

## 8 Natural Hazards

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## 8A Purpose of the Natural Hazards Provisions

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The City is located on land that is geologically sensitive and partly in a *coastal environment* which is hydrologically dynamic. It is also located within a volcanically active region which may present localised effects.

Natural hazards are defined in the RMA. Natural hazards identified within the Tauranga City environs include, but are not limited to:

- a) Earthquake induced subsidence and/or flooding, including liquefaction;
- b) Peat deposits and other highly compressible soils;
- c) Erosion and land slippage associated with relic land slips and slip debris or overly steep topography;
- d) Flooding associated with stormwater overland flow paths and/or ponding;
- e) Flooding associated with sea-level rise;
- f) Tsunami or storm-induced flooding and coastal erosion along and within the open and harbour coastlines.

Two key pieces of legislation empower *Council* to manage and control natural hazards; the *RMA* and the Building Act 2004. Under the *RMA, subdivision*, use and development is required to avoid, remedy or mitigate the effects of natural hazards.

The Building Act 2004 has similar responsibilities when granting *building* consents on land subject to specified natural hazards, with certain exceptions.

The emphasis in the management of natural hazards is to encourage people to avoid situations in which they, or their property, could be at risk.

*Subdivision*, use and development, and the protection of natural and physical resources contained within an area subject to, or likely to be subject to, a natural hazard are subject to the provisions in this Chapter.

### 8A.1 Objectives and Policies for the Natural Hazards Provisions

#### 8A.1.1 Objective - Adverse effects of Natural Hazards on People property and Infrastructure

People, property and infrastructure are not adversely affected by natural hazards.

##### 8A.1.1.1 Policy - Avoidance and Mitigation of Natural Hazards

By ensuring that *subdivision*, use and development avoid or mitigate the adverse effects of natural hazards.

##### 8A.1.1.2 Policy - Functional Need to Undertake Subdivision, Use or Development

By ensuring that where there is a functional need to undertake *subdivision*, use or development in an area subject to natural hazard risk, that activity is specifically designed to mitigate against those adverse effects.

##### 8A.1.1.3 Policy - Reduction in Nett Vulnerability

By ensuring that development within existing developed areas at risk from natural hazards shall not result in increased vulnerability, and any proposed development shall aim to reduce nett vulnerability over time.

## 8A.1.2 Objective - Avoidance or Mitigation of Compressible and Liquefiable Soils

The risk to life, property and the *environment* resulting from the *subdivision*, use and development of land subject to, or likely to be subject to, induced subsidence from liquefaction, peat or other highly compressible soils is avoided or mitigated.

### 8A.1.2.1 Policy - Avoidance or Mitigation of Compressible and Liquefiable Soils

- a) By ensuring that land comprised of peat, highly compressible soils or soils subject to liquefaction are avoided or mitigated through the *subdivision*, use and development process;
- b) By ensuring *subdivision*, use and development avoids or mitigates against the alteration of drainage patterns, the physical characteristics of the peat or compressible soils;
- c) By ensuring appropriate solutions are applied through the *subdivision*, use and development process to avoid or mitigate the adverse effects of peat and other compressible or liquefiable soils.

## 8A.1.3 Objective - Hazard Management - Avoidance or Mitigation of Areas of Land Instability

The risk to life, property and the *environment* resulting from the *subdivision*, use and development of land subject to, or likely to be subject to, land slippage or instability is avoided or mitigated.

### 8A.1.3.1 Policy - Avoidance or Mitigation of Areas of Land Instability

By ensuring *subdivision*, use and development avoids areas of known or potential land instability, or mitigates against the effects of known or potential land instability where those activities, or any subsequent use that is likely to be made of the land, are likely to accelerate, worsen or cause damage to land (or in respect of the subsequent use of that land, any other land or *structure*), *structures* or the *environment* through slippage or erosion.

## 8A.1.4 Objective - Protection of the Coastal Environment

The *coastal environment* within areas potentially subject to natural hazards is protected.

### 8A.1.4.1 Policy - Protection of the Coastal Environment

By ensuring that *subdivision*, use and development within areas potentially subject to natural hazards within the *coastal environment* shall not compromise the integrity of any natural defences.

## 8B Purpose of the Coastal Hazard Erosion Plan Area (CHEPA) And Coastal Protection Plan Area

### 8B.1 Purpose of the Coastal Hazard Erosion Plan Area

The purpose of the *CHEPA* is to identify areas along *the City's* open coastline where coastal erosion will or is likely to occur. Three distinct hazard risk zones have been identified which comprise the *CHEPA*. These risks zones are:

- a) Current Erosion Risk Zone (CERZ);
- b) 50-year (2060) Erosion Risk Zone (50-year ERZ);
- c) 100-year (2110) Erosion Risk Zone (100-year ERZ).

The CERZ is the area of land that is subject to, or likely to be subject to, adverse effects from the maximum potential short-term duneline fluctuation and wind erosion. In other words, erosion caused by annual storm effects.

The 50-year ERZ lies adjacent to and landward of the CERZ and encompasses the area of land that is subject to, or is likely to be subject to, a nett shoreline retreat from sea-level rise to 2060.

The 100-year ERZ lies adjacent to and landward of the 50-year ERZ and encompasses the area of land that is subject to, or is likely to be subject to, a nett shoreline retreat from sea-level rise to 2110.

### 8B.2 Purpose of the Coastal Protection Plan Area

The purpose of the *coastal protection plan area* is to identify areas of undeveloped future urban zoned land along the open coast from Papamoa East through to the Kaituna River mouth. A hazard zone of 74 metres from the toe of the foredune is adopted to identify the actual area likely to be at risk from coastal erosion or inundation within a 100-year period.

Purpose Statement  
Appealed

### 8B.3 Objectives and Policies for Areas Subject to Coastal Erosion and Inundation

#### 8B.3.1 Objective - Avoidance of Coastal Erosion and Inundation Hazards

The potential adverse effects of coastal erosion and inundation of land, *buildings* and *structures* is avoided.

Objective  
Appealed

##### 8B.3.1.1 Policy - Effect of Climate Change

By ensuring that *subdivision*, use and development has regard to any actual or potential effect of climate change on the occurrence or severity of natural hazards.

##### 8B.3.1.2 Policy - Dune Protection

By maintaining and enhancing the ability of active dune areas to provide natural protection against coastal erosion and inundation.

Policy  
Appealed

##### 8B.3.1.3 Policy - Managing Erosion and Inundation Hazards

###### a) Existing *Buildings* and Activities:

By using relocation and avoiding further development and/or retreat of lawfully established existing *buildings* and activities within the *CHEPA*.

Policy  
Appealed

###### b) New *Subdivision* or Use:

By avoiding the effects of new *subdivision* or use on the active foredune areas in managing coastal erosion and inundation hazards.

#### 8B.3.1.4 Policy - Building in the Coastal Hazard Erosion Plan Area (CHEPA)

By ensuring that activities within the *CHEPA* shall be able to be *practicably moved* or relocated to an *alternative building site* beyond the *CHEPA*, and the foredune reinstated to maintain or enhance its natural buffering ability when that activity is exposed to risk from coastal erosion and inundation (including the foundation *structures*).

#### 8B.3.1.5 Policy - Current Erosion Risk Zone (CERZ)

By prohibiting use and development of *sites* within the CERZ, unless the activity maintains or enhances the natural buffering effect of the foredune and presents a less than minor risk of increasing coastal erosion and inundation.

#### 8B.3.1.6 Policy - 50-Year and 100-Year Erosion Risk Zones

By providing for *subdivision*, use and development of *sites* within the 50-year and 100-year ERZs in limited and managed circumstances, while maintaining and enhancing the natural buffering ability of the foredune area.

#### 8B.3.1.7 Policy - Retention of Volume of Sand Within the CHEPA

By ensuring that *subdivision*, use and development of *sites* within the *CHEPA* retain the volume of sand excavated from *sites* within the *CHEPA*.

#### 8B.3.1.8 Policy - Review: Development and Use

By ensuring the location of *buildings*, *structures* and activities within the *CHEPA* are reviewed when the crest of the foredune, or the top of any dune scarp, recedes to a point within 10 metres or less to the nearest part of a *building* or activity to assess the risk from erosion and inundation. *Buildings*, *structures* and activities may be required to be *practicably moved* or relocated to an *alternative building site* as a consequence of the review.

#### 8B.3.1.9 Policy - Subdivision

- a) CERZ:
  - i) By prohibiting *subdivision* on land wholly located within the CERZ;
  - ii) By enabling *subdivision* to be undertaken on land partially located within the CERZ, where any new allotment created complies with *Policy 8B.3.1.9 b*).
- b) 50-Year and 100-Year Erosion Risk Zones  
By ensuring that only those allotments proposed to be created with an *alternative building site*, provided contiguous with and clear of the *CHEPA*, shall be approved.

#### 8B.3.1.10 Policy - Roads and Parking and Manoeuvring Areas

- a) By enabling the maintenance and upgrading of existing roads, parking and manoeuvring areas located within the *CHEPA* at the completion of any beach or dune reinstatement. Any maintenance and/or upgrading shall have the least impact possible on the dune system and enhance the buffering abilities of the foredune where appropriate.
- b) By enabling *hard protection works* to be constructed to maintain the lifeline function of the existing *transport network*.

#### 8B.3.1.11 Policy - Utilities, Works, Services

By enabling the maintenance of existing *network utilities*, including stormwater discharge *structures* located within the *CHEPA*, where beach or dune reinstatement is undertaken at the completion of such works. Maintenance work of stormwater outfall *structures* should include remediation and mitigation works to reduce the outfall's impact on the dune system and, wherever possible, enhance the natural buffering ability of the foredune.

#### 8B.3.1.12 Policy - Open Space

By requiring works undertaken on land zoned Open Space to enhance the natural buffering abilities of the dune system and, wherever possible, the *natural character* of that *environment*.

## 8B.3.1.13 Policy - Coastal Protection Plan Area

By avoiding *subdivision*, use, development in the *coastal protection plan area* to:

- a) Protect the natural coastal dune system;
- b) Retain the *coastal environment* in an undeveloped state;
- c) Ensure the effects of coastal erosion and inundation hazards on built development are avoided.

Policy  
Appealed

## 8B.4 Activity Status Rules (CHEPA & Coastal Protection Plan Area)

### 8B.4.1 Activities Subject to Natural Hazards

All activities within the *CHEPA* and *Coastal Protection Plan Area* shall have the status identified in *Table 8B.1*. Symbols used in *Table 8B.1* have the meaning described in *Table 1A Activity Status*.

*Note: The undertaking of some activities outlined in this Chapter may require resource consent from the Bay of Plenty Regional Council.*

**Table 8B.1: Natural Hazards Activity Status (CHEPA and Coastal Protection Plan Area)**

Use/Activity	Relevant Rule	CERZ	50-Year and 100-Year ERZ	Coastal Protection Plan Area	Appealed New Activities Requested to be added to Table
<i>Beach replenishment, nourishment and restoration</i>	8B.5	P	P	P	
Clearance of vegetation	-	P (Refer Rule 8B.5)	P (Refer Rule 8B.5)	NC (Refer Rule 8B.7)	Rule Appealed
Harvesting of <i>Forestry</i> in existence at the notification of <i>the Plan</i>	-	NC	NC	RD (Refer Rule 8B.6)	
<i>Minor structures and activities</i>	-	P (Refer Rule 8B.5)	P (Refer Rule 8B.5)	NC (Refer Rule 8B.7)	Rule Appealed
Maintenance, replacement or alteration of existing <i>structures and buildings</i> inside the envelope and footprint of the existing <i>structure or building</i>	8B.5	P	P	P	
<i>Minor public recreational facilities and activities</i>	-	P (Refer Rule 8B.5)	P (Refer Rule 8B.5)	NC (Refer Rule 8B.7)	Rule Appealed
Surf lifesaving activities and associated structures, excluding <i>surf life saving buildings (including clubrooms)</i>	-	P (Refer Rule 8B.5)	P (Refer Rule 8B.5)	NC (Refer Rule 8B.7)	Rule Appealed
<i>Surf lifesaving buildings (including clubrooms)</i>	-	RD (Refer Rule 8B.6)	RD (Refer Rule 8B.6)	NC (Refer Rule 8B.7)	Rule Appealed
The following activities that form part of a lawfully established <i>camping ground</i> that existed at the date of notification of <i>the Plan</i> : a) Tent and powered <i>sites</i> for campers and caravans; b) Kitset awnings and mobile annexes; c) Existing carparking and internal vehicle and pedestrian accessways.	8B.5	P	P	P	

Use/Activity	Relevant Rule	CERZ	50-Year and 100-Year ERZ	Coastal Protection Plan Area	
New public recreational facilities and activities, structures, or extensions to existing public recreational facilities and activities	-	RD (Refer Rule 8B.6)	RD (Refer Rule 8B.6)	NC (Refer Rule 8B.7)	
Erection of structures in the Road Zone	-	P (Refer Rule 8B.5)	P (Refer Rule 8B.5)	NC (Refer Rule 8B.7)	
Maintenance to existing network utilities	8B.5	P	P	P	
Additions to or the replacement of any lawfully established building or structure that is proposed to exceed the existing building or structure envelope or footprint	-	RD (Refer Rule 8B.6)	RD (Refer Rule 8B.6)	NC (Refer Rule 8B.7)	
Construction of new independent dwelling units	-	Pr (Refer Rule 8B.8)	RD (Refer Rule 8B.6)	NC (Refer Rule 8B.7)	
Disposal of domestic stormwater	-	NC (Refer Rule 8B.7)	P (Refer Rule 8B.5)	NC (Refer Rule 8B.7)	Rule Appealed
Demolition of a building or structure	8B.6	RD	RD	RD	
New buildings or structures (not otherwise listed in Table 8B.1)	-	RD (Refer Rule 8B.6)	RD (Refer Rule 8B.6)	NC (Refer Rule 8B.7)	
Hard protection works for the purpose of protecting land zoned Road and identified as a Primary Arterial, Secondary Arterial, Strategic or Collector road in Diagram 1, Section 5, Plan Maps (Part B)	8B.6	RD	RD	RD	
Hard protection works for the purpose of protecting: d) Private property; e) Land zoned Open Space.	8B.8	Pr	Pr	Pr	

## 8B.5 Permitted Activity Rules

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*Note: Any activity that does not comply with a Permitted Activity Rule shall be considered a Restricted Discretionary Activity, unless stated otherwise.*

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### 8B.5.1 Buildings, Structures and Activities to be designed by a Coastal Processes Engineer

All buildings, structures and activities shall be certified by a Coastal Processes Engineer, except where those buildings, structures and activities comply with the CHEPA Guidelines.

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*Note: The Tauranga City Council CHEPA Guidelines are a document by reference and have been developed to provide a means of compliance, or "Acceptable Solution" for Permitted Activities undertaken within the Coastal Hazard Erosion Plan Area (CHEPA) in the Tauranga City Council area.*

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### 8B.5.2 Clearance of Vegetation

Activities located outside of any Open Space Zone shall not result in the clearance of more than 30m<sup>2</sup> of vegetation in any 6-month period of any calendar year, except for the maintenance of existing fencelines located within Rural Zones (legally established prior to the 17<sup>th</sup> October 2009).

### 8B.5.3 Activities Undertaken Within the CHEPA

All activities shall ensure that the site is reinstated so the natural buffering ability of the foredune is not compromised. All excavated materials from the site and other sites which comprise sand material shall be respread within the CHEPA and be re-vegetated with native dune plants. Revegetation planting shall be established within 6 months of the respreading of the sand material. Other excavation material (including, but not limited to, ash, topsoil and organic matter) may be removed from the site.

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*Note: For the purposes of Rule 8B.5.4 – Activities Undertaken Within the CHEPA, reinstatement shall maintain the natural shape of the foredune by reference to the existing natural shape of the dune in the vicinity of the reinstatement. As a minimum, the volume of sand between the 100-year Erosion Risk Zone boundary and the toe of the foredune (per metre frontage) is not reduced to less than that existing prior to the commencement of the activity.*

*Note: For the purposes of Rule 8B.5.4 – Activities Undertaken Within the CHEPA, activities involving the respreading of sand material on land zoned Open Space, held within public ownership, are required to provide written approval from the Chief Executive (or their delegate) to undertake the respreading works.*

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### 8B.5.4 Rules in Other Sections of the Plan

Activities within the CHEPA shall also comply with these sections of the Plan:

- a) The provisions of the underlying Zone;
- b) The provisions of Chapter 4 – General Rules;
- c) The provisions of Chapter 7 – Heritage;
- d) The provision of Chapter 8 – Natural Hazards;
- e) The provisions of Chapter 9 – Hazardous Substances and Contaminated Land;
- f) The provisions of Chapter 11 – Financial Contributions;
- g) The provisions of Chapter 12 – Subdivision, Infrastructure and Services, Section 12G - Infrastructure and Services;
- h) The provisions of any Plan Area.

## 8B.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any activity that does not comply with *Rule 8B.5 - Permitted Activity Rules*;
- b) Any activity listed as Restricted Discretionary in *Table 8B.1*.

### 8B.6.1 Non - Notification

Any application for a resource consent made under *Rule 8B.6 – Restricted Discretionary Activity Rules* shall not be notified, or served on affected persons.

### 8B.6.2 Restricted Discretionary Activity - Standards and Terms

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*Note: Any activity that does not comply with Rule 8B.6.2 - Restricted Discretionary Activity - Standards and Terms shall be considered a Non-Complying Activity.*

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Restricted Discretionary Activities shall comply with the following standards and terms:

#### 8B.6.2.1 Activities Within the CHEPA

- a) All activities undertaken within the *CHEPA*, shall include those matters in accordance with *Appendix 8A: Information Requirements Within the CHEPA*;
- b) All activities, *buildings* and *structures* must be *able to be relocated* and removed with minimal disturbance to the land or adjacent land.

#### 8B.6.2.2 Additions to, or the Replacement of, any Lawfully Established Building or Structure within the CERZ

Additions to, or the replacement of, any existing lawfully established *building* or *structure* within the CERZ that is proposed to exceed the *building* envelope or footprint of the existing *building* or *structure*, provided that:

- a) The activity complies with *Rule 8B.6.2.1 – Activities within the CHEPA*;
- b) The additional *gross floor area (GFA)* at *ground level* does not exceed 20m<sup>2</sup> (as measured from the floor area existing at 25 June 2005);
- c) The addition or replacement project no further seaward than the existing external surfaces of the *building* or *structure* (as measured from the floor area existing at 25 June 2005).

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*Note: Any activity that does not comply with Rule 8B.6.2.2 b) or c) Additions to, or the Replacement of any Existing Building or Structure within the CERZ shall be considered a Prohibited Activity.*

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### 8B.6.3 Restricted Discretionary Activity - Matters of Discretion

The *Council* restricts the exercise of its discretion to:

- a) The extent to which the proposed activity, *buildings* or *structures* will be *able to be relocated* or removed from the *site* with minimal disturbance to the foredune, the *site* or adjacent *sites*;
- b) The degree to which the proposed activity is likely to:
  - i) Accelerate, worsen or result in further damage to the subject site, other land, or structures or buildings caused either directly or indirectly by coastal erosion or inundation;
  - ii) Be subject to damage from erosion and inundation;
  - iii) Compromise the natural buffering ability of the foredune system;
  - iv) Reduce the nett risk of coastal erosion and inundation hazards;
- c) The on-going provision of access to a minimum width of 3 metres to the *alternative building site* to enable manoeuvring, appropriate to the nominated method of relocation, is provided to ensure that *buildings* can be *practicably moved*;
- d) The provision of an *alternative building site*; and that any *alternative building site* remains as vacant land for the duration of the land-use consent until it is required for the relocation of *buildings*, *structures* or any activity on the land to which it is contiguous;
- e) The requirement that land located in the *CHEPA* and the *alternative building site* shall be held in the same certificate of title in perpetuity;

- f) The requirement that *subdivision* (existing and new allotments) be provided with *alternative building sites*. Such requirements and any on-going conditions, such as those requiring periodic review, shall be registered on the certificate of title for the allotment(s) created by way of *consent notice*;
- g) The matters to which any report from a *Coastal Processes Engineer* is to have regard as set out in the information requirements in *Appendix 8A: Information Requirements (within the CHEPA)*;
- h) The provision for a review of conditions being required under section 128 of the *RMA*. This review would be initiated where defined hazard risk circumstances occur on the *site*, particularly:
  - i) When the crest of the foredune or the top of any dune scarp recedes to a point within 10 metres or less from the nearest part of the building;

The review will enable the actual risk to be considered at that time, and appropriate mitigation measures implemented through changed consent conditions, should this be deemed necessary, including, but not limited to, requiring the relocation of any building, structure or other works to the alternative building site and/or further monitoring;
- i) The requirement that the removal or relocation of the *building* from the *site* to the *alternative building site* when the crest of the foredune or the top of any dune scarp recedes to a point within 5 metres or less from the nearest part of the *building*;
- j) Requiring that, on relocation, all materials used in constructing the *building*, including foundations, be removed from the *CHEPA* and that the *site* within the *CHEPA* be reinstated, to maintain the natural shape of the foredune by reference to the existing natural shape of the dune in the vicinity of the reinstatement works. As a minimum, the volume of sand between the 100-year ERZ *boundary* and the toe of the foredune (per metre of frontage) is not reduced to less than that existing before reinstatement works were required;
- k) For the harvesting of forestry in existence at the notification of the Plan, the following shall apply:
  - i) Techniques to ensure that the existing formation of the dunal system prior to harvesting is retained;
  - ii) Requirements for mitigation planting to retain the existing formation of the dunal system following harvesting;
  - iii) Requirements for remediation of the dunal system once the forest is harvested.

## 8B.7 Non-Complying Activity Rules

The following are Non-Complying Activities:

- a) Any activity that does not comply with the *Rule 8B.6.2 – Restricted Discretionary Activity - Standards and Terms*, except for
  - i) *Rule 8B.6.2.2 b) or c) - Additions to, or the Replacement of any Existing Building or Structure within the CERZ*, which are Prohibited Activities;
- b) Any activity not listed as Permitted, Restricted Discretionary or a Prohibited Activity within the *CHEPA*;
- c) Any activity listed as a Non-Complying Activity in *Table 8B.1*.

## 8B.8 Prohibited Activity Rules

The following are Prohibited Activities:

- a) *Construction* of a new *building* or *structure* on an allotment where there is an existing *building* or *structure* located within the *CHEPA*, where the new *building* is not located clear of an *alternative building site* required for the existing *building*;
- b) Additions to, or the replacement of, any lawfully established *building* or *structure* that proposes to exceed the *building* envelope or footprint of the existing *building* or *structure*:
  - i) by increasing the *gross floor area (GFA)* at *ground level* by 20m<sup>2</sup> (as measured from the floor area existing at 25 June 2005); and/or
  - ii) by projecting no further seaward than the existing external surfaces of the *building* or *structure* (as measured from the floor area existing at 25 June 2005);
- c) Any activity that is not listed as a Permitted, Restricted Discretionary or a Non-complying Activity within the *CERZ*;
- d) Any activity listed as a Prohibited Activity in *Table 8B.1*.

## 8C Purpose of the Flood Hazard Plan Area

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The purpose of the *Flood Hazard Plan Area* is to identify where harbour inundation risk during 50 and 100-year return period storm events is likely to occur. To manage the flood hazard risk, *Council* has mapped areas around the harbour that are likely to become susceptible to flooding due to their low-lying nature. The *Flood Hazard Plan Area* shows those areas situated lower than 2.5 – 2.9 metres above *Moturiki Datum*. The overall purpose of this Plan Area is to ensure buildings and structures are not susceptible to harbour flooding, provided that the land or finished floor level is raised above the minimum levels and does not cause adverse effects on existing buildings and structures and surrounding property.

### 8C.1 General Objectives and Policies of the Flood Hazard Plan Area

#### 8C.1.1 Objective - Avoidance or Mitigation of Flood-Prone Areas

The adverse effects to property and the *environment* from flooding caused by harbour inundation are avoided or mitigated.

##### 8C.1.1.1 Policy - Avoidance or Mitigation of Flood-Prone Areas

By ensuring *subdivision*, use and development in flood-prone areas is avoided or mitigated, unless:

- a) The risk to *buildings, structures* and surrounding properties is mitigated against;
- b) The natural functioning of flood plains or low-lying land as ponding areas is protected.

##### 8C.1.1.2 Policy - Effect of Climate Change

By ensuring that subdivision, use and development has regard to any actual or potential effect of climate change on the occurrence or severity of natural hazards.

## 8C.2 Activity Status Rules (Flood Hazard Plan Area)

### 8C.2.1 Activities within the Flood Hazard Plan Area

All activities within the *Flood Hazard Plan Area* shall have the status identified in *Table 8C.1*. Symbols used in *Table 8C.1* have the meaning described in *Table 1A.2: Activity Status*.

**Table 8C.1: Flood Hazard Plan Area**

Use/Activity	Relevant Rule	Activities within the Flood Hazard Plan Area	
Additions to or the replacement of any lawfully established <i>building</i> or <i>structure</i> within the existing <i>building</i> or <i>structures</i> footprint	-	P	
Erection of <i>structures</i> in the <i>Road Zone</i>	-	P	
Maintenance to existing <i>network utilities</i>	-	P	
Minor public recreational facilities and activities	-	P	Rule Appealed
Minor structures and activities	-	P	
<i>Construction</i> , erection or placement of any <i>building</i> (not otherwise provided for in <i>Table 8C.1</i> ) on land either natural <i>ground level</i> or any artificially created <i>ground level</i> , situated lower than 2.5 – 2.9m above <i>Moturiki Datum</i> as established by <i>site</i> survey levels referenced to <i>Moturiki Datum</i> and located within the <i>Flood Hazard Plan Area</i>	8C.3	RD	
Construction, erection or placement of any building (not otherwise provided for in <i>Table 8C.1</i> ) on land within an existing bunded area in existence prior to the notification of <i>the Plan</i> , where the crest of the bund is situated no lower than 2.5–2.9m above <i>Moturiki Datum</i> as established by site survey levels referenced to <i>Moturiki Datum</i> and located within the <i>Flood Hazard Plan Area</i>	8C.3	P	
<i>Buildings</i> or <i>structures</i> within the City Centre Waterfront Sub Zones A and B	17A.12.1.3	P	

## 8C.3 Restricted Discretionary Activity Rules

Any activity listed as Restricted Discretionary in *Table 8C.1* is deemed a Restricted Discretionary Activity.

### 8C.3.1 Non-Notification

Any application for a resource consent made under *Rule 8C.3 – Restricted Discretionary Activity Rules* shall not be notified, or served on affected persons.

### 8C.3.2 Restricted Discretionary Activities - Standards and Terms

All activities undertaken within the *Flood Hazard Plan Area* shall include those matters in accordance with *Appendix 8B: Information Requirements (within the Flood Hazard Plan Area)*.

### 8C.3.3 Restricted Discretionary Activities - Matters of Discretion

The *Council* limits the exercise of its discretion to:

- a) The degree to which inundation of buildings or structures or other land can be avoided or mitigated and/or that the ponding ability of the subject property remains protected;
- b) The siting, location and orientation of *buildings, building platforms*, allotments, roads or other public *infrastructure* with respect to flood pathways, taking into account the advantage of higher ground;
- c) The siting, location and orientation of *buildings, building platforms* and allotments to mitigate against potential adverse effects on surrounding properties and land;
- d) The matters to which an engineering assessment is to have regard as set out in the information requirements in *Appendix 8B: Information Requirements (within the Flood Hazard Plan Area)* for areas potentially subject to flood hazard.

## Appendix 8A: Information Requirements (Within the CHEPA)

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- a) In addition to any other information requirements in *the Plan*, an application for consent for *subdivision*, use or development within the *CHEPA* shall include:
- i) Written confirmation, within the application and plans, sections and elevations attached to the application, from a *Chartered Professional Engineer* that the *CHEPA* Guidelines are being adopted for the proposed *building, structure, or siteworks*, as the acceptable solution;
  - ii) Where the application does not comply with the *CHEPA* Guidelines, then a report on the suitability of the proposed *building, structure, extension to any building or structure or siteworks*, prepared by a *Coastal Processes Engineer*, shall be attached to the application. This report shall confirm that the proposed *structure, or extension to, any building or structure, on the land*, is not likely to accelerate, worsen or result in material damage to that land, other land or any *structure*, through inundation or erosion.
- b) Applications for new *structures, extensions to any building or structure or additions to structures* shall include confirmation from a *Chartered Professional Engineer* and/or a house removal company that the *building (or the addition/extension) is able to be relocated*.
- c) If the applicant considers the location of the 50-year and 100-year Erosion Risk Zone boundaries to be different to those boundaries defined on the *Plan Maps (Part B)*, then the *Council* may require the Assessment of Environmental Effects, submitted with the application, to include additional information to determine the location of these boundaries in the context of the application.

The information submitted in support of the application shall include the most recent data, which shall be made available from *Council's* Geographic Information System, as to the location of the Erosion Risk Zone boundaries.

## Appendix 8B: Information Requirements (Within the Flood Hazard Plan Area)

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- a) In addition to any other information requirements in *the Plan*, any *subdivision*, use or development application within the *Flood Hazard Plan Area* shall include an engineering assessment which clearly indicates that the land being subdivided is not, or is unlikely to be, subject to material damage by inundation or, in the case of a proposed *building* or *structure* on the land, that such a *building* or *structure* is not likely to accelerate, worsen or result in material damage to that land, other land or any *building* or *structure* through inundation.
- b) Where the land is to be raised as a mitigation measure, the engineering assessment shall show that the *earthworks* will not have an off-site effect greater than the existing situation and will not impede the flow of inundation waters or overland flowpaths.
- c) For *buildings* or *structures* the assessment shall also address how the *building* or *structure* is to be protected from inundation and display that the placement of the *structure* will not have an off-site effect greater than the existing situation or impede the flow of inundation waters or *stormwater overland flowpaths*, including identifying minimum floor levels of any proposed building or structure.
- d) If the applicant considers the location of the Inundation Hazard boundaries to be different to those boundaries defined on the *Plan Maps (Part B)* then the *Council* may require the Assessment of Environmental Effects, submitted with the application, to include additional information to determine the location of these boundaries in the context of the application.
- e) The information submitted in support of the application shall include the most recent data, which shall be made available from *Council's* Geographic Information System, as to the location of the *Flood Hazard Plan Area* boundaries.