

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Waikato District Plan

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**STATEMENT OF EVIDENCE OF MARK NICHOLAS ARBUTHNOT FOR  
PORTS OF AUCKLAND LIMITED IN RELATION TO HEARING 27 –  
NATURAL HAZARDS AND CLIMATE CHANGE**

**16 APRIL 2021**

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## CONTENTS

1. INTRODUCTION.....	1
2. SCOPE OF EVIDENCE .....	1
3. STATUTORY FRAMEWORK .....	2
4. MATTERS THAT ARE ACCEPTED BY POAL.....	3
5. FLOOD PONDING AREA .....	4
6. SECTION 32AA ANALYSIS.....	12

## EXECUTIVE SUMMARY

- A. This statement of evidence addresses the submissions and further submissions made by Ports of Auckland Limited ("**POAL**") in relation to 'Hearing 27: Natural Hazards and Climate Change' of the Proposed Waikato District Plan ("**Proposed Plan**").

### Application of 1% Flood Ponding Area to land outside of mapped areas

- B. As notified, the Proposed Plan identifies that not all 1% AEP Flood Ponding Areas have been mapped, and that applicants will be required to engage a suitably qualified and experienced professional to confirm whether the 1% AEP Flood Ponding Area applies to a particular landholding.
- C. The approach taken by the Proposed Plan requires expert input to determine the applicability of the Flood Ponding Area provisions. Such an approach is not comprehensible to a reasonably informed layperson, and as a result, the Proposed Plan inappropriately places the burden on landowners and applicants to determine whether the Flood Ponding Area provisions apply to them.
- D. In my opinion, the "*lack of information available on... 1% AEP flood ponding areas*" indicates that the provisions are not the "most appropriate" for achieving the objectives of the Natural Hazards provisions having regard to their "efficiency and effectiveness" (section 32(1)(b)(ii) of the RMA). The more appropriate course of action would be for Council to undertake further technical work and plan change processes to improve the reliability of the mapping in respect of this matter.
- E. The rules in the Proposed Plan need to be clear and precise so that those who administer the plan or are affected by it can identify without difficulty the provisions which apply to a property. This is important in the context of the 1% AEP Flood Ponding Area provisions because the location of an activity on a site will determine which rules apply.

- F. Floodwater modelling results can vary depending on the nature of the inputs, and Council or applicants could be placed in a situation where there is disagreement between the parties as to whether a particular area is subject to flood ponding and the associated rules. This would result in an uncertain and costly process to resolve.
- G. To ensure that the 1% AEP Flood Ponding Area provisions of the Proposed Plan are clear and precise, and readily administrable, I consider it necessary to limit their application to the identified areas on the Planning Maps.

Rule 15.4.3 – Discretionary Activities within the Flood Plain Management Area or Flood Ponding Area

- H. In respect of Rule 15.4.3 D1 (construction of new buildings and additions to an existing building not permitted by Rule 15.4.1 P1 – P5), Policy 15.2.1.12 of the Proposed supports a restricted discretionary activity status. It sets out clearly the environmental outcome that is to be achieved (namely, the reduction in the potential for flood damage to buildings), the methods by which this is to be achieved (floor levels and freeboard), and the circumstances where alternative floor and freeboard levels will be appropriate.
- I. As the only evaluative exercise that is required to be undertaken by this policy is to determine whether the risk from flooding has been avoided, remedied, or mitigated, I consider that Council’s discretion can be appropriately restricted to matters pertaining to flood risk.
- J. The nature of this evaluative exercise is such that I disagree that a restricted discretionary activity status “*signals that consent will be forthcoming...*”. Applicants will be required demonstrate that the flood risk to buildings have been appropriately avoided, remedied, or mitigated, having regard to the specifics of the site and proposed development before a resource consent can be granted.
- K. In respect of Rule 15.4.3 D3 (hazardous facilities), the “Draft Indicative Panel Version” of the Hazardous Substances for “*the storage, handling*

*or use of hazardous substances in a Major Hazard Facility*” already requires applications for resource consent to provide a risk assessment to address (amongst other things) the potential for natural hazards to impact on the operation of the hazardous facility.

- L. If an alternative version of the Hazardous Substances provisions is incorporated into the Proposed Plan, my statement of primary evidence in relation to Hearing 8A – ‘Hazardous Substances & Contaminated Land’ sets out in detail why I consider a restricted discretionary activity status is appropriate for hazardous facilities that do not comply with the associated permitted and controlled rules, together with matters of discretion which include the consideration of the actual or potential effects that may result from natural hazards.
- M. I am therefore of the opinion that the Hazardous Substances provisions of the Proposed Plan are sufficient to address the effects of natural hazards on hazardous facilities and do not require further replication.

## 1. INTRODUCTION

1.1 My full name is Mark Nicholas Arbuthnot. I am a Director at Bentley & Co. Limited (“**Bentley & Co.**”), an independent planning consultancy practice based in Auckland.

### **Qualifications and experience**

1.2 My qualifications and experience are set out within my statement of evidence dated 16 September 2019 (Hearing 1 – Chapter 1 Introduction).

### **Code of conduct**

1.3 I confirm I have read the Code of Conduct for Expert Witnesses 2014 contained in the Environment Court Practice Note and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## 2. SCOPE OF EVIDENCE

2.1 Hearing 27 addresses the submissions and further submissions that have been made on the natural hazards and flooding provisions of the Proposed Plan.

2.2 My evidence relates to POAL's submission points that have been allocated to Hearing 27 of the Proposed Plan; namely amendments to the “Flood Ponding Area” provisions such that they are limited to the identified areas on the Planning Maps (as opposed to requiring applicants to identify the extent of the “Flood Ponding Area” outside of the mapped areas).

2.3 In preparing this evidence, I have had regard to:

- (a) POAL's primary submission, and the primary and further submissions made by other parties;
- (b) the section 32 report, dated July 2020;
- (c) the section 42A Report (Stage 2 – Natural Hazards and Climate Change: Background and Process Hearing 27A) prepared by Mr Taylor on behalf of Council, dated 31 March 2021;
- (d) the section 42A Report (Hearing 27B: Natural Hazards: General Submissions) prepared by Ms Legarth on behalf of Council, dated 31 March 2021;
- (e) the section 42A Report (Hearing 27C: Flood Hazards and Defended Areas) prepared by Ms Carter on behalf of Council, dated 31 March 2021;
- (f) the section 42A Report (Hearing 27E: Land Stability, Liquefaction, Mine Subsidence) prepared by Mr Eccles on behalf of Council, dated 23 March 2021; and
- (g) the section 42A Report (Hearing 27F: Fire, Climate Change and Definitions) prepared by Mr Taylor on behalf of Council, Dated 31 March 2021.

2.4 I have had regard to section 32 of the RMA, which requires an evaluation of the objectives and policies and rules of the Proposed Plan that are relevant to POAL's primary and further submissions. I have also had regard to section 32AA of the RMA, which requires a further evaluation for any changes that have been proposed since the original evaluation report under section 32 of the RMA was completed.

### **3. STATUTORY FRAMEWORK**

3.1 The provisions that are the subject of this hearing are district plan provisions. The purpose of a district plan is set out in section 72 of the

RMA. It is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA.

3.2 Section 75(1) of the RMA requires that a district plan must state:

- (a) the objectives for the district; and
- (b) the policies to implement the objectives; and
- (c) the rules (if any) to implement the policies.

3.3 Additionally, section 75(3) of the RMA requires that a district plan must give effect to:

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (ba) a national planning standard;
- (c) any regional policy statement.

3.4 For the purposes of carrying out its functions under the RMA and achieving the objectives and policies of the plan, section 76(1) of the RMA enables a territorial authority to include rules in a district plan.

#### **4. MATTERS THAT ARE ACCEPTED BY POAL**

*Primary submissions of POAL (2139.1, 2139.3, 2139.4, 2139.5 and 2139.17)*

4.1 In its primary submissions (2139.1, 2139.3, 2139.5 and 2139.17), POAL sought the following outcomes in respect of Chapter 15: Natural Hazards and Climate Change:

- (a) with the exception of the “Flood Ponding Area”, the retention of the introduction as notified;
- (b) with the exception of Policy 15.2.1.15, the retention of the objectives and policies as notified;



- (c) with the exception of Rule 15.4.1(a) and Rule 15.4.2(a), the retention of the “Flood Plain Management Area” and “Flood Ponding Area” rules as notified;
- (d) the retention of the “High Risk Flood Area” rules as notified;
- (e) the retention of the “Defended Area (Residual Risk)” rules as notified;
- (f) the retention of the Liquefaction rules as notified;
- (g) the retention of the Information Requirements as notified;
- (h) with the exception of the “Flood Ponding Area”, the retention of the definitions as notified;
- (i) the retention of the changes proposed within “Variation 2 – Natural Hazards and Climate Change” as notified; and
- (j) the retention of the “Stage 2” mapped area for Horotiu.

4.2 I can confirm that POAL accepts the recommended changes of the section 42A reports in respect of the above submission points. However, POAL does not wish to withdraw these submission points at this stage. This is to ensure POAL has scope should any changes be pursued by other submitters and/or recommended by the Panel which might adversely affect POAL's interests. Should any further changes be sought in the evidence of other submitters, POAL will address those changes in its rebuttal evidence, if necessary.

## 5. FLOOD PONDING AREA

*Primary submissions of POAL (2139.2, 2139.7, 2139.9, 2139.10, and 2139.16)*

5.1 As notified, the Proposed Plan identifies that not all 1% AEP Flood Ponding Areas have been mapped, and that applicants will be required to engage a suitably qualified and experienced professional to confirm

whether the 1% AEP Flood Ponding Area applies to a particular landholding:

The planning maps identify only two flood ponding areas that experience floodwater ponding in a 1% AEP rainfall event. One of the areas is located in the southern part of Huntly adjacent to the river and the other is west of Huntly across the Waikato River adjacent to Lake Waahi and Lake Puketirini. The flood plain rules in this district plan apply to 1% AEP ponding areas including the two specifically identified in the district plan. **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.**

5.2 In its primary submissions (2139.2, 2139.7, 2139.9, 2139.10, 2139.16), POAL opposed the application of the 1% AEP Flood Ponding Area provisions to land outside of the mapped areas. The reasons for the submission were as follows:

POAL has no objection to engaging a suitable qualified engineer for proposed works or activities to consider inundation issues where there is an identified issue. This matter will be a valid consideration in respect of any consent application within the flood management areas identified on the District Plan Maps.

However, POAL considers that it is inappropriate to require applicants to identify the extent of the 1% AEP ponding areas outside of the mapped areas. Such a requirement is unclear and not readily understood by a potential applicant, who would need to engage significant technical expertise simply to determine whether or not the associated rule applies to them. POAL considers this would unreasonably add to the time and expense involved in determining the resource consent requirements under Chapter 15 of the Proposed District Plan.

5.3 POAL sought the following corresponding amendments to Chapter 15 of the Proposed Plan:

Submission point	Relief sought
2139.2	Amend Section 15.1(11) by deleting the last sentence, as follows: <del>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.</del>
2139.7	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 <del>or in a Flood Ponding Area</del> , if they meet the activity-specific conditions set out in this table.
2139.9	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 <del>or in a Flood Ponding Area.</del>
2139.10	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.
2139.16	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 <del>or an area</del> that experiences floodwater ponding in a 1% AEP rainfall event.

5.4 For the reasons that are set out below, I agree with the submissions of POAL in respect of the 1% AEP Flood Ponding Area. The approach taken by the Proposed Plan requires expert input to determine the applicability of the Flood Ponding Area provisions. Such an approach is not comprehensible to a reasonably informed layperson, and as a result, the Proposed Plan inappropriately places the burden on landowners and applicants to determine whether the Flood Ponding Area provisions apply to them.

Application of 1% Flood Ponding Area to land outside of mapped areas

5.5 The relief of POAL, which sought to limit the application of the 1% AEP Flood Ponding Area provisions to the identified areas on the Planning Maps, is recommended to be rejected by the section 42A report for the following reasons:<sup>1</sup>

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.**

<sup>1</sup> Para.16; Proposed Waikato District Plan; 27C: Flood Hazards and Defended Areas; Section 42A Hearing Report.

5.6 More specifically, the section 42A report advises that:<sup>2</sup>

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.

5.7 I disagree that the retention of the *status quo* is adequate justification to require users of the plan to undertake their own analysis to determine whether the 1% AEP Flood Ponding Area provisions apply to them.

5.8 In my opinion, the "*lack of information available on... 1% AEP flood ponding areas*" indicates that the provisions are not the "most appropriate" for achieving the objectives of the Natural Hazards provisions having regard to their "efficiency and effectiveness" (section 32(1)(b)(ii) of the RMA). The more appropriate course of action would be for Council to undertake further technical work and plan change processes to improve the reliability of the mapping in respect of this matter.

5.9 The rules in the Proposed Plan need to be clear and precise so that those who administer the plan or are affected by it can identify without difficulty the provisions which apply to a property. This is important in

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<sup>2</sup> Para. 89 – 91; Proposed Waikato District Plan; 27C: Flood Hazards and Defended Areas; Section 42A Hearing Report.

the context of the 1% AEP Flood Ponding Area provisions because the location of an activity on a site will determine which rules apply.

- 5.10 Floodwater modelling results can vary depending on the nature of the inputs, and Council or applicants could be placed in a situation where there is disagreement between the parties as to whether a particular area is subject to flood ponding and the associated rules. This would result in an uncertain and costly process to resolve.
- 5.11 To ensure that the 1% AEP Flood Ponding Area provisions of the Proposed Plan are clear and precise, and readily administrable, I consider it necessary to limit their application to the identified areas on the Planning Maps.

Rule 15.4.3 – Discretionary Activities within the Flood Plain Management Area or Flood Ponding Area

- 5.12 POAL also opposed the discretionary activity status for those activities identified in Rule 15.4.3 within the Flood Plain Management Area or Flood Ponding Area and sought a restricted discretionary activity status instead. The reasons for the submission were:

POAL is opposed to the rule that provides for a default discretionary activity status for those activities identified in D1, D2, and D3 of Rule 15.4.3. This rule will require applicants to undertake a full assessment of the effects of the activity on the environment, which in the context of flooding is an unnecessary and unduly onerous requirement. POAL considers that a restricted discretionary activity status is more appropriate as it will enable applicants to undertake a more focused analysis of the effects generated by the activity, thereby reducing the scale, complexity and cost of the resource consent application process.

Such an outcome is consistent with the policies relating to the Flood Plain Management Area and Flood Ponding Area.

- 5.13 The restricted discretionary activity status is recommended by section 42A report<sup>3</sup> to be rejected for the following reasons:
- (a) In respect of Rule 15.4.3 D1, a restricted discretionary activity status does not align with Policy 15.2.1.12 as it *“signals that*

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<sup>3</sup> Paras. 264 to 268; Proposed Waikato District Plan; 27C: Flood Hazards and Defended Areas; Section 42A Hearing Report.

*consent will be forthcoming, where the relevant matters... are addressed”, and that 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”.*

- (b) Rule 15.4.3 D2 relies on general natural hazard Policy 15.2.1.6, which 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, and is justified in the context of the additional intensification of development in the Waikato district.
  - (c) Rule 15.4.3 D3 relates to hazardous facilities. 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”, a discretionary activity status is still appropriate as 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) and is supported by the policy framework in the PWDP and the WRPS (Policy 13.1, 13.2 and Implementation method 13.2.6).
- 5.14 The following evidence addresses the activity status for the construction of new buildings (item (a) above) and the establishment of “hazardous facilities” (item (c) above) within the 1% AEP floodplain and flood ponding area.

Rule 15.4.3 D1 – Construction of new buildings and additions to an existing building not permitted by Rule 15.4.1 P1 – P5

- 5.15 Rules 15.4.1 P1 – P5 implement<sup>4</sup> Policy 15.2.1.12 of the Proposed Plan, which is concerned with reducing the potential for flood damage to buildings located within floodplains and flood ponding areas by ensuring that the minimum floor level of building development is above the design flood levels or ponding levels in a 1% AEP flood event (plus an allowance for freeboard), unless:
- (a) the building development is of a type that is not likely to suffer material damage during a flood; or
  - (b) the building is a small-scale addition to an existing building; or
  - (c) the risk from flooding is otherwise avoided, remedied or mitigated.
- 5.16 In my opinion, this policy supports a restricted discretionary activity status. It sets out clearly the environmental outcome that is to be achieved (namely, the reduction in the potential for flood damage to buildings), the methods by which this is to be achieved (floor levels and freeboard), and the circumstances where alternative floor and freeboard levels will be appropriate.
- 5.17 As the only evaluative exercise that is required to be undertaken by this policy is to determine whether the risk from flooding has been avoided, remedied, or mitigated, I consider that Council’s discretion can be appropriately restricted to matters pertaining to flood risk.
- 5.18 The nature of this evaluative exercise is such that I disagree that a restricted discretionary activity status “*signals that consent will be forthcoming...*”. Applicants will be required demonstrate that the flood risk to buildings have been appropriately avoided, remedied, or mitigated, having regard to the specifics of the site and proposed development before a resource consent can be granted.

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<sup>4</sup>

Appendix 1; Section 32 Report Natural Hazards and Climate Change; July 2020.

5.19 Having regard to the above matters, I support a restricted discretionary activity status for the construction of new buildings and additions to existing buildings which are not permitted by Rules 15.4.1 P1 – P5, and recommend that the following matters of discretion are imposed:

Activity	Matters of Discretion	
...	...	...
RD2	<p><u>Construction of a new building and additions to an existing building which are not permitted by Rule 15.4.1 P1 – P5</u></p>	<p><u>Discretion is restricted to:</u></p> <p><u>(a) Assessment of risk from the 1% AEP flood event.</u></p> <p><u>(b) Alternative locations within the site outside of the 1% AEP floodplain or flood ponding area.</u></p> <p><u>(c) The type of building development proposed and whether it is likely to suffer material damage during a flood.</u></p> <p><u>(d) Ability to manage risk through building materials, structural or design work, engineering solutions or other appropriate measures.</u></p> <p><u>(e) Other mitigation measures to reduce the potential for flood damage to buildings.</u></p>

Rule 15.4.3 D3 – Hazardous facilities

5.20 In respect of Rule 15.4.3 D3 (hazardous facilities), the “Draft Indicative Panel Version”<sup>5</sup> of the Hazardous Substances for “*the storage, handling or use of hazardous substances in a Major Hazard Facility*” already requires applications for resource consent to provide a risk assessment to address (amongst other things) the potential for natural hazards to impact on the operation of the hazardous facility:

Rule 10.3.1 Hazardous Substances in All Zones

Rule	Matters of Discretion
...	...
D1	<p>The storage, handling or use of hazardous substances in a Major Hazard Facility.</p> <p>Council’s assessment under this rule may include, but is not limited to:</p> <p>A risk assessment, that addresses:</p> <p>...</p>

<sup>5</sup> Minute and directions from Hearing Commissioners; 25 June 2020.



	The potential for natural hazards to impact on the operation of the hazardous facility. ...
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5.21 If an alternative version of the Hazardous Substances provisions is incorporated into the Proposed Plan, my statement of primary evidence in relation to Hearing 8A – ‘Hazardous Substances & Contaminated Land’ sets out in detail why I consider a restricted discretionary activity status is appropriate for hazardous facilities that do not comply with the associated permitted and controlled rules, together with the following matters of discretion which include the consideration of the actual or potential effects that may result from natural hazards:

RD1 The use, storage or disposal of any hazardous substances that does not comply with Rule 20.2.6 P1, P2 or C1.

Council’s discretion shall be restricted to the following matters:

- (i) the proposed operation and site layout;
- (ii) the separation distances from the receiving environment and other land uses;
- (iii) the degree and acceptability of residual risk;
- (iv) consideration of potential health and environmental hazards and exposure pathways arising from the proposed facility;
- (v) minimising potential cumulative risks including in conjunction with other nearby hazardous facilities; and
- (vi) measures to minimise or mitigate potential adverse effects that may result from natural hazards.

5.22 Having regard to the above matters, I am of the opinion that the Hazardous Substances provisions of the Proposed Plan are sufficient to address the effects of natural hazards on hazardous facilities and do not require further replication.

## 6. SECTION 32AA ANALYSIS

6.1 **Attachment 1** to this statement of evidence sets out the amendments to Chapter 15: Natural Hazards and Climate Change that I consider are necessary to address the submissions of POAL.

6.2 With reference to section 32AA of the RMA, I am of the opinion that:

- (a) the “*lack of information available on... 1% AEP flood ponding areas*” indicates that the provisions are not the “most appropriate” for achieving the objectives of the Natural Hazards provisions having regard to their “efficiency and effectiveness”;
- (b) a more appropriate course of action would be for Council to undertake further technical work and plan change processes to improve the reliability of the mapping in respect of this matter;
- (c) the amendments proposed within this statement of evidence will:
  - (i) have the benefit of reducing the cost and complexity the resource consent process in respect of this matter, while at the same time better provide opportunity for economic growth and employment opportunities; and
  - (ii) appropriately implement the objectives and policies of the Proposed Plan as they relate to natural hazards.

**Mark Nicholas Arbuthnot**

**16 April 2021**

## Attachment 1

## 15.1 Introduction

### Amend Paragraph (11) as follows:

The planning maps identify only two flood ponding areas that experience floodwater ponding in a 1% AEP rainfall event. One of the areas is located in the southern part of Huntly adjacent to the river and the other is west of Huntly across the Waikato River adjacent to Lake Waahi and Lake Puketirini. The flood plain rules in this district plan apply to 1% AEP ponding areas including the two specifically identified in the district plan. ~~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.~~

## 15.2 Objectives and Policies

### Amend Policy 15.2.1.15 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) 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 run-off; 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

## 15.4 Flood Plain Management Area and Flood Ponding Areas

### Amend Rule 15.4.1.(a) as follows:

- (a) The activities listed below are permitted activities within the Flood Plain Management Area 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.
- (b) Activities may also be restricted discretionary or discretionary activities, as specified in Rules 15.4.2 and 15.4.3.

### Amend Rule 15.4.2 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~~.

...

Activity		Matters of Discretion
...	...	...
<u>RD2</u>	<u>Construction of a new building and additions to an existing building which are not permitted by Rule 15.4.1 P1 – P5</u>	<u>Discretion is restricted to:</u> <u>(a) Assessment of risk from the 1% AEP flood event.</u> <u>(b) Alternative locations within the site outside of</u>

		<p><u>the 1% AEP floodplain or flood ponding area.</u></p> <p><u>(c) The type of building development proposed and whether it is likely to suffer material damage during a flood.</u></p> <p><u>(d) Ability to manage risk through building materials, structural or design work, engineering solutions or other appropriate measures.</u></p> <p><u>(e) Other mitigation measures to reduce the potential for flood damage to buildings.</u></p>
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**Amend Rule 15.4.3 as follows:**

- (a) The activities listed below are permitted activities within the Flood Plain Management Area or the Flood Ponding Area shown on the Planning Maps ~~or in a Flood Ponding Area.~~

<del>D1</del>	<del>Construction of a new building and additions to an existing building which are not permitted by Rule 15.4.1 P1—P5.</del>
D2	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment.
<del>D3</del>	<del>A hazardous facility</del>

**Amend the definition of “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.