

Appendix 3 Operative District Plan Hazard Provisions

Waikato Section: Chapter 5 - Natural hazards	
<p>5.2 Issue - Health, Safety and Property Health, safety and property can be compromised by land use and development (including land protection works), particularly in areas subject to natural hazards.</p>	
OBJECTIVE	POLICIES
<p>5.2.1 Risks from natural hazards to health, safety and property, resulting from use, development or protection of land, are minimised.</p>	<p>5.2.2 Use or development of land subject to significant natural hazards should be avoided.</p> <p>5.2.2A Use or development of other land subject to natural hazards should be required to mitigate the related risks to health, safety and property.</p> <p>5.2.3 Use, development or protection of land should not increase the adverse effects of natural hazards, or compromise natural processes.</p> <p>5.2.4 Construction or alteration of a building should not take place on land that in the event of a 0.5 metre sea-level rise would be: (a) below mean high water springs, or (b) subject to inundation by storm surges, or (c) subject to coastal erosion.</p> <p>5.2.5 Development should minimise impervious surfaces, provide adequate stormwater drainage, and mitigate the off-site effects of stormwater drained from the site.</p> <p>5.2.6 Plantation forests should be provided with firebreaks and a source of water for fire fighting.</p> <p>5.2.7 Dwellings should be located where they will not be at abnormal risk from fire.</p> <p>5.2.8 Natural buffers against the effects of natural hazards should be used, maintained, or enhanced.</p>
OBJECTIVE	POLICIES

	<p>5.2.9 Development should be designed and located to avoid or mitigate the predicted effects of global climate change on natural hazards, especially increased flooding, erosion, fire, and storms. Where there is incomplete information, a precautionary approach should be taken.</p>
<p>5.2.15 Risks from ponding of surface water and poor drainage are avoided.</p>	<p>5.2.16 Subdivision, use and development must not increase ponding hazards.</p> <p>5.2.17 Subdivision, use and development should avoid or mitigate the adverse effects of ponding of surface water.</p> <p>5.2.18 Stormwater management practices and devices should be in accordance with low impact design principles.</p>

Chapter 21 – Living Zone Rules

Landuse Effects	
ITEM	PERMITTED
<p>21.24 <u>Earthworks</u></p>	<p>21.24.1 Any activity is a permitted activity if <u>earthworks</u>:</p> <ul style="list-style-type: none"> (a) are not in the <u>Flood Risk Area</u> except for filling in accordance with rules 21.26 and, (aa) are not in the Huntly East Mine Subsidence Area, and f) do not adversely affect other land through changes in natural water flows or established drainage paths, and ...
<p>21.26 Filling Flood Risk Area</p>	<p>21.26.1 Any activity in a <u>Flood Risk Area</u> (excluding Huntly South Assessment Area 1) is a permitted activity if:</p> <ul style="list-style-type: none"> (a) filling is no more than is necessary to <ul style="list-style-type: none"> i. provide a foundation for building approved by a building consent, and access to that building, or ii. enable minor upgrading of existing electricity lines and does not exceed 50m³. iii.
Landuse Building	
ITEM	PERMITTED

21.52 Building near a lake or river	21.52.1 Construction or alteration of a building is a permitted activity if: (a) the building is set back at least 23m from every lake, river or wetland, and (aa) the building is set back at least 28m from the Waikato River and the Waipa River, and (ab) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.
21.53 Building near the coast	21.53.1 Construction or alteration of a building is a permitted activity if: (a) it is set back at least 23m from mean high water springs, and (b) the floor level of any <u>habitable room</u> is at least 3.7m above Moturiki Datum.
21.54 Building in <u>Flood Risk Area</u>	21.54.1 Construction or alteration of a building on land shown on the <u>Planning Map</u> as a <u>Flood Risk Area</u> or other land that is subject to flood hazards is a permitted activity if: (a) the floor level of any <u>habitable room</u> is at least 0.3m above the 1% design flood level, and (b) the floor level of any non- <u>habitable room</u> is at least the 1% design flood level, and (c) wastewater and stormwater disposal systems comply with <u>Appendix B</u> (Engineering Standards).
21.55 Huntly East Mine Subsidence Area	21.55.2 Construction or alteration of a building in Huntly East Mine Subsidence Area is a discretionary activity.
Subdivision	
ITEM	PERMITTED
21.70 Hazard risks policy areas	21.70.1 <u>Subdivision</u> is a controlled activity if: (a) the land is not in the Huntly South Assessment Area, Huntly East Mine Subsidence Area, <u>Flood Risk Area</u> . Control reserved over: <ul style="list-style-type: none"> • size and area of allotments • mitigation of hazards in other areas.

Schedule 21A: Te Kauwhata Structure Plan Living Zone Rules Living Zone, Living Zone (New Residential), Living Zone (Te Kauwhata Ecological)

Landuse Effects	
ITEM	PERMITTED
21A.4 <u>Earthworks</u> (including filling using imported fill) - general	21A.4.1 Any activity is a permitted activity if: (a) <u>earthworks</u> are not in a <u>Flood Risk Area</u> except for filling in accordance with rule 21A.6 and, (e) <u>earthworks</u> do not adversely affect other land through changes in natural water flows or established drainage paths, and
21A.6 Filling <u>Flood Risk Area</u>	21A.6.1 Any activity in a <u>Flood Risk Area</u> is a permitted activity if filling: (a) is no more than is necessary to enable minor upgrading of existing electricity lines and does not exceed 50m ³ , and ...
Subdivision	
ITEM	PERMITTED
21A.24 Hazard risk Policy areas	21A.24.1 <u>Subdivision</u> is a controlled activity if: (a) no proposed building platforms are in i. a Flood Risk Area, or ii. any unmapped area where ponding may occur, or iii. a flow path. Control reserved over: <ul style="list-style-type: none"> • size and area of allotments • mitigation of hazards • location of building platforms.

Schedule 21B Te Kauwhata West Living Zone Rules

Landuse Effects	
ITEM	PERMITTED
21B.5 <u>Earthworks</u> (including filling using imported fill) - general	Any activity is a permitted activity if: (a) <u>earthworks</u> are not in a <u>Flood Risk Area</u> except for filling in accordance with rule 21B.6 and ... (e) <u>earthworks</u> do not adversely affect other land through changes in natural water flows or established drainage paths, and ...
Subdivision	
ITEM	PERMITTED
21B.25 Hazard risks Policy areas	21B.25.1 <u>Subdivision</u> is a controlled activity if: (a) no proposed building platforms are in i. a <u>Flood Risk Area</u> , or ii. any unmapped area where ponding may occur, or iii. a flow path. Control reserved over: <ul style="list-style-type: none"> • size and area of allotments • mitigation of hazards • location of building platforms.

Schedule 21C: Rangitahi Living Zone Rules, Structure Plan and Comprehensive Development Plan

Landuse Effects	
ITEM	PERMITTED
21C.13 <u>Earthworks</u>	21C.13.1 Any activity is a permitted activity if <u>earthworks</u> : (a) are not in the <u>Flood Risk Area</u> except for filling, in accordance with rule <u>21.26</u> , and ...

	(f) do not adversely affect other land through changes in natural water flows or established drainage paths, and
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Chapter 22 – Pa Zone

Landuse Effects	
ITEM	PERMITTED
22.22 <u>Earthworks</u>	22.22.1 Any activity is a permitted activity if <u>earthworks</u> : (a) are not in the <u>Flood Risk Area</u> except for filling in accordance with rule 22.24, and (aa) are not in the Huntly East Mine Subsidence (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and
22.24 Filling <ul style="list-style-type: none"> <u>Flood Risk Area</u> 	22.24.1 Any activity in a <u>Flood Risk Area</u> (excluding Huntly South Assessment Area 1) is a permitted activity if: (a) filling is no more than is necessary to: i. provide a foundation for building approved by a building consent, and access to that building, or ii. enable minor upgrading of existing electricity lines and does not exceed 50m ³ .
Landuse Building	
ITEM	PERMITTED
22.45 Building near a lake or river	22.45.1 Construction or alteration of a building is a permitted activity if: (a) the building is set back at least 27.5m from: i. the margin of any lake with a bed area of 8ha or more, and ii. the bank of any river whose bed has an average width of 3m or more, and iii. the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.
22.46 Building near the coast	22.46.1 Construction or alteration of a building is a permitted activity if: (a) it is set back at least 23m from mean high water springs, and (b) the floor level of any <u>habitable room</u> is at least 3.7m above Moturiki Datum.

<p>22.47 Building in <u>Flood Risk Area</u></p>	<p>22.47.1 Construction or alteration of a building on land shown on the <u>Planning Map</u> as a <u>Flood Risk Area</u> or other land that is subject to flood hazards is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the floor level of any <u>habitable rooms</u> is at least 0.3m above the 1% design flood level, and (b) the floor level of any non-<u>habitable room</u> is at or above the 1% design flood level, and <p>....</p>
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Chapter 23 – Business Zone

Landuse Effects	
ITEM	PERMITTED
<p>23.26 <u>Earthworks</u></p>	<p>23.26.1 Any activity is a permitted activity if <u>earthworks</u>:</p> <ul style="list-style-type: none"> (a) are not in the <u>Flood Risk Area</u> except for filling in accordance with rule 23.28, and (aa) are not in the Huntly East Mine Subsidence Area, and <p>...</p> <ul style="list-style-type: none"> (f) do not adversely affect other land through changes in natural water flows or established drainage patterns, and <p>...</p>
<p>23.28 Filling</p> <ul style="list-style-type: none"> • <u>Flood Risk Area</u> 	<p>23.28.1 Any activity in a <u>Flood Risk Area</u> (excluding Huntly South Assessment Area 1) is a permitted activity if:</p> <ul style="list-style-type: none"> (a) filling is no more than is necessary to: <ul style="list-style-type: none"> i. provide a foundation for building approved by a building consent, and access to that building, or ia enable minor upgrading of existing electricity lines and does not exceed 50m³
Landuse Building	
ITEM	PERMITTED
<p>23.50 Building near a lake or river</p>	<p>23.50.1 Construction or alteration of a building is a permitted activity if:</p> <ul style="list-style-type: none"> (a) the building is set back at least 23m from <ul style="list-style-type: none"> i. the margin of any lake with a bed area of 8ha or more, and ii. the bank of any river whose bed has an average width of 3m or more and (aa) the building is set back at least 28m from the Waikato River and the Waipa River, and

	(ab) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.
23.52 Building in <u>Flood Risk Area</u>	23.52.1 Construction or alteration of a building on land shown on the <u>Planning Map</u> as a <u>Flood Risk Area</u> or other land that is subject to flood hazards is a permitted activity if: (a) the floor level of any <u>habitable rooms</u> at least 0.3m above the 1% design flood level, and (b) the floor level of any non- <u>habitable room</u> is at or above the 1% design flood level, and ...
Subdivision	
ITEM	PERMITTED
23.69 Hazard risks	23.69.1 <u>Subdivision</u> is a controlled activity if: I. the land is not in the Huntly South Assessment Area, Huntly East Mine Subsidence Area, or <u>Flood Risk Area</u> . Control reserved over: <ul style="list-style-type: none"> • size and area of allotments • mitigation of hazards in other areas.

Chapter 24 – Industrial Zone

Landuse Effects	
ITEM	PERMITTED
24.25 <u>Earthworks</u>	24.25.1 Any activity is a permitted activity if <u>earthworks</u> : (a) are not in the <u>Flood Risk Area</u> except for filling in accordance with rules 24.27 and (aa) are not in the Huntly East Mine Subsidence Area, and ... (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and ...
24.27	24.27.1

Filling <ul style="list-style-type: none"> • <u>Flood Risk Area</u> 	Any activity in a <u>Flood Risk Area</u> (excluding Huntly South Assessment Area I) is a permitted activity if: <ul style="list-style-type: none"> (a) filling is no more than is necessary to <ul style="list-style-type: none"> i. provide a foundation for building approved by a building consent, and access to that building, or ia enable minor upgrading of existing electricity lines and does not exceed 50m³.
Landuse Building	
ITEM	PERMITTED
24.46 Building near a lake or river	24.46.1 Construction or alteration of a building is a permitted activity if: <ul style="list-style-type: none"> (a) the building is set back at least 30m from <ul style="list-style-type: none"> i. the margin of any lake with a bed area of 8ha or more, and ii. the bank of any river whose bed has an average width of 3m or more, and (b) the building is set back at least 50m from the bank of the Waikato River, and (ba) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.
24.47 Building near the coast	24.48.1 Construction or alteration of a building on land shown on the <u>Planning Map</u> as a <u>Flood Risk Area</u> or other land that is subject to flood hazards is a permitted activity if: <ul style="list-style-type: none"> (a) the floor level of any <u>habitable room</u> is at least 0.3m above the 1% design flood level, and (b) the floor level of any <u>non-habitable room</u> is at or above the 1% design flood level, and ... Despite (b), any maintenance or alteration of a water take or discharge structure is a permitted activity if: <ul style="list-style-type: none"> (d) the maintenance or alteration does not cause an increase in water level on a neighbouring property with more than a minor effect, and (e) any alterations do not increase the size of the footprint of the original structure by more than 10%.
Subdivision	
ITEM	PERMITTED
24.76 Hazard risks	24.76.1 <u>Subdivision</u> is a controlled activity if: <ul style="list-style-type: none"> (a) the land is not in the Huntly South Assessment Area I Huntly East Mine Subsidence Area, <u>Flood Risk Area</u>. Control reserved over:

	<ul style="list-style-type: none"> • size and area of allotments • mitigation of hazards in other areas.
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Schedule 24F - Nau Mai Business Park

Landuse Effects	
ITEM	PERMITTED
24F.25 <u>Earthworks</u>	24F.25.1 Any activity is a permitted activity if <u>earthworks</u> : ... (e) do not adversely affect other land through changes in natural water flows or established drainage paths, and ...

Chapter 25 – Rural Zone

Landuse Effects	
ITEM	PERMITTED
25.25 <u>Earthworks</u>	25.25.1 Any activity is a permitted activity if <u>earthworks</u> : (a) are not in the <u>Flood Risk Area</u> or <u>Land Stability Policy Area</u> except for filling in accordance with rule 25.28 and, (aa) are not in the Huntly East Mine ... (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and ...
25.28 Filling <ul style="list-style-type: none"> • <u>Flood Risk Area</u> • <u>Land Stability Policy Area</u> 	25.28.1 Any activity in a <u>Flood Risk Area</u> or <u>Land Stability Policy Area</u> is a permitted activity if: (a) filling is no more than is necessary to: i. provide a foundation for building approved by a building consent, and access to that building, or ia enable minor upgrading of existing electricity lines and does not exceed 50m ³ .

Landuse Building	
ITEM	PERMITTED
25.59 Building near a lake or river	25.59.1 Construction or alteration of a building is a permitted activity if: (a) the building is set back at least 32m from i. the margin of any lake with a bed area of 8ha or more, and ii. the bank of any river whose bed has an average width of 3m or more, <u>and</u> iii. any wetland with an area greater than 1ha and (aa) the building is set back at least 37m from the Waikato River and the Waipa River, and (ab) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.
25.60 Buildings near the coast	25.60.1 Construction or alteration of a building is a permitted activity if: (a) it is set back at least 32m from mean high water springs, and (b) the floor level of any <u>habitable room</u> is at least 3.7m above Moturiki Datum.
25.61 Building in <u>Flood Risk Area</u>	25.61.1 Construction or alteration of a building on land shown on the <u>Planning Maps</u> as a <u>Flood Risk Area</u> or other land that is subject to flood hazards is a permitted activity if: (a) the floor level of any <u>habitable room</u> is at least 0.3m above the 1% design flood level, and (b) the floor level of any non- <u>habitable room</u> is at or above the 1% design flood level, and ...
25.69 Huntly East Mine Subsidence Area	25.69.2 Construction or alteration of a building in Huntly East Mine Subsidence Area is a discretionary activity.
25.69C Land Stability <u>Policy Area</u>	25.69C.1 Construction or alteration of a building in the Land Stability <u>Policy Area</u> is a restricted discretionary activity if, after completion: (a) there is only one <u>dwelling</u> (including a dependent person's <u>dwelling</u>) on the land contained in the Certificate of Title. Discretion restricted to: <ul style="list-style-type: none"> • geotechnical risks associated with the location, size and type of structure including extent to which the proposal would worsen the risk posed by the natural hazard or adversely affect nearby properties • manner in which stormwater is disposed of

	<ul style="list-style-type: none"> extent of cutting, filling and retaining walls contemplated on site.
Subdivision	
ITEM	PERMITTED
25.80 Hazard risks	<p>25.80.1</p> <p><u>Subdivision</u> is a restricted discretionary activity if:</p> <p>(a) the land is not in the Huntly South Assessment Area, Huntly East Mine Subsidence Area or <u>Flood Risk Area</u>.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> avoidance and mitigation of hazard risk.

Chapter 26 – Coastal Zone

Landuse Effects	
ITEM	PERMITTED
26.25 <u>Earthworks</u>	<p>26.25.1</p> <p>Any activity is a permitted activity if <u>earthworks</u>:</p> <p>(a) are not in the <u>Flood Risk Area</u>, except for filling in accordance with rule 26.27, and</p> <p>(aa) are not in the Huntly East Mine Subsidence Area</p> <p>...</p> <p>(f) do not adversely affect other land through changes in natural water flows or established drainage paths, and</p> <p>...</p>
26.27 Filling <u>Flood Risk Area</u>	<p>26.27.1</p> <p>Any activity in a <u>Flood Risk Area</u> is a permitted activity if:</p> <p>(a) filling is no more than is necessary to</p> <ol style="list-style-type: none"> i. provide a foundation for building approved by a building consent, and access to that building, or ia. enable minor upgrading of existing electricity lines and does not exceed 50m³.
Landuse Building	
ITEM	PERMITTED
26.44	26.44.1

<p>Building height and bulk</p>	<p>Construction or alteration of a building is a controlled activity if:</p> <p>...</p> <p>(e) the floor level of any <u>habitable room</u> is at least 3.7m above Moturiki Datum, and</p> <p>...</p> <p>Control reserved over:</p> <p>...</p> <ul style="list-style-type: none"> • natural hazards <p>...</p>
<p>26.49 Building setbacks</p>	<p>26.49.1 Construction or alteration of a building is a controlled activity if the building is set back at least:</p> <p>...</p> <p>(f) (except for pump sheds, public amenities of up to 25m² on esplanade reserves and public walkways) 32m from:</p> <ol style="list-style-type: none"> 1. the margin of any lake with a bed area of 8ha or more, and 2. the bank of any river whose bed has an average width of 3m or more, and 3. any wetland with an area greater than 1 hectare. <p>Control reserved over:</p> <p>...</p> <ul style="list-style-type: none"> • natural hazards <p>...</p>
<p>26.49A Coastal building setbacks</p>	<p>26.49A.1 Construction of a building is a controlled activity if the building is set back at least:</p> <ol style="list-style-type: none"> (a) 100m from mean high water springs, except as specified in (b), and (b) 32m from mean high water springs, in the case of a building on an allotment wholly within 100m of mean high water springs created under a <u>subdivision</u> consent granted by Council on or before 25 September 2004. <p>Control reserved over:</p> <p>...</p> <ul style="list-style-type: none"> • natural hazards <p>...</p>
<p>26.57B Land Stability <u>Policy Area</u></p>	<p>26.57.B1 Construction or alteration of a building in the Land Stability <u>Policy Area</u> is a restricted discretionary activity if, after completion:</p> <ol style="list-style-type: none"> (a) there is only one <u>dwelling</u> (including a dependent person's <u>dwelling</u>) on the land contained in the Certificate of Title.

	<p>Discretion restricted to:</p> <ul style="list-style-type: none"> • geotechnical risks associated with the location, size and type of structure including extent to which the proposal would worsen the risk posed by the natural hazard or adversely affect nearby properties • manner in which stormwater is disposed of extent of cutting, filling and retaining walls contemplated on site.
Subdivision	
ITEM	PERMITTED
26.80 Hazard risks	<p>26.80.1 <u>Subdivision</u> is a restricted discretionary activity if:</p> <p>(a) the land is not in the <u>Flood Risk Area</u> and (aa) every allotment has an area of at least 1000m² not subject to inundation in a 2% probability storm or flood event.</p> <p>Discretion restricted to:</p> <ul style="list-style-type: none"> • size and area of allotments • avoidance or mitigation of natural hazards.

Schedule 26A – Whaanga Coast

Landuse Effects	
ITEM	PERMITTED
26A.25 <u>Earthworks</u>	<p>26A.25.1 Any activity is a permitted activity if <u>earthworks</u>:</p> <p>(a) are not in the <u>Flood Risk Area</u> except for filling in accordance with rule 26.27, and, ... (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and ...</p>
Landuse Building	
ITEM	PERMITTED

<p>26A.44 Building height and bulk</p>	<p>26A.44.1 Construction or alteration of a dwelling, accessory building or papakainga building is a controlled activity if: ... (d) the floor level of any <u>habitable room</u> is at least 3.7m above Moturiki Datum, and ... Control reserved over: ... • natural hazards</p>
<p>26A.49 Coastal building setbacks</p>	<p>26A.49.1 Construction or alteration of a dwelling, accessory building or papakainga building is a controlled activity if ... it is set back at least: ... (c) 100m from mean high water springs. Control reserved over: ... • natural hazards ...</p>

Chapter 27 – Country Living Zone

Landuse Effects	
ITEM	PERMITTED
<p>27.24 <u>Earthworks</u></p>	<p>27.24.1 Any activity is a permitted activity if <u>earthworks</u>: (b) are not in the <u>Flood Risk Area</u> except for filling in accordance with rule 27.26, and (aa) are not in the Huntly East Mine Subsidence Area ... (g) do not adversely affect other land through changes in natural water flows or established drainage paths, and ...</p>
<p>27.26 Filling</p>	<p>27.26.1 Any activity in a <u>Flood Risk Area</u> is a permitted activity if:</p>

<u>Flood Risk Area</u>	(a) filling is no more than is necessary to <ul style="list-style-type: none"> i. provide a foundation for building approved by a building consent, and access to that building, or ia enable minor upgrading of existing electricity lines and does not exceed 50m³.
Landuse Building	
ITEM	PERMITTED
27.53 Building near a lake or river	27.53.1 Construction or alteration of a building is a permitted activity if: <ul style="list-style-type: none"> (a) the building is set back at least 27.5m from <ul style="list-style-type: none"> i. the margin of any lake with a bed area of 8ha or more, and ii. the bank of any river whose bed has an average width of 3m or more, and (aa) the building is set back at least 32.5m from the Waikato River and the Waipa River, and (ab) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.
27.54 Buildings near the coast	27.54.1 Construction or alteration of a building is a permitted activity if: <ul style="list-style-type: none"> (a) it is set back at least 27.5m from mean high water springs, and (b) the floor level of any <u>habitable room</u> is at least 3.7m above Moturiki Datum.
27.54A Buildings near a gully	27.54A.1 Construction or alteration of a building or <u>building platform</u> is a permitted activity on any site containing a gully shown on the planning map if: <ul style="list-style-type: none"> (a) it is not located within the gully, and (b) it is set back at least 15m from the top contour of the gully.
27.55 Building in <u>Flood Risk Area</u>	27.55.1 Construction or alteration of a building on land shown on the <u>Planning Map</u> as a <u>Flood Risk Area</u> or other land that is subject to flood hazards is a permitted activity if: <ul style="list-style-type: none"> (a) the floor level of any <u>habitable room</u> is at least 0.3m above the 1% design flood level, and <ul style="list-style-type: none"> i. the floor level of any non-<u>habitable room</u> is at or above the 1% design flood level, and ...
Subdivision	
ITEM	PERMITTED

<p>27.69 Hazard risks</p>	<p>27.69.1 <u>Subdivision</u> is a controlled activity if: (a) the land is not in the <u>Flood Risk Area</u>.</p> <p>Control reserved over:</p> <ul style="list-style-type: none"> • avoidance, mitigation or remedy of hazard risk.
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Chapter 28 – Recreation Zone

Landuse Effects	
ITEM	PERMITTED
<p>28.22 <u>Earthworks</u></p>	<p>28.22.1 Any activity is a permitted activity if <u>earthworks</u>: (a) are not in the <u>Flood Risk Area</u>, except for filling in accordance with rule <u>28.24</u>, and, (aa) are not in the Huntly East Mine Subsidence Area, and ... (f) do not adversely affect other land through changes in natural water flows or established drainage paths, and ...</p>
<p>28.24 Filling <u>Flood Risk Area</u></p>	<p>28.24.1 Any activity in a <u>Flood Risk Area</u> is a permitted activity if: (a) filling is no more than is necessary to: i. provide a foundation for building approved by a building consent, and access to that building, <u>or</u> ia enable minor upgrading of existing electricity lines and does not exceed 50m³.</p>
Landuse Building	
ITEM	PERMITTED
<p>28.42 Building near a lake or river</p>	<p>28.42.1 Construction or alteration of a building is a permitted activity if: (a) the building is set back at least 32m from i. the margin of any lake with a bed area of 8ha or more, and ii. the bank of any river whose bed has an average width of 3m or more and (aa) the building is set back at least 37m from the Waikato River and the Waipa River, and</p>

	(ab) the building is set back at least 50m from the river on sites to which the River Bank Stability Area applies.
28.43 Buildings near the coast	28.43.1 Construction or alteration of a building is a permitted activity if: (a) it is set back at least 32m from mean high water springs, and (b) the floor level of any <u>habitable room</u> is at least 3.7m above Moturiki Datum.
28.44 Building in <u>Flood Risk Area</u>	28.44.1 Construction or alteration of a building on land shown on the <u>Planning Map</u> as a <u>Flood Risk Area</u> or other land that is subject to flood hazards is a permitted activity if: (a) the floor level of any <u>habitable room</u> is at least 0.3m above the 1% design flood level, and (b) the floor level of any non- <u>habitable room</u> is at or above the 1% design flood level, and ...

Franklin Section

Franklin Section: Part 7 - Natural hazards

7.2.1 Issues

1. Land use, subdivision and development in areas prone to natural hazards creates risks to people, property, infrastructure and the environment.
2. Human activities including land use, subdivision and development can exacerbate the risk from natural hazards.
3. Some natural hazard avoidance, remedial or mitigation measures have the potential to adversely affect natural character, public access and ecological values.
4. Lack of public awareness of natural hazards and factors that exacerbate natural hazards increases risks.
5. Measures to manage natural hazards have the potential to adversely affect historic heritage.

7.2.2 Objectives

Instability

1. To ensure activities on land subject to, or likely to be subject to, instability do not cause, increase or contribute to the risk from natural hazards.

Inundation

1. To ensure that the risk to property and the environment from flooding caused by watercourse, stormwater overflow and inundation by coastal waters are reduced.

Erosion

1. To ensure that the adverse effects to property and the environment from erosion including coastal erosion are avoided, remedied or mitigated.

General

1. To ensure that the public are informed about natural hazards in the district and understand why subdivision, land use and development activities must avoid, remedy, or mitigate the adverse effects from natural and land hazards.

7.2.3 Policies

Instability

1. Adverse effects arising from land use and development, including the creation of development rights through subdivision, shall be avoided, remedied or mitigated on land that is unstable and it shall be demonstrated that the activity will not accelerate, exacerbate, or cause damage to the land or property or neighbouring land or property or present a risk to human safety.
2. Stormwater discharges directly to ground shall be avoided on land that is potentially unstable unless it is identified by an appropriately qualified person as being suitable

to receive and absorb such discharges without causing adverse effects on the land stability of the site or neighbouring land.

3. Activity and development shall not cause instability or erosion in the coastal or riparian margins and the need for hard protection works will be avoided where practicable.

Inundation

1. Land use and development including the creation of development rights through subdivision on land within the 1% ANNUAL EXCEEDANCE PROBABILITY floodplain shall be avoided unless the risk from flooding to land, buildings and structures is avoided, remedied or mitigated.
2. Stormwater management systems should include low impact design responses where possible or include both 'hard' options (piped systems, secondary flowpaths) and 'soft' options (planted riparian margins, low impact designs and open drains) as appropriate.
3. Adverse effects on flood protection works shall be avoided, remedied or mitigated.

Erosion

1. Land use and development including the creation of development rights through subdivision shall be avoided along the banks of streams, rivers, lakes and watercourses unless it can be demonstrated that this will not cause, accelerate or exacerbate erosion.
2. Land use and development including the creation of development rights through subdivision shall be located and designed to avoid, remedy or mitigate adverse effects on and from natural coastal and river processes and to avoid where practicable the need for protection works.
3. Land use and development including the creation of development rights through subdivision shall only occur if the activity maintains and enhances the natural buffering features of the coastal environment (including sand dunes and wetlands).

General

1. A precautionary approach to natural hazard management shall be used where limited information on the hazard risk exists.
2. A precautionary approach shall be used in avoiding or mitigating the adverse effects on people, property, infrastructure and the environment of earthquake, volcanic activity, sea level rise, tsunami and global climate change.
3. Steps should be taken to ensure that any adverse effects of natural hazard management on historic heritage are appropriately avoided, remedied, or mitigated.

7.3 Natural Hazard Avoidance and Mitigation

Notwithstanding the standards or controls contained in any other part of the Plan, the following standards shall be complied with. Where an activity does not comply with Rule 7.3.1, the activity shall be deemed to require consent as a Restricted Discretionary activity. Where an activity does not comply with any other rule in 7.3, then the activity will be assessed as a Discretionary Activity (unless a higher activity status applies in the specific zone rules). All applications shall be assessed against the objectives and policies of Part 7, the assessment criteria in Part 53 and any specific assessment criteria identified for the zone the activity is proposed to be undertaken in.

7.3.1

No BUILDING shall be sited within 30 metres of the edge of a river, lake, WETLAND or stream, unless this is specifically provided for or exempt in specific zone rules and exempt for the Aggregate Extraction and Processing Zone.

This rule does not apply to artificial water retention areas (e.g. ponds or sediment retention areas).

7.3.2

The minimum floor level for any new OCCUPIABLE FLOOR SPACE shall be 500 millimetres above the 1% Annual Exceedance Probability floodplain or ponding level OR 500 millimetres above the highest observed flood level, whichever is the greater.

Note: Areas subject to the 1% Annual Exceedance Probability floodplain or pond level under Rule 7.3.1 include, but are not limit to, all or part of the:

- Areas specifically identified within a Drainage District.
- Areas specifically identified on the Hazards Register.
- Areas specifically identified in a Catchment Management Plan.
- Areas specifically identified in the PLAN.

- Port Waikato Ponding Area where the minimum floor level is RL 3.0.
- Waikato River Management Area.

7.3.3

The minimum floor level for any new OCCUPIABLE FLOOR SPACE in the low lying areas adjoining the Firth of Thames and shown on the Hazards Register shall be RL 3.5m (Reduced Level 3.5 metres) in terms of the LINZ (Land Information New Zealand) Datum OR 500 millimetres above the highest observed flood level, whichever is the greater.

7.3.4

SPECIFIED BUILDING AREAS and BUILDINGS shall be located outside the 1% ANNUAL EXCEEDANCE PROBABILITY floodplain or ponding level plus any applicable freeboard.

7.3.5

Structures (not defined as BUILDINGS) within the 1% ANNUAL EXCEEDANCE PROBABILITY floodplain or ponding level shall not inhibit or divert overland flow paths onto neighbouring properties, exacerbate or accelerate the hazard.

7.3.6

Onsite wastewater disposal systems shall be outside the 5% ANNUAL EXCEEDANCE PROBABILITY floodplain or ponding level.

7.3.7

HAZARDOUS SUBSTANCES shall be stored outside the 1% ANNUAL EXCEEDANCE PROBABILITY floodplain or ponding level.

Part II - Recreation and Reserves

11.3 Esplanade Reserves and Esplanade Strips

Esplanade reserves and esplanade strips are pieces of land adjoining the coast, rivers (including streams), or lakes. Under the Act they have one or more of the following general purposes:

- Helping to protect ecological and conservation values - including water quality, aquatic habitats and the mitigation of natural hazards such as coastal erosion;

11.4.1 Objectives

1. To protect property and the environment from the adverse effects of natural hazards, in particular coastal erosion.

Policies:

3. Acquire esplanade reserves or strips for the purposes of mitigating the potential effects of natural hazards, in particular coastal erosion and inundation.

16.5.3 Management of Coastal Hazards

Issues:

Coastal hazards (including coastal erosion, coastal flooding and wind erosion) are naturally occurring processes that affect the Franklin coast. In addition, there is the potential impact of sea level rise from predicted climate change.

Erosion problems at some existing settlements have led to the placement of erosion protection works, which have seriously degraded the natural character, amenity values and public access along the coast at many sites (e.g. Glenbrook Beach and Clarks Beach). These adverse impacts are incompatible with relevant statutory provisions and the use of hard engineering structures to manage coastal erosion is becoming increasingly unacceptable to relevant consenting agencies.

Present best estimates suggest that mean sea level may rise by 0.3-0.5m over the next 100 years. That in turn has the potential to further increase coastal hazard risk.

Therefore, in order to avoid erosion hazard problems and adverse impacts on coastal values, future subdivision and development around the Franklin coast will need to allow a sufficient buffer zone to accommodate natural shoreline movements and erosion.

Consideration has been given to coastal hazards in the establishment of a 'Coastal Protection Setback'.

Adverse Effects of Coastal Hazard Structures:

1. Degradation of the natural character of the coast
2. Loss of amenity values
3. Loss of public access to and along the coast

4. Destruction of land-based assets by coastal hazards

Beneficial Effects of Coastal Protection Setback:

1. Enhanced natural character of the coast
2. Enhanced amenity values
3. Enhanced public access to and along the coast
4. Less damage to property including buildings and structures

17E.7 - Tasman Coast Management Area

17E.6.4 Waikato River Management Area Policies

1. Manage use and development in hazard prone areas to minimize the impacts of flooding and erosion.

17E.7.3 Tasman Coast Objectives

2. To recognise natural coastal processes by avoiding subdivision, use and development, which would create coastal hazards.

17E.7.4 Tasman Coast Policies

2. Avoid land modification and development along sandy coastal margins and seaward faces of the coastal escarpments or ridgelines.

.....

6. Promote community-based beach care initiatives and apply coastal protection setbacks for development.

Part 22B Activity Status, Performance Standards, Assessment Criteria for Subdivision in the Rural Zone, Coastal Zone, Wetland Conservation Zone and Forest Conservation Zone

22B.7.1 General Performance Standards

Each subdivision (except pursuant to Rule 22B.2.1) shall meet the following Performance Standards:

7. Natural Hazards

Lots shall be sited so as to avoid or mitigate the potential effects of natural hazards.

22B.8 Matters over which Council will reserve its Control and exercise its Discretion

16. The avoidance or mitigation of the potential effects of natural hazards.

Part 22D Village Zone Subdivision

22D.8 Assessment of Restricted Discretionary Activities - Matters of Discretion and Conditions

(2) For subdivision consent applications provided for in Rule 22D.3 (except for concepts plans – refer Part 22D.9), the Council has restricted its discretion to the consideration of the following matters, and may impose conditions of consent in respect to:

(xv) The avoidance, remediation or mitigation of the potential effects of natural hazards.

(3) Applications for Restricted Discretionary Activity Resource Consent for subdivision will be assessed against the following criteria and the relevant objectives and policies of Part 17B.

(e) Natural Hazards

Whether the subdivision avoids, remedies or mitigates the potential effects of natural hazards.

Part 23A - Rural Zone

23A.2.1 All Permitted and Controlled Activities

All Permitted and Controlled Activities in the Rural Zone shall, unless otherwise stated, meet the following standards:

23A.2.1.9 Natural Hazards

BUILDINGS shall be sited so as to avoid or mitigate the potential effects of natural hazards.

23A.4.1 All Restricted Discretionary Activities

The Council will restrict its discretion to the following matters, those matters listed in Part 53 and the matters listed in 23A.4.1 when considering resource consent applications for Restricted Discretionary Activities.

9. DEVELOPMENT SETBACKS have the following purpose:

- Avoiding the effects of natural hazards.

23A.5 Assessment Criteria for Discretionary Activities - Rural Zone

7. Natural Hazards

The extent to which the potential adverse effects of natural hazards on the environment are avoided, remedied, or mitigated.

Part 23B - Coastal Zone

23B.2.1 All Permitted and Controlled Activities

All Permitted and Controlled Activities in the Coastal Zone shall, unless otherwise stated, meet the following standards.

9. Natural Hazards

BUILDINGS shall be sited so as to avoid or mitigate the potential effects of natural hazards including those unstable sandy areas within the Tasman Coast Management Area.

23B.3 Controlled Activity Matters - Coastal Zone

All Permitted and Controlled Activities in the Coastal Zone shall, unless otherwise stated, meet the following standards.

9. Natural Hazards

BUILDINGS shall be sited so as to avoid or mitigate the potential effects of natural hazards including those unstable sandy areas within the Tasman Coast Management Area.

23B.4.1 For all Restricted Discretionary Activities

The Council will restrict its discretion to the following matters, those matters listed in Part 53 and the matters listed in 23B.4.1 when considering resource consent applications for Restricted Discretionary Activities.

9. DEVELOPMENT SETBACKS have the following purpose:

- Avoiding the effects of natural hazards.

Part 23C - Village Zone

23C.3 Controlled Activity Matters - Village Zone

All Controlled Activities shall comply with the applicable performance and DEVELOPMENT standards for Controlled Activities (Rule 23C.2) and in assessing and granting consent to a Controlled Activity, the Council may exercise control over those of the following matters that are relevant to the proposal:

17. Natural Hazards

The extent to which the BUILDINGS, EARTHWORKS or other modifications of the land or ECOSYSTEM proposed will be likely to add to or create a natural hazard, or be visually intrusive.

23C.4 Assessment Criteria for Restricted Discretionary Activities - Village Zone

I. The Council will restrict its discretion to the following matters, those matters listed in Part 53 and the matters listed in 23C.4.1 when considering resource consent applications for Restricted Discretionary Activities.

12. Ecology and Landform

(ii) The extent to which BUILDINGS, EARTHWORKS or other modifications of the land or ecosystems will add to or create a natural hazard, or increase the potential effects of a natural hazard.

Part 27 - Residential Zone

27.8 Assessment of Restricted Discretionary Activities

The extent to which BUILDINGS, EARTHWORKS or other modifications of the land or ecosystems will add to or create a natural hazard, or increase the potential effects of a natural hazard.

Part 35 Aggregate Extraction and Processing Zone**35.8 Assessment of Restricted Discretionary Activities**

In assessing applications for consent to Restricted Discretionary activities, the Council will, in making a decision, restrict the exercise of its discretion to the following matters and conditions of consent will only relate to these matters:

(e) Natural Hazards;

When assessing an application for a Restricted Discretionary activity resource consent, the Council is to have regard to the following assessment criteria and any relevant matters set out in section 104 of the Act.

(e) Natural Hazards:

The extent to which the potential adverse effects of natural hazards on the environment are avoided, remedied, or mitigated.

Part 38A Tuakau Industrial Services Zone (TISZ): Subdivision Provisions**38A.6 Assessment Criteria for Controlled Activities**

Controlled activity subdivisions shall be assessed against the following criteria:

7. Hazards
8. Lots intended for private ownership shall not be located on land subject to natural hazards and subdivision must avoid worsening any known hazard affecting the site or surrounding land and where possible remedy any known hazard.

Part 41A Tuakau Industrial Zone (TIZ): Subdivision Provisions**41A.6 Assessment Criteria for Controlled Activities**

Controlled activity subdivisions shall be assessed against the following criteria:

7. Hazards

Lots intended for private ownership should not be located on land subject to natural hazards and subdivision must avoid worsening any known hazard affecting the site or surrounding land and where possible remedy any known hazard.