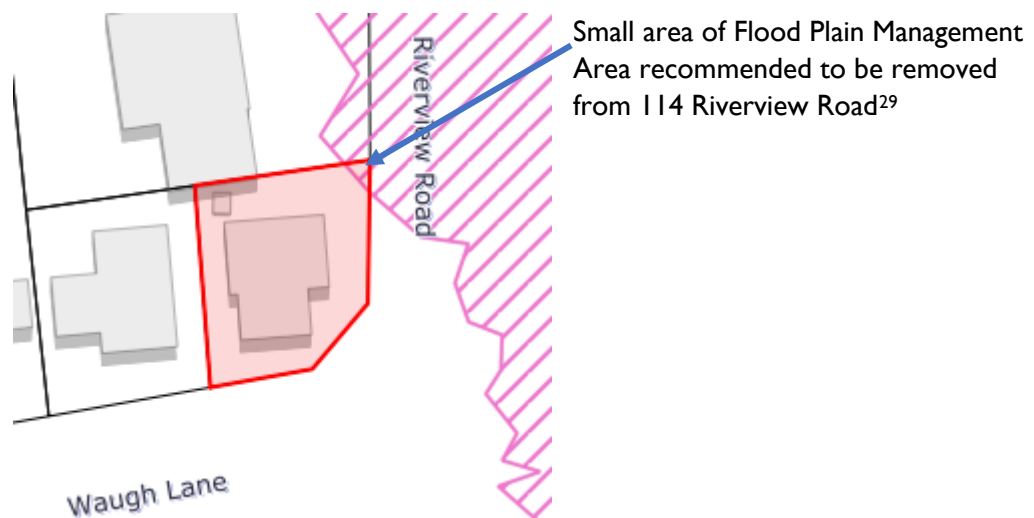
- (g) **Accept in part** Silvia and Peter Mark Fowler [2057.1] to the extent that the revised mapping now shows a reduced extent from that originally notified.
- (h) **Accept in part** John Harrison [2117.1, 2117.2] to the extent that the revised mapping is a better representation of the 1% AEP flood extent on this property.
- (i) **Accept in part** Ports of Auckland [2139.18] to the extent that the revised ID Waipa flood mapping has been recommended to be accepted.
- (j) **Reject** William Bruce Baverstock [2023.1]. **Accept** *Mercury NZ Limited* [FS3034.1].
- (k) **Reject** Christine Lyons [2113.1, 2113.2]. **Accept** the opposing further submission from *Mercury NZ Limited* [FS3034.46, FS3034.47]. The sites are clearly within the modelled extent.
- (l) **Accept** Waikato District Council [2146.2] and **accept** the further submissions in support by *Mercury NZ Limited* [FS3034.62] and *Shand Properties Limited* [FS3020.48]. **Amend** the planning maps to include the Defended Area as identified below and in Appendix 3.
- (m) **Reject** Juliet and Ian Sunde [2129.1, 2152.1], largely because the request does not fit with the Chapter 15 proposals and may be out of scope.
- (n) **Reject** Mercury NZ Limited [2053.8, 2053.80, 2053.3]. **Accept** the submission in opposition from *TaTa Valley Limited* [FS3029.4]. **Reject** the further submission points by *Department of Conservation* [FS3012.29, FS3012.28] in support of Mercury NZ Limited 2053.3].
- (o) **Accept in part** Robyn Healey on behalf of Philip Leather [2171.1] but only to the extent that I recommend that the Flood Plain Management area be removed from 114 Riverview Road. **Accept in part** the submission in support from *Timberline Contracting* [FS3032.23]. **Accept in part** the submission in opposition from *Mercury NZ Limited* [FS3034.91]. **Amend** the planning maps as shown below for 114 River Road.
- (p) **Reject** Rachel Smith [2046.1]. **Retain** eastern part of this property within the mapped Flood Plain Management Area.
- (q) **Reject** Hamilton City Council [2036.1]. **Retain** Flood Plain Management Area on adjoining site.
- (r) **Reject** Karl Beaver [2062.1]. **Accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.12]. **Retain** northern half of the submitters land within the mapped Flood Plain Management Area.
- (s) **Reject** Charles Verstappen [2184.1]. **Accept** the submission in opposition from Mercury NZ Limited [2053.108]. The western third of the site is well within the Flood Plain Management Area Overlay.
- (t) **Reject** Daks Development [2089.1]. **Retain** the Flood Plain Management Area Overlays (Waipa revised version, and notified Waikato Flood Management Area Overlays).
- (u) **Reject** TaTa Valley Limited [2093.2]. **Reject** the further submissions in support from *Mercury NZ Limited* [FS3034.17] and Noel Smith [FS3017.2]. **Accept** the further submission in opposition from *Department of Conservation* [FS3012.14]. **Retain** the Flood Plain Management Overlay within the planning maps as a statutory layer.

- (v) **Reject** Pokeno Village Holdings Limited [2147.5]. **Reject** the further submission in support from *Mercury NZ Limited* [FS3034.69]. **Recommendation same** as for TaTa Valley Limited [2093.2].
- (w) **Reject** Department of Conservation [2108.16]. **Reject** the further submission in support from by *Mercury NZ Limited* [FS3034.45]. **Accept** the further submissions in opposition from *Ambury Properties Limited* [FS3028.4], *Ohinewai Lands Limited* [FS3022.4], and *Horticulture New Zealand* [FS3027.52]. **Retain** the 2D Flood Plain Management Area Overlay.
- (x) **Reject** Mercury NZ Limited [2053.44, 2053.84, 2053.16]. **Accept** *Ohinewai Lands Limited* [FS3022.2] and *Ambury Properties Limited* [FS3028.2]. **Retain** the 2D Flood Plain Management Area Overlay and do not include the 8m RL contour as a surrogate 1% AEP flood level in the locality of Lake Waikare.

29.5 Recommended amendments

476. The following amendments are recommended:

1. Replace original notified Waipa Flood Plain Management Area (in pink hatched on the planning maps) with revised Waipa Flood Plain Management Area as shown on the planning maps (in blue hatched).
2. Remove small portion of Flood Plain Management Area from 114 Riverview Road Huntly as shown below.

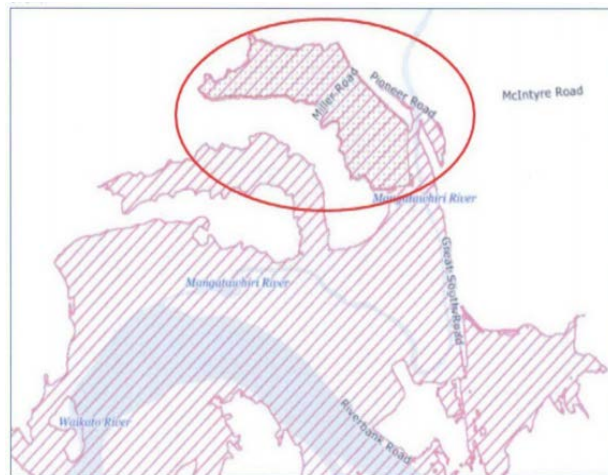


3. Replace Flood Plain Management Area extent with Defended Area as shown below³⁰:

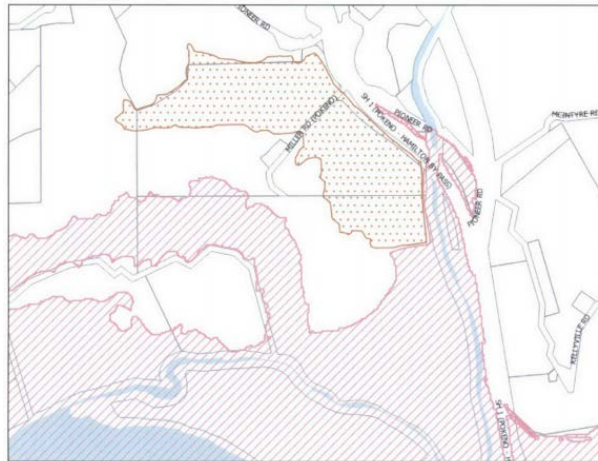
²⁹ Robyn Healey on behalf of Philip Leather [2171.1]

³⁰ Waikato District Council [2146.2]

Before amendment:



After amendment



30 Flood Ponding Area Overlay

30.1 Introduction

477. This section of the report addresses submissions and further submissions in relation to the Flood Ponding Area Overlay identified on the planning maps. Mr Greg Whyte has assessed these submissions in terms of the flood modelling and I rely on his evidence in respect to my comments and recommendations below.

30.2 Submissions

478. The submissions and further submissions received on Flood Ponding Area Overlay are listed in the table below:

Submission point	Submitter	Summary of submission
2053.17	Mercury NZ Limited	Retain Flood Ponding Areas overlays on the planning maps, and amend the Flood Plain Management Area overlay on the planning maps to include the full extent of the flood plain in the District Plan.
FS3031.28	Waikato Regional Council	Neutral to submission point 2053.17
FS3027.46	Horticulture New Zealand	Support submission point 2053.17
FS3029.5	TaTa Valley Limited	Oppose submission point 2053.17

30.3 Analysis

479. Mercury NZ Limited [2053.17] seek to retain the Flood Ponding Areas overlays on the planning maps and amend the Flood Plain Management Area Overlay to include the full extent of the flood plain in the District Plan. *Horticulture New Zealand* [FS3027.46] supports Mercury NZ Limited [2053.17] while *TaTa Valley Limited* [FS3029.5] opposes it. The second part of this submission point has already been discussed in section 29 of this report where I recommend that the area around Lake Waikare await the further modelling the Waikato Regional Council intends to undertake. I agree with Mercury NZ Limited in terms of the retaining the Flood Ponding Area Overlay. Consequently, I recommend overall that this submission by Mercury NZ Limited [2053.17] be accepted in part to the extent that I am recommending the Flood Ponding Area Overlay be retained. I also recommend that the further submission from *Horticulture New Zealand* [FS3027.46] also be accepted in part to the same extent. *TaTa Valley Limited* [FS3029.5] opposes this submission as it supports a non-statutory mapping layer in the Councils GIS rather than incorporating the information in the planning maps. Similar to my recommendations on the Flood Plain Management Area Overlay, I recommend that this further submission from *TaTa Valley Limited* [FS3029.5] be rejected.

30.4 Recommendation

480. For the reasons provided above I recommend that the Hearings Panel:

- (a) **Accept in part** Mercury NZ Limited [2053.17]. **Accept** in part the further submission from *Horticulture New Zealand* [FS3027.46]. **Reject** the further submission in opposition from *TaTa Valley Limited* [FS3029.5]. **Retain** the Flood Ponding Areas Overlay on the planning maps.

30.5 Recommended amendments

481. No amendments are recommended to the Flood Ponding Area Overlay.

31 High Flood Risk Area Overlay

31.1 Introduction

482. This section of the report addresses submissions and further submissions in relation to the High Risk Flood Area Overlay identified on the planning maps. Mr Greg Whyte has assessed these submissions in terms of the flood modelling and I rely on his evidence in respect to my comments and recommendations below.

31.2 Submissions

483. The submissions and further submissions received on High Risk Flood Area Overlay are listed in the table below:

Submission point	Submitter	Summary of submission
2108.14	Department of Conservation	Amend planning maps to ensure all High Risk Flood Areas adjacent to lakes, wetlands and other flood infrastructure (e.g. Rangiriri spillway) are accurately mapped, and consider flood risk (1% AEP) under climate change projections. Base flood management area at Lake Waikare on: 1) The current design flood level (RL 7.37m); and 2) Include provision for changes in flood areas in response to climate change and catchment management programmes.
FS3027.50	Horticulture New Zealand	Oppose 2108.14
FS3031.117	Waikato Regional Council	Neutral to submission point 2108.14
FS3022.3	Ohinewai Lands Limited	Oppose submission point 2108.14
FS3028.3	Ambury Properties Limited	Oppose submission point 2018.14
FS3034.43	Mercury NZ Limited	Support submission point 2018.14
2053.81	Mercury NZ Limited	Amend High Risk Flood Area following a risk assessment that ensures correct attributes are mapped.
FS3031.92	Waikato Regional Council	Neutral to submission point 2053.81
2018.1	Wini Paekau	Retain High Risk Flood Area

31.3 Analysis

484. Department of Conservation [2108.14] have made a similar request in the High Risk Flood Area as they have to the Flood Plain Management Area Overlay to ensure all High Risk Flood Areas adjacent to lakes, wetlands and other flood infrastructure (e.g., Rangiriri spillway) are accurately mapped, and consider flood risk (1% AEP) under climate change projections. The submission is opposed in further submissions from *Ohinewai Lands Limited* [FS3022.3], *Ambury Properties Limited* [FS3028.3] and *Horticulture New Zealand* [FS3027.50]. *Mercury NZ Limited* [FS3034.43] further submitted in support.
485. As per the discussion above I agree that High Risk Flood Areas have not been included in the planning maps for Rangiriri Spillway and at Lake Waikare. The Waikato Regional Council will be undertaking a separate modelling exercise to establish flood hazard risks for this area similar to the 2D work carried out for the main channel (which includes climate change). Once complete this could potentially be the subject of a plan change process in the future.

486. Accordingly, I recommend that Department of Conservation [2108.14] and the further submission in support from *Mercury NZ Limited* [FS3034.43] be rejected. I recommend that the further submissions in opposition from *Ohinewai Lands Limited* [FS3022.3], *Ambury Properties Limited* [FS3028.3] and *Horticulture New Zealand* [FS3027.50] be accepted for the same reasons identified in respect to the Flood Plain Management Area Overlay.
487. Mercury NZ Limited [2053.81] seeks that the High Risk Flood Area be amended following a risk assessment that ensures correct attributes are mapped. Mercury NZ Limited do not provide any information or attributes that they seek to be included and I am unsure what they seek to be added to what has already been included to produce the High Risk Flood Area Overlay. Mr Whyte describes the process to determine High Risk Flood Areas within the planning maps in his evidence. The High Risk Flood Area is a subset of the Flood Plain Management Area identified on the planning maps, which is subject to river or surface flooding during an 1% AEP flood event, and during such an event:
- i. the depth of flood waters exceeds one metre; or
 - ii. the speed of flood waters exceeds two metres per second; or
 - iii. the flood depth multiplied by the flood speed exceeds one.
488. As I understand it, these parameters are chosen for delineating the High Risk Flood Area because once flood waters reach 1m or a speed of 2m/s there is an increased risk that properties could be severely damaged, vehicles could get inundated, trapping the occupants, and also cause increased risk to life (people are more likely to get swept away in fast flowing and deeper water). In my opinion if the flood modelling can be used to identify these deeper and faster flowing areas, then it is appropriate that they be mapped as High Risk Flood Areas in accordance with the higher order planning direction of the WRPS. Accordingly, I recommend that Mercury NZ Limited [2053.81] be rejected as I am not recommending any changes to the High Risk Flood Area as currently mapped. It might be helpful if the submitter provided additional information at the hearing in order for the submission point to be given further consideration.
489. Wini Paekau [2018.1] seeks to retain the High Risk Flood Overlay and states “the awa is taonga and this area will help protect our taonga”. As I recommend no changes to the High Risk Flood Area Overlay, I recommend that this submission be accepted.

31.4 Recommendations

490. For the reasons provided above I recommend that the Hearings Panel:
- (a) **Reject** Department of Conservation [2108.14] and the further submission in support from *Mercury NZ Limited* [FS3034.43]. **Accept** the further submissions in opposition from *Ohinewai Lands Limited* [FS3022.3], *Ambury Properties Limited* [FS3028.3] and *Horticulture New Zealand* [FS3027.50]. **Retain** High Risk Flood Overlay as is.
 - (b) **Reject** Mercury NZ Limited [2053.81]. **Retain** High Risk Flood Overlay as is.
 - (c) **Accept** Wini Paekau [2018.1]. **Retain** High Risk Flood Area unchanged.

31.5 Recommended amendments

491. No amendments are recommended to the High Risk Flood Area Overlay.

32 Defended Area Overlay

32.1 Introduction

492. This section of the report addresses submissions and further submissions in relation to the Defended Area Overlay (Residual Risk) identified on the planning maps. Mr Rick Liefing has assisted with these submissions and I rely on his advice and evidence in respect to my comments and recommendations below.

32.2 Submissions

493. The submissions and further submissions received on the Defended Area Overlay are listed in the table below:

Submission point	Submitter	Summary of submission
2176.1	Jane Bethell	Amend the Defended Area Hazard Overlay to Planning Maps to include the property at 36 Tuakau Bridge to Port Waikato Road.
2053.19	Mercury NZ Limited	Retain identification of residual risk areas that are protected by stop banks.
FS3031.30	Waikato Regional Council	Neutral to submission point 2053.19
FS3032.42	Timberline Contracting	Oppose submission point 2053.19, the modelling of the defended area has been inappropriately modelled and mapped in Huntly, and applies to properties that are not at risk.
FS3020.25	Shand Properties Limited	Support 2053.19
2095.1	Aaron Henderson	Amend Map 20.2 by removing the Defended Area overlay from 120 Russell Road, Huntly.
FS3032.46	Timberline Contracting	Support submission point 2095.1, the modelling of the defended area has been inappropriately modelled and mapped in Huntly, and applies to properties that are not at risk.
FS3032.13	Timberline Contracting	Support submission point 2095.1, the Huntly mine subsidence has been inappropriately modelled and mapped, and apply to properties that are not at risk.
FS3031.112	Waikato Regional Council	Neutral to submission point 2095.1.
2159.5	Murray Henderson	Amend Map 20 Hakarimata to delete Defended Area line from 83 Mahuta Station Road, Huntly.
FS3034.83	Mercury NZ Limited	Oppose submission point 2159.5.
2027.1	Jayson and Fulisia Tanaki	Amend Map 20.4 Huntly Town Centre to remove the Defended Area (Residual Risk) overlay from 80 Rayner Road, Huntly.

FS3032.40	Timberline Contracting	Support submission point 2027.1
2013.1	Sarina Gouws	Amend defended area on property at 10 Chisholm Street, Huntly.
2148.2	Terra Firma Resources Limited	Delete the Defended Area notation on Terra Firma Resources Ltd (TER) land south of Lake Puketiruni, Huntly in Planning Maps. See submission for map of TFR land holdings.
FS3034.70	Mercury NZ Limited	Oppose submission point 2148.2.
2056.1	Stanley Russell Walker	Amend area shown as Defended Area on Map 14.2 Te Kauwhata East pertaining to the property located at 177 Waerenga Road so that it is shown as only partially defended.
FS3034.11	Mercury NZ Limited	Oppose submission point 2056.1.
FS3031.97	Waikato Regional Council	Neutral to submission point 2056.1.
2072.1	Allen Fabrics Ltd	Amend Map 20 Hakarimata and Map 20.2 Huntly East by removing the Defended Area overlay from 239 East Mine Road.
FS3032.41	Timberline Contracting	Support submission point 2072.1
FS3031.102	Waikato Regional Council	Neutral to submission point 2072.1.
2092.1	Bianca Angel	Amend the Defended Area on the planning maps and reduce the overly conservative area.
FS3032.39	Timberline Contracting	Support submission point 2092.1
FS3034.16	Mercury NZ Limited	Oppose submission point 2092.1
FS3020.30	Shand Properties Limited	Neutral to submission point 2092.1
FS3031.110	Waikato Regional Council	Neutral to submission point 2092.1

32.3 Analysis

494. Jane Bethell [2176.1] has requested that the Defended Area be included over the property at 36 Tuakau Bridge to Port Waikato Road. This property is not defended from the Waikato River by a 1% AEP stopbank so does not qualify to be included in the Defended Area Overlay. Accordingly, I recommend that the submission of Jane Bethell [2176.1] be rejected.
495. Mercury NZ Limited [2053.19] seeks to retain the identification of residual risk areas that are protected by stop banks. This submission is opposed by *Timberline Contracting* [FS3032.42] and supported by *Shand Properties Limited* [FS3020.25]. I agree with this submission to the extent that the PWDP identifies areas protected by a 1% AEP design flood stopbank as Defended Areas to manage the potential residual risk on the landward side of the stopbanks. Accordingly, I recommend that this submission from Mercury NZ Limited [2053.19] be accepted.

496. Aaron Henderson [2095.1] requests that Defended Area Overlay be removed from 120 Russell Road, Huntly. The submitter further states that the property has zero chance of flooding. This submission is supported by *Timberline Contracting* [FS3032.46, FS3032.13]. I agree that this property is unlikely to experience flooding in a 1% event, this is because it is on the outer margins of an area deriving benefit from the 1% AEP stopbank. The submitter appears to have misunderstood the purpose of this overlay, which is to show areas that are unlikely to flood in a 1% AEP event due to the protection received from the stopbanks, but that there may be a residual risk due to a larger than design event or a stopbank breach. Only a small portion of the site (about 1/6th) is shown to be in the Defended Area with the entire site also in the Mine Subsidence Risk Area. Overall, I recommend that the submission from Aaron Henderson [2095.1] be rejected and the further submissions in support from *Timberline Contracting* [FS3032.46, FS3032.13] also be rejected.
497. Murray Henderson [2159.5] submission is similar to the submission discussed above, and seeks the Defended Area Overlay be deleted from 83 Mahuta Station Road. The submitter appears to have misunderstood the purpose of this overlay, which is to show areas that are unlikely to flood in a 1% AEP event due to the protection received from the stopbanks. but that there may be a residual risk due to a larger than design event or a stopbank breach. This submission is opposed in a further submission from *Mercury NZ Limited* [FS3034.83]. Overall, I recommend that the submission from Murray Henderson [2159.5] be rejected and the further submission in opposition from *Mercury NZ Limited* [FS3034.83] be accepted.
498. Jayson and Fulisia Tanaki [2027.1] supported by a further submission from *Timberline Contracting* [FS3032.40] request that the Defended Area Overlay be deleted from their property at 80 Raynor Road. I agree that the Defended Areas should be deleted from this property. The areas are very small and discrete and do not appear to be connected to an overflow path. Accordingly, I recommend that Jayson and Fulisia Tanaki [2027.1] be accepted along with the further submission in support from *Timberline Contracting* [FS3032.40]. The proposed areas to be removed are shown below
499. Sarina Gouws [2013.1] seek that the Defended Area Overlay be amended on their property at 10 Chisholm Street, Huntly. This area is small, discrete and not connected to an overflow path, and is recommended to be accepted. I recommend that Sarina Gouws [2013.1] be accepted. The proposed area to be removed is shown below.
500. Terra Firma Resources [2148.2] seek removal of the Defended Area Overlay from their property at Weavers Crossing Road. This submission is opposed by *Mercury NZ Limited* [FS3034.70]. I have discussed this submission with the Waikato Regional Council staff who have indicated that based on ground levels, as per the methodology for Huntly defended areas (see Appendix 4), there is possibility of overland flow at the site from a stop bank breach of the Huntly Stopbank. Consequently, I recommend that the submission from Terra Firma Resources [2148.2] be rejected and the further submission in opposition from *Mercury NZ Limited* [FS3034.70] be accepted.
501. Stanley Russell Walker [2056.1] request amendment to the Defended Area on their property at 177 Waerenga Road so that it shows as being only partially defended. *Mercury NZ Limited* [FS3034.11] oppose submission point 2056.1. Advice from the Waikato Regional Council is that parts of the property are defended by the stopbank and pump station. The Northern Outlet Canal Section SB provides protection in a 1% AEP event. While the submitter is correct that the property is also prone to flooding being in the Swann Road Scheme, the PWDP Defended Area Overlay only identifies the part of the property defended from the 1%

AEP event. In this case it is only defended to 1% AEP event level from the outlet canal. Accordingly, I recommend that the submission by Stanley Russell Walker [2056.1] be accepted in part as the property is shown as only being partially defended. The further submission in opposition from *Mercury NZ Limited* [FS3034.11] is also accepted in part.

502. Allen Fabrics Ltd [2072.1] seek that the Defended Area be removed from their property at 239 East Mine Road. This submission is supported by *Timberline Contracting* [FS3032.41]. The submitters considers that the land within the Defended area is well above the 100-year flooding risk, with the submitter stating that states the lake on the property will be 8.2m above the river level. I have discussed this with the Waikato Regional Council who state “The land is defended by the Huntly North stopbank from a Waikato River flood which reaches a much higher level than 8.2m RL.” Further information from the Waikato Regional Council indicates that the flood protection scheme stopbank in this location spans 3km and is designed to two design standards: an urban design standard and a rural design standard. The submitters property spans these two design standards, and the crest levels vary from 11.93m RL (between 116 Great South Road and 2 Great South Road) to about 11.49m RL or slightly lower at the Rural standard end for this locality. Accordingly, I recommend that Allen Fabrics Ltd [2072.1] be rejected and the further submission in support by *Timberline Contracting* [FS3032.41] also be rejected.
503. Bianca Angel [2092.1] has requested that the Defended Area on the planning maps be amended to reduce the “over conservative” area. The further submission from *Timberland Contracting* [FS3032.39] supports this submission, while *Mercury NZ Limited* [FS3034.16] oppose it. Neutral further submissions were also received from *Shand Properties Limited* [FS3020.30] and *Waikato Regional Council* [FS3031.110], although Shand Properties state that they do not suggest any change to the proposed extent of the Defended Areas provided the Council is able to justify its extent.
504. While the submission appears general, the submitter has supplied maps of their property which is located at 71 Bailey Street, Huntley East. The Waikato Regional Council has provided advice that this area is defended by the Huntly freeboard stopbank, which runs between Great South Road and the Railway. Given that the property is receiving benefit from this stopbank and would otherwise flood in a 1% AEP flood event I recommend that the submission from Bianca Angel [2092.1] be rejected along with the further submission in support from *Timberland Contracting* [FS3032.39]. The further submission from *Mercury NZ Limited* [FS3034.16] is recommended to be accepted. The neutral further submissions from *Shand Properties Limited* [FS3020.30] and *Waikato Regional Council* [FS3031.110] are also recommended to be rejected. However, having considered the generality of this submission it would be helpful if the submitter provided more information at the hearing as to why they consider the layer is “over conservative” so that I can assess that more clearly.

32.4 Recommendations

505. For the reasons provided above I recommend that the Hearings Panel:

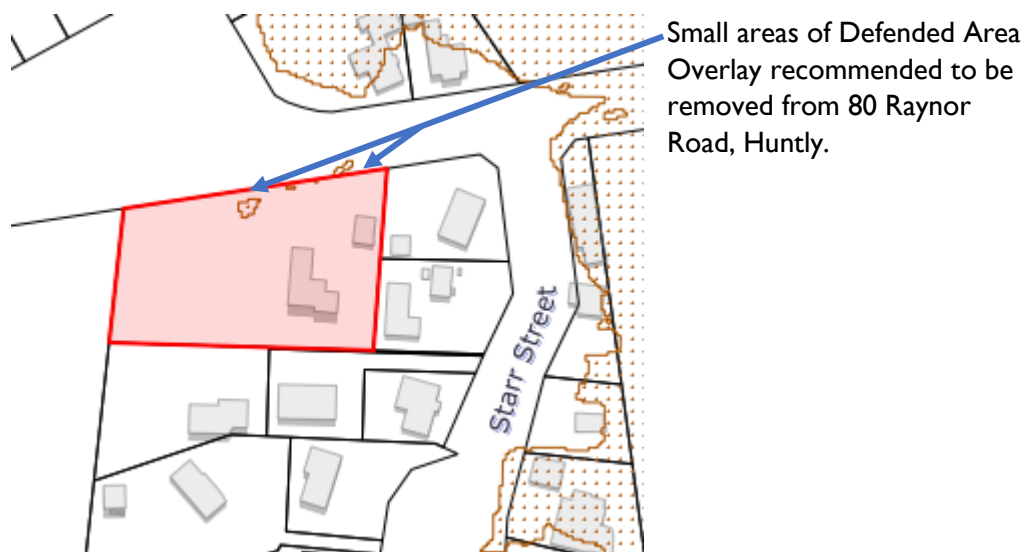
- (a) **Reject** the submission of Jane Bethell [2176.1]. **Retain** Defended area unchanged.
- (b) **Accept** the submission of Mercury NZ Limited [2053.19] and the further submission in support from *Shand Properties Limited* [FS3020.25]. **Reject** the further submission in opposition from *Timberline Contracting* [FS3032.42]. **Retain** 1% AEP Defended Areas.

- (c) **Reject** the submission of Aaron Henderson [2095.1]. **Reject** the further submissions in support from *Timberline Contracting* [FS3032.46, FS3032.13].
- (d) **Reject** the submission of Murray Henderson [2159.5] and **reject** the further submission in opposition from *Mercury NZ Limited* [FS3034.83].
- (e) **Accept** the submission of Jayson and Fulisia Tanaki [2027.1]. **Accept** the further submission in support from *Timberline Contracting* [FS3032.40]. **Delete** the small areas of Defended Area Overlay from 80 Raynor Road, as shown below.
- (f) **Accept** the submission of Sarina Gouws [2013.1]. **Remove** small area of Defended Area Overlay from 10 Chisholm Street. (as shown below).
- (g) **Reject** the submission of Terra Firma Resources [2148.2]. **Accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.70]. **Retain** Defended Area Overlay.
- (h) **Accept in part** the submission of Stanley Russell Walker [2056.1] and **accept in part** the further submission in opposition from *Mercury NZ Limited* [FS3034.11].
- (i) **Reject** the submission of Allen Fabrics Ltd [2072.1]. **Reject** the further submission in support by *Timberline Contracting* [FS3032.41]. **Retain** Defended Area Overlay in this location.
- (j) **Reject** the submission of Bianca Angel [2092.1] along with the further submission in support from *Timberland Contracting* [FS3032.39]. **Accept** the further submission from *Mercury NZ Limited* [FS3034.16]. **Reject** the neutral further submissions from Shand Properties Limited [FS3020.30] and *Waikato Regional Council* [FS3031.110]. **Retain** Defended Area Overlay with minor changes identified below as a result of another submission.

32.5 Recommended amendments

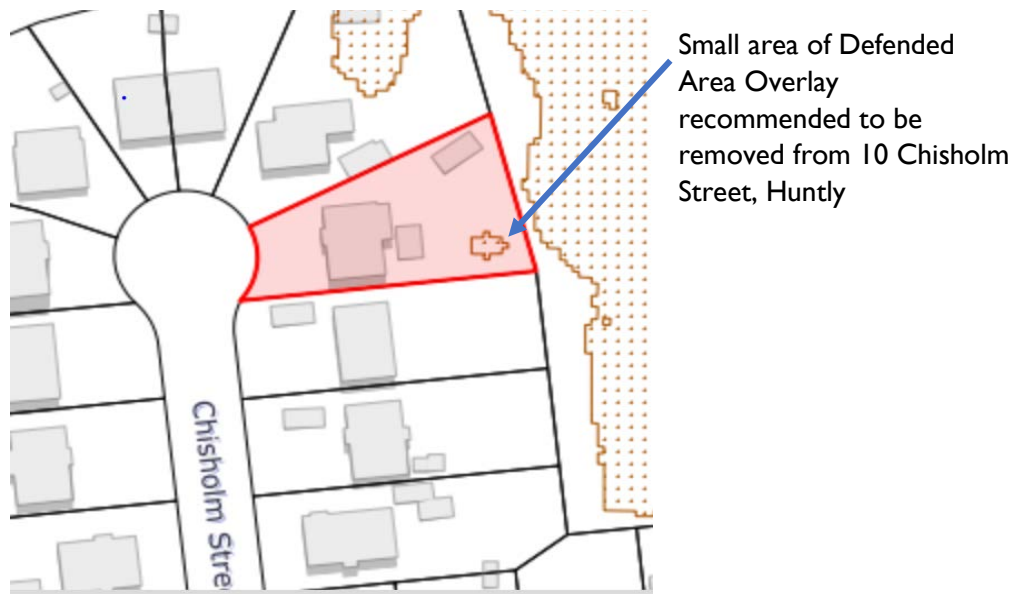
506. The following amendments are recommended to the Defended Area Overlay.

- I. Remove small areas of Defended Area Overlay from 80 Raynor Road (as shown below)³¹.



³¹ [2027.1].

2. Remove small area of Defended Area from 10 Chisholm Street (as shown below).³²



33 Maps – River multiple

33.1 Introduction

507. This section of the report addresses submissions and further submissions in relation to both the High Risk Flood Area Overlay and the Flood Plain Management Area Overlay identified on the planning maps. Mr Greg Whyte has assessed these submissions in terms of the flood modelling and I rely on his evidence in respect to my comments and recommendations below.

33.2 Submissions

508. The submissions and further submissions received on both the High Risk Flood Area Overlay and the Flood Plain Management Area Overlay are listed in the table below:

Submission point	Submitter	Summary of submission
2034.1	Ann Waugh	Amend High Risk Flood Area and Flood Plain Management Area on Map 26 Hamilton Environs to accurately show areas at risk on 2037A River Rd, Horsham Downs.
21881.1	Huntly Community Board	Amend Section 15.4 Floodplain Management Area and Flood Ponding Area Overlay. AND Reconsider the 1:100 flood model overlay, as an overestimation for flood risk in some areas of Huntly
FS3031.157	Waikato Regional Council	Neutral submission 2188.1

³² [2013.1].

FS3034.109	Mercury NZ Limited	Support submission 2188.1
FS3032.38	Timberline Contracting	Support submission 2188.1
2150.1	Meremere Dragway Incorporated	Delete the Floodplain Management Area over the land that is protected by Meremere West Drainage Area and map the land as a Defended Area, and any consequential amendments required.
2035.1	Boston Six Ltd	Amend the Flood Plain Management Area, including the High-Risk Flood Area shown on Map 26.3 Whatawhata by removing excessive coverage of property at 1174C Horotiu Rd, Whatawhata
2125.1	Simon Porter	Amend High Risk Flood Area and Flood Plain Management Area – Map 26 – 9 C River Downs, Rototuna
FS3031.124	Waikato Regional Council	Neutral to submission point 2125.1
2143.6	Avant Developments Limited	Amend Map 22 Hakarimata in relation to flood overlays on 536 and 576A Hakarimata Road, Ngaruawahia if hydrological information to be obtained by submitters supports a different outcome for the mapping of the Flood Plain Management Area and/or High-Risk Flood Area, and Any additional or consequential relief as is necessary to achieve consistency with the above.
FS3034.61	Mercury NZ Limited	Oppose submission point 2143.6
2159.7	Murray Henderson	Amend Map 20 Hakarimata to delete Flood Ponding Area line from submitters property on Weavers Crossing Road, Huntly, and delete Defended Area line from submitters property on Weavers Crossing Road, Huntly
FS3034.85	Mercury NZ Limited	Oppose submission point 2159.7
2159.6	Murray Henderson	Amend Map 20 Hakarimata to delete Flood Ponding Area line from 116 Mahuta Station Road, Huntly and Delete Defended Area line from 116 Mahuta Station Road, Huntly.
FS3034.84	Mercury NZ Limited	Oppose 2159.6
2029.1	ITpos Limited	Amend Map 20.4 Huntly Town Centre to accurately show the Flood Plain Management Area outlined at 12, 14, 16 and 18 Main Street, Huntly.
FS3019.2	Blair Everett	Supports submission point 2029.1
FS3034.5	Mercury NZ Limited	Oppose submission point 2029.1

2053.59	Mercury NZ Limited	Amend Planning Map to include the flood extent for Lake Waikare and the surrounding catchment below ground level of 8m RL in the Flood Plain Management Area overlay on the Planning Maps as requested above.
<i>FS3031.70</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2053.59</i>
2159.4	Murray Henderson	Amend Map 20 Hakarimata to delete High Risk Flood Area from 698 Hakarimata Road, Huntly. And, delete Flood Ponding Area line from 698 Hakarimata Road, Huntly, and Delete Defended Area line from 698 Hakarimata Road, Huntly.
<i>FS3034.82</i>	<i>Mercury NZ Limited</i>	<i>Oppose submission point 2159.4</i>
2044.1	Frances Graham	Delete any proposed natural hazards controls on the property located at 124 Te Ohaki Road, Huntly.
<i>FS3032.3</i>	<i>Timberline Contracting</i>	<i>Support submission point 2044.1</i>
<i>FS3031.9</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2044.1</i>
2159.3	Murray Henderson	Amend Map 20 Hakarimata to delete Flood Ponding Area line from 698 Hakarimata Road, Huntly, and Delete Defended Area line from 698 Hakarimata, Huntly.
<i>FS3034.81</i>	<i>Mercury NZ Limited</i>	<i>Oppose submission point 2159.3</i>
2159.2	Murray Henderson	Amend Map 20 Hakarimata to Delete Flood Ponding Area overlay from 230 Ginn Road, Huntly, and delete Defended Area overlay from 230 Ginn Road, Huntly.
<i>FS3034.80</i>	<i>Mercury NZ Limited</i>	<i>Oppose submission point 2159.2</i>
2159.1	Murray Henderson	Amend Map 20 Hakarimata to delete Flood Ponding Area overlay from 232 Ginn Road, Huntly. And, delete Defended Area overlay from 232 Ginn Road, Huntly.
<i>FS3034.79</i>	<i>Mercury NZ Limited</i>	<i>Oppose submission point 2159.1</i>
2045.1	Eugene Smith	Retain ability to continue residing on the property at 124 Te Ohaki Road, Huntly.
<i>FS3031.10</i>	<i>Waikato Regional Council</i>	<i>Neutral to submission point 2045.1.</i>
2154.1	Joytishna Arti Devi	Retain 15.4 Flood Plain Management Area and Flood Ponding Areas, and Add Waikato District Council to take responsibility, and Add Waikato District Council to assess potential risk to submitter's property, and

		Add stopbank to protect land and house
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33.3 Analysis

509. Ann Waugh [2034.1] seeks that the High Risk Flood Area and Flood Plain Management Area be amended to accurately show areas at risk on 2037A River Rd, Horsham Downs. The submitter considers that the map does not follow the current contour of the land, as alterations on the Horsham Downs golf course have changed the flood plain from the creek. No information has been provided from the submitter to indicate whether the land adjoining the site has been filled or if the creek has been diverted. Currently, both the High Risk Flood Overlay and the Flood Plain Management Area Overlay lie across a substantial part of the submitter's property. Without further information from the submitter or a new run of the model using new LiDAR information, it is impossible to say where the lines will fall, although it is likely that the area will still be included within the Flood Plain Management Area Overlay. Consequently, I recommend that the submission of Ann Waugh [2034.1] be rejected.
510. Huntly Community Board [2188.1] seek to amend Section 15.4 Floodplain Management Area and Flood Ponding Area Overlay and also request reconsideration of the 1:100 flood model overlay, as an overestimation for flood risk in some areas of Huntly. The submission is supported by *Mercury NZ Limited* [FS3034.109] and *Timberline Contracting* [FS3032.38]. I am unsure what amendments the submitter seeks and what information it holds that would support its concern that the 1% AEP flood extent is overestimated. It would be helpful if the submitter could provide information at the hearing so that this submission can be properly considered. In the meantime, I recommend that the submission of Huntly Community Board [2188.1] and the further submissions in support from *Mercury NZ Limited* [FS3034.109] and *Timberline Contracting* [FS3032.38] be rejected.
511. Meremere Dragway Incorporated [2150.1] seek the deletion of the Floodplain Management Area over the land that is protected by Meremere West Drainage Area and that the land be mapped as a Defended Area. I have discussed this request with the Waikato Regional Council who indicate that this is a drainage area with only a 10% AEP stopbank design. The land is therefore prone to a 1% AEP flood event of the Waikato River. Consequently, I recommend that the submission of Meremere Dragway Incorporated [2150.1] be rejected.
512. Boston Six Ltd [2035.1] request that the Flood Plain Management Area, including the High-Risk Flood Area shown at 1174C Horotiu Road Whatawhata be amended by removing the excessive coverage of the overlays. I note that the revised and originally notified maps show a similar area and maps showing this property in the 1998 flood confirm that the area identified was inundated (the 1998 flood being slightly less than a 1% event). Maps showing the 1998 flood will be provided at the hearing.
513. Consequently, I consider that the extent shown on the maps is a reasonable representation of the 1% flood extent on the property and is not excessive. Overall, I recommend that the submission of Boston Six Ltd [2035.1] be rejected.
514. Simon Porter [2125.1] seeks to amend the High Risk Flood Area and Flood Plain Management Area over the property at 9C River Downs, Rototuna. The submitter is primarily concerned with the extent of the overlays and states that flooding to the degree shown on the maps would be extremely rare. I agree that the contour information provided by the submitter shows an unlikely flood pattern and I have sought advice from Mr Whyte in respect to this

submission. I understand from this discussion that where there is a steep slope the model averages ground level between points and this results in a jagged appearance in the flood extent. With further smoothing of the raw data this can be rectified. On this particular property there would still be both High Risk Flood Area and Flood Plain Management Area, but it could be made to look more realistic and would likely reduce its extent. As I do not have a smoothed representation, I recommend that the submission of Simon Porter [2125.1] be rejected.

515. Avant Developments Limited [2143.6] are currently undertaking a development of the property at 536 and 576A Hakarimata Road, Ngaruawahia, and seek amendments to the High Risk Flood Area and Flood Plain Management Area overlays if their own site specific hydrological investigations support a different result to that shown on the planning maps. This submission is opposed by *Mercury NZ Limited* [FS3034.61]. I have not sighted any alternative site-specific investigations for this site, and consequently recommend that the submission of Avant Developments Limited [2143.6] be rejected and the further submission of *Mercury NZ Limited* [FS3034.61] be accepted. However, it would be appropriate for the submitter to present any new information available for the site at the hearing to determine if the recent investigations support a different recommendation.
516. Murray Henderson [2159.7, 2159.6, 2159.4, 2159.3, 2159.2, 2159.1] seeks to remove the Flood Ponding Area and Defended Areas from the following properties:
- Weavers Crossing Road [2159.7]
 - 116 Mahuta Station Road, Huntly [2159.6]
 - 698 Hakarimata Road, Huntly (including High Risk Flood areas as well) [2159.3, 2159.4]]
 - 230 Ginn Road [2159.2]
 - 232 Ginn Road [2159.1]
517. These submissions are opposed by *Mercury NZ Limited* [FS3034.80, FS3034.79, F3034.81, F3034.85, F3034.82, F3034.84].
518. Advice from the Waikato Regional Council indicates that the properties in Ginn Road are protected in a 1% AEP flood event by the Waahi Stream Floodgate and are also subject to flood ponding by local catchment run-off. The property at 698 Hakarimata Road is well within the High Risk Flood and Flood Plain Management Area but is not in the Defended Area or the Flood Ponding Area. The property at 116 Mahuta Station Road is located well within the Flood Ponding Area and the Defended Area.
519. In respect to Weavers Crossing Road, Waikato Regional Council have indicated that based on ground levels, as per the methodology for Huntly defended areas (see Appendix 4), there is possibility of overland flow at the site from a stop bank breach of the Huntly Stopbank. Overall, therefore I recommend that the submissions from Murray Henderson [2159.7, 2159.6, 2159.4, 2159.3, 2159.2, 2159.1] be rejected and the further submissions in opposition from *Mercury NZ Limited* [FS3034.80, FS3034.79, F3034.81, F3034.85, F3034.82, F3034.84] be accepted.
520. ITpos Limited [2029.1] seek to amend Map 20.4 Huntly Town Centre to accurately show the Flood Plain Management Area and High Risk Flood Area outlined at 12, 14, 16 and 18 Main Street, Huntly. The submission is supported by *Blair Everett* [FS3019.2] and opposed by *Mercury NZ Limited* [FS3034.5]. Mr Whyte has advised that these properties are clearly within the

modelled Flood Plain Management Area and small parts of 12 and 18 Main Street are within the High Risk flood Area. There is no stopbank protecting these properties. Consequently, I recommend that ITpos Limited [2029.1] and the further submission in support from *Blair Everett* [FS3019.2] be rejected and the further submission in opposition from *Mercury NZ Limited* [FS3034.5] be accepted.

521. Mercury NZ Limited [2053.59] make a similar request in submission point [2053.44, 2053.84, 2053.16] and I refer to the discussion in section 29.3 of this report and the recommendation therein. I recommend that Mercury NZ Limited [2053.59] be rejected.
522. Frances Graham [2044.1] requests the deletion of any proposed natural hazards controls on the property located at 124 Te Ohaki Road, Huntly (below). This submission is supported by *Timberline Contracting* [FS3032.3]. West of Te Ohaki Road the property is in the Defended Area, protected by a 1% AEP stopbank. In respect to the eastern part of the property Mr Whyte has checked the model information and has confirmed that the property is located in the Flood Plain Management Area and a smaller portion is located within the High Risk Flood Area. I recommend that the submission by Frances Graham [2044.1] and the further submission in support from *Timberline Contracting* [FS3032.3] be rejected.



Top picture showing 1% AEP stopbank (in yellow), bottom picture showing property in red with natural hazard layers.

523. Eugene Smith [2045.1] seeks to retain the ability to continue residing on the property at 124 Te Ohaki Road, Huntly. The provisions in the PWDP do not affect existing use rights, and rules only apply when new development is proposed (which could be additions or new buildings, or subdivision for example). To the extent that there is an existing residence at 124 Te Ohaki Road that is protected by existing use rights, I recommend that this submission be accepted. No change to the planning maps or Plan is required.
524. Joytishna Arti Devi [2154.1] seeks to retain 15.4 Flood Plain Management Areas and Flood Ponding Areas, but also seeks a number of matters which are outside the scope of this process. Overall, I recommend that this submission be accepted in part to the extent that I recommend

that the Flood Plain Management Areas and Flood Ponding Areas be retained along with some changes to the maps and provisions requested by other submitters.

33.4 Recommendations

525. For the reasons provided above I recommend that the Hearings Panel:

- (a) **Reject** the submission of Ann Waugh [2034.1]. **Retain** High Risk Flood Area and Flood Plain Management Area over the property.
- (b) **Reject** Huntly Community Board [2188.1] and the further submissions in support from *Mercury NZ Limited* [FS3034.109] and *Timberline Contracting* [FS3032.38].
- (c) **Reject** the submission of Meremere Dragway Incorporated [2150.1]. **Retain** Floodplain Management Area Overlay over the land as proposed.
- (d) **Reject** the submission of Boston Six Ltd [2035.1]. **Retain** Floodplain Management Area Overlay over the land.
- (e) **Reject** Simon Porter [2125.1].
- (f) **Reject** Avant Developments Limited [2143.6]. **Accept** the further submission of *Mercury NZ Limited* [FS3034.61]. **Retain** High Risk Flood Area and Flood Plain Management Area Overlay over the property as proposed.
- (g) **Reject** Murray Henderson [2159.7, 2159.6, 2159.4, 2159.3, 2159.2, 2159.1]. **Accept** the further submissions in opposition from *Mercury NZ Limited* [FS3034.80, FS3034.79, F3034.81, F3034.85, F3034.82, F3034.84]. **Retain** planning maps, with no amendments as a result of these submissions.
- (h) **Reject** ITpos Limited [2029.1] and the further submission in support from *Blair Everett* [FS3019.2]. **Accept** the further submission in opposition from *Mercury NZ Limited* [FS3034.5].
- (i) **Reject** Mercury NZ Limited [2053.59].
- (j) **Reject** Frances Graham [2044.1] and the further submission in support from *Timberline Contracting* [FS3032.3].
- (k) **Accept** Eugene Smith [2045.1]. **Retain** planning maps unchanged.
- (l) **Accept in part** Joytishna Arti Devi [2154.1].

33.5 Recommended amendments

526. No amendments are recommended to the High Risk Flood Area.

34 Multiple Provisions

34.1 Introduction

527. This section of the report addresses submissions and further submissions in relation to multiple provisions that cross over to Stage 1.

34.2 Submission

528. The submission and further submission received on provisions that cross over into Stage I are listed in the table below:

Submission point	Submitter	Summary of submission
2094.90	Kainga Ora Homes and Communities	Amend Chapter 15 and variation 2 text to cross refer to the Medium Density Residential Zone (MDRZ) sought in submissions on Stage I and introduce the amendments sought by the submitter to MDRZ where relevant.
FS3034.33	Mercury NZ Limited	Oppose submission point 2094.90

34.3 Analysis

529. Kainga Ora Homes and Communities [2094.90] seeks to amend Chapter 15 and Variation 2 text to cross refer to the Medium Density Residential Zone (MDRZ) sought in submissions on Stage I. This submission is opposed by *Mercury NZ Limited* [FS3034.33]. This submission is more appropriately considered when the submissions of Kainga Ora are addressed in respect to the MDRZ. Consequently, I recommend that the panel consider this submission in the context of the rezoning hearings.

34.4 Recommendation

530. For the reasons provided above I recommend that the Hearings Panel:
- (a) **Consider** this submission from Kainga Ora Homes and Communities [2094.90] and further submission from *Mercury NZ Limited* [FS3034.33] during the rezoning hearings in respect to Kainga Ora's submission in respect to the MDRZ.

34.5 Recommended amendments

531. No changes to Chapter 15 are recommended at this time in respect to this submission.

35 Conclusion

532. I have assessed the submissions and further submissions in relation to the Flood Hazard and Defended Areas topic. The main changes I have recommended to the mapping is to accept the revised ID mapping for the Waipa River provided by the Waikato District Council. I then recommend accepting the submissions of submitters who were affected by that error. I also recommend removing some isolated parts of the Defended Area from some submitter's properties and recommended some minor changes to properties in the Flood Plain Management Area Overlay. Further changes may be able to be made in terms of the planning maps if more information is provided at the hearing.
533. In terms of the policies and rules I have accepted amendments to give greater recognition of catchment management plans in flood hazard identification and mitigation. I have also included reference to the National Grid in policy 15.2.1.10 Areas protected by stopbanks adjacent to the Waikato River; clarified that Policy 15.2.1.14 includes the High Risk Flood Area in respect to hazardous substances; provided for construction, replacement or upgrading of electricity lines and associated structures within the permitted activity Rule 15.5.1 PI; and provided an exception to Rule 15.6.3.D2 in the Defended Areas for earthworks for utilities where they have the approval of the authority managing the stopbank. The remaining changes I recommend are largely minor to improve the clarity and consistency of the PWDP.
534. I consider that the submissions on this chapter should be accepted, accepted in part or rejected as set out in **Appendix 1** for the reasons set out above.
535. **Appendix 2** contains recommended amendments to plan chapter 15 for Topic Flood Hazards and Defended areas.
536. **Appendix 3** contains recommended amendments to the planning maps for Chapter 15 – Flood Plain Management Area Overlay and Defended Areas Overlay.
537. **Appendix 4** contains technical evidence from Greg Whyte (DHI) and Rick Liefing (WRC).

Appendix I: Table of submission points

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
15.1 Introduction					
2053.15	Mercury NZ Limited	Support	Retain Chapter 15.1, paragraph (9)	<i>Accept in part</i>	4
FS3031.25	Waikato Regional Council	Neutral	Neutral submission 2053.15.	<i>Accept in part</i>	4
2139.2	Ports of Auckland Limited	Oppose	Amend Section 15.1(11) by deleting the last sentence as follows: Other 1% AEP ponding areas will be required to be identified by a suitably- qualified and experienced professional as part of an application for resource consent or a plan change.	<i>Reject</i>	4
FS3031.125	Waikato Regional Council	Neutral	Neutral submission 2139.2.	<i>Accept</i>	4
FS3034.52	Mercury NZ Limited	Support	Support submission 2139.2.	<i>Reject</i>	4
FS3018.1	Perry Group Limited (PGI)	Support	Support submission 2139.2.	<i>Reject</i>	4
2053.14	Mercury NZ Limited	Support	Amend Chapter 15, paragraph (8) to include reference to the use of existing relevant evidence to inform land use planning and management within the flood plain including historical flood data, and photographic evidence of flood or high flow events.	<i>Accept in part</i>	4
FS3031.25	Waikato Regional Council	Support	Support submission 2053.14.		4
2153.1	Cindy & Phillip Quilty	Oppose	Amend Chapter 15.1(12) Introduction so that the title ("residual risk area") only applies to sections that are to be developed.	<i>Reject</i>	4
FS3020.50	Shand Properties Limited	Neutral	Neutrals 2153.1	<i>Reject</i>	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3034.77	Mercury NZ Limited	Oppose	Oppose submission 2153.1.	<i>Accept</i>	4
FS3032.22	Timberline Contracting	Support	Support submission 2153.1.	<i>Reject</i>	4
2102.62	Waikato Regional Council	Support	Amend Section 15.1(10) - Introduction (subject to other amendments sought by the submitter) as follows: [...] High Flood Risk Areas have also been identified. These are areas within the flood plain where the depth of flood water in a 1% AEP flood event exceeds 1 metre or and the speed of flood water exceeds 2 metres per second [...]	<i>Accept</i>	4
2146.11	Waikato District Council	Support	Amend Chapter 15.1 paragraph 10 introductory text to clearly identify that the 2D 1% AEP flood modelling includes climate change, i.e. 2D modelling from Horotiu and Saulbrey Road to Ohinewai identifying High Flood Risk Flood Area and Flood Plain Management Area based on the RCP 6.0 scenario over a 100 year period to 2120 and that the rest of the Floodplain Management Area does not include climate change, AND Amend Chapter 15.1 paragraph 11 introductory text to clearly identify that the 2D 1% AEP Flood Ponding Area around Lake Puketirini also includes climate change based on the RCP 6.0 climate change scenario over a 100 year period to 2120; AND Amend Chapter 15.1 paragraph 12 introductory text to make it clear that the Defended Areas are defended up to the 1% AEP flood level without climate change, AND Any consequential amendments as required, AND Any other change necessary to give effect to the intent of this relief sought and to achieve the purpose of the Resource Management Act 1991.	<i>Accept in part</i>	4
2153.2	Cindy & Phillip Quilty	Oppose	Amend Chapter 15.1(9) and (12) Introduction so that only properties that show risk using 2D flood modelling have proposed hazard applied.	<i>Reject</i>	4
FS3020.51	Shand Properties Limited	Neutral	Neutral submission 2153.2.	<i>Accept in part</i>	4
2161.2	Dilworth Trust Board	Oppose	Amend Chapter 15.1 Paragraph 11 by deleting the last sentence as follows: ... Other 1% AEP ponding areas will be required to be identified by a suitably-qualified and experienced professional as part of an application for resource consent or a plan change ...	<i>Reject</i>	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.133	Waikato Regional Council	Oppose	Oppose submission 2161.2.	Accept	4
15.14 Definitions					
2053.18	Mercury NZ Limited	Support	Amend 15.14 definitions for Flood Ponding Area to make it clear that the flood ponding area overlay forms part of the flood plain.	<i>Reject</i>	5
FS3020.24	Shand Properties Limited	Support	Support submission 2053.18	<i>Reject</i>	5
FS3031.29	Waikato Regional Council	Neutral	Neutral to submission 2053.18	<i>Reject</i>	5
2149.3	Horticulture New Zealand	Support	Amend Policy 15.14 - Definitions so that the definition of farm building excludes artificial crop protection structures, AND Amend Chapter 13 Definitions so the definition of earthworks excludes ancillary rural earthworks, AND Add new provisions in 15.2.1.10 - Areas defended by stop banks adjacent to the Waikato River for artificial crop protection structures and exclude artificial crop protection structures from controls for building coverage, setbacks and daylight angles.	<i>Reject</i>	5
FS3030.25	Federated Farmers New Zealand	Support	Support submission 2149.3	<i>Reject</i>	5
FS3034.71	Mercury NZ Limited	Support	Support submission 2149.3	<i>Reject</i>	5
2094.59	Kainga Ora Homes and Communities	Support	Retain the definition of "Flood plain management area" in section 15.14 and relocate definition to Chapter 13 of PWDP.	<i>Accept</i>	5
2094.60	Kainga Ora Homes and Communities	Support	Retain the definition of "Flood ponding area" in section 15.14, and relocate these to Chapter 13 of PWDP	<i>Accept</i>	5
2094.61	Kainga Ora Homes and Communities	Support	Retain the definition of "High risk flood area" in section 15.14 and relocate definition to Chapter 13 of PWDP.	<i>Accept</i>	5
2173.79	Federated Farmers of New Zealand	Support	Retain the definition of High-risk flood area in Chapter 15.14 Definitions, subject to appropriate refinement through the Schedule 1 process.	<i>Accept</i>	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3027.28	Horticulture New Zealand	Support	Support submission 2173.79	<i>Accept</i>	5
2094.56	Kainga Ora Homes and Communities	Support	Retain the definition of "Defended Area" in section 15.14 and relocate definition to Chapter 13 of PWDP.	<i>Accept</i>	5
2173.74	Federated Farmers of New Zealand	Support	Retain the definition of Defended Area in Chapter 15.14 Definitions, subject to appropriate refinement through the Schedule 1 process.	<i>Accept</i>	5
FS3032.61	Timberline Contracting	Support	Support submission 2173.74	<i>Accept</i>	5
FS3027.25	Horticulture New Zealand	Support	Support submission 2173.74	<i>Accept</i>	5
2161.15	Dilworth Trust Board	Oppose	Amend Rule 15.14 Definitions Flood Ponding Area as follows: Means an area shown on the planning maps as an identified flood ponding area or an area that experiences floodwater ponding in a 1% AEP rainfall event.	<i>Accept</i>	5
FS3034.90	Mercury NZ Limited	Oppose	Oppose submission 2161.16	<i>Accept</i>	5
FS3031.136	Waikato Regional Council	Oppose	Oppose submission 2161.16	<i>Accept</i>	5
2173.78	Federated Farmers of New Zealand	Support	Retain the definition of Flood ponding area in Chapter 15.14 Definitions, subject to appropriate refinement through the Schedule 1 process.	<i>Accept</i>	5
FS3027.27	Horticulture New Zealand	Support	Support submission 2173.78	<i>Accept</i>	5
2173.77	Federated Farmers of New Zealand	Support	Retain the definition of Flood plain management area in Chapter 15.14 Definitions, subject to appropriate refinement through the Schedule 1 process.	<i>Accept</i>	5
2161.15	Dilworth Trust Board	Support	Retain section 15.14 Definitions as notified, except the definition of 'Flood Ponding Area.	<i>Reject</i>	5
2139.16	Ports of Auckland Limited	Oppose	Amend the definition of Flood Ponding Area in Section 15.14 Definitions as follows: Means an area shown on the planning maps as an identified flood ponding area or an area that experiences floodwater ponding in a 1% AEP rainfall event.	<i>Reject</i>	5
FS3018.5	Perry Group Limited (PGL)	Support	Support submission 2139.16	<i>Reject</i>	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.126	Waikato Regional Council	Oppose	Oppose submission 2139.16	<i>Accept</i>	5
FS3034.57	Mercury NZ Limited	Support	Support submission 2139.16	<i>Reject</i>	5
Objective 15.2.1 Resilience to natural hazard risk					
2053.20	Mercury NZ Limited	Oppose	Delete and Amend Objective 15.2.1 to ensure it provides a clear link between areas subject to flooding, including the Flood Plain Management Area and the High-Risk Flood Area and other chapters relating to land uses that are at significant risk from flooding, and rules controlling these activities in the Flood Plain Management Area and High Risk Flood Areas.	<i>Reject</i>	6
FS3028.6	Ambury Properties Limited	Oppose	Oppose submission 2053.20	<i>Accept</i>	6
FS3031.31	Waikato Regional Council	Neutral	Neutral submission 2053.20	<i>Accept</i>	6
FS3029.6	TaTa Valley Limited	Oppose	Opposes 2053.20	<i>Accept</i>	6
FS3022.7	Ohinewai Lands Limited	Oppose	Oppose submission 2053.20	<i>Accept</i>	6
Policy 15.2.1.1 New development in areas at significant risk from natural hazards					
2053.21	Mercury NZ Limited	Support	Amend Policy 15.2.1.1(a) to ensure significant risk from flood events is managed including within flood plain management areas, by splitting this objective into two to create: One objective to manage significant risk, and One objective to manage high risk.	<i>Reject</i>	7
FS3031.32	Waikato Regional Council	Neutral	Neutral submission 2053.21	<i>Accept</i>	7
FS3029.7	TaTa Valley Limited	Oppose	Oppose submission 2053.21	<i>Accept</i>	7
FS3022.8	Ohinewai Lands Limited	Oppose	Oppose submission 2053.21	<i>Accept</i>	7
Policy 15.2.1.10 Areas defended by stopbanks adjacent to the Waikato River					
2103.10	Fire and Emergency New Zealand	Support	Retain Policy 15.2.1.10 as proposed.	<i>Accept in part</i>	8

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2094.6	Kainga Ora Homes and Communities	Support	Retain Policy 15.2.1.10 Areas defended by stopbanks adjacent to the Waikato River as notified.	<i>Accept in part</i>	8
FS3020.31	Shand Properties Limited	Support	Support submission 2094.6	<i>Accept in part</i>	8
FS3032.45	Timberline Contracting	Oppose	Oppose submission 2094.6:	<i>Reject</i>	8
2053.28	Mercury NZ Limited	Oppose	Delete and Amend Policy 15.2.1.10 to include information and spatial data on risk in the plan to assist assessment of risk in defended areas.	<i>Reject</i>	8
FS3032.43	Timberline Contracting	Support	Support submission 2053.28	<i>Reject</i>	8
FS3020.26	Shand Properties Limited	Support	Supports 2053.28: 15.2.1.10 Shand Properties Limited supports the request to include information and spatial data on risk in the plan to assist assessment of risk in defended areas within Policy 15.2.1.10. The Submitter (Mercury) notes that stopbank management and maintenance is not a landowner responsibility Shand Properties Limited agrees with this point.	<i>Reject</i>	8
FS3031.39	Waikato Regional Council	Neutral	Neutral submission 2053.28	<i>Reject</i>	8
2102.69	Waikato Regional Council	Support	Amend Policy 15.2.1.10(a) - Areas defended by stopbanks adjacent to the Waikato River as follows: (a) Control <u>land use change</u> , subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by: (i) assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before <u>land use change</u> , subdivision and development occurs ; <u>is enabled</u> and (ii) requiring that consideration be given to appropriate mitigation to reduce any residual risk <u>to acceptable level</u> <u>is identified</u> ; and (iii) ensuring that any residual risk is not transferred to neighbouring sites; <u>and</u> (iv) <u>Requiring assessment of the ongoing function and efficacy of flood defence systems, and the identification of associated economic and social costs and benefits associated with these.</u>	<i>Accept in part</i>	8
FS3020.42	Timberline Contracting	Oppose	Oppose submission 2102.69	<i>Reject</i>	8
FS3034.144	Mercury NZ Limited	Support	Supports 2102.69	<i>Accept in part</i>	8

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3027.31	Horticulture New Zealand	Oppose	Oppose submission 2102.69	<i>Accept in part</i>	8
FS3032.48	Timberline Contracting	Support	Support submission 2102.69	<i>Accept in part</i>	8
2101.9	Transpower New Zealand Ltd	Support	Amend Policy 15.2.1.10(a) by adding new (iv) as follows: (a) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by: (i) [...]; (iv) recognising the functional needs and operational needs of the National Grid.	<i>Accept</i>	8
FS3020.32	Shand Properties Limited	Support	Support submission 2101.9	<i>Accept</i>	8
2173.12	Federated Farmers of New Zealand	Support	Amend Policy 15.2.1.10 – Areas defended by stopbanks adjacent to the Waikato River as follows: (a) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River, <u>acceptable or tolerable levels commensurate to the risk to human life and the structural integrity of flood defences</u> by: [...] (b) Specify minimum setbacks for buildings and earthworks, <u>excluding Ancillary Rural Earthworks</u> , from stopbanks to [...] AND Any consequential amendments that may be required.	<i>Reject</i>	8
FS3032.59	Timberline Contracting	Support	Support submission 2173.12	<i>Reject</i>	8
FS3027.5	Horticulture New Zealand	Support	Support submission 2173.12	<i>Reject</i>	8
FS3034.93	Mercury NZ Limited	Support	Support submission 2173.12	<i>Reject</i>	8
2053.30	Mercury NZ Limited	Support	No specific relief sought. However, the submission seeks clarity as to how significant risk which presents potentially intolerable levels of risk have been assessed in a risk-based manner.	<i>Reject</i>	8
FS3031.41	Waikato Regional Council	Neutral	Neutral submission 2053.30	<i>Reject</i>	8
Policy 15.2.1.12 Reduce potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas					
2173.14	Federated Farmers of New Zealand	Support	Amend Policy 15.2.1.12 - Reduce potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas as follows: (a) Reduce the potential for flood damage to habitable buildings located on the Waikato and Waipa River floodplains and flood ponding areas by ensuring that the minimum floor level of habitable building development is above the design flood levels / ponding levels in a 1% AEP flood	<i>Reject</i>	9

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			event, plus an allowance for freeboard, unless: (i) the building development is of a type that is not likely to suffer material damage increase risk to human life during a flood; or (ii) the building is a small-scale addition to an existing building any addition to an existing habitable building is of a small scale; or (iii) The risk from flooding is otherwise avoided, remedied or mitigated AND Any consequential amendments that may be required.		
FS3034.94	Mercury NZ Limited	Support	Support submission 2173.14	<i>Reject</i>	9
FS3027.6	Horticulture New Zealand	Support	Support submission 2173.14	<i>Reject</i>	9
2103.12	Fire and Emergency New Zealand	Support	Retain Policy 15.2.1.12 as proposed.	<i>Accept in part</i>	9
2105.5	Perry Group Limited	Support	Amend Policy 15.2.1.12(a) by replacing "reduce" by "manage" as follows: (a) Reduce <u>Manage</u> the potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas.	<i>Reject</i>	9
2125.2	Simon Porter	Oppose	Amend Policy 15.2.1.12 - Reduce potential for flood damage to buildings located on the Waikato and Waipa River flood plains and flood ponding areas.	<i>Reject</i>	9
2149.4	Horticulture New Zealand	Support	Retain 15.2.1.12 - Reduce potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas - exclusions (i)-(iii), AND Amend 15.14 - Definitions so that the definition of farm building excludes artificial crop protection structures.	<i>Accept in part</i>	9
FS3030.26	Federated Farmers New Zealand	Support	Support submission 2149.4	<i>Accept in part</i>	9
FS3034.72	Mercury NZ Limited	Support	Support submission 2149.4	<i>Accept in part</i>	9
2026.4	Betsy & Noel Smith	Support	Retain Policy 15.2.1.12.	<i>Accept in part</i>	9

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2075.1	Fleming Ranch Trust	Oppose	Amend Policy 15.2.1.12 to clarify future subdivision and building codes pertaining to the Flood Plain Area.	<i>Reject</i>	9
2102.63	Waikato Regional Council	Support	<p>Amend Policy 15.2.1.12 - Reduce potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas as follows:</p> <p>Policy 15.2.1.12 - Reduce potential for flood damage to buildings <u>Managing flood risk for subdivision, use and development located on the Waikato and Waipa River floodplains in the 1% AEP floodplain and flood ponding areas</u></p> <p>(a) Reduce <u>Mitigate</u> the potential for flood damage to buildings located on the Waikato and Waipa River <u>1% AEP floodplains and flood ponding areas</u> by ensuring that the minimum floor level of building development is above the design flood levels / ponding levels in a 1% AEP flood event, plus an allowance for freeboard, unless:</p> <p>(i) the building <u>design</u> development is of a type that is not likely to suffer material damage during a flood; or</p> <p>(ii) [...]</p> <p>(iii) [...]</p> <p>(b) <u>The establishment of new natural hazard sensitive land uses and changes of use to accommodate natural hazard sensitive land uses are assessed and mitigations are provided to ensure that risks to people and property are managed to acceptable levels.</u></p>	<i>Accept in part</i>	9
FS3027.32	Horticulture New Zealand	Oppose	Oppose submission 2102.63	<i>Accept</i>	9
FS3020.40	Shand Properties Limited	Support	Support submission 2102.63	<i>Accept in part</i>	9
FS3034.139	Mercury NZ Limited	Support	Support submission 2102.63	<i>Accept in part</i>	9
FS3029.17	TaTa Valley Limited	Support	Support submission 2102.63	<i>Accept in part</i>	9
2094.8	Kainga Ora Homes and Communities	Support	Retain Policy 15.2.1.12 Reduce potential for flood damage to buildings located on the Waikato and Waipa River floodplains and flood ponding areas as notified	<i>Accept in part</i>	9
2093.5	TaTa Valley Limited	Support	Retain Policy 15.2.1.12	<i>Accept in part</i>	9

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
Policy 15.2.1.13 Control filling of land within the 1% AEP floodplain and flood ponding areas					
2125.2	Simon Porter	Oppose	Amend Policy 15.2.1.13 - Control filling of land within the 1% AEP floodplain and flood ponding areas	<i>Reject</i>	10
2173.15	Federated Farmers of New Zealand	Support	Retain Policy 15.2.1.13 - Control filling of land within the 1% AEP floodplain and flood ponding areas as notified.	<i>Accept</i>	10
FS3027.7	Horticulture New Zealand	Support	Support submission 2173.15	<i>Accept</i>	10
FS3034.95	Mercury NZ Limited	Support	Support submission 2173.15	<i>Accept</i>	10
2102.65	Waikato Regional Council	Support	Amend Policy 15.2.1.13 - Control filling of land within the 1% AEP floodplain and flood ponding areas as follows: Policy 15.2.1.13 - Control filling <u>and structures</u> of land within the 1% AEP floodplain and flood ponding areas (a) Control filling of land <u>and the location of structures</u> within the 1% AEP floodplain and flood ponding areas to ensure that the potential adverse effects on flood storage capacity, overland flows, run-off volumes on surrounding properties on infrastructure, are avoided or mitigated.	<i>Accept</i>	10
FS3034.141	Mercury NZ Limited	Support	Support submission 2102.65	<i>Reject</i>	10
FS3027.33	Horticulture New Zealand	Oppose	Oppose submission 2102.65	<i>Accept</i>	10
2106.5	WEL Networks Limited	Support	Retain Policy 15.2.1.13 as proposed.	<i>Accept</i>	10
2103.13	Fire and Emergency New Zealand	Support	Retain Policy 15.2.1.13 as proposed.	<i>Accept</i>	10
2094.9	Kainga Ora Homes and Communities	Support	Retain Policy 15.2.1.13 Control filling of land within the 1% AEP floodplain and flood ponding areas as notified.	<i>Accept</i>	10
2053.31	Mercury NZ Limited	Support	Amend Flood Plain Management Area overlay on the planning maps to include the flood plain surrounding Lake Waikare that is represented by ground levels less than 8m RL. And that Infill development is documented and recorded over time to ensure that infill volumes and cumulative loss of the storage capacity of the Lower Waikato Flood Protection Scheme is managed and displacement of water is understood.	<i>Reject</i>	10

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.42	Waikato Regional Council	Neutral	Neutral submission 2053.31	<i>Reject</i>	10
2104.5	Genesis Energy Limited	Support	Amend Policy 15.2.1.13(a) as follows: (a) Control filling of land within the 1% AEP floodplain and flood ponding areas to ensure that the potential adverse effects on flood storage capacity, overland flows, run-off volumes on surrounding properties on <u>or</u> infrastructure, are avoided or mitigated.	<i>Accept</i>	10
Policy 15.2.1.14 Hazardous substances located within floodplain and flood ponding areas					
2053.32	Mercury NZ Limited	Support	Amend Policy 15.2.1.14(a) as follows: (a) Avoid Ensure that the location and storage of hazardous substances in areas within the 1% AEP floodplain and flood ponding areas which are at significant risk from natural hazards, including High Risk Flood, Flood Plain Management Area, High Risk Coastal Hazard (Inundation) and High Risk Coastal Hazard (Erosion), unless, considering engineering and technical constraints or functional and operational requirements, they cannot be reasonably located elsewhere and do not create an unacceptable hazard to people, property or the environment will not increase the risk to or vulnerability of people or communities.	<i>Accept in part</i>	11
FS3031.43	Waikato Regional Council	Neutral	Neutral submission 2053.32	<i>Accept in part</i>	11
FS3029.9	TaTa Valley Limited	Oppose	Opposes 2053.32	<i>Reject</i>	11
2093.6	TaTa Valley Limited	Oppose	Amend Policy 15.2.1.14 as follows: ...flood ponding areas do not create a an-unacceptable hazard to people, property or the environment <u>that cannot be appropriately managed</u> OR Amend the policy so the term “unacceptable” is better defined.	<i>Accept in part</i>	11
2173.16	Federated Farmers of New Zealand	Oppose	Delete Policy 15.2.1.14 - Hazardous substances located within floodplain and flood ponding areas, AND Any consequential amendments that may be required.	<i>Reject</i>	11
FS3027.8	Horticulture New Zealand	Support	Support submission 2173.16	<i>Reject</i>	11

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2103.14	Fire and Emergency New Zealand	Support	Retain Policy 15.2.1.14 as proposed.	<i>Accept in part</i>	11
2102.78	Waikato Regional Council	Support	Amend Policy 15.2.1.14 – Hazardous substances located within floodplain and flood ponding areas as follows: Policy 15.2.1.14 - Hazardous substances located within <u>the 1% AEP floodplain and flood ponding areas, defended areas, high risk flood hazard area, high risk coastal hazard area (inundation and erosion) Coastal sensitivity areas, and areas subject to land instability, subsidence and liquefaction risk</u> (a) Ensure that the location and storage of hazardous substances within the 1% AEP floodplain and flood ponding areas do <u>does not</u> create an unacceptable hazard to people, property <u>infrastructure</u> or the environment.	<i>Accept in part</i>	11
FS3030.21	Federated Farmers New Zealand	Oppose	Oppose submission 2102.78	<i>Reject</i>	11
Policy 15.2.1.15 Flood ponding areas and overland flow paths					
2180.3	Ambury Properties Limited	Support	Amend Policy 15.2.1.15(a)(i) - Flood ponding areas and overland flow paths as follows: maintain <u>or appropriately manage</u> the flood storage capacity of natural floodplains, wetlands and ponding areas; and, AND Any further relief and/or amendments required.	<i>Reject</i>	12
FS3034.107	Mercury NZ Limited	Oppose	Oppose submission 2180.3	<i>Accept</i>	12
FS3022.10	Ohinewai Lands Limited	Support	Support submission 2180.3	<i>Reject</i>	12
2173.17	Federated Farmers of New Zealand	Support	Retain Policy 15.2.1.15 - Flood ponding areas and overland flow paths as notified.	<i>Accept in part</i>	12
2149.5	Horticulture New Zealand	Support	Retain Policy 15.2.1.15 - Flood ponding areas and overland flow paths.	<i>Accept in part</i>	12
FS3030.27	Federated Farmers New Zealand	Support	Support submission 2149.5	<i>Accept in part</i>	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2161.4	Dilworth Trust Board	Oppose	Amend Policy 15.2.1.15(a) as follows: (a)...Manage stormwater hazards by requiring new subdivision and development within flood ponding areas and overland flow paths to adopt integrated catchment plan-based stormwater management methods which...	<i>Reject</i>	12
2103.15	Fire and Emergency New Zealand	Support	Retain Policy 15.2.1.15 as proposed.	<i>Accept in part</i>	12
2094.10	Kainga Ora Homes and Communities	Support	Retain Policy 15.2.1.15 - Flood ponding areas and overland flow paths as notified	<i>Accept in part</i>	12
2102.66	Waikato Regional Council	Support	Amend Policy 15.2.1.15 - Flood ponding areas and overland flow paths as follows: (a) Manage the exacerbation of flood stormwater hazards by requiring new subdivision and development within the 1% AEP flood ponding areas and overland flow paths to adopt integrated catchment plan-based stormwater management methods which: (i) maintain the function of flood storage capacity of natural floodplains, wetlands and ponding areas, <u>including storage capacity</u> ; and (ii) retain the function and capacity of overland flow paths <u>and 1% AEP floodplains</u> to convey rainfall events stormwater run-off ; and (iii) do not transfer or increase risk elsewhere within the catchment; and (iv) promote <u>best practice approaches to maintaining and enhancing natural systems which function as a defence against flood hazards</u> low impact stormwater management practices with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS) ; and (v) minimise impervious surfaces.	<i>Accept in part</i>	12
2139.4	Ports of Auckland Limited	Oppose	Amend Policy 15.2.1.15 - Flood ponding areas and overland flow paths - as follows: (a) Manage stormwater hazards by requiring new subdivision and development within flood ponding areas and overland areas and overland flow paths to adopt integrated catchment plan-based stormwater management methods which:...	<i>Reject</i>	12
2053.33	Mercury NZ Limited	Support	Amend Policy 15.2.1.15(a) - Flood Ponding areas and overland flow paths as follows: . Manage stormwater hazards by requiring n N ew subdivision and development <u>that is within a flood ponding area s-and/or overland flow path s-to-should</u> adopt <u>an</u> integrated catchment plan based s tormwater management methods methodology which:	<i>Reject</i>	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<ul style="list-style-type: none"> · maintains the flood storage capacity of natural floodplains, wetlands and ponding areas; and · retains the function and capacity of overland flow paths to convey stormwater runoff; and · does not transfer or increase risk elsewhere; and · promotes low impact stormwater management practices with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and · minimises impervious surfaces. 		
FS3031.44	Waikato Regional Council	Neutral	Neutral submission 2053.33	<i>Reject</i>	12
2105.6	Perry Group Limited	Oppose	Delete Policy 15.2.1.15(iv) as follows: (iv) promote low impact stormwater management practices with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and	<i>Accept in part</i>	12
Policy 15.2.1.2 Changes to existing land use activities and development in areas at significant risk from natural hazards					
2053.22	Mercury NZ Limited	Neutral/Amend	Amend Policy 15.2.1.2(a) as follows: (a) In areas of High Risk Flood, Flood Plain Management Area High Risk Coastal Hazard (Erosion) and High Risk Coastal Hazard (Inundation), ensure that when changes to existing land use activities and development occur, <u>people and communities are not exposed to intolerable levels of risk from natural hazards</u> and a range of risk reduction options are assessed, and development that would increase risk to people's safety, wellbeing and property is avoided.	<i>Reject</i>	13
FS3031.33	Waikato Regional Council	Neutral	Neutral submission 2053.22	<i>Reject</i>	13
15.3 How to use and interpret the rules					
2053.43	Mercury NZ Limited	Support	Add additional text to Chapter 15.3 How to use and interpret the rules that provides a clear link between areas subject to flooding, including the Floodplain Management Area and High Risk Flood Areas and other chapters relating to land uses that are at significant risk from flooding, and rules controlling these activities in the Floodplain Management Area and High Risk Flood Areas.	<i>Reject</i>	14
FS3031.54	Waikato Regional Council	Neutral	Neutral submission 2053.43	<i>Reject</i>	14
15.4 Flood Plain Management Areas and Flood Ponding Areas					

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2188.1	Huntly Community Board	Oppose	Amend Section 15.4 Floodplain Management Area and Flood Ponding Area Overlay. AND Reconsider the 1:100 flood model overlay, as an overestimation for flood risk in some areas of Huntly.	<i>Reject</i>	33
FS3031.157	Waikato Regional Council	Neutral	Neutral submission 2188.1	<i>Reject</i>	33
FS3034.109	Mercury NZ Limited	Support	Support submission 2188.1	<i>Reject</i>	33
FS3032.38	Timberline Contracting	Support	Support submission 2188.1	<i>Reject</i>	33
2103.32	Fire and Emergency New Zealand	Support	Retain Section 15.4 as proposed.	<i>Accept in part</i>	15
2184.2	Charles Verstappen	Support	Amend Chapter 15.4 Flood Plain Management Area and Flood Ponding Areas to enable development without punitive costs where hazards are identified and can be mitigated.	<i>Reject</i>	28
2053.1	Mercury NZ Limited	Support	Retain the approach to management of high-risk flood areas. AND Amend Flood Plain Management Area to include areas affected by high-risk flood hazards.	<i>Accept in part</i>	18
FS3022.1	Ohinewai Lands Limited	Oppose	Oppose submission 2053.1	<i>Reject</i>	18
FS3031.12	Waikato Regional Council	Neutral	Neutral submission 2053.1	<i>Reject</i>	18
FS3028.1	Ambury Properties Limited	Oppose	Oppose submission 2053.1	<i>Reject</i>	18
2154.1	Joytishna Arti Devi	Support	Retain 15.4 Flood Plain Management Area and Flood Ponding Areas, AND Add Waikato District Council to take responsibility, AND Add Waikato District Council to assess potential risk to submitter's property, AND Add stopbank to protect land and house. Note: submitter has ticked that they could gain an advantage in trade competition.	<i>Accept in part</i>	32

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
15.4.1 Permitted Activities					
2026.5	Betsy & Noel Smith	Support	Retain Rule 15.4.1 Permitted activities as proposed	<i>Accept in part</i>	15
2106.9	WEL Networks Limited	Support	Retain Rule 15.4.1 P6 as proposed.	<i>Accept</i>	15
FS3010.6	KiwiRail Holdings Limited	Support	Support submission 2106.9	<i>Accept</i>	15
FS3007.9	PowerCo Limited	Support	Support submission 2106.9	<i>Accept</i>	15
2094.23	Kainga Ora Homes and Communities	Support	Retain Rule 15.4.1 P1 except for the amendments sought below AND Amend Rule 15.4.1 P1 as follows: Construction of a new building <u>or the reconstruction of, or</u> addition to an existing building unless specified in P2 - P5 in Rule 15.4.1. AND Delete the activity specific conditions for Rule 15.4.1 P1.	<i>Reject</i>	15
2094.24	Kainga Ora Homes and Communities	Support	Retain Rule 15.4.1 P2 as notified.	<i>Accept</i>	15
2151.19	Waikato-Tainui Te Kauhanganui Incorporated	Support	Add to Rule 15.4.1 a permitted / controlled activity to enable earthworks for the establishment and re-instatement of wetland habitat and creation of eel and whitebait habitat.	<i>Reject</i>	
2161.6	Dilworth Trust Board	Support	Retain Rule 15.4.1 as notified where the rule applies to the mapped Flood Plain Management areas and Flood Ponding Areas that are mapped, subject to other submission.	<i>Reject</i>	15
2161.7	Dilworth Trust Board	Oppose	Amend Rule 15.4.1 Permitted Activities (a) as follows: (a) The activities listed below are permitted activities within the Flood Plain Management Area <u>or the Flood Ponding Area</u> shown on the Planning Maps or in a Flood Ponding Area , if they meet the activity-specific conditions set out in this table. (b)...	<i>Reject</i>	15
FS3034.86	Mercury NZ Limited	Support	Support submission 2161.7	<i>Reject</i>	15

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.134	Waikato Regional Council	Oppose	Oppose submission 2161.7	<i>Accept</i>	15
2173.35	Federated Farmers of New Zealand	Support	Amend Rule 15.4.1 P1 as follows: Construction of a new <u>habitable</u> building or an addition to an existing <u>habitable</u> building, unless specified in P2 - P5 in Rule 15.4.1. AND Any consequential amendments that may be required.	<i>Reject</i>	15
FS3034.100	Mercury NZ Limited	Oppose	Oppose submission 2173.35	<i>Accept</i>	15
FS3031.141	Waikato Regional Council	Oppose	Oppose submission 2173.35	<i>Accept</i>	15
FS3027.11	Horticulture New Zealand	Support	Support submission 2173.35	<i>Reject</i>	15
FS3030.44	Federated Farmers New Zealand	Oppose	Oppose submission 2173.35	<i>Accept</i>	15
2093.7	TaTa Valley Limited	Oppose	Amend Rule 15.4.1 P1 by deleting activity-specific conditions (a) and (b) with new text as follows: (a) The minimum floor level is at least 0.5m above the 1% AEP flood level, and (b) Compliance with condition (1) shall be demonstrated by a suitably qualified engineer with experience in hydrology. (a) The minimum floor level is at least 0.5m above the 1% AEP flood level for more vulnerable land uses; (b) The minimum floor level is at least 0.3m above the 1% AEP flood level for less vulnerable activities; And Add new definitions of "more vulnerable activities" and "less vulnerable activities", consistent with the Auckland Unitary Plan.	<i>Reject</i>	15
FS3033.1	Kainga Ora - Homes and Communities	Support	Support submission 2093.7	<i>Reject</i>	15
FS3034.19	Mercury NZ Limited	Support	Support submission 2093.7	<i>Reject</i>	15

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.111	Waikato Regional Council	Support	Support submission 2093.7	<i>Reject</i>	15
2156.3	15 Auckland Waikato Fish and Game	Support	Add a new P8 Rule to 15.4.1 Flood Plain Management Area and Flood Ponding Areas, Permitted Activities to read P8 <u>Earthworks ancillary to a conservation activity</u> , AND Amend Rule 15.4.1 P8 Flood Plain Management Area and Flood Ponding Areas, Permitted Activities to read P8-P9 Earthworks not provided for under Rule 15.4.1 P6 or P 7 8.	<i>Reject</i>	15
FS3030.43	Farmers New Zealand	Support	Support submission 2156.3	<i>Reject</i>	15
2093.8	TaTa Valley Limited	Oppose	Amend Rule 15.4.1 P8 (b) as follows: (b) In the Rural Zone - a maximum volume of filling above natural ground level of 100m3 per-site <u>within the Flood Plain Management Area and Flood Ponding Areas applying to that part of a site</u> , and a maximum cumulative volume of filling and excavation of 200m3 <u>per-site-within the Flood Plain Management Area and Flood Ponding Areas applying to that part of this site</u> ;	<i>Accept</i>	15
2106.8	WEL Networks Limited	Support	Retain Rule 15.4.1 P5 as proposed.	<i>Accept</i>	15
2053.46	Mercury NZ Limited	Support	Amend Rule 15.4.1 P1 as follows: Construction of a new building or an addition to an existing building, unless specified in P2 – P5 in Rule 15.4.1. where the minimum floor level is at least 0.5m above the 1% AEP flood level. Compliance with <u>rule 15.4.1</u> shall be demonstrated by a suitably qualified engineer with experience in hydrology.	<i>Reject</i>	15
FS3031.57	Waikato Regional Council	Neutral	Neutral submission 2053.46	<i>Reject</i>	15
2100.3	Powerco Limited	Support	Retain Rule 15.4.1 P5 as notified.	<i>Accept</i>	15
FS3034.37	Fraser Graafhuis on behalf of Mercury NZ Limited	Support	Support submission 2100.3	<i>Accept</i>	15

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2053.45	Mercury NZ Limited	Support	Amend Section 15.4.1 Permitted Activities within Land Use Zones which could be affected by the Flood Plain need to be identified and rationalised in the risk-based manner.	<i>Reject</i>	15
FS3031.56	Waikato Regional Council	Neutral	Neutral submission 2053.45	<i>Reject</i>	15
2104.6	Genesis Energy Limited	Support	Amend Rule 15.4.1 P5 as follows: Construction, replacement, repair, maintenance, minor upgrading, or -upgrading or <u>rehabilitation of infrastructure and utilities, and their ancillary activities.</u>	<i>Reject</i>	15
2104.7	Genesis Energy Limited	Support	Amend Rule 15.4.1 P6 as follows: Earthworks associated with construction, replacement, repair, maintenance, minor upgrading, or -upgrading or <u>rehabilitation of infrastructure and utilities, including ancillary activities and the for</u> mation and maintenance of access tracks.	<i>Reject</i>	15
2040.4	Spark New Zealand Trading Limited	Support	Retain Rules 15.4.1 P5 and P6	<i>Accept</i>	15
2053.47	Mercury NZ Limited	Oppose	Delete Rule 15.4.1 P2.	<i>Reject</i>	15
FS3031.58	Waikato Regional Council	Neutral	Neutral submission 2053.47	<i>Reject</i>	15
2053.53	Mercury NZ Limited	Support	Amend Rule 15.4.1 P8 to ensure that: · infill earthworks volumes within the flood plain below relevant 1% RL levels protect the storage capacity of the Lower Waikato Flood Protection Scheme; and · earthworks provisions relevant to the flood plain take precedence over any land use zone provision; and · a Council process is established to ensure consent information is provided to managers of flood risk data at Waikato Regional Council upon approval.	<i>Accept in part</i>	15
FS3031.64	Waikato Regional Council	Neutral	Neutral submission 2053.53	<i>Reject</i>	15
2053.48	Mercury NZ Limited	Support	Retain Rule 15.4.1 P3.	<i>Accept</i>	15

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.59	Waikato Regional Council	Neutral	Neutral submission 2053.48	<i>Accept</i>	15
2053.49	Mercury NZ Limited	Support	Retain Rule 15.4.1 P4.	<i>Accept</i>	15
FS3031.60	Waikato Regional Council	Neutral	Neutral submission 2053.49	<i>Accept</i>	15
2053.50	Mercury NZ Limited	Support	Retain Rule 15.4.1 P5.	<i>Accept</i>	15
FS3031.61	Waikato Regional Council	Neutral	Neutral submission 2053.50	<i>Accept</i>	15
2053.51	Mercury NZ Limited	Support	Amend Rule 15.4.1 P6 to include an activity specific condition to manage scale as follows: (a) <u>A maximum volume of filling above natural ground level of 10m³ per site, and a maximum cumulative volume of filling and excavation of 20m³;</u>	<i>Reject</i>	15
FS3031.62	Waikato Regional Council	Neutral	Neutral submission 2053.51		15
2053.52	Mercury NZ Limited	Support	Retain Rule 15.4.1 P7.	<i>Accept</i>	15
FS3031.63	Waikato Regional Council	Neutral	Neutral submission 2053.52	<i>Accept</i>	15
2156.2	Auckland Waikato Fish and Game	Support	Add a new paragraph to Rule 15.4.1 P4 Flood Plain Management Area and Flood Ponding Areas, Permitted Activities to read (3) <u>Construction of a maimai with a minimum floor level at least 0.5m above the 1% AEP flood level.</u>	<i>Reject</i>	15
2102.39	Waikato Regional Council	Support	Amend Rule 15.4.1 P5 - Flood Plain Management Area and Flood Ponding Areas - Permitted Activities to confirm the activity does not apply to new construction.	<i>Reject</i>	15
FS3003.14	Transpower New Zealand Ltd	Oppose	Oppose submission 2102.39	<i>Accept</i>	15

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3034.135	Mercury NZ Limited	Support	Support submission 2102.39	<i>Reject</i>	15
2146.9	Waikato District Council	Support	Amend Rule 15.4.1 P8 (a), (b) and (c) to read (a) In the Residential, Village and Country Living Zones - a maximum volume of filling above natural ground level of 10m ³ per site, and a maximum cumulative volume of filling and excavation of the earthworks do not result in a reduction of flood water storage capacity on the site of more than 20m³; or In the Rural Zone - a maximum volume of filling above natural ground level of 100m ³ per site, and a maximum cumulative volume of filling and excavation of the earthworks do not result in a reduction of flood water storage capacity on the site of more than 200m³ per site; or (c) All other zones – a maximum volume of filling above natural ground level of 20m ³ per site, and a maximum cumulative volume of filling and excavation of the earthworks do not result in a reduction of flood water storage capacity on the site of more than 50m³ per site; and, AND Any consequential amendments as required, AND Any other change necessary to give effect to the intent of this relief sought and to achieve the purpose of the Resource Management Act 1991.	<i>Reject</i>	15
FS3034.67	Mercury NZ Limited	Oppose	Oppose submission 2146.9	<i>Accept</i>	15
FS3030.41	Federated Farmers New Zealand	Oppose	Oppose submission 2146.9	<i>Accept</i>	15
2139.6	Ports of Auckland Limited	Support	Retain Rule 15.4.1 Flood Plain Management Area and Flood Ponding Areas, Permitted Activities except as set out in submission.	<i>Accept in part</i>	15
2102.68	Waikato Regional Council	Oppose	Amend Table 15.4.1 - Flood Plain Management Area and Flood Ponding Areas - Permitted Activities to further consider the activity specific conditions to ensure the effects are appropriately managed and mitigations are provided.	<i>Reject</i>	15
FS3027.36	Horticulture New Zealand	Oppose	Oppose submission 2102.68	<i>Accept</i>	15
FS3030.20	Federated Farmers New Zealand	Oppose	Oppose submission 2102.68	<i>Accept</i>	15
FS3034.143	Mercury NZ Limited	Support	Support submission 2102.68	<i>Reject</i>	15
2101.16	Transpower New Zealand Ltd	Support	Amend Rule 15.4.1 P5 as follows:	<i>Reject</i>	15

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			P5 - <u>Operation</u> , construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities.		
FS3010.4	KiwiRail Holdings Limited	Support	Support submission 2101.16	<i>Reject</i>	15
2101.17	Transpower New Zealand Ltd	Support	Amend Rule 15.4.1 P6 as follows: P6 - Earthworks associated with <u>operation</u> , construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities, including the formation and maintenance of access tracks.	<i>Reject</i>	15
FS3010.5	KiwiRail Holdings Limited	Support	Supports 2101.17	<i>Reject</i>	15
2173.42	15.4.1 Jesse Gooding on behalf of Federated Farmers of New Zealand	Support	Retain Rule 15.4.1 P8, conditional on the outcomes of the relief sought for Rule 15.4.1 P6 (submission point 2173.10).	<i>Accept in part</i>	15
FS3034.101	Mercury NZ Limited	Oppose	Oppose submission 2173.42	<i>Accept in part</i>	15
FS3027.15	Horticulture New Zealand	Support	Support submission 2173.42	<i>Accept</i>	15
2102.67	Waikato Regional Council	Oppose	Delete Rule 15.4.1 P7 - Flood Plain Management Area and Flood Ponding Areas - Permitted Activities.	<i>Reject</i>	15
FS3029.18	TaTa Valley Limited	Oppose	Oppose submission 2102.67	<i>Accept</i>	15
FS3020.41	Shand Properties Limited	Support	Support submission 2102.67	<i>Reject</i>	15
FS3034.142	Mercury NZ Limited	Support	Support submission 2102.67	<i>Reject</i>	15
FS3030.19	Federated Farmers New Zealand	Oppose	Oppose submission 2102.67	<i>Accept</i>	15
2139.7	Ports of Auckland Limited	Oppose	Amend Rule 15.4.1(a) Flood Plain Management Area and Flood Ponding Areas, Permitted Activities as follows: (a) The activities listed below are permitted activities within the Flood Plain Management Area	<i>Reject</i>	15

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			or the Flood Ponding Area shown on the Planning Maps or in a Flood Ponding Area , if they meet the activity-specific conditions set out in this table.		
FS3018.2	Perry Group Limited (PGL)	Support	Support submission 2139.7	<i>Reject</i>	15
FS3034.53	Mercury NZ Limited	Support	Support submission 2139.7	<i>Reject</i>	15
2173.36	Federated Farmers of New Zealand	Oppose	Amend Rule 15.4.1 P2 as follows: Additions to an existing <u>habitable</u> building that does not increase the ground floor area of the building by more than 15m ² AND Any consequential amendments that may be required.	<i>Reject</i>	15
FS3030.45	Federated Farmers New Zealand	Oppose	Oppose submission 2173.36	<i>Accept</i>	15
FS3027.12	Horticulture New Zealand	Support	Support submission 2173.36	<i>Reject</i>	15
2094.28	Kainga Ora Homes and Communities	Support	Retain Rule 15.4.1 P8 as notified.	<i>Accept</i>	15
2094.25	Kainga Ora Homes and Communities	Support	Retain Rule 15.4.1 P3 as notified.	<i>Accept</i>	15
2094.26	Kainga Ora Homes and Communities	Support	Retain Rule 15.4.1 P4 (1) as notified.	<i>Accept</i>	15
2094.27	Kainga Ora Homes and Communities	Support	Retain Rule 15.4.1 P7 as notified.	<i>Accept</i>	15
2173.37	Federated Farmers of New Zealand	Support	Retain Rule 15.4.1 P3 as notified.	<i>Accept</i>	15
2173.38	Federated Farmers of New Zealand	Support	Amend Rule 15.4.1 P4 as follows: 1. Construction of an accessory building without a floor ; 2. Construction of a farm building without a floor . AND Any consequential amendments that may be required.	<i>Reject</i>	15

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3027.13	Horticulture New Zealand	Support	Support submission 2173.38	<i>Reject</i>	15
FS3031.142	Waikato Regional Council	Oppose	Oppose submission 2173.38	<i>Accept</i>	15
2173.39	Federated Farmers of New Zealand	Support	Retain Rule 15.4.1 P5 as notified.	<i>Accept</i>	15
2173.40	Federated Farmers of New Zealand	Support	<p>Amend Rule 15.4.1 P6 as follows:</p> <p>(a) Earthworks associated with construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities, including the formation and maintenance of access tracks.</p> <p>(b) Ancillary Rural Earthworks.</p> <p>OR</p> <p>Add a new permitted activity Rule to 15.4.1 with no conditions, for ancillary rural earthworks</p> <p>AND</p> <p>Any consequential relief required to give effect to this submission point.</p>	<i>Reject</i>	15
FS3027.14	Horticulture New Zealand	Support	Support submission 2173.40	<i>Reject</i>	15
2149.8	Horticulture New Zealand	Support	<p>Amend Rule 15.4.1 P4 Flood Plain Management Area and Flood Ponding Areas, Permitted Activities to read</p> <p>(1) Construction of an a non-habitable accessory building without a floor;</p> <p>(2) Construction of a farm building without a floor.</p>	<i>Reject</i>	15
FS3030.29	Federated Farmers New Zealand	Support	Supports 2149.8	<i>Reject</i>	15
2149.9	Horticulture New Zealand	Support	Retain Rule 15.4.1 P8 Flood Plain Management Area and Flood Ponding Areas, Permitted Activities on the condition that the definition of earthworks in Chapter 13 Definitions is amended to exclude ancillary rural earthworks.	<i>Accept</i>	15
FS3030.30	Federated Farmers New Zealand	Support	Support submission 2149.9	<i>Accept</i>	15
2173.41	Federated Farmers of New Zealand	Support	Retain Rule 15.4.1 P7 as notified.	<i>Accept</i>	15
15.4.2 Restricted Discretionary Activities					

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2139.10	Ports of Auckland Limited	Oppose	Amend Rule 15.4.2 to include activities identified in D1, D2, and D3 of Rule 15.4.3, AND Delete Rule 15.4.3 Flood Plain Management Area and Flood Ponding Areas, Discretionary Activities.	<i>Reject</i>	16
FS3034.56	Mercury NZ Limited	Oppose	Oppose submission 2139.10	<i>Accept</i>	16
FS3018.4	Perry Group Limited (PGL)	Support	Support submission 2139.10	<i>Reject</i>	16
2139.9	Ports of Auckland Limited	Support	Amend Rule 15.4.2(a) Flood Plain Management Area and Flood Ponding Areas, Restricted Discretionary Activities as follows: (a) The activities listed below are restricted discretionary activities within the Flood Plain Management Area or the Flood Ponding Area shown on the Planning Maps or in a Flood Ponding Area, if...	<i>Accept in part</i>	16
FS3018.3	Perry Group Limited (PGL)	Support	Support submission 2139.9	<i>Reject</i>	16
FS3034.55	Mercury NZ Limited	Support	Support submission 2139.9	<i>Reject</i>	16
2161.8	Dilworth Trust Board	Support	Retain Rule 15.4.2 Restricted Discretionary Activities to the extent that the rule is only applied to the mapped Flood Plain Management and Flood Ponding Areas in the district plan.	<i>Reject</i>	16
FS3034.87	Mercury NZ Limited	Support	Supports 2161.8	<i>Reject</i>	16
2161.9	Dilworth Trust Board	Oppose	Amend Rule 15.4.2 (a) as follows: (a) The activities listed below are restricted discretionary activities within the Flood Plain Management Area or the Flood Ponding Area shown on the Planning Maps or in a Flood Ponding Area.	<i>Reject</i>	16
FS3031.135	Waikato Regional Council	Oppose	Oppose submission 2161.9	<i>Accept</i>	16
FS3034.88	Mercury NZ Limited	Support	Support submission 2161.9	<i>Reject</i>	16
2139.8	Ports of Auckland Limited	Support	Retain Rule 15.4.2 Flood Plain Management Area and Flood Ponding Areas, Restricted Discretionary Activities, except as set out in submission.	<i>Accept in part</i>	16
FS3034.54	Mercury NZ Limited	Support	Support submission 2139.8	<i>Accept in part</i>	16

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2173.43	Federated Farmers of New Zealand	Support	Retain Rule 15.4.2 RD1 as notified.	<i>Accept</i>	16
2149.10	Horticulture New Zealand	Support	Retain Rule 15.4.2 RD1 Flood Plain Management Area and Flood Ponding Areas, Restricted Discretionary Activities on the condition that the definition of earthworks in Chapter 13 Definitions is amended to exclude ancillary rural earthworks.	<i>Reject</i>	16
2094.29	Kainga Ora Homes and Communities	Support	Retain Rule 15.4.2 RD1 as notified.	<i>Accept</i>	16
2053.54	Mercury NZ Limited	Oppose	Delete [...] 15.4.2(c) (c) Any application arising from this rule shall not be limited or publicly notified.	<i>Accept</i>	16
FS3031.65	Waikato Regional Council	Neutral	Neutral submission 2053.54	<i>Accept</i>	16
2143.2	Avant Developments Limited	Support	Add a new rule to 15.4.2 Flood Plain Management Area and Flood Ponding Area, Restricted Discretionary Activities to include subdivision of utility allotments, access allotments and reserve allotments; AND Any additional or consequential relief as is necessary to achieve consistency with the above.	<i>Reject</i>	16
FS3034.58	Mercury NZ Limited	Oppose	Oppose submission 2143.2	<i>Accept</i>	16
FS3021.23	Counties Power	Support	Support submission 2143.2	<i>Reject</i>	16
15.4.3 Discretionary Activities					
2161.10	Dilworth Trust Board	Oppose	Amend Rule 15.4.3 Discretionary Activities so that the activities identified in D1, D2 and D3 of Rule 15.4.3 are provided for as restricted discretionary activities under Rule 15.4.2	<i>Reject</i>	17
FS3034.89	Mercury NZ Limited	Oppose	Oppose submission 2161.10	<i>Accept</i>	17
2053.56	Mercury NZ Limited	Support	Retain Rule 15.4.3 D1.	<i>Accept</i>	17
FS3031.67	Waikato Regional Council	Neutral	Neutral submission point 2053.56	<i>Accept</i>	17
2053.55	Mercury NZ Limited	Support	Retain 15.4.3 Discretionary Activities.	<i>Accept</i>	17

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.66	Waikato Regional Council	Neutral	Neutral submission point 2053.55	Accept	17
FS3029.10	TaTa Valley Limited	Oppose	Oppose submission point 2053.55	Reject	17
2106.10	WEL Networks Limited	Support	Retain Rule 15.4.3 D2 as proposed.	Accept	17
FS3021.11	Counties Power	Support	Support submission point 2106.10	Accept	17
2094.30	Kainga Ora Homes and Communities	Oppose	Amend the activity status of Rule 15.4.3 D1 to be a restricted discretionary activity rather than a discretionary activity within the Flood Plain Management Area. AND Add "reconstruction" to the rule AND Add the following matters of discretion: a) The ability to design and construct a building or additions to an existing building so that it is resilient to natural hazards. b) Likely effects on public safety and property resulting from the proposed building or the addition to an existing building. c) The ongoing ability to manage and maintain a building, or additions to an existing building d) Any exacerbation of the natural hazard or creation of a new natural hazard as a result of the proposed building, or additions to an existing building	Reject	17
FS3034.27	Mercury NZ Limited	Oppose	Oppose submission 2094.30	Accept	17
2053.57	Mercury NZ Limited	Support	Retain Rule 15.4.3 D2.	Accept	17
FS3031.68	Waikato Regional Council	Neutral	Neutral submission 2053.57	Accept	17
2094.31	Kainga Ora Homes and Communities	Oppose	Amend the activity status of Rule 15.4.3 D2 from Discretionary Activity to Restricted Discretionary Activity. AND Add the following matters of discretion: (a) The effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events.	Reject	17

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2053.58	Mercury NZ Limited	Support	Retain Rule 15.4.3 D3.	<i>Accept</i>	17
FS3031.69	Waikato Regional Council	Neutral	Neutral submission 2053.58	<i>Accept</i>	17
2102.64	Waikato Regional Council	Support	Add two new discretionary activities to Rule 15.4.3 - Flood Plain Management Area and Flood Ponding Areas - Discretionary Activities as follows: <u>D4 - Emergency or critical community service facility D5 - Natural hazard sensitive activities</u>	<i>Reject</i>	17
FS3033.19	Kainga Ora - Homes and Communities	Oppose	Oppose submission 2102.64	<i>Accept</i>	17
FS3034.140	Mercury NZ Limited	Support	Support submission 2102.64	<i>Reject</i>	17
2173.46	Federated Farmers of New Zealand	Oppose	Delete Rule 15.4.3 D3A AND Any consequential amendments that may be required.	<i>Reject</i>	17
2173.45	Federated Farmers of New Zealand	Support	Retain Rule 15.4.3 D2 Flood as notified.	<i>Accept</i>	17
2173.44	Federated Farmers of New Zealand	Support	Retain Rule 15.4.3 D1, conditional on the outcome of the relief sought for Rule 15.4.1 P4 (submission point 2173.8).	<i>Reject</i>	17
2149.11	Horticulture New Zealand	Oppose	Adopt changes sought in HortNZ's submission to Stage 1 relating to hazardous substances and in the evidence of Ms Wharfe to Hearing 8A, AND Amend the definition of hazardous facility in Chapter 13 Definitions.	<i>Accept in part</i>	17
FS3030.32	Federated Farmers New Zealand	Support	Support submission 2149.11	<i>Accept in part</i>	17
2093.9	TaTa Valley Limited	Oppose	Amend the activity status of Rule 15.4.3 D1 from Discretionary Activity to a Restricted Discretionary Activity And Add the following matters of restricted discretion: <u>(a) the type of activity being undertaken and its vulnerability to natural hazard events including the consequences of a natural hazard event in relation to more or less vulnerable activities;</u> <u>(b) the likelihood of a natural hazard event occurring and the likely extent</u>	<i>Reject</i>	17

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p>of any damage to people, property or the environment;</p> <p>(c) the effects on public access, landscape and other environmental values, caused by any works proposed in association with the building or structure, including any associated earthworks and landform modifications, to address the hazard by way of mitigation; and</p> <p>(d) the ability to relocate buildings or structures including the proposed duration of occupation of the building or structure within a hazard area, taking into account the long-term likely effects of climate change.</p>		
FS3034.20	Mercury NZ Limited	Oppose	Oppose submission 2093.9	Accept	17
15.5 High Risk Flood Area					
2143.5	Avant Developments Limited	Support	Add to Chapter 15.5 High Risk Flood Area specific rules and standards for earthworks; AND Any additional or consequential relief as is necessary to achieve consistency with the above.	Reject	18
FS3034.60	Mercury NZ Limited	Support	Support submission 2143.5	Reject	18
2102.61	Waikato Regional Council	Support	Retain provisions (rules and assessment matters) in Section 15.5 High Risk Flood Area subject to amendments by the submitter.	Accept in part	18
FS3034.138	Mercury NZ Limited	Support	Support submission 2102.61	Accept in part	18
2161.11	Dilworth Trust Board	Support	Retain Section 15.5 High Risk Flood Area as notified.	Accept in part	18
2139.11	Ports of Auckland Limited	Support	Retain Rule 15.5 High Risk Flood Area as notified.	Accept in part	18
15.5.1 High Risk Flood Area – Permitted Activities					
2149.12	Horticulture New Zealand	Support	<p>Amend Rule 15.5.1 P2 High Risk Flood Area, Permitted Activities to read</p> <p>(1) Construction of an a non-habitable accessory building without a floor;</p> <p>(2) Construction of a farm building without a floor.</p> <p>AND</p> <p>Amend Chapter 13 Definitions so that the definition of a farm building excludes artificial crop protection structures,</p> <p>AND</p> <p>Adopt other changes sought in HortNZ's submission to Stage 1 relating to buildings, particularly artificial crop protection structures.</p>	Accept	19

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3030.33	Federated Farmers New Zealand	Support	Support submission 2149.12	<i>Accept</i>	19
FS3031.128	Waikato Regional Council	Oppose	Oppose submission 2149.12	<i>Reject</i>	19
FS3034.73	Mercury NZ Limited	Oppose	Oppose submission 2149.12	<i>Reject</i>	19
2101.18	Transpower New Zealand Ltd	Support	Amend Rule 15.5.1 PI (1) as follows: PI (1) <u>Operation, Repair, replacement, maintenance or minor upgrading of existing utilities, including as associated earthworks and the formation and maintenance of access tracks.</u>	<i>Accept in part</i>	19
FS3002.1	Spark New Zealand Trading Limited	Oppose	Oppose submission 2101.18	<i>Reject</i>	19
FS3014.6	VEL Networks Limited	Support	Support submission 2101.18	<i>Accept</i>	19
2104.8	Genesis Energy Limited	Support	Amend Rule 15.5.1 PI(1) and add new (3) as follows: (1) Repair, maintenance, or minor upgrading, or rehabilitation of existing <u>infrastructure, utilities, and their ancillary activities</u> . (2)... (3) <u>Earthworks associated with activities under (1) and (2), or rehabilitation of the site occupied by the infrastructure, utilities or ancillary activities.</u>	<i>Accept in part</i>	19
FS3007.7	PowerCo Limited	Support	Support submission 2104.8	<i>Accept in part</i>	19
2102.27	Waikato Regional Council	Support	Add to Rule 15.5.1 PI High Risk Flood Area - Permitted Activities to include an activity specific condition as follows: <u>The structure is constructed and located to ensure that if damaged within a 1% AEP hazard event the structures will be contained within the site.</u>	<i>Reject</i>	19
FS3027.41	Horticulture New Zealand	Oppose	Oppose submission 2102.27	<i>Accept</i>	19
FS3030.14	Federated Farmers New Zealand	Oppose	Oppose 2102.27	<i>Accept</i>	19

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3034.130	Mercury NZ Limited	Support	Support 2102.27	<i>Reject</i>	19
FS3033.15	Kainga Ora - Homes and Communities	Oppose	Oppose submission 2102.27	<i>Accept</i>	19
2173.48	Federated Farmers of New Zealand	Oppose	Amend Rule 15.5.1 P2 as follows: (1) Construction of an accessory building without a floor ; (2) Construction of a farm building without a floor . AND Any consequential amendments that may be required.	<i>Reject</i>	19
FS3031.143	Waikato Regional Council	Oppose	Oppose submission 2173.48	<i>Accept</i>	19
2106.11	WEL Networks Limited	Support	Amend Rule 15.5.1 P1 as follows: (1) Repair, maintenance or minor upgrading of existing utilities <u>and associated earthworks</u> . (2) New telecommunication <u>and electricity</u> lines, poles, cabinets and masts/ poles supporting antennas <u>and associated earthworks</u> .	<i>Accept in part</i>	19
FS3007.10	PowerCo Limited	Support	Support submission 2106.11	<i>Accept in part</i>	19
FS3006.3	Genesis Energy Limited	Support	Support submission 2106.11	<i>Accept in part</i>	19
2173.47	Federated Farmers of New Zealand	Support	Retain Rule 15.5.1 P1 as notified	<i>Accept in part</i>	19
2053.62	Mercury NZ Limited	Support	Retain Rule 15.5.1 P2.	<i>Accept</i>	19
FS3031.73	Waikato Regional Council	Neutral	Neutral submission 2053.62	<i>Accept</i>	19
2123.5	Counties Power Limited	Support	Amend 15.5.1 P1- High Risk Flood Area Permitted Activities to allow for new electricity distribution lines, poles, cabinets, masts/poles and supporting structures as permitted activities.	<i>Accept</i>	19
2094.32	Kainga Ora Homes and Communities	Support	Retain Rule 15.5.1 P2 (1) as notified	<i>Accept</i>	19
2100.4	Powerco Limited	Oppose	Add a new clause (3) to Rule 15.5.1 P1 as follows: (3) <u>New electricity lines, poles, transformers, and associated equipment.</u>	<i>Accept</i>	19

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3021.5	Counties Power	Support	Support submission 2100.4	<i>Accept</i>	19
FS3014.5	WEL Networks Limited	Support	Support submission 2100.4	<i>Accept</i>	19
2040.5	Spark New Zealand Trading Limited	Oppose	Amend Rule 15.5.1 PI (2), to cover both new and upgrading of infrastructure and utilities to the extent it is not minor upgrading. Amend PI (2) to read: Operation, construction, replacement, repair, maintenance, minor upgrading or upgrading of New telecommunication lines, poles, cabinets and masts/poles supporting antennas.	<i>Accept</i>	19
2053.60	Mercury NZ Limited	Neutral	Retain 15.5.1 Permitted Activities.	<i>Accept in part</i>	19
FS3031.71	Miffy Foley on behalf of Waikato Regional Council	Neutral	Neutral submission 2053.60	<i>Accept</i>	19
2053.61	Mercury NZ Limited	Support	Retain Rule 15.5.1 PI.	<i>Accept in part</i>	19
FS3031.72	Waikato Regional Council	Neutral	Neutral submission 2053.61	<i>Accept in part</i>	19
15.5.2 High Risk Flood Area – Restricted Discretionary Activities					
2085.1	Daniel Parker	Support	Amend Rule 15.5.2 RD2 High Risk Flood Area - Restricted Discretionary Activities, to increase the maximum floor area 15m2 to 80m2; Or Delete Rule 15.5.2 RD2 High Risk Flood Area - Restricted Discretionary Activities.	<i>Reject</i>	20
FS3031.107	Waikato Regional Council	Oppose	Oppose submission 2085.1	<i>Accept</i>	20
FS3034.14	Mercury NZ Limited	Oppose	Oppose submission 2085.1	<i>Accept</i>	20
2173.49	Federated Farmers of New Zealand	Support	Retain Rule 15.5.2 RD1 as notified.	<i>Accept</i>	20
2173.50	Federated Farmers of New Zealand	Support	Amend Rule 15.5.2 RD2 as follows: "One addition to a lawfully established <u>habitable</u> building existing at [the date this rule becomes operative], where the addition does not increase the ground floor area of the existing <u>habitable</u> building by more than 15m², unless provided for in Rule 15.5.2 RD1."	<i>Reject</i>	20

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			AND Any consequential amendments that may be required.		
FS3034.102	Mercury NZ Limited	Oppose	Oppose submission 2173.50	Reject	20
FS3031.144	Waikato Regional Council	Oppose	Oppose submission 2173.50	Reject	20
2101.19	Transpower New Zealand Ltd	Support	Amend Rule 15.5.2 RD1 as follows: (1) New utilities not provided for in Rule 15.5.1 PI (2), <u>including associated earthworks and the formation and maintenance of access tracks.</u> (2) Upgrading of existing utilities not provided for in Rule 15.5.1 PI (1), <u>including associated earthworks and the formation and maintenance of access tracks.</u>	Reject	20
FS3002.2	Spark New Zealand Trading Limited	Oppose	Oppose submission 2101.19	Accept	20
2123.6	Counties Power Limited	Oppose	Amend 15.5.2 RD1 - High Risk Flood Area - Restricted Discretionary Activities to ensure new electricity distribution lines, poles, cabinets, masts/poles and supporting structures are not captured under this rule and are permitted activities under Rule 15.5.1 PI.	Accept	20
2094.33	Kainga Ora Homes and Communities	Support	Amend Rule 15.5.2 RD2, Restricted Discretionary Activity within the High-Risk Flood Area as follows: One-Additions and alterations to, or reconstruction of a lawfully established building existing at [date this rule becomes operative] where the addition does not increase the ground floor area of the existing building by more than 15m², unless provided for in Rule 15.5.2 RD1. AND Add to Rule 15.5.2 RD2 a new matter of discretion: (d) <u>Any exacerbation of the natural hazard or creation of a new natural hazard as a result of the proposed additions to an existing building.</u>	Reject	20
FS3034.28	Mercury NZ Limited	Oppose	Oppose submission 2094.33	Accept	20
2053.64	Mercury NZ Limited	Support	Add a new matter of discretion as follows: (g) <u>cumulative effect on the storage capacity of the Lower Waikato Flood Protection Scheme.</u>	Reject	20
FS3031.75	Waikato Regional Council	Neutral	Neutral submission 2053.64	Reject	20

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2143.4	Avant Developments Limited	Support	Add a new rule to Chapter 15.5.2 High Risk Flood Area, Restricted Discretionary Activities to include subdivision of utility allotments, access allotments and reserve allotments; AND Any additional or consequential relief as is necessary to achieve consistency with the above.	<i>Reject</i>	20
FS3021.24	Counties Power	Support	Support submission 2143.4	<i>Reject</i>	20
2149.13	Horticulture New Zealand	Support	Amend Rule 15.5.2 RD2 High Risk Flood Area, Restricted Discretionary Activities to read: One addition to a lawfully established <u>habitable</u> building existing at [the date this rule becomes operative], where the addition does not increase the ground floor area of the existing <u>habitable</u> building by more than 15m ² , unless provided for in Rule 15.5.2 RD1.	<i>Reject</i>	20
FS3031.129	Waikato Regional Council	Oppose	Oppose submission 2149.13	<i>Accept</i>	20
FS3034.74	Mercury NZ Limited	Oppose	Oppose submission 2149.13	<i>Accept</i>	20
FS3030.34	Federated Farmers New Zealand	Support	Support submission 2149.13	<i>Reject</i>	20
2104.9	Genesis Energy Limited	Support	Amend Rule 15.5.2 RD1 and add new (3) as follows: (1) New utilities not provided for in Rule 15.5.1 PI (2). (2) Upgrading of existing <u>infrastructure, utilities, and their ancillary activities</u> not provided for in Rule 15.5.1 PI (1). (3) <u>Earthworks associated with activities under (1) and (2).</u>	<i>Reject</i>	20
2053.65	Mercury NZ Limited	Oppose	Delete Rule 15.5.2 RD2 and include this activity as a Discretionary Activity.	<i>Reject</i>	20
FS3031.76	Waikato Regional Council	Neutral	Neutral submission 2053.65	<i>Reject</i>	20
2106.12	WEL Networks Limited	Support	Retain Rule 15.5.2 RD1 subject to submitted changes being made to Rule 15.5.1 PI.	<i>Accept</i>	20
2053.63	Mercury NZ Limited	Support	Retain 15.5.2 Restricted Discretionary Activities.	<i>Accept</i>	20
FS3031.74	Waikato Regional Council	Neutral	Neutral submission 2053.63	<i>Accept</i>	20
15.5.3 High Risk Flood Area – Discretionary Activities					

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2106.13	WEL Networks Limited	Support	Retain Rule 15.5.3 D2 (2) as proposed.	Accept	21
FS3021.12	Shravan Miryala for Align Ltd on behalf of Counties Power	Support	Support submission 2106.13	Accept	21
2094.34	Kainga Ora Homes and Communities	Oppose	<p>Amend the activity status of Rule 15.5.3 D1 from Discretionary Activity to be Restricted Discretionary</p> <p>AND</p> <p>Amend the wording of Rule 15.5.3 D1 (b) as follows:</p> <p>(b) The additional lot(s) are partially within the High-Risk Flood Area and each additional Lot(s) contains a net site area capable of containing a rectangle of at least 100m² with a minimum of 6m exclusive of yards—complying building platform entirely outside the High-Risk Flood Area.</p> <p>AND</p> <p>Add to Rule 15.5.3 D1 the following matters of discretion:</p> <p>(a) The effects of the hazard on the intended use of the site or sites created by the subdivision.</p> <p>(b) The vulnerability of the uses to flood hazard events.</p> <p>(c) Whether the location and design of the development, including building platforms, are located to avoid the hazard.</p> <p>(d) The extent to which changes the landform for the subdivision are necessary.</p>	Reject	21
2053.67	Mercury NZ Limited	Support	Retain Rule 15.5.3 D1.	Accept	21
FS3031.78	Waikato Regional Council	Neutral	Neutral submission 2053.67	Accept	21
2053.66	Mercury NZ Limited	Support	Retain 15.5.3 Discretionary Activities.	Accept	21
FS3031.77	Waikato Regional Council	Neutral	Neutrals 2053.66	Accept	21
2143.3	Avant Developments Limited	Support	<p>Amend Rule 15.5.3(a) D1(1)(b) High Risk Flood Area, Discretionary Activities to read:</p> <p>The additional lot(s) are partially within the High Risk Flood Area and each additional lot(s) contains a net site an area capable of containing a complying building platform entirely outside the High Risk flood Area.</p> <p>AND</p> <p>Any additional or consequential relief as is necessary to achieve consistency with the above.</p>	Accept	21

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3034.59	Mercury NZ Limited	Oppose	Oppose submission 2143.3	<i>Reject</i>	21
15.5.4 High Risk Flood Area – Non-complying activities					
2173.51	Federated Farmers of New Zealand	Support	Amend Rule 15.5.4 NC1 as follows: Construction of a new <u>habitable</u> building or additions to an existing <u>habitable</u> building, not provided for in Rule 15.5.1 P1 - P2 or Rule 15.5.2 RD1 and RD2. AND Any consequential amendments that may be required.	<i>Reject</i>	22
FS3034.103	Mercury NZ Limited	Oppose	Oppose submission 2173.51	<i>Accept</i>	22
FS3031.145	Waikato Regional Council	Oppose	Oppose submission 2173.51	<i>Accept</i>	22
2094.36	Kainga Ora Homes and Communities	Oppose	Amend Rule 15.5.4 NC2 (1) as follows: (1) Subdivision that does not comply with Rule 15.5. 3-2 R D + 3	<i>Reject</i>	22
2102.20	Waikato Regional Council	Support	Add new Rule 15.5.4 NC4 - High Risk Flood Area - Non-Complying Activities as follows: " <u>NC4 Natural Hazard Sensitive Activities</u> "	<i>Reject</i>	22
FS3011.2	Ministry of Education	Oppose	Oppose submission 2102.20	<i>Accept</i>	22
FS3033.10	Kainga Ora - Homes and Communities	Oppose	Oppose submission 2102.20	<i>Accept</i>	22
FS3034.125	Mercury NZ Limited	Support	Support submission 2102.20	<i>Reject</i>	22
2094.35	Kainga Ora Homes and Communities	Oppose	Amend Rule 15.5.4 NC1 as follows: Construction of a new building or additions to an existing building, not provided for in Rule 15.5.1 P1 – P2 or Rule 15.5.2 RD1 and RD2.	<i>Reject</i>	22
2085.2	Daniel Parker	Oppose	Delete Rule 15.5.4 NC1 High Risk Flood Area - Non-Complying Activities. OR Amend Rule 15.5.4 NC1 High Risk Flood Area - Non-Complying Activities to allow for rebuilding in the case of something such as a fire.	<i>Reject</i>	22

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.108	Waikato Regional Council	Oppose	Oppose submission 2085.2	<i>Accept</i>	22
FS3034.15	Mercury NZ Limited	Oppose	Oppose submission 2085.2	<i>Accept</i>	22
2149.14	Horticulture New Zealand	Oppose	Amend Rule 15.5.4 NCI High Risk Flood Area, Non-Complying Activities to read: Construction of a new <u>habitable</u> building or additions to an existing <u>habitable</u> building, not provided for in Rule 15.5.1 P1 - P2 or Rule 15.5.2 RD1 and RD2.	<i>Reject</i>	22
FS3030.35	Federated Farmers New Zealand	Support	Support submission 2149.14	<i>Reject</i>	22
FS3034.75	Mercury NZ Limited	Oppose	Oppose submission 2149.14	<i>Accept</i>	22
FS3031.130	Waikato Regional Council	Oppose	Oppose submission 2149.14	<i>Accept</i>	22
2053.68	Mercury NZ Limited	Support	Retain 15.5.4 Non-Complying Activities.	<i>Accept</i>	22
FS3031.79	Waikato Regional Council	Neutral	Neutral submission 2053.68	<i>Accept</i>	22
2053.69	Mercury NZ Limited	Support	Retain Rule 15.5.4 NC1.	<i>Accept</i>	22
FS3031.80	Waikato Regional Council	Neutral	Neutral submission 2053.69	<i>Accept</i>	22
2053.70	Mercury NZ Limited	Support	Retain Rule 15.5.4 NC2.	<i>Accept</i>	22
FS3031.81	Waikato Regional Council	Neutral	Neutrals 2053.70	<i>Accept</i>	22
2053.71	Mercury NZ Limited	Support	Retain Rule 15.5.4 NC3.	<i>Accept</i>	22
FS3031.82	Waikato Regional Council	Neutral	Neutral submission 2053.71	<i>Accept</i>	22
2103.33	Fire and Emergency New Zealand	Support	Retain Section 15.5, subject to minor amendment to 15.5.4 NC3 to change "emergency services facilities" to "emergency service facilities."	<i>Accept</i>	22

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
15.6 Defended Area (Residual Risk)					
2154.2	Joytishna Arti Devi	Support	Retain 15.6 Defended Area (Residual Risk), AND Add relocation of building and structure on submitters property if risk is too bad, AND Add Waikato District Council to undertake relocation of building and structure on submitters property, if there is a high risk of flooding even after a stopbank has been developed, AND Add Waikato District Council to subdivide submitter's land Note: submitter has ticked that they could gain an advantage in trade competition.	<i>Accept in part</i>	23
FS3020.52	Shand Properties Limited	Oppose	Oppose submission 2154.2	<i>Reject</i>	23
FS3032.55	Timberline Contracting	Oppose	Oppose submission 2154.2	<i>Reject</i>	23
FS3032.56	Timberline Contracting	Support	Support submission 2154.2	<i>Accept</i>	23
2025.1	Kerry Johansen	Oppose	Amend Rule 15.6.3 DI Defended Area (Residual Risk) to not restrict building on the two sections at 3806 State Highway 1, Huntly.	<i>Reject</i>	23
FS3034.2	Mercury NZ Limited	Oppose	Oppose submission 2025.1	<i>Accept</i>	23
FS3032.37	Timberline Contracting	Support	Support submission 2025.1	<i>Reject</i>	23
FS3031.2	Waikato Regional Council	Neutral	Neutral submission 2025.1	<i>Reject</i>	23
2139.12	Ports of Auckland Limited	Support	Retain Rule 15.6 Defended Area (Residual Risk) as notified.	<i>Accept</i>	23
FS3032.52	Timberline Contracting	Oppose	Oppose submission 2139.12	<i>Reject</i>	23
2103.34	Fire and Emergency New Zealand	Support	Retain Section 15.6 - Defended Area (Residual Risk) as proposed.	<i>Accept</i>	23
FS3020.46	Shand Properties Limited	Support	Support submission 2103.34	<i>Accept</i>	23

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3032.50	Timberline Contracting	Oppose	Oppose submission 2103.34	<i>Reject</i>	23
2094.87	Kainga Ora Homes and Communities	Oppose	Amend the rules so that non-compliance of a permitted activity thresholds is a restricted discretionary activity rather than discretionary activity.	<i>Reject</i>	23
FS3034.32	Mercury NZ Limited	Oppose	Oppose submission 2094.87	<i>Accept</i>	23
2102.71	Waikato Regional Council	Neutral/Amend	Add new rules to Section 15.6 - Defended Area (Residual Risk) to implement an appropriate consideration of residual risk when locating more intensive and vulnerable land uses within defended areas.	<i>Reject</i>	23
FS3032.49	Timberline Contracting	Oppose	Oppose submission 2102.71	<i>Accept</i>	23
FS3027.37	Horticulture New Zealand	Support	Supports 2102.71	<i>Reject</i>	23
FS3034.146	Mercury NZ Limited	Support	Support submission 2102.71	<i>Reject</i>	23
FS3020.43	Shand Properties Limited	Oppose	Oppose submission 2102.71	<i>Accept</i>	23
2161.12	Dilworth Trust Board	Support	Retain Section 15.6 Defended Area (Residual Risk) as notified.	<i>Accept</i>	23
FS3032.58	Timberline Contracting	Oppose	Oppose submission 2161.12	<i>Reject</i>	23
15.6.1 Defended Area (Residual Risk) – Permitted Activities					
2101.20	Transpower New Zealand Ltd	Support	Retain Rule 15.6.1 (a)	<i>Accept</i>	24
2149.15	Horticulture New Zealand	Support	Retain Rule 15.6.1 Defended Area (Residual Risk), Permitted Activities on the condition that changes requested in submissions are adopted.	<i>Accept</i>	24
FS3032.53	Timberline Contracting	Support	Supports 2149.15	<i>Accept</i>	24
FS3020.49	Shand Properties Limited	Support	Supports 2149.15	<i>Accept</i>	24
2173.52	Federated Farmers of New Zealand	Support	Retain Rule 15.6.1 Permitted Activities as notified.	<i>Accept</i>	24

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2053.72	Mercury NZ Limited	Support	Retain 15.6.1 Permitted Activities.	Accept	24
FS3031.83	Waikato Regional Council	Neutral	Neutral submission 2053.72	Accept	24
15.6.2 Defended Areas (Residual Risk) Restricted Discretionary Activities					
2038.1	Peter Ross Buckley	Support	Amend Rule 15.6.2 RDI Subdivision that creates one or more additional lot(s), to include provision to be a permitted activity if a contingency plan is developed that allows access to the property when the property is above the flood plain.	Reject	25
FS3031.6	Waikato Regional Council	Oppose	Oppose submission 2038.1	Accept	25
2173.53	Federated Farmers of New Zealand	Support	Retain Rule 15.6.2 Restricted Discretionary Activities as notified.	Accept	25
2107.19	Heritage New Zealand Pouhere Taonga	Oppose	Amend Rule 15.6.2 RDI - Matter of Discretion (f) as follows: (f) The adverse effects to people and property <u>and historic heritage and Sites and Areas of Significance to Maori</u> and overall vulnerability from potential failure or overwhelming of the structural defences and associated flood protection works relevant to the proposed new lot(s);	Accept	25
2106.14	WEL Networks Limited	Support	Retain Rule 15.6.2 RDI (2) as proposed.	Accept	25
FS3021.13	Counties Power	Support	Support submission 2106.14	Accept	25
2138.1	RG de Leeuw Construction Limited	Oppose	Amend Rule 15.6.2 Defended Area (Residual Risk), Restricted Discretionary Activities to clearly state that a private landowner responsibility is not to determine the efficacy of existing flood protection works.	Reject	25
FS3034.51	Mercury NZ Limited	Oppose	Oppose submission 2138.1	Accept	25
FS3020.47	Shand Properties Limited	Oppose	Oppose submission 2138.1	Accept	25
FS3032.51	Timberline Contracting	Support	Support submission 2138.1	Reject	25
2053.73	Mercury NZ Limited	Oppose	Delete 15.6.2 Restricted Discretionary Activities.	Reject	25

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.84	Waikato Regional Council	Neutral	Neutral submission 2053.73	<i>Reject</i>	25
2053.74	Mercury NZ Limited	Support	Amend Rule 15.6.2 by increasing the activity status to a Discretionary Activity and include the current Matters of Discretion (a) to (h) as assessment criteria within the discretionary rule.	<i>Reject</i>	25
FS3023.1	Terra Firma Resources Ltd	Oppose	Oppose submission 2053.74	<i>Reject</i>	25
FS3031.85	Waikato Regional Council	Neutral	Neutral submission 2053.74	<i>Reject</i>	25
2094.37	Kainga Ora Homes and Communities	Support	Retain Rule 15.6.2 RD1 as notified.	<i>Accept</i>	25
15.6.3 Defended Areas (Residual Risk) Discretionary Activities					
2173.54	Federated Farmers of New Zealand	Oppose	Amend Rule 15.6.3 Discretionary Activities as follows: (a) The activities listed below are discretionary activities within the Defended Area. D1 Construction of a new habitable building or new accessory building , located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown. D2 Earthworks that are not a permitted activity under Rule 15.4.1 P6 or P7 or ancillary rural earthworks , located within 50m... AND Any consequential amendments that may be required.	<i>Reject</i>	26
FS3034.104	Mercury NZ Limited	Oppose	Oppose submission 2173.54	<i>Accept</i>	26
FS3031.146	Waikato Regional Council	Oppose	Oppose submission 2173.54	<i>Accept</i>	26
FS3032.60	Timberline Contracting	Oppose	Oppose submission 2173.54	<i>Accept</i>	26
FS3020.53	Shand Properties Limited	Support	Support submission 2173.54	<i>Reject</i>	26
2053.75	Mercury NZ Limited	Support	Retain 15.6.3 Discretionary Activities.	<i>Accept</i>	26

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.86	Waikato Regional Council	Neutral	Neutral submission 2053.75	<i>Accept</i>	26
2149.16	Horticulture New Zealand	Oppose	Amend Rule 15.6.3 D1 Defended Area (Residual Risk), Discretionary Activities to read: Construction of a new <u>habitable</u> building or new accessory building, located within...	<i>Reject</i>	26
FS3030.36	Federated Farmers New Zealand	Support	Support submission 2149.16	<i>Reject</i>	26
FS3031.131	Waikato Regional Council	Oppose	Oppose submission 2149.16	<i>Accept</i>	26
FS3032.54	Timberline Contracting	Oppose	Oppose submission 2149.16	<i>Accept</i>	26
2155.1	Vivienne H de Thierry	Oppose	Amend Rule 15.6.3(a) restrictions of placement of new building within 50 meters of a stop-bank.	<i>Reject</i>	26
FS3034.78	Mercury NZ Limited	Oppose	Oppose submission 2155.1	<i>Accept</i>	26
FS3031.132	Waikato Regional Council	Oppose	Oppose submission 2155.1	<i>Accept</i>	26
2040.6	Spark New Zealand Trading Limited	Oppose	Amend Rule 15.6.3 D1 and D2 such that the rules do not apply to network utilities and ancillary earthworks within road reserves, and that all other network utility equipment and ancillary earthworks is a permitted activity where the written approval of the authority managing the stop bank has been obtained.	<i>Accept in part</i>	26
FS3021.1	Counties Power	Support	Support submission 2040.6	<i>Accept in part</i>	26
2043.1	Irvine Raymond Udy	Oppose	Amend section 15.6.3 D1 - Discretionary Activities to read: Construction of a new building or new accessory building, located within 50m <u>10m</u> of the toe of a stop-bank where the stop-bank is under the responsibility of the Council.	<i>Reject</i>	26
FS3034.9	Mercury NZ Limited	Oppose	Oppose submission 2043.1	<i>Accept</i>	26
FS3031.7	Waikato Regional Council	Oppose	Oppose submission 2043.1	<i>Accept</i>	26
2043.2	Irvine Raymond Udy	Oppose	Amend section 15.6.3 D2 Discretionary Activities to read: Earthworks located within 50m <u>10m</u> of the toe of a stop-bank where the stop-bank is under the responsibility of the Council	<i>Reject</i>	26

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3034.10	Mercury NZ Limited	Support	Support submission 2043.2	<i>Reject</i>	26
FS3031.8	Waikato Regional Council	Oppose	Oppose submission 2043.2	<i>Accept</i>	26
2053.77	Mercury NZ Limited	Support	Retain Rule 15.6.3 D2.	<i>Accept</i>	26
FS3031.88	Waikato Regional Council	Neutral	Neutral submission 2053.77	<i>Accept</i>	26
2102.70	Waikato Regional Council	Support	Add a new discretionary activity to Rule 15.6.3 Defended Area (Residual Risk) - Discretionary Activity as follows: <u>D4 - Emergency or critical community service facility</u>	<i>Reject</i>	26
FS3025.6	Fire and Emergency New Zealand	Support	Support submission 2102.70	<i>Reject</i>	26
FS3034.145	Mercury NZ Limited	Support	Support submission 2102.70	<i>Reject</i>	26
2033.1	Steve Finer	Oppose	Amend Rule 15.6.3 D1 (Defended Area- Residual Risk) as follows: b) <u>Where a waterway of at least 1.5m width and 1.5m depth exists near a stop-bank within private land, construction of a new building or new accessory building within 10m from the edge of that waterway on the side furthest from the stop-bank.</u>	<i>Reject</i>	26
FS3031.3	Waikato Regional Council	Oppose	Oppose submission 2033.1	<i>Accept</i>	26
2053.76	Mercury NZ Limited	Support	Retain Rule 15.6.3 D1.	<i>Accept</i>	26
FS3031.87	Waikato Regional Council	Neutral	Neutral submission 2053.76	<i>Accept</i>	26
2101.21	Transpower New Zealand Ltd	Support	Retain Rule 15.6.3 D2	<i>Accept</i>	26
2094.38	Kainga Ora Homes and Communities	Oppose	Amend the activity status of Rule 15.6.3 D1 from Discretionary activity to Restricted Discretionary Activity AND Amend Rule 15.6.3 D1 as follows: <u>Construction of a new building, reconstruction of an existing building or new accessory building,</u>	<i>Reject</i>	26

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown. AND Add the following matters of discretion: (a) <u>The potential for the construction, occupation and use of the building(s) to compromise or limit the function of flood protection structures.</u> (b) <u>The potential for the construction, occupation and use of the building(s) to result in overtopping of flood protection structures.</u> (c) <u>The potential for facilities associated with flood protection structures to be overwhelme</u>		
FS3034.29	Mercury NZ Limited	Oppose	Oppose submission 2094.38	Accept	26
2094.39	Kainga Ora Homes and Communities	Oppose	Amend the activity status of Rule 15.6.3 D2 from Discretionary activity to Restricted Discretionary activity AND Add the following matters of discretion: (a) <u>The potential for earthworks to compromise or limit the function of flood protection structures.</u> (b) <u>The potential for the earthworks to result in overtopping of flood protection structures</u> (c) <u>The potential for facilities associated with flood protection structures to be overwhelmed.</u>	Reject	26
FS3034.30	Mercury NZ Limited	Support	Support submission 2094.39	Accept	26
15.13.4 Defended Areas					
2092.1	Bianca Angel	Oppose	Amend the Defended Area on the planning maps and reduce the overly conservative area.	Reject	32
FS3032.39	Timberline Contracting	Support 2092.1	Support submission 2092.1	Reject	32
FS3031.110	Waikato Regional Council	Neutral	Neutrals 2092.1	Reject	32
FS3034.16	Mercury NZ Limited	Oppose	Opposes 2092.1	Accept	32
FS3020.30	Shand Properties Limited	Neutral	Neutrals 2092.1	Reject	32

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2053.79	Mercury Limited NZ	Oppose	Delete 15.13.4 Defended Areas	<i>Reject</i>	27
FS3020.29	Shand Properties Limited	Oppose	Oppose submission point 2053.79	<i>Accept</i>	27
FS3031.90	Waikato Regional Council	Neutral	Neutral to submission point 2053.79	<i>Reject</i>	27
FS3020.28	Shand Properties Limited	Oppose	Opposes 2053.79	<i>Accept</i>	27
FS3032.44	Renee Laker on behalf of Timberline Contracting	Support	Support submission 2053.79	<i>Reject</i>	27
2149.19	Horticulture New Zealand	Support	Retain Rule 15.13.4 Information requirements for all resource consent applications addressing natural hazards, Defended Areas, AND Amend Chapter 13 Definitions so that the definition of earthworks excludes ancillary rural earthworks, AND Adopt changes sought elsewhere in the submission relating to farm buildings or habitable/non-habitable buildings.	<i>Reject</i>	27
FS3030.39	Federated Farmers New Zealand	Support	Support submission point 2149.19	<i>Reject</i>	27
Chapter 15 General & Miscellaneous					
2053.5	Mercury Limited NZ	Support	Amend Chapter 15 to recognise of the effects and consequences within the wider flood plain provisions of the Proposed Waikato District Plan through the implementation of a risk-based approach.	<i>Reject</i>	28
FS3029.3	TaTa Valley Limited	Oppose	Oppose submission 2053.5.	<i>Accept</i>	28
FS3031.16	Waikato Regional Council	Neutral	Neutral to submission 2053.5.	<i>Reject</i>	28

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2180.2	Ambury Properties Limited	Support	Add definitions for the terms 'natural ponding areas' and 'floodways' in relation to proposed Policy 15.2.1.9 - Natural features and buffers providing natural hazard protection, AND Any further relief and/or amendments required.	<i>Reject</i>	28
FS3027.45	Horticulture New Zealand	Support.	Support submission 2180.2.	<i>Reject</i>	28
2102.79	Waikato Regional Council	Support	Add new rule to include hazardous facilities as a discretionary activity in - <input type="checkbox"/> 15.6.3 D5 - Defended Area (Residual Risk); <input type="checkbox"/> 15.7.3 D5 - Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast); <input type="checkbox"/> 15.8.3 D5 - Coastal Sensitivity Area (Inundation); <input type="checkbox"/> 15.9.2 D10 - High Risk Coastal Hazard (Erosion) Area; <input type="checkbox"/> 15.10.2 D9 - High Risk Coastal Hazard (Inundation) Area.	<i>Accept in part</i>	28
FS3034.148	Mercury NZ Limited	Support	Support submission 2102.79	<i>Accept in part</i>	28
FS3030.22	Federated Farmers New Zealand	Oppose	Oppose submission 2102.79	<i>Accept in part</i>	28
FS3027.43	Horticulture New Zealand	Oppose	Oppose 2102.79	<i>Accept in part</i>	28
FS3020.44	Shand Properties Limited	Support	Support submission 2102.79	<i>Accept in part</i>	28
2093.3	TaTa Valley Limited	Oppose	Amend policies relating to High-Risk Flood and Flood Plain Management Areas to clarify that not all Flood Plain Management Areas are High Risk Flood Areas.	<i>Reject</i>	28
FS3034.18	Mercury NZ Limited	Support	Support submission 2093.3	<i>Reject</i>	28
2093.4	TaTa Valley Limited	Support	Amend policies relating to High-Risk Flood and Flood Plain Management Areas to ensure consistency in terminology between mapping, rules and policies	<i>Accept in part</i>	28
2050.2	Ward Ranch Ltd	Oppose	Add to the plan provisions to protect the Swan Road stop bank, including by demolishing or lowering the DoC and Fish & Game weir system.	<i>Reject</i>	28
2082.1	Peter & Natalie Steens	Oppose	Delete Chapter 15: Natural Hazards and Climate Change.		28

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Or Delete Flood Plain Management Area from Map 25 Waipa River.	<i>Reject</i>	
FS3031.106	Waikato Regional Council	Oppose	Oppose submission 2082.1	<i>Accept</i>	28
2053.2	Mercury Limited NZ	Oppose	Delete and Amend Objective 15.2.1 to ensure it provides a clear link between areas subject to flooding, including the Flood Plain Management Area and the High Risk Flood Area and other chapters relating to land uses that are at significant risk from flooding, and rules controlling these activities in the Flood Plain Management Area and High Risk Flood Areas.	<i>Reject</i>	28
FS3031.13	Waikato Regional Council	Neutral	Neutral submission 2053.2.	<i>Reject</i>	28
FS3029.1	TaTa Valley Limited	Oppose	Oppose submission 2053.2.	<i>Accept</i>	28
2093.12	TaTa Valley Limited	Oppose	Amend all definitions in Chapter 15 that refer to the Planning Maps in respect of the Flood Plain Management Area to make reference to the Waikato District Council GIS.	<i>Reject</i>	28
FS3034.21	Mercury Limited NZ	Support	Support submission 2093.12.	<i>Reject</i>	28
2155.2	Vivienne H de Thierry	Support	Retain current Defended Area rule.	<i>Accept</i>	28
FS3032.57	Timberline Contracting	Oppose	Oppose submission 2155.2.	<i>Reject</i>	28
2075.3	Fleming Ranch Trust	Oppose	Amend Chapter 15 to clarify what compensation and financial support will be given to land owners in the Flood Plain Management Area (as opposed to high risk areas) when changes require greater reliance on engineers etc.	<i>Reject</i>	28
2053.4	Mercury Limited NZ	Support	Amend Chapter 15 by: 1) Under taking a comprehensive Waikato River catchment wide flood risk assessment, utilising the best available information (including climate change assumptions), to evaluate risks associated with flood events and anticipated land use change and development; and 2) Using the outcomes of the risk assessment to support the revision to the Proposed District Plan framework.	<i>Reject</i>	28
FS3029.2	TaTa Valley Limited	Support	Support submission 2053.4.	<i>Reject</i>	28

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.15	Waikato Regional Council	Neutral	Neutral submission 2053.4.		28
2147.4	Pokeno Village Holdings Limited	Support	Amend the Proposed Waikato District Plan approach to flooding risks to include (a) An acknowledgement of existing Catchment Management Plans (b) A catchment-wide management approach to stormwater management and flooding risks; and (c) Specific guidance on matters to be addressed in a flood hazard assessment.	<i>Accept in part</i>	28
FS3034.68	Mercury NZ Limited	Support	Support submission 2147.4.	<i>Accept in part</i>	28
Flood Plain Management Area Overlay					
2167.1	Judi Gallagher	Oppose	Amend Planning Map 25 Waipa River so that Flood Plain Management Area does not affect property located at 958 Horotiu Rd.	<i>Reject</i>	29
2164.1	Amanda & Max Ravlich	Oppose	Amend Planning Map 26.2 Te Kowhai so that Flood Plain Management Area does not affect property located at 564D Horotiu Road	<i>Reject</i>	29
2019.1	Kaaren Alma Lipsy Wieser	Oppose	Amend the High-Risk Flood Mapping on 441 Bedford Road, Te Kowhai. (Note: 441 Bedford Road is subject to the Flood Plain Management Area only)	<i>Accept in part</i>	29
2023.1	William Bruce Baverstock	Oppose	Amend Map 14.5 Rangiriri to reduce the Flood Plain Management Area on 151 Plantation Road, Te Kauwhata as shown on map attached to submission.	<i>Reject</i>	29
FS3034.1	Mercury NZ Limited	Oppose	Oppose submission 2023.1		
2110.1	Nathan & Amy Spitzer	Oppose	Amend Map 26.2 Te Kowhai to remove the Flood Plain Management Area from 14 Coombes Road, Te Kowhai.	<i>Accept</i>	29
2112.1	Arnold Craig & Dianne Helen Trigg	Oppose	Amend Planning Map 26.2 - Te Kowhai to accurately represent the Flood Plain Management Area mapped on property located at 564c Horotiu Road, RD8, Hamilton.	<i>Accept</i>	29
2146.1	Waikato District Council	Oppose	Amend the Floodplain Management Area by replacing the mapped area along the Waipa River between the Waikato district boundary and Saubrey Road, with the corrected flood extent. See Attachment 1 of submission for corrected flood extent; AND Any consequential amendments as required; AND Any other change necessary to give effect to the intent of this relief sought and to achieve the purpose of the Resource Management Act 1991.	<i>Accept</i>	29

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.127	Waikato Regional Council	Support	Support s 2146.1	Accept	29
FS3026.2	Graham & Di McBride	Neutral	Not Stated s 2146.1: 252 Collie Road. The original WDC map (July 2020) shows a small triangle of at-risk land at the south-western corner of the map. We are comfortable with that. However, the correction version appears to show flood-risk way up onto higher ground. This does not flood; council has over-estimated what may be flood-prone areas.	Reject	29
FS3026.1	Graham & Di McBride	Neutral	Neutral submission 2146.1	Reject	29
FS3024.1	Guy Melrose	Neutral	Neutral submission 2146.1	Reject	29
FS3017.1	Noel Smith	Support	Support submission 2146.1	Accept	29
FS3015.1	Lawrence Kenneth Nicholl	Support	Support submission 2146.1	Accept	29
FS3004.1	Yeroon Hoan	Support	Support submission 2146.1	Accept	29
FS3001.1	Beale Kelly	Oppose	Oppose submission 2146.1	Reject	29
FS3008.1	Judi Gallagher	Support	Support submission 2146.1	Accept	29
2030.1	Gary Fraser	Oppose	Amend Map 25 Waipa River to accurately reflect the Flood Plain Management Area at 64B Houghton Road, Whatawhata.	Accept	29
2026.3	Betsy & Noel Smith	Oppose	Amend Map 20.7 Ngaruawahia South and Map 25 Waipa River to remove elevated land from the Flood Plain Management Area over the entire property at 353 Ngaruawahia Road.	Reject	29
.		s 2026.3:			
2026.2	Betsy & Noel Smith	Oppose	Amend Map 25 Waipa River to correctly show the Flood Plan Management Area with respect to 394A Ngaruawahia Road and 372 Ngaruawahia Road.	Reject	29
FS3034.4	Mercury NZ Limited	Oppose	Oppose submission 2026.2	Accept	29
2026.1	Betsy & Noel Smith	Oppose	Amend Map 20.7 Ngaruawahia South to correctly show the Flood Plan Management Area with respect to 394A Ngaruawahia Road and 372 Ngaruawahia Road	Reject	29
FS3034.3	Mercury NZ Limited	Oppose	Opposes 2026.1	Accept	29

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2113.1	Christine Lyons	Oppose	Amend Planning Map 13 - Lake Whangape so that the Flood Plain Management Area is removed from the bottom of the lake at 585 Glen Murray Road.	<i>Reject</i>	29
FS3034.46	Mercury NZ Limited	Oppose	Oppose submission 2113.1	<i>Accept</i>	29
2146.2	Waikato District Council	Oppose	Amend the Floodplain Management Area map for the Waikato River to remove the section of the 1% AEP floodplain where it overlaps with the Defended Area. See Attachment 2 of submission for the Shapefile LW_HAZ_EXTENT_1_AEP_POLY_ALTERATION_SEP2020; AND Any consequential amendments as required AND Any other change necessary to give effect to the intent of this relief sought and to achieve the purpose of the Resource Management Act 1991.	<i>Accept</i>	29
FS3034.62	Mercury NZ Limited	Support	Support submission 2146.2	<i>Accept</i>	29
FS3020.48	Shand Properties Limited	Support	Support submission 2146.2	<i>Accept</i>	29
2113.2	Flood Plain Management Area Christine Lyons	Oppose	Amend Planning Map 13 - Lake Whangape so that the Flood Plain Management Area is removed from properties located at 547 and 545 Glen Murray Road.	<i>Reject</i>	29
FS3034.47	Mercury NZ Limited	Oppose	Oppose submission 2113.2	<i>Accept</i>	29
2114.1	Mark Ian de Lautour	Oppose	Amend Planning Map 20.7 - Ngaruawahia South so that it excludes property located at 46 Jackson Street from the natural hazard area.	<i>Accept</i>	29
2117.1	John Harrison	Oppose	Amend Planning Map 26.3 - Whatawhata so that the Flood Plain Management Area matches the natural contour of the land.	<i>Accept in part</i>	29
2117.2	John Harrison	Oppose	Amend map 26.3 to specify that flood levels should be determined from a ground height above the existing river level.	<i>Accept in part</i>	29
2129.1	Juliet & Ian Sunde	Oppose	Add the Environmental Protection Policy Area to the New Plain at 126 Travers Road, Te Kauwhata (Planning map 14.1.) See submission for highlighted map.	<i>Reject</i>	29
2166.1	Fraser & Rachel, Jacqueline, & Terence McNutt, Keelan-Peebles, & Peebles	Oppose	Amend Planning Map 26.3 Whatawhata so that Flood Plain Management Area is removed entirely from property located at 3 Awatea Road. AND Retain a small portion of Flood Plain Management Area over 54 Bell Road. (Map provided - See Figure 1 of submission)	<i>Accept in part</i>	29

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2053.8	Mercury NZ Limited	Oppose	Amend Flood Plain Management Area following a risk assessment that ensures correct attributes are mapped.	<i>Reject</i>	29
FS3031.19	Waikato Regional Council	Neutral	Neutral submission 2053.8	<i>Reject</i>	29
FS3029.4	TaTa Valley Limited	Oppose	Oppose submission 2053.8	<i>Accept</i>	29
2171.1	Philip Leather	Oppose	<p>Delete proposed hazard overlays mapped on properties</p> <ul style="list-style-type: none"> <input type="checkbox"/> 9B River Downs, Rototuna, Hamilton; <input type="checkbox"/> 516 Great South Road, Huntly; <input type="checkbox"/> 494 Great South Road, Huntly; <input type="checkbox"/> 492 Great South Road, Huntly; <input type="checkbox"/> Great South Road, Huntly; <input type="checkbox"/> 478 Great South Road, Huntly; <input type="checkbox"/> 4 Jackson Road, Huntly; <input type="checkbox"/> 101 Ohinewai South Road, Huntly; <input type="checkbox"/> 137 Ohinewai South Road, Huntly; <input type="checkbox"/> 40 George Drive, Huntly; <input type="checkbox"/> 6 Waugh Lane, Huntly; and, <input type="checkbox"/> 114 Riverview Road, Huntly, <p>OR</p> <p>Amend the relevant objectives, policies and rules, including all of Chapter 15 Natural Hazards and Climate Change so they do not restrict the ability to undertake works on those properties</p>	<i>Accept in part</i>	29

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			AND Any consequential relief to the Proposed District Plan to give effect to the above.		
FS3034.91	Mercury NZ Limited	Oppose	Oppose submission 2171.1	<i>Accept in Part</i>	29
FS3031.139	Waikato Regional Council	Neutral	Neutral submission 2171.1	<i>Reject</i>	29
FS3032.23	Timberline Contracting	Support	Support submission 2171.1	<i>Accept in part</i>	29
2016.1	Rodger & Heather Savill	Oppose	Delete Flood Plain Management Area in so far as it effects 335A Ngaruawahia Road, Te Kowhai.	<i>Reject</i>	29
2093.2	TaTa Valley Limited	Oppose	Amend the plan to relocate the Floodplain Management Area from the planning maps to a non-statutory map in the Waikato Council GIS outside of the PWDP.	<i>Reject</i>	29
FS3012.14	Department of Conservation	Oppose	Oppose submission 2093.2	<i>Accept</i>	29
FS3034.17	Mercury NZ Limited	Support	Support submission 2093.2	<i>Reject</i>	29
FS3017.2	Noel Smith	Support	Support submission 2093.2	<i>Reject</i>	29
2089.1	Daks Development	Oppose	Delete the Flood Plain Management Area from the maps.	<i>Reject</i>	29
FS3031.109	Waikato Regional Council	Neutral	Neutral submission 2089.1	<i>Reject</i>	29
2053.44	Mercury NZ Limited	Oppose	Amend Planning Maps to include the flood extent for Lake Waikare and the surrounding catchment below ground level of 8m RL in the Flood Plain Management Area overlay on the Planning Maps.	<i>Reject</i>	29
FS3031.55	Waikato Regional Council	Neutral	Neutral submission 2053.44	<i>Reject</i>	29
2108.16	Department of Conservation	Oppose	Amend planning maps to ensure all Flood Plain Management Areas adjacent to lakes, wetlands and other flood infrastructure (e.g., Rangiriri spillway) are accurately mapped, and consider flood risk (1% AEP) under climate change projections. High flood risk areas at Lake Waikare should be based on both: 1) the current design flood level (RL 7.37m); and 2) include provision for changes in flood areas in response to climate change and catchment management programmes.	<i>Reject</i>	29

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3028.4	Ambury Properties Limited	Oppose	Oppose submission 2108.16	<i>Accept</i>	29
FS3022.4	Ohinewai Lands Limited	Oppose	Oppose submission 2108.16	<i>Accept</i>	29
FS3027.52	Horticulture New Zealand	Oppose	Oppose submission 2108.16	<i>Accept</i>	29
FS3034.45	Mercury NZ Limited	Support	Support submission 2108.16	<i>Reject</i>	29
FS3031.118	Waikato Regional Council	Neutral	Neutral submission 2108.16		
2053.80	Mercury NZ Limited	Oppose	Amend Flood Plain Management Area following a risk assessment that ensures correct attributes are mapped.	<i>Reject</i>	29
FS3031.91	Waikato Regional Council	Neutral	Neutral submission 2053.80	<i>Reject</i>	29
2053.84	Mercury NZ Limited	Oppose	Amend Proposed District Plan - Stage 2 - Planning Maps to include Lake Waikare and its surrounding catchment, where ground levels are below 8m RL (Moturiki datum), within the Flood Plain Management Area. Mapping changes to include: <input type="checkbox"/> spatially significant natural hazard risk areas. These areas of significant flood risk would include the floodplain and the specific areas described around Lake Waikare. Spatial overlays should characterize the location, probability, magnitude and consequences of flood risk; <input type="checkbox"/> the "existing environment", which includes actual existing land uses as well as activities provided for as permitted activities; <input type="checkbox"/> future growth areas, which includes any plan change/ resource consent submissions that relate to the rezoning of land, where that rezoning provides for activities that are sensitive to flood hazard.	<i>Reject</i>	29
FS3031.95	Waikato Regional Council	Oppose	Neutral submission 2053.84	<i>Reject</i>	29
FS3022.2	Ohinewai Lands Limited	Oppose	Oppose submission 2053.84	<i>Accept</i>	29
FS3028.2	Ambury Properties Limited	Oppose	Oppose submission 2053.84	<i>Accept</i>	29
2046.1	Rachel Smith	Oppose	Amend section 15.4 so that Flood Plain Management Area does not apply to property located at 124 Te Ohaki Road Huntly.	<i>Reject</i>	29

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3031.11	Waikato Regional Council	Neutral	Neutral submission 2046.1	<i>Reject</i>	29
2079.1	David & Karina Cooper	Oppose	Delete the Flood Plain Management Area from 22 Westvale Lane, Te Kowhai as shown on Map 26.1 Te Kowhai.	<i>Reject</i>	29
FS3031.105	Waikato Regional Council	Neutral	Neutral submission 2079.1	<i>Reject</i>	29
2036.1	Hamilton City Council	Oppose	Delete Flood Plain Management Area shown on map 26 Hamilton Environs in so far as it relates to 2483 River Road, Horsham Downs.	<i>Reject</i>	29
FS3031.4	Waikato Regional Council	Neutral	Neutral submission 2036.1	<i>Reject</i>	29
2053.3	Mercury NZ Limited	Neutral	No specific relief sought - However the submission seeks clarity as to how significant risk which presents potentially intolerable levels of risk have been assessed in a risk-based manner.	<i>Reject</i>	29
FS3031.14	Waikato Regional Council	Neutral	Neutral submission 2053.3	<i>Reject</i>	29
FS3012.29	Department of Conservation	Support	Support submission 2053.3	<i>Reject</i>	29
FS3012.28	Department of Conservation	Support	Support submission 2053.3	<i>Reject</i>	29
2062.1	Karl Phillip Beaver	Oppose	Amend Map 13 Lake Whangape to reduce the Flood Plain Management Area, in particular at 964 Churchill Road, Pukekawa.	<i>Reject</i>	29
FS3034.12	Mercury NZ Limited	Oppose	Oppose submission 2062.1	<i>Accept</i>	29
FS3031.98	Waikato Regional Council	Neutral	Neutral submission 2062.1	<i>Reject</i>	29
2057.1	Silvia and Peter Mark Fowler	Oppose	Amend Map 25 Waipa River - Flood Plain Management Area so that it accurately aligns with existing ground contours the property located at 257 Collie Road.	<i>Accept in part</i>	29
2053.16	Mercury NZ Limited	Oppose	Amend the Floodplain Management Area overlay include the full extent of the flood plain, so that Lake Waikare and the surrounding catchment, where ground levels are below 8m RL (Moturiki datum), are included as a Floodplain Management Area overlay within the District Plan.	<i>Reject</i>	29
FS3031.27	Waikato Regional Council	Neutral	Neutral submission 2053.16	<i>Reject</i>	29

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2184.1	Charles Verstappen	Oppose	Amend Flood Plain Management Area on 25A Old Taupiri Road, Taupiri.	<i>Reject</i>	29
FS3034.108	Mercury NZ Limited	Oppose	Oppose submission 2184.1	<i>Accept</i>	29
Flood Ponding Area Overlay					
2053.17	Mercury NZ Limited	Support	Retain Flood Ponding Areas overlays on the planning maps; And Amend the Flood Plain Management Area overlay on the planning maps to include the full extent of the flood plain in the District Plan.	<i>Accept in part</i>	30
FS3031.28	Waikato Regional Council	Neutral	Neutral submission 2053.17		
FS3027.46	Horticulture New Zealand	Support	Support submission 2053.17	<i>Accept in part</i>	30
FS3029.5	TaTa Valley Limited	Oppose	Oppose submission 2053.17	<i>Reject</i>	30
High Flood Risk Overlay					
2108.14	Department of Conservation	Oppose	Amend planning maps to ensure all High-Risk Flood Areas adjacent to lakes, wetlands and other flood infrastructure (e.g., Rangiriri spillway) are accurately mapped, and consider flood risk (1% AEP) under climate change projections. Base flood management area at Lake Waikare on 1) the current design flood level (RL 7.37m); And 2) include provision for changes in flood areas in response to climate change and catchment management programmes.	<i>Reject</i>	31
FS3027.50	Horticulture New Zealand	Oppose	Oppose submission 2108.14	<i>Accept</i>	31
FS3031.117	Waikato Regional Council	Neutral	Neutral submission 2108.14		
FS3022.3	Ohinewai Lands Limited	Oppose	Oppose submission 2108.14	<i>Accept</i>	31
FS3028.3	Ambury Properties Limited	Oppose	Oppose submission 2108.14	<i>Accept</i>	31

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3034.43	Mercury NZ Limited	Support	Support submission 2108.14	<i>Reject</i>	31
2053.81	Mercury NZ Limited	Oppose	Amend High Risk Flood Area following a risk assessment that ensures correct attributes are mapped.	<i>Reject</i>	31
FS3031.92	Waikato Regional Council	Neutral	Neutral submission 2053.81	<i>Reject</i>	31
2018.1	Wini Paekau	Support	Retain High Risk Flood Area.	<i>Accept</i>	31
Defended Area Overlay					
2176.1	Jane Bethell	Oppose	Amend the Defended Area hazard overlay to Planning Maps to include the property at 36 Tuakau Bridge to Port Waikato Road.	<i>Reject</i>	32
2053.19	Mercury NZ Limited	Support	Retain identification of residual risk areas that are protected by stop banks.	<i>Accept</i>	32
FS3031.30	Waikato Regional Council	Neutral	Neutral submission 2053.19	<i>Reject</i>	32
FS3032.42	Timberline Contracting	Oppose	Oppose submission 2053.19	<i>Reject</i>	32
FS3020.25	Shand Properties Limited	Support	Support submission 2053.19	<i>Accept</i>	32
2095.1	Aaron Henderson	Oppose	Amend Map 20.2 (Huntly East) by removing the Defended Area overlay from 120 Russell Rd, Huntly.	<i>Reject</i>	32
FS3032.46	Timberline Contracting	Support	Support submission 2095.1	<i>Reject</i>	32
FS3032.13	Timberline Contracting	Support	Support submission 2095.1	<i>Reject</i>	32
FS3031.112	Waikato Regional Council	Neutral	Neutral submission 2095.1	<i>Reject</i>	32
2159.5	Murray Henderson	Oppose	Amend Map 20 Hakarimata to delete Defended Area line from 83 Mahuta Station Road, Huntly	<i>Reject</i>	32
FS3034.83	Mercury NZ Limited	Oppose	Oppose submission 2159.5	<i>Reject</i>	32
2027.1	Jayson & Fulisia Tanaki	Oppose	Amend Map 20.4 Huntly Town Centre to remove the Defended Area (Residual Risk) overlay from 80 Rayner Road, Huntly.	<i>Accept</i>	32

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS3032.40	Timberline Contracting	Support	Support submission 2027.1	<i>Accept</i>	32
2013.1	Sarina Gouws	Oppose	Amend defended area on property at 10 Chisholm Street, Huntly.	<i>Accept</i>	32
2148.2	Terra Firma Resources Limited	Oppose	Delete the Defended Area notation on Terra Firma Resources Ltd (TFR) land south of Lake Puketirini, Huntly in Planning Maps. See submission for map of TFR land holdings.	<i>Reject</i>	32
FS3034.70	Mercury NZ Limited	Oppose	Opposes 2148.2	<i>Accept</i>	32
2056.1	Stanley Russell Walker	Oppose	Amend area shown as Defended Area on Map 14.2 Te Kauwhata East pertaining to the property located at 177 Waerenga Road so that it is shown as only partially defended.	<i>Accept in part</i>	32
FS3034.11	Mercury NZ Limited	Oppose	Oppose submission 2056.1	<i>Accept in part</i>	32
FS3031.97	Waikato Regional Council	Neutral	Neutral submission 2056.1	<i>Reject</i>	32
2072.1	Allen Fabrics Ltd	Oppose	Amend Map 20 Hakarimata and Map 20.2 Huntly East by removing the Defended Area overlay from 239 East Mine road.	<i>Reject</i>	32
FS3032.41	Timberline Contracting	Support	Support submission 2072.1	<i>Reject</i>	32
FS3031.102	Waikato Regional Council	Neutral	Neutral submission 2072.1	<i>Reject</i>	32
Maps – General					
2152.1	Juliet & Ian Sunde	Oppose	Add the Environmental Protection Policy Area to the New Plain at 126 Travers Road, Te Kauwhata (Planning map 14.1). See submission for highlighted map.	<i>Reject</i>	29
Maps – River multiple					
2034.1	Ann Waugh	Oppose	Amend High Risk Flood Area and Flood Plain Management Area on Map 26 Hamilton Environs to accurately show areas at risk on 2037A River Rd, Horsham Downs.	<i>Reject</i>	33
2150.1	Meremere Dragway Incorporated	Oppose	Delete the Floodplain Management Area over the land that is protected by Meremere West Drainage Area and map the land as a Defended Area, AND Any consequential amendments as required.	<i>Reject</i>	33
2035.1	Boston Six Ltd	Oppose	Amend the Flood Plain Management Area, including the High Risk Food Area shown on map 26.3 Whatawhata by removing excessive coverage of property at 1174C Horotiu Rd, Whatawhata.	<i>Reject</i>	33

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2125.1	Simon Porter	Oppose	Amend High Risk Flood Area and Flood Plain Management Area - Map 26 - Hamilton Environs in the vicinity of 9c River Downs, Rototuna- following a review of the modelling, including ground truthing and quality checking of the data and mapping.	<i>Accept in part</i>	33
FS3031.124	Waikato Regional Council	Neutral	Neutral submission 2125.1	<i>Reject</i>	33
2143.6	Avant Developments Limited	Oppose	Amend Map 22 Hakarimata in relation to flood overlays on 536 and 576A Hakarimata Road, Ngaruawahia if hydrological information to be obtained by submitter supports a different outcome for the mapping of the Flood Plain Management Area and/or High-Risk Flood Area; AND Any additional or consequential relief as is necessary to achieve consistency with the above.	<i>Reject</i>	33
FS3034.61	Mercury NZ Limited	Oppose	Oppose submission 2143.6	<i>Accept</i>	33
2159.7	Murray Henderson	Oppose	Amend Map 20 Hakarimata to delete Flood Ponding Area line from submitters property on Weavers Crossing Road, Huntly AND Delete Defended Area line from submitter's property on Weavers Crossing Road, Huntly.	<i>Reject</i>	33
FS3034.85	Mercury NZ Limited	Oppose	Oppose submission 2159.7	<i>Accept</i>	33
2159.6	Murray Henderson	Oppose	Amend Map 20 Hakarimata to delete Flood Ponding Area line from 116 Mahuta Station Road, Huntly AND Delete Defended Area line from 116 Mahuta Station Road, Huntly.	<i>Reject</i>	33
FS3034.84	Mercury NZ Limited	Oppose	Oppose submission 2159.6	<i>Accept</i>	33
2029.1	Darryl Sait for ITpos Limited	Oppose	Amend Map 20.4 Huntly Town Centre to accurately show the Flood Plan Management Area and High-Risk Flood Area outlined at 12, 14, 16, and 18 Main Street Huntly.	<i>Reject</i>	33
FS3019.2	Blair Everett	Support	Support submission 2029.1	<i>Reject</i>	33
FS3034.5	Mercury NZ Limited	Oppose	Oppose submission 2029.1	<i>Accept</i>	33
2053.59	Mercury NZ Limited	Oppose	Amend Planning Maps to include the flood extent for Lake Waikare and the surrounding catchment below ground level of 8m RL in the Flood Plain Management Area overlay on the Planning Maps as requested above.	<i>Reject</i>	33
FS3031.70	Waikato Regional Council	Neutral	Neutral submission 2053.59	<i>Reject</i>	33

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2159.4	Murray Henderson	Oppose	Amend Map 20 Hakarimata to delete High Risk Flood Area line from 698 Hakarimata Road, Huntly, AND Delete Flood Ponding Area line from 698 Hakarimata Road, Huntly (as per 2159.3), AND Delete Defended Area line from 698 Hakarimata Road, Huntly (as per 2159.3).	<i>Reject</i>	33
FS3034.82	Mercury NZ Limited	Oppose	Oppose submission 2159.4	<i>Accept</i>	33
2044.1	Frances Graham	Oppose	Delete any proposed natural hazards controls on the property located at 124 Te Ohaki Road, Huntly.	<i>Reject</i>	33
FS3032.3	Timberline Contracting	Support	Supports 2044.1	<i>Reject</i>	33
FS3031.9	Waikato Regional Council	Neutral	Neutrals 2044.1	<i>Reject</i>	33
2159.3	Murray Henderson	Oppose	Amend Map 20 Hakarimata to delete Flood Ponding Area line from 698 Hakarimata Road, Huntly, AND Delete Defended Area line from 698 Hakarimata Road, Huntly.	<i>Reject</i>	33
FS3034.81	Mercury NZ Limited	Oppose	Oppose submission 2159.3	<i>Accept</i>	33
2159.2	Murray Henderson	Oppose	Amend Map 20 Hakarimata to Delete Flood Ponding Area overlay from 230 Ginn Road, Huntly, AND Delete Defended Area overlay from 230 Ginn Road, Huntly.	<i>Reject</i>	33
FS3034.80	Mercury NZ Limited	Oppose	Oppose submission 2159.2	<i>Accept</i>	33
2159.1	Murray Henderson	Oppose	Amend Map 20 Hakarimata to Delete Flood Ponding Area overlay from 232 Ginn Road, Huntly, AND Delete Defended Area overlay from 232 Ginn Road, Huntly.	<i>Reject</i>	33
FS3034.79	Mercury NZ Limited	Oppose	Oppose submission 2159.1	<i>Accept</i>	33
2045.1	Eugene Smith	Oppose	Retain ability to continue residing on the property at 124 Te Ohaki Road, Huntly.	<i>Accept</i>	33
FS3031.10	Waikato Regional Council	Neutral	Neutral submission 2045.1	<i>Reject</i>	33
Multiple provisions					

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2094.90	Kainga Ora Homes and Communities	Oppose	Amend Chapter 15 and variation 2 text to cross refer to the Medium Density Residential Zone (MDRZ) sought in submissions on Stage 1 and introduce the amendments sought by the submitter to MDRZ where relevant.	<i>Consider this submission in the rezoning hearings</i>	34
FS3034.33	Mercury NZ Limited	Oppose	Opposes 2094.90	<i>Consider this submission in the rezoning hearings</i>	34

Appendix 2: Recommended amendments to text

Appendix 3: Recommended amendments to planning maps

Appendix 4: Technical Reports

1. Flood Modelling Evidence of Greg Whyte – DHI
2. Defended Areas Advice and Waikato Regional Council Flood Hazard advice (Mapping) – Rick Liefing

