

SECTION 42A REPORT

Rebuttal Evidence

Hearing 27C: Flood Hazards and Defended Areas

Report prepared by: Janice Carter

Date: 3 May 2021



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I Introduction

I.1 Background

1. My full name is Janice Carter.
2. I am contracted by Waikato District Council as a consultant planner to advise and report on the Flood Hazards and Defended Areas topic.
3. I am the writer of the original Section 42A report for Hearing 27C: Flood Hazards and Defended Areas. I do not repeat the information contained in section I.1 and I.3 of that Section 42A Hearing Report for Flood Hazard and Defended areas and request that the Hearings Panel take this as read.

I.2 Code of Conduct

4. I confirm that I continue to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and that I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

2 Purpose of the report

5. In the directions of the Hearings Panel dated 26 June 2019, paragraph 18 states:
If the Council wishes to present rebuttal evidence it is to provide it to the Hearings Administrator, in writing, at least 5 working days prior to the commencement of the hearing of that topic.
6. The purpose of this report is to consider the primary evidence and any rebuttal evidence filed by submitters.
7. Evidence was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel¹:
 - a. Ambury Properties Limited [2180, FS3028] – Stuart Penfold: Planning
 - b. Federated Farmers New Zealand [2173, FS3030] – Jesse Quentin: Planning
 - c. Fire and Emergency New Zealand [2103, FS3025] – tabled letter, Alec Duncan: Planning
 - d. Genesis Energy Limited [2104, FS3006] – Richard Matthews: Planning
 - e. HNZPT [2107] – Carolyn McAlley: Planning
 - f. Kainga Ora [2094, FS3033] – Craig Sharman: Planning
 - g. Mercury New Zealand Limited [2053, FS3034] – Angus McKenzie: Planning; Grant Webby: Engineering (Hydrology)
 - h. Ministry of Education [FS3011] – tabled letter, Alec Duncan: Planning
 - i. Ohinewai Lands Limited [FS3022] – Matthew Twose: Planning
 - j. PVHL [2147] – James Scrafton: Planning
 - a. Ports of Auckland [2139] – Mark Arbuthnot: Planning
 - l. PowerCo [2100, FS3007] – tabled letter, Gary Schofield: Planning
 - m. Spark New Zealand [2040, FS3002] – Chris Horne: Planning
 - o. Waikato Regional Council [2102, FS3031] – Sarah Gunnell and James Beban: Planning
8. At the time of writing, no rebuttal evidence was filed, noting the timeframes outlined in the directions from the Hearing Panel²:
9. Late evidence was filed by the following submitter:
 - b. Transpower [2101, FS3003] on 20 April 2021

- i. tabled letter – Rebecca Eng: Planning

3 Consideration of evidence received

3.1 Matters addressed by this report

10. This report addresses outstanding issues and areas of disagreement in the evidence of Mercury New Zealand Limited, Waikato Regional Council, Federated Farmers, Ohinewai Lands Limited, Ports of Auckland, Genesis Energy Limited and recommends 2 changes to recommendations in relation to the Flood Plain Management Area Overlay. I have constrained my rebuttal evidence to matters not already covered in my Section 42A report or where I consider further clarification of my position is required or where I have been persuaded by the evidence presented to change my opinion. I have structured my response by addressing in turn each submitter and their points raised. Points of agreement are not further discussed here.

3.2 Corrections to the Section 42A Report

11. Unfortunately, the following submissions and further submissions, while discussed in my report were omitted from the accept and reject table in Appendix I of my Section 42A report.

Submission point	Submitter	Summary of submission
2139.18	Ports of Auckland Limited	Retain Variation 2 Planning Maps for Horotiu
2147.5	Pokeno Village Holdings Limited	Add, at a minimum, non-statutory hazard maps showing areas that warrant detailed liquefaction investigations and flood assessments.
FS3034.69	Mercury Limited NZ	Support 2147.5
2093.2	TaTa Valley Limited	Amend the plan to relocate the Floodplain Management Area from the planning maps to a non-statutory map in the Waikato Council GIS outside of the PWDP.

12. No changes are required to my recommendations and no additional recommended amendments /changes are required.

4 Mercury New Zealand Limited

13. This section of my response report deals with the matters raised in the engineering (hydrology) evidence from Grant Webby and planning evidence from Angus McKenzie on behalf of Mercury NZ Limited.

Mapping round Lake Waikare Catchment

14. Mercury New Zealand Limited [2053.84] seek that Lake Waikare and its surrounding catchment, where ground levels are below 8m RL (Moturiki datum) is included in the Flood Plain Management Area overlay on the planning maps. Department of Conservation made a similar submission requesting that RL 7.37m be used as a basis for High Risk Flood Areas at

Lake Waikare [2108.14]. Ohinewai Lands Limited made further submissions in opposition [FS 3022.2, 3022.3 and 3022.4]. Mercury has provided evidence in support of its submissions and Ohinewai Lands Limited has provided evidence in support of its further submissions in opposition.

15. I remain of the view expressed in my section 42A report at paragraph 473 that including the 8m RL to represent the 1% AEP Flood event in this location would not be consistent with the best practice flood modelling achieved to date for the main channel. As per paragraph 470, work outside the main channel to establish a 1% AEP flood level with climate change in the locality of the Lake Waikare and the Rangiriri Spillway is a separate and complex exercise, which I understand has been commissioned by the WRC (see rebuttal evidence of Rick Lifting). I consider it more appropriate to await the completion of this work and address it at a later date through a plan change process.
16. Having considered the points raised in evidence I have not changed my recommendation on this matter and recommend no changes to Chapter 15 in respect to it.

Significant Risk, High Risk Flood Areas and the Flood Plain Management Area

17. I agree with Mr McKenzie that there are floodable areas outside those areas identified as High Risk Flood Areas within the PWDP. I also agree that the WRPS directs a risk-based approach to the management of natural hazards. The WRPS is however silent on “significant risk” as the WRPS pre-dates the introduction of s6(h) of the Resource Management Act 1991 (RMA) and the amendments to section 106 RMA. The WRPS directs a different management regime in High Risk Flood Areas from the 1% AEP floodplain (Flood Plain Management Area) under Implementation methods 13.2.5 and 13.2.1, setting up a two tier approach. Implementation method 13.2.1 (Control of subdivision within areas of intolerable risk) requires district plans to control subdivision to **avoid** creating demand for new structures within identified High Risk Flood Zones. Implementation method 13.2.5 is similarly directive requiring regional and district plans to ensure that the use and development within high risk flood zones is appropriate, including by **avoiding** the placement of structures or development where these would be vulnerable to a natural hazard event (bold is my emphasis).
18. I note relevantly that Implementation method 13.2.6, which addresses control of development within the 1% AEP floodplain specifically excludes areas that would meet the definition of High Risk Flood Zone. The definition of High Risk Flood Zone in the WRPS is the same as the definition in the PWDP for High Risk Flood Area. In respect to paragraph 5.11 of Mr McKenzie’s evidence the example of 99.9cm inundation falls within this less restrictive policy regime of the 1% AEP flood plain as it doesn’t quite meet the definition of High Risk Flood Zone and is therefore not subject to the more restrictive policy framework outlined above. The policy framework recognises the comparatively lesser risk of the 1% Flood Plain where it does not meet the definition of High Risk Flood Zone by providing the option of mitigation of adverse effects of a 1% annual exceedance probability flood event. Areas of H4 and part of H3 discussed in the evidence of Mr McKenzie (and provided by Mr Webby) fall within the High Risk Flood Zone where the depth of flood water is greater than 1m, or the flood depth multiplied by the flood speed exceeds 1, which I do not consider to be tolerable risk, if that term was to be used.
19. The PWDP recognises the two-tier policy framework for flood risk and identifies that given the WRPS recognises High Risk Flood Zones as intolerable risk that level of risk must also be “significant risk”. As I have stated previously there may be other areas of significant risk in the district that have not yet been identified.
20. I have been unable to source case law on the use of “significant risk” in section 6(h). I do however, consider it to be a relative term.
21. If use of the term “significant risk” causes confusion I consider it could be replaced with “high risk” in the relevant policies and still give effect to the WRPS. However, that would not

change the risk category that Flood Plain Management Area falls within (excluding the parts that are also High Risk Flood Areas). Consequently, if adopted by the panel my recommendation on Mercury's submission 2053.21 to reject this submission and related submissions would not change.

Recommendation

22. Having considered the points raised in evidence I have not changed my recommendations.

5 Waikato Regional Council

23. This section of my rebuttal evidence deals with the matters raised in the planning evidence lodged by James Beban and Sarah Gunnell on behalf of the Waikato Regional Council (WRC).

Policy 15.2.1.12

24. At paragraph 6.6 WRC request the title of Policy 15.2.1.12 be extended in scope to include consideration of subdivision. I discuss this issue at paragraph 134 of my Section 42A report, and retain the view expressed there that the focus of this policy is on reducing the potential for flood damage to buildings. As way of further explanation, there are objectives and policies in Chapter 15 that deal with subdivision, notably Objective 15.2.1 and Policy 15.2.1.6. Policy 15.2.1.6 addresses WRPS implementation method 13.2.6, particularly 13.2.6 a) i), and iii). I therefore disagree that there is no policy direction within the PWDP that would apply to subdivisions within the 1% AEP ponding Area as stated in paragraph 6.6 of the evidence from WRC.
25. I further note that no suggested amendments to Policy 15.2.1.12 itself (other than the title) have been provided by WRC to incorporate subdivision. Overall, I do not consider amendment to Policy 15.2.1.12 to incorporate subdivision is appropriate.
26. At paragraph 6.9 WRC seek to include the consideration of 'natural hazard sensitive land uses' to Policy 15.2.1.12. I address this issue at paragraph 135 of my Section 42A report and discuss the associated requested changes to the rules proposed by WRC at paragraph 281-283 of my Section 42A report. In evidence at paragraph 5.3 WRC propose narrowing the scope of the application of the proposed 'natural hazard sensitive activities' definition by suggesting removal of residential activities, including papakainga and homestays from the definition. While that is helpful it does not solve the overall issue of selecting some activities over others, when in fact many activities will be "sensitive" to natural hazards in one way or another. I remain of the view that the main issue for the 1% AEP flood event in terms of land uses that can be appropriately addressed by this district plan is requiring a minimum floor to reduce potential damage to buildings. Flood forecasting and the lag between the beginning of a large rainfall event and peak flood flows will enable evacuation to occur. Civil Defence and Emergency Management (CDEM) will be at the forefront of any required response. I consider adding natural hazard sensitive land uses to the PWDP an unnecessary layer of regulation.

Rule 15.4.1 P7 - Building platform

27. WRC at paragraph 6.20 consider that rule 15.4.1 P7 is open to interpretation as to what constitutes a building platform. The rule specifically states a building platform for "residential purposes" as explained at paragraph 242 of my Section 42A report. In addition, a definition of building platform is included in the PWDP as follows:

Building platform

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

28. I consider that the definition, the narrowed residential purpose as well as the limitation in the rule to be “*only to the extent necessary to achieve compliance with Rule 15.4.1 P1 (a)*”, sufficiently addresses the WRC’s concerns with respect to its interpretation.
29. I have also reviewed Policy 15.2.1.13 and do not consider that there is any directive in that policy that would prevent a rule providing for filling for a residential building platform within the constraints identified above. The policy direction of controlling filling in the 1% AEP floodplain and flood ponding areas is still able to be achieved. It should also be noted that filling for a residential building platform is often required as an option to prevent a hazard notice being placed on a land under sections 71-73 of the Building Act as per my discussion in paragraph 243 of my Section 42A report.

Mapped and unmapped areas

30. WRC seek provision for flood risk to be assessed in areas not currently identified in the PWDP or planning maps but where it is known that risk exists (para 9.2).
31. I consider that the provisions of the PWDP do this through the policy framework.
32. Policy 15.2.1.6 enables subdivision, use and development outside the identified High Risk Flood, High Risk Coastal hazard (Inundation) and High Risk Coastal Hazard (Erosion) areas where natural hazard risk has been identified and assessed and can be adequately avoided, remedied or mitigated, and does not transfer or exacerbate risk to adjoining properties. This policy applies throughout the district and can be applied where rezoning and subdivision is proposed, or where resource consent is required. I also consider that Policy 15.2.1.12 can be applied to unmapped flood plains and ponding areas where flood risk (in a 1% AEP flood event) has been identified.
33. Policy 15.2.3.1 also requires allowances for the projected effects of climate change in the design and location of new subdivision and development **throughout the district**, including undertaking assessments to provide for increase in rainfall intensity through temperature increase (flooding), increase in sea level rise (coastal flooding and erosion) and requiring a higher level of stress testing for new urban zoning.
34. Therefore, I consider that there is scope within the policy framework for areas of flood risk outside areas identified on the planning maps to be identified during rezoning or subdivision applications. I agree with WRC at paragraph 4.7 of its evidence that for these areas, as further research is conducted (such as 1% AEP flood modelling with climate change added) and areas at risk are identified, these areas can be introduced into the District Plan and planning maps through a schedule 1 process (Plan change or variation), they can also be addressed through the resource consent process. I do not support changes to chapter 15.

15.6 Defended areas

35. At Paragraph 6.39 WRC request further controls within the defended areas where there is residual risk arising from stopbank failure. A new restricted discretionary activity rule is proposed for new buildings (excluding accessory buildings or farm buildings), and new matters of restricted discretion have been provided at paragraph 6.42. However, I have been unable to find a submission point which matches this request. Submission point 2102.7 seeks to add new rules to section 15.6 to implement an appropriate consideration of residual risk when locating more intensive and vulnerable land uses within defended areas. I am concerned that submitters would not have had the opportunity to further submit in respect to this request to control all new buildings (excluding accessory buildings or farm buildings).
36. In terms of merit, assuming there is scope, I consider that the proposed rule is more onerous than the rule for new buildings in the Flood Plain Management Area, which are permitted if the minimum floor level standard is complied with. A lighter level of regulatory control is

provided for in the Defended Areas recognising that areas of residual risk are not at the same level of risk from flooding as the Flood Plain Management Area.

Recommendations

37. Having considered the points raised in evidence above by WRC I have not changed my recommendations on these matters and recommend no changes to Chapter 15 in respect to them.

6 Federated Farmers

Policy 15.2.1.14 Hazardous facilities

38. This section of my response report deals with the matters raised in the planning evidence of Jesse Quentin on behalf of Federated Farmers of New Zealand.
39. Federated Farmers are no longer requesting a deletion of Policy 15.2.1.14 but ask that the implementation methods better reflect the risk-based approach expressed elsewhere in the Policy direction of Chapter 15 and seek changes to Rule 15.4.3(a) D3A. I agree with Federated Farmers that the Section 32 is very light in explaining the approach to hazardous facilities in the Flood Plain Management Area and was written before the Hearings Panel provided its Hearing Minute of 25 June 2020.
40. In relation to Hazardous Facilities (and in particular, the definition of Major Hazardous Facilities) for Stage I hearings, any changes (if any) that are made to the policies and rules in Chapter 15 will require a section 32AA analysis to accompany them. This will be the opportunity to reflect on the necessity and reasonableness of the provisions.
41. As discussed by Ms Nicolson in her report (Report 27D) it was considered by the reporting officers that a revised definition for “hazardous facility” should be provided for Chapter 15 to address activities (such as petrol or diesel storage) that are not captured under the definition for ‘major hazardous facility’ but which may be vulnerable to natural hazards such as flooding. This would also require revised rules within Chapter 15 or potentially within the Hazardous Substances chapter to regulate the activities that fall under the revised definition.
42. Some confusion has been created because the “proposed definition” stated in my Section 42A report has not yet been drafted. I was not suggesting that the notified definition of hazardous facility be retained for Chapter 15. The intention is that if the Hearings Panel are of a mind to provide a specific Chapter 15 definition for hazardous facilities that such a definition could focus on smaller volumes than those identified for major hazardous facilities. For instance, the storage of less than 100,000L of petrol, or 50,000L of diesel is a permitted activity anywhere in the district in the draft indicative panel version, but that might be considered too high a threshold in a flood hazard area, given the WRPS directive within the 1% AEP flood plain and Policy 15.2.1.14.
43. At paragraph 37 Federated Farmers suggests that I have not discussed their request to delete 15.4.3 D3. This submission is referred to in paragraph 277, 5th bullet point of my Section 42A report (Report 27C). The recommendation in paragraph 285 (e) is to reject that submission point [2173.46].

Recommendation

44. Having considered the points raised in evidence I have not changed my recommendations.

7 Ohinewai Lands Limited

45. This section of my rebuttal evidence deals with the matters raised in the planning evidence of Matthew Twose on behalf of Ohinewai Lands Limited.

46. Mercury sought to retain the approach to the high-risk flood areas **and** to amend the Flood Plain Management Area to include areas affected by high-risk flood hazards [2053.1]. Ohinewai Lands Limited (OLL) opposed this submission [3022.1] stating: *The PWDP appropriately distinguishes between High Risk Flood Area and Flood Plain Management Area. This approach ensures that detailed consideration is required to be given to activities within those areas through resource consent processes.* OLL state in evidence that while Mercury's relief was granted in part and OLL's rejected, there does not appear to be any changes recommended as a result of accepting in part Mercury's submission point, and have consequently queried whether in actual fact the relief sought by OLL has been granted.
47. On review, I can clarify that Mercury's submission point [2053.1] contains two points and my recommendation to accept in part Mercury's submission in the Section 42A report relates only to the first which is that the approach to management of the high-risk flood areas be retained. The second part of [2053.1] was not specifically addressed in Section 18 but can be found elsewhere in the Section 42A report (see paragraphs 487-488 [2053.80]). Overall, I retain the view that separate provisions for the Flood Plain Management Area and the High Risk Flood Area are appropriate given the increased consequences for people and property in the High Risk Flood Area. Consequently, I consider it appropriate to amend Appendix I to incorporate a recommendation to reject the second part of submission point 2053.1 and to accept the further submission points which oppose the second part of Mercury's request. These changes are shown in Appendix I.

Recommendation

48. Having considered the points raised in evidence I have added recommendations to acknowledge that the original submission point contained two decision points, the second of which sought to amend the Flood Plain Management Area to include areas affected by high-risk flood hazards. I have recommended the second part of the original submission be rejected and the further submissions opposing Mercury's request by OLL [FS3022.1] and Ambury Properties Limited [FS3028.1] be accepted.

8 Ports of Auckland Limited

49. This section of my rebuttal evidence deals with the matters raised in the planning evidence of Mark Arbuthnot on behalf of Ports of Auckland Limited (POAL).
50. At paragraph 5.3 POAL identify submission points and relief requested in respect to Flood Ponding areas. I have considered this evidence and have changed my position from that set out in my Section 42A report. Overall, I consider that inclusion of unmapped flood ponding areas within the definition and rules is not justified by virtue of similar provisions being in the operative Plan (the status quo as per paragraph 89 of my Section 42A report). Only 1% AEP flood plain extents where they are provided on the planning maps (Flood Plain Management Area Overlay) are subject to the rules in Chapter 15.4. Consequently, it also opens up an inconsistency in the PWDP as unmapped 1% AEP flood plain areas are not subject to the rules while 1% AEP flood ponding areas are.
51. The changes to my recommendations are provided in Appendix I and the proposed amendments required to Chapter 15 are outlined in Appendix 2. The recommended amendments alter the definition of flood ponding area, and application of the rules applying in 15.4.1 and 15.4.2, so that flood ponding areas are confined to areas identified on the planning maps with associated changes recommended to paragraph 11 in the introduction.

Recommendation

52. Having considered the points raised in evidence for the reasons outlined above I have changed my recommendations to accept Dilworth Trust Board 2161.2, 2161.1, 2161.6, 2161.7 and

Ports of Auckland 2139.2, and make corresponding changes to further submissions as shown in Appendix I.

9 Genesis Energy Limited

53. Genesis Energy consider that there could be confusion if earthworks are not explicitly listed as part of the High Risk Flood Area rules in the same way that they are provided for in the Flood Plain Management Area. I remain of the view that it is clearer to not regulate earthworks in the High Risk Flood Area when these rules operate as additional rules to the Flood Plain Management Area. Having considered the points raised in evidence by Genesis I have not changed my recommendation on this matter.

10 Corrections to recommendations on Flood Plain Management Area Overlay

54. At paragraph 444 of my Section 42A report I accept the submission of Mark Ian de Lautour [2114.1] as I considered the revised 1% AEP Waipa flood extent removed the flood extent from the site. This was an error. The site is not within the area covered by the revised Waipa 1% AEP Flood extent, but remains within the 2D Waikato flood extent. Having reviewed the site once more and after discussions with Mr Greg Whyte I now recommend the submission be rejected. No changes to the maps are required for this recommendation.
55. My recommendation change is shown in Appendix I.
56. At paragraph 443 I reject the submission of Betsy and Noel Smith [2026.2] in respect to their request to remove the flood extent from their property at 353 Ngaruawahia Road. However, on review the submitter actually requests that the elevated land with a dwelling and outbuilding on it be removed from the flood extent. The revised 1% Waipa Flood extent does that. Consequently, I change my recommendation to accept in part this submission to the extent that the overlay is indicated on the revised maps. My changed recommendation is recorded in Appendix I.
57. At paragraph 440 of my Section 42A Report I accept the submission of Yeroon Hoan [FS3004.1] in error. This submitter does not support the revised Waipa 1% AEP extent mapping of the Waikato District Council in submission 2146.1 which I have recommended be accepted. Consequently, I have corrected this recommendation to reject this submission. The changed recommendation is recorded in Appendix I.

Appendix I: Table of amended recommendations

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
15.1 Introduction					
2161.2	Dilworth Trust Board	Oppose	Amend Chapter 15.1 Paragraph 11 by deleting the last sentence as follows: ... Other 1% AEP ponding areas will be required to be identified by a suitably-qualified and experienced professional as part of an application for resource consent or a plan change	Reject Accept	4-Paragraphs 49-52
FS3031.133	Waikato Regional Council	Oppose	Oppose submission 2161.2.	Accept Reject	4-Paragraphs 49-52
2139.2	Ports of Auckland Limited	Oppose	Amend Section 15.1(11) by deleting the last sentence as follows: Other 1% AEP ponding areas will be required to be identified by a suitably- qualified and experienced professional as part of an application for resource consent or a plan change.	Reject Accept	4-Paragraphs 49-52
FS3031.125	Waikato Regional Council	Neutral	Neutral submission 2139.2.	Accept Reject	4-Paragraphs 49-52
FS3034.52	Mercury NZ Limited	Support	Support submission 2139.2.	Reject Accept	4-Paragraphs 49-52
FS3018.1	Perry Group Limited (PGL)	Support	Support submission 2139.2.	Reject Accept	4-Paragraphs 49-52
15.14 Definitions					
2161.1 56	Dilworth Trust Board	Oppose	Amend Rule 15.14 Definitions Flood Ponding Area as follows: Means an area shown on the planning maps as an identified flood ponding area or an area that experiences floodwater ponding in a 1% AEP rainfall event.	Accept Reject	5-Paragraphs 49-52
FS3034.90	Mercury NZ Limited	Oppose	Oppose submission 2161.16	Accept Reject	5 Paragraphs 49-52
FS3031.136	Waikato Regional Council	Oppose	Oppose submission 2161.16	Accept Reject	5 Paragraphs 49-52

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
2173.78	Federated Farmers of New Zealand	Support	Retain the definition of Flood ponding area in Chapter 15.14 Definitions, subject to appropriate refinement through the Schedule 1 process.	Accept <i>Accept in part</i>	5 <i>Paragraphs 49-52</i>
FS3027.27	Horticulture New Zealand	Support	Support submission 2173.78	Accept <i>Accept in part</i>	5 <i>Paragraphs 49-52</i>
2161.6	Dilworth Trust Board	Support	Retain Rule 15.4.1 as notified where the rule applies to the mapped Flood Plain Management areas and Flood Ponding Areas that are mapped, subject to other submission.	Reject <i>accept</i>	+5 <i>Paragraphs 49-52</i>
2161.7	Dilworth Trust Board	Oppose	Amend Rule 15.4.1 Permitted Activities (a) as follows: (a) The activities listed below are permitted activities within the Flood Plain Management Area <u>or the Flood Ponding Area</u> shown on the Planning Maps or in a Flood Ponding Area , if they meet the activity-specific conditions set out in this table. (b)...	Reject <i>accept</i>	+5 <i>Paragraphs 49-52</i>
FS3034.86	Mercury NZ Limited	Support	Support submission 2161.7	Reject <i>accept</i>	+5 <i>Paragraphs 49-52</i>
FS3031.134	Waikato Regional Council	Oppose	Oppose submission 2161.7	Accept <i>Reject</i>	+5 <i>Paragraphs 49-52</i>
High Risk Flood Area General					
2053.1	Mercury NZ Limited	Support	Retain the approach to management of high-risk flood areas. AND Amend Flood Plain Management Area to include areas affected by high-risk flood hazards.	Accept in part (first part) <i>reject (second part)</i>	+8 <i>Paragraphs 45-48 Rebuttal</i>
FS3022.1	Ohinewai Lands Limited	Oppose	Oppose submission 2053.1 The PWDP appropriately distinguishes between High Risk Flood Area and Flood Plain Management Area. This approach ensures that detailed consideration is required to be given to activities within those areas through resource consent processes.	Reject <i>Accept</i>	<i>Paragraph 45-48</i>
FS3031.12	Waikato Regional Council	Neutral	Neutral submission 2053.1 WRC acknowledges that there may be some need for refinement of the mapping. WRC will continue to work with Waikato District Council through this process to do so.	<i>Reject</i>	+8 <i>Page 14 paragraph 58, Section 42A report</i>
FS3028.1	Ambury Properties Limited	Oppose	Opposes 2053.1: The PWDP as notified adequately distinguishes between High Risk Flood Area and Flood Plain Management Area. This approach as notified ensures that detailed	Reject <i>Accept</i>	<i>Paragraph 45-48</i>

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			consideration is required to be given to activities within those areas through resource consent processes as is the case with Ambury's development plans.		
Flood Plain Management Area Overlay					
2114.1	Mark Ian de Lautour	Oppose	Amend Planning Map 20.7 - Ngaruawahia South so that it excludes property located at 46 Jackson Street from the natural hazard area.	Accept Reject	29 Paragraph 54
2026.3	Betsy & Noel Smith	Oppose	Amend Map 20.7 Ngaruawahia South and Map 25 Waipa River to remove elevated land from the Flood Plain Management Area over the entire property at 353 Ngaruawahia Road.	Reject Accept in part	29 paragraph 56
FS3004.1	Yeroon Hoan	Support	Support submission 2146.1	Accept Reject	29 Paragraph 57
2147.5	Pokeno Village Holdings Limited	Support	<u>Add, at a minimum, non-statutory hazard maps showing areas that warrant detailed liquefaction investigations and flood assessments.</u>	Reject	29-Paragraph 11
FS3034.69	Mercury NZ Limited		Support OS2147.5	Reject	29 Paragraph 11
2139.18	Ports of Auckland Limited	Support	Retain variation 2 Planning maps for Horotiu	Accept in part	29-Paragraph 11
2093.2	TaTa Valley Limited	Oppose	Amend the plan to relocate the Floodplain Management Area from the planning maps to a non-statutory map in the Waikato Council GIS outside of the PWDP.	Reject	29 Paragraph 11

Appendix 2: Recommended amendments

15.1 Introduction

- (11) 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.~~¹

15.4.1 Permitted activities

- (a) The activities listed below are permitted activities within the Flood Management Area ~~or in a Flood Ponding Area~~ shown on the planning maps ~~or in a Flood Ponding Area~~², if they meet the activity-specific conditions set out in this table.

15.4.2 Restricted discretionary activities

- (a) The activities listed below are restricted discretionary activities within the Flood Plain Management Area ~~or in a Flood Ponding Area~~ shown on the Planning Maps ~~or in a Flood Ponding Area~~³.

15.14 Definitions

Flood ponding area

Means an area shown on the planning maps as an identified flood ponding area ~~or an area~~⁴ that experiences floodwater ponding in a 1% AEP rainfall event.

¹ 2161.2, 2139.2

² 2161.7

³ 2139.9

⁴ 2161.16