

Appendix 2

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

Hearing 27B:

Natural Hazards: General Submissions

Appendix 2: Recommended amendments

Chapter 12.1 Introduction to the rules

1. Amend Chapter 12.1 Introduction to the rules:

(a) ...

(k) Natural hazards are managed throughout the district through a suite of natural hazard overlays identified on the planning maps and provisions, including rules contained in Chapter 15. Assessment matters related to natural hazards also occur in the zone chapters. Unless otherwise stated, the provisions in the district wide and zone specific chapters apply in addition to those in the natural hazards chapter.

Chapter 1 – Introduction [1.4 Issues for Waikato district]

2. Amend section 1.4.4(c) as follows:

Chapter 1: Introduction: The urban environment: section 1.4.4(c)

First sentence:

The district plan manages activities to reduce the risks from natural hazards through avoiding the creation of new risks and ensuring risks do not exceed an acceptable level.¹

Last sentence: delete the examples of urban areas

“For existing areas of urban development, such as Raglan, Port Waikato, and river communities, natural hazard risk, particularly coastal hazards and flooding, will require management through appropriate mitigation and adaptation over time, taking into consideration projected sea level rise and other climate change factors.”²

Chapter 1 – Introduction [1.5 What does this mean for Waikato district strategic objectives and directions?]

3. Amend 1.5.2(b) as follows:

“... However, when preparing ~~structure plans or spatial plans for developing urban land, consideration of~~ and implementing growth planning, structure planning and master planning to consider³ the risk posed by natural hazards ~~and the effects of climate change~~⁴ such as flooding, land instability, coastal hazards and liquefaction will be important addressed.⁵ This is to ensure that the land is suitable for the type of development proposed and avoids increased risk from natural hazards, and that the future demand for protection works associated with natural hazard risks or an increase of the level of service for existing infrastructure is taken into account.⁶”

Chapter 1.12 – Strategic directions 1.12.8(d)

4. Amend 1.12.8, adding a sub-clause to deal with natural hazards and climate change:

¹ Submission 2102.4

² Submissions 2151.3; 2093.17

³ Submission 2151.4

⁴ Submission 2102.5

⁵ Submission 2151.4

⁶ Submission 2102.5

“1.12.8(b) In summary, the overarching directions include the following:

(i)...

(vii): to take into account the risks from natural hazards and potential impacts from climate change on use and development”

5. Relocate strategic objective 1.12.8(d) into Chapter 15: and following the Introduction in Chapter 15.1, add

“15.1A: Strategic Direction

15.1.1A Strategic Objective: Natural Hazards and Climate Change

The choice, location and design of development in the district takes into account the risks from natural hazards and potential impacts of climate change.”

Chapter 12 – How to use and interpret the rules:

Chapter 12.1(k) be amended as follows:

“Natural hazards are managed throughout the district through a suite of natural hazard overlays identified on the planning maps and provisions, including rules⁷ contained in Chapter 15. Assessment matters related to natural hazards also occur in the zone chapters. The zone provisions and district wide provisions apply in addition to the natural hazards provisions.⁸ The council will consider whether it is appropriate to ‘bundle’ activities and apply the most restrictive rule to the overall activity status of a proposal.⁹”

Chapter 12 (as notified)/Chapter 13 - Definition of ‘Annual exceedance probability (AEP)’

6. Relocate Definition of ‘Annual exceedance probability (AEP)’ from Chapter 15 to Chapter 13
7. Relocate all definitions from Chapter 15 to Chapter 13 that are specific to natural hazards; and also amends the definition of 'annual exceedance probability'. I consider that it would be more efficient to locate all definitions in one chapter (Chapter 13).

Chapter 15 Natural Hazards and Climate Change [15.1 - Introduction]

8. Amend section 15.1(1) as follows:

“(1) The Natural Hazards chapter identifies risks associated with natural hazards and¹⁰ manages land use in areas subject to a the-risk from natural hazards. It identifies areas where certain types of new development will be avoided because of the natural hazards present, but also recognises that there is existing development, including infrastructure and historic heritage,

⁷ Recommended amendment in this section 42A report to partially accept the submission 2102.1

⁸ First sentence duplicates 15(3)(a) in the proposed plan Variation 2

⁹ Recommended amendment in this section 42A report to partially accept the submission 2102.2

¹⁰ Recommendation to accept submission 2053.9

already located on land subject to natural hazards, and that in some circumstances new infrastructure development in natural hazard areas may be appropriate where the criteria in the plan are met.¹¹ These areas will require management through mitigation and adaptation to ensure that the risk of damage to property, historic heritage or sites and areas of Significance to Maaori¹² or injury or loss of lives is not increased.”

Chapter 15 - Objective 15.2.1 Resilience to natural hazard risk

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

Chapter 15 – Policy 15.2.1.4 - New infrastructure and utilities and Policy 15.2.1.5 – Existing infrastructure and utilities

“Policy 15.2.1.4 - New and upgrading of infrastructure and utilities in areas subject to significant risk from natural hazards

(a) Enable the construction of new infrastructure and utilities in areas at significant risk from natural hazards, ... only where ...

(b) Enable upgrading of infrastructure and utilities in the areas mentioned in (a), where (a)(i), (ii) and (iii) are complied with.”

Chapter 15 – Objective 15.2.2 - Awareness of natural hazard risks

9. Relocate Objective 15.2.2 is moved and located together with the other Objectives in Chapter 15.

Chapter 15 – Policy 15.2.2.1 - Natural hazard risk information

10. If the Panel are of a mind to **accept in part** submission 2102.81, the following amendments are suggested:

Amend Policy 15.2.2.1(a) - Natural hazard risk information

“(a) Enable people to be informed and have access to information on the natural hazards affecting their properties and surrounding area, including through:

(i)...

(ii) ... natural hazard technical information including the projected effects of climate change, risk registers and mapping on the Council’s website, the Waikato Regional Council Hazards Portal, this district plan and accompanying planning maps;

(iii) ...”

¹¹ Recommendation to accept in part submission 2101.3

¹² Recommendation to accept in part submission 2107.1

Chapter 15 – Section 15.3 Using and interpreting rules

11. Add a new (c), and re-number subsections as follows;

“15.3 How to use and interpret the rules

- a. The activities covered by the rules in this chapter are also subject to the rules in the relevant zone chapters and the district-wide rules in Chapter 14 Infrastructure and Energy.
- b. Where subdivision is specified, a subdivision consent is also required under the provisions of the relevant zone chapter, and the district-wide rules in Chapter 14 Infrastructure and Energy will also apply.

c. The rules in this chapter apply alongside the National Environmental Standards for Electricity Transmission 2010 (NESETA).

d. The rules in this chapter do not apply to:

...”

12. The following amendments are recommended:

Add the following Advice note:

“Advice note

Effects on archaeological sites, both recorded (identified by the New Zealand Archaeological Association) and unrecorded, are regulated under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development and the need to undertake an archaeological assessment to determine the need for an archaeological authority. In the event of an accidental discovery Heritage New Zealand Pouhere Taonga Lower Northern Office must be contacted immediately”

Maps: naming of the coastal hazard overlays:

High Risk Coastal Inundation Area

High Risk Coastal Erosion Area

Amalgamate rules 15.7 and 15.8

15.7A Coastal Sensitivity Areas

(recommendation for amalgamated rules 15.7 and 15.8)

15.7A.1 Permitted Activities

1. The activities listed below are permitted activities within the Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast) and the Coastal Sensitivity Area (Inundation) as shown on the Planning Maps, if they meet the activity-specific conditions set out in this table.
2. Activities may also be restricted discretionary activities or discretionary activities, as specified in Rules 15.7A.2 and 15.7A.3.

Activity		Activity-specific conditions
P1	Additions to an existing lawfully established building.	1. The gross floor area of all additions to the building from <i>[date this rule becomes operative]</i> do not exceed a total of 15m ² .
P2	<ol style="list-style-type: none"> 1. Construction of an accessory building without a floor; 2. Construction of a <u>farm building</u> without a floor. 	Nil
P3	Construction, upgrading, <u>minor upgrading</u> , replacement, repair or maintenance of utilities.	Nil
P4	Maintenance or repair of an existing lawfully established coastal protection structure.	Nil

15.7A.2 Restricted Discretionary Activities

1. The activities listed below are restricted discretionary activities in the Coastal Sensitivity Area (Erosion), Coastal Sensitivity Area (Open Coast), and the Coastal Sensitivity Area (Inundation).
2. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity		Matters of Discretion
RD1	Construction of a new building or additions to an existing building not provided for in Rule 15.7A.1 P1-P3 and not listed in Rule 15.7A.3 D1.	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 1. The ability to manage coastal hazard risk through appropriate building materials, structural or design work, engineering solutions, and other appropriate mitigation measures, including the ability to relocate the building; 2. <u>the setting of minimum floor levels where appropriate;</u> 3. The application of mitigation through natural features and buffers where appropriate; 4. The ability to impose time limits or triggers to determine when the building and services to be removed or relocated; 5. The degree to which coastal hazard risk, including the effects of climate change over a

		<p>period to 2120, has been assessed in a site specific coastal hazard <u>risk assessment</u>;</p> <p>6. Suitability of the site for the proposed use, including the provision for servicing such as access, wastewater, stormwater, and water supply;</p> <p>7. Adverse effects to people and property and overall vulnerability from the establishment of the new building or additions to an existing building</p> <p>8. <u>Any mitigation measures to reduce risk</u>¹³;</p> <p>9. Whether there is any suitable alternative location for the activity to locate within the site</p> <p>10. <u>the setting of minimum floor levels in areas subject to inundation</u>.</p> <p>11. <u>In coastal inundation areas</u>¹⁴:</p> <p>a. <u>Whether there is any suitable alternative location for the activity to locate within the site.</u></p>
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15.7A.3 Discretionary Activities

- The activities listed below are discretionary activities in the Coastal Sensitivity Area (Erosion), ~~and Coastal Sensitivity Area (Open Coast)~~, and the Coastal Sensitivity Area (Inundation).

D1	Construction of a new coastal protection structure.
D2	Subdivision to create one or more additional vacant lot(s) other than a <u>utility</u> allotment, access allotment or subdivision to create a reserve allotment.

¹³ in notified version in Rule 15.7.3 "and any mitigation measures to reduce risk" drafted slightly differently for other coastal sensitivity areas.

¹⁴ in the notified version this condition only applies to coastal inundation areas.