



Proposed Waikato District Plan (Stage 2) Hearing topic 27C – Flood Hazards and Defended Areas

Highlights package

05 May 2021

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In accordance with paragraph 28 of the First Directions from Hearing Commissioners, dated 21 May 2019, the following 'highlights package' has been prepared to summarise Federated Farmers of New Zealand ("FFNZ") position and remaining concerns as they relate to this hearing topic.

#### **Hazardous substances within the floodplain**

- FFNZ accepts that the location and storage of hazardous substances within the floodplain and flood ponding areas has potential to create an additional layer of risk.
- We accept the need for Policy 15.2.1.10 but seek some minor amendments.
- The rules framework for hazardous substances relies on the notified definition of hazardous facility.
- In respect to the rebuttal evidence dated 3 May 2021 by Janice Carter we consider our intentions are aligned with those of Council in that a revised definition for "hazardous facility" should be provided for Chapter 15 to address activities that are not captured under the definition for 'major hazardous facility' but which may be vulnerable to natural hazards such as flooding.
- A revised definition would require a change to rules in chapter 15 which would be appropriate.
- While this clarification is useful it still leaves us in a position of not knowing what activities will trigger the rules framework and when.
- Until said definition is drafted and a S32AA analysis is provided we remain opposed to a broad discretionary activity rule such as that set out in Rule 15.4.3 D3.

#### **Earthworks**

- We agree with the hearing panel that the National Planning Standards definition of earthworks should be adopted.
- This definition is appropriate in the context of earthworks within flood defence areas.
- FFNZ continue to seek that ancillary rural earthwork are added to 15.4.1 P6, or a new permitted activity rule is provided to enable a wider range of earthworks.
- This would allow for the full range of normal farming earthworks such as land contouring and creation of farm tracks to be undertaken without creating further risk to people or property (in the context of the flood plain).

### **Habitable vs Non-habitable Buildings**

- There are many non-habitable buildings, particularly in the farming context, that may be constructed to a level of risk where their utility to a working farm outweighs the potential loss of property.
- This view is reflected in the relief sought to several provisions that address the construction of buildings within the floodplain.
- We support the submission made by the Waikato Regional Council [2102.26] to add a new Policy 15.2.1.4A – to enable construction of small scale non-habitable structures in areas subject to significant risk from natural hazards.

Jesse Gooding

A handwritten signature in black ink, appearing to be 'JG', with a stylized flourish at the end.

**Regional Policy Advisor**