TAUPŌ DISTRICT COUNCIL

Plan Change 34 – Flood Hazard

RECOMMENDATIONS

of

HEARING COMMISSIONERS

26 November 2018

Jeff Jones
Consultant
NELSON

Steven Wilson
Consultant
HAMILTON

Rosanne Jollands
Councillor
TAUPŌ DISTRICT COUNCIL

Contents

1. INTRODUCTION

1.1 Appointment

Section 34A of the Resource Management Act 1991 (RMA) allows a local authority to delegate to a Hearings Commissioner or Commissioners any of its functions, powers, or duties, including the power to hear and recommend matters which effect a change to a district plan.

Taupō District Council, exercised its power of delegation to appoint two independent Hearings Commissioners, Jeff Jones and Steven Wilson, together with Cr Rosanne Jollands to hear and make recommendations in respect of Plan Change 34 and the submissions and further submissions in relation to them. Jeff Jones was appointed as Chair of the Hearings Panel.

1.2 Notification

The plan change was publicly notified on 20 October 2017 with submissions closing on 20 December 2017. A summary of submissions to the plan change was then prepared. Further submissions were publicly notified on 4 May 2018 closing on 18 May 2018.

1.3 Submissions and Further Submissions

A total of 22 original submissions and 3 further submissions were received. Table 1 below identifies the original submitters received and Table 2 identifies further submissions received.

Submission Number	Submitter name	Submitter Organisation
1	Lindsay Fraser	
2	Roanna Vining	Unison Networks Limited
3	Richard Kemp	Kemp Family Trust
4	Ross Baker	
5	Roderick Brown	Roderick Brown and Tui Brabyn
6	Tony Houpt	
7	Richard Hall	Kinloch Marina Ltd
8	Gilbert Abercrombie	
9	Leonie Hapeta	
10	Lesley Vyfhuis	Waikato Regional Council
11	Diana Marbeck	
12	Erin Clark	
13	Andrew Hocken	Grants Motels Ltd
14	Graeme McCarrison	Spark Trading New Zealand Ltd
15	George Asher	Hapū of Ngāti Tūwharetoa Ngāti Kurauia
16	John & Bev Campbell	
17	Nicola Foran	Trustpower Ltd
18	Miles Rowe	Mercury NZ Ltd
19	Martin Meier	Federated Farmers of New Zealand
20	Peter Steel	Friends of Lake Taupō
21	Jane Penton	Lakes and Waterways Action Group
22	Rebecca Eng	Transpower NZ Ltd

Table 1: Original submissions received

Further submission number	Further submitter name	Further submitter Organisation
24	Nicola Foran	Trustpower Ltd
25	Miles Rowe	Mercury NZ Ltd
26	Rebecca Eng	Transpower NZ Ltd

Table 2: Further submissions received

There were no late submissions. The submissions and further submissions cover a wide range of issues, as outlined below. We discuss these issues in Section 5 of this recommendation. A summary of decisions sought by submitters ordered by issues is in Appendix B.

Issues raised:

- Support for the plan change and the risk-based approach
- Methodology for flood assessment, climate change and lake level
- Flood hazard on individual properties
- Consultation and iwi/hapū values
- Infrastructure
- Physical protection
- Activities and buildings
- Hazardous substances
- Uninhabited farm buildings
- Definitions
- Impacts on property and property values
- Minor changes
- Management of extreme wave activity

1.4 Hearing

We conducted a hearing at the Taupō District Council Chambers on 23 October 2018. In the course of the hearing we heard the following submitters speak to their submissions, answering any questions of clarification we put to them:

Submission Number	Submitter Name / Organisations	Appearance at Hearing
4	Ross Baker	Ross Baker
16	John & Bev Campbell	John Campbell
18	Mercury NZ Ltd	Miles Rowe Rubean Hansen David Payne
20	Friends of Lake Taupō	Peter Steel
21	Lakes and Waterways Action Group	Jane Penton

1.5 Site Visit

Early in our deliberations following the adjournment of the hearing, we discussed the need to make a site visit, given the submissions and evidence that we had read and heard and the matters of contention that were remaining. We unanimously agreed that our personal and combined geographical knowledge of Lake Taupō and its catchment, together with the excellent relevant geographical and pictorial information provided to us, particularly in the evidence of Dr McConchie from Opus was sufficient to enable us to make decisions on the matters of contention that remained. We therefore decided that a site visit either generally or specifically was unnecessary.

1.6 Abbreviations

In this report we use the following abbreviations:

Abbreviation	Meaning
AEP	Annual Exceedance Probability
Council	Taupō District Council
Environment	In the context of the Taupō District Plan means a zone
Federated Farmers	Federated Farmers of New Zealand
Kinloch Marina	Kinloch Marina Ltd
Mercury	Mercury NZ Ltd
PC34	Plan Change 34 – Flood Hazard
RMA	Resource Management Act 1991 and its amendments
RPS	Waikato Regional Policy Statement (Operative);
Sec 42A Report	Planners report for Plan Change 34 – Flood Hazard prepared pursuant to S42A of the RMA dated 1 October 2018, Addendum to planners report for Plan Change 34 – Flood Hazard dated 11 October 2018 and Supplementary report (summary

Abbreviation	Meaning
	of issues of contention) dated 19 October 2018 tendered as evidence by Ms Sue Mavor
Section 32 report	Taupō District Council (2017) Plan Change 34 - Flood Hazard, Section 32 Report
Spark	Spark Trading New Zealand Ltd
TDC	Taupō District Council
TDP	Taupō District Plan (Operative 11 October 2007)
Transpower	Transpower NZ Ltd
Trustpower	Trustpower Ltd
Unison	Unison Networks Limited
WRC	Waikato Regional Council

1.7 Format of this Recommendation

There were a considerable number of individual submission points. Rather than deal with each submission point individually, we have decided to follow the format of the Section 42A Planners Report, prepared by Ms Mavor, and deal with the matters raised in the submissions by issue. We have then reached a decision on each issue.

Attached as Appendix A to this Recommendation is a track changes version of PC34 incorporating each of the recommendations.

1.8 Council Options on this Recommendation

Although the matter before Council is only a recommendation and not a determination, as a matter of law, where the recommendation follows a full hearing, Council has only three options:

1. Adopt the recommendation without amendment;
2. Refer it back to the commissioners where an aspect requires clarification;
3. Rehear the whole matter with a new hearings panel.

2. DESCRIPTION OF PROPOSED PLAN CHANGE 34

The purpose of PC34 is to update the spatial extent of the flood hazard areas identified on the planning maps and introduce a new risk-based approach (through the introduction of objectives, policies and rules) to address development in flood hazard areas.

The operative District Plan recognises a number of natural hazards to which the district is vulnerable. These hazards are discussed individually in Section 3I, however two generic objectives (and associated policies), manage all these hazards, including flooding. Flood hazards, relating only to the Tongariro and Tauranga Taupō Rivers and the Tokaanu Stream, and are identified and mapped on the District Plan maps. These flood hazard areas do not specify any details such as water depth, velocity or hazard classification. The rules in the District Plan, (Section 4e.9), require any activity (land use and subdivision) within an identified flood hazard area to be considered as a controlled activity, provided it complies with the underlying environment rules and performance standards and is not identified elsewhere in the District Plan, as a discretionary activity. If the proposed activity cannot comply with these requirements, a discretionary activity resource consent is required. Council considers that this is unsatisfactory for the reasons outlined below:

- Flooding from several rivers and Lake Taupō pose risks to people's safety and property;
- The operative District Plan does not identify all of the known flood hazard areas associated with rivers and Lake Taupō;
- New modelling information shows that some of the flood hazard areas in the operative District Plan are no longer expected to be affected by future flood events;
- The flood hazard information in the operative District Plan does not consider the future effects of climate change and tectonic subsidence;
- Recent changes to the RPS now impose a risk-based approach to managing flood hazards which is not mirrored in the operative District Plan;

- The operative District Plan provisions do not provide sufficient control over development in high flood hazard areas; and
- The operative District Plan provisions impose unnecessary regulatory costs on those with a low level of flood risk.

The proposed approach to flood hazards involves new objectives, policies and rules for activities within flood hazard areas being inserted into the natural hazards section of the District Plan and the removal of the existing flood hazard rules. Activities and development within the flood hazard areas will not be subject to the broad natural hazard objectives and policies contained in Section 3I of the District Plan and new flood hazard rules will replace those contained in Section 4e.9. Minor amendments will also be made to Rule 4e.2.1 – Foreshore Protection Area, Rule 4e.13.2 – Hazardous Substances and new definitions inserted into Section 10 of the District Plan.

The new objectives relate to keeping people safe and protecting property. The new policies and methods seek to reflect the risk-based approach required by the RPS. The new policies and methods aim to ensure the risk to people's safety and property in the high flood hazard areas is not intensified, and that regulation for those properties within the low and medium flood areas is minimised. The policies and rules cover new buildings, additions to buildings (major and minor), assembly care or community care activities, emergency services activities, subdivision, infrastructure and hazardous facilities.

The existing flood hazard areas will be removed from the planning maps and replaced with the new flood hazard areas for Lake Taupō, the Hinemaiaia River, the Kuratau River, the Tauranga Taupō River, the Tongariro River, the Tokaanu Stream and Whareroa Stream which will show areas of low, medium and high flood hazard and the depth of this flooding.

The plan change addresses the issues with the operative District Plan (outlined above) by:

- Defining areas affected by the flood hazard both spatially, and in relation to the depth of likely inundation. Defended areas are also defined spatially. This knowledge helps people to make better decisions about how to manage the associated risks.
- Introducing flood hazard information into the District Plan, such as the likely effects of climate change and tectonic subsidence, which subsequently provides people making decisions with greater knowledge. Although these effects may not be experienced in the short term, the planning related decisions to create new allotments or establish built structures will extend well into the future (50 to 100 years).
- Shifting the direction of the District Plan away from a generic assessment of hazards to a risk-based approach. This creates a more enabling regulatory environment for activities in low and medium hazard areas, while providing for more considered decision making in high hazard areas.

3. BACKGROUND

The Flood Hazard Plan Change is the final step by TDC in what has been a considered and lengthy process over many years.

The Section 32 report accompanying the proposed plan change, set out in detail the planning steps taken, including the extensive consultation, leading to the Plan Change which is now before us.

To provide a background to the Plan Change we consider in this section:

- Lake Taupō Erosion and Flood Strategy 2009; and
- The Flood Reports

3.1 Relationship to other documents

This plan change has a long history stemming back to the Lake Taupō Erosion and Flood Strategy 2009.

Lake Taupō Erosion and Flood Strategy in 2009.

Taupō District Council and Waikato Regional Council (WRC) adopted the Lake Taupō Erosion and Flood Strategy in 2009. The strategy provides guidance on the management of the erosion and flood hazards around the margins of Lake Taupō. The strategy is based on scientific analysis by Beca (erosion hazards) and Opus (flood hazard).

Importantly in the context of this plan change, we noted that the strategy represented the first time that the flood hazard around the margins of Lake Taupō had been assessed. The strategy established an agreed methodology for the assessment of the flood risk. In addition to the static water level record Opus identified the need to incorporate the effects of seiche and the likely future effects related to climate change and tectonic subsidence.

The flood hazard was presented using a risk classification based on a combination of anticipated water depth and velocity. WRC indicated an expectation that this classification approach will be consistently applied throughout the region. It has previously been used by WRC when preparing flood hazard assessment reports for a change to the Thames Coromandel District Plan.

The design flood was set as 1% AEP event as required by the RPS. However, the strategy also recognised that wave run up had the potential to pose a risk to some parts of the foreshore. Although the potential effect of wave run up may be related to the lake level the effects of the hazard were different and required a different management approach.

There was extensive community and stakeholder consultation during the development of the strategy. This involved public testing of the scientific analysis and the policy direction through a special consultative process in accordance with the Local Government Act 2002. Significant stakeholders were involved in the process including the hydro electricity operators around the lake, Ngāti Tūwharetoa, infrastructure providers, environmental groups and the Department of Conservation.

Flood reports

After the development of the Lake Taupō Erosion and Flood Strategy, Opus were engaged by Taupō District Council and WRC to assess, report on and identify the extent of the flood hazards associated with the following waterways:[1]

- Hinemaiaia River;
- Tauranga Taupō River;
- Tongariro River;
- Tokaanu Stream;
- Kuratau River;
- Whareroa Stream; and
- Lake Taupō.

These rivers and the lake were modelled because of their history of flooding and their location next to urban areas where there is a greater level of risk to people and property. There are a number of other waterways within the Taupō District which were not included in the study because they:

- are spring fed and therefore not as susceptible to flood flows;
- have a small catchment area; or
- are located in areas where there are relatively few people, limited property at risk and outside future urban growth areas.

Following two rounds of pre notification consultation with iwi, affected landowners and stakeholders the plan change was formulated. It was publicly notified on 20 October 2017 and further submissions were sought on 4 May 2018.

4. STATUTORY FRAMEWORK

Under the RMA, the District Plan is required to give effect to any national policy statement, the New Zealand Coastal Policy Statement and any regional policy statement. Territorial authorities must also have regard to a number of other regulatory and planning documents when preparing or changing a plan.

This section sets out the broad provisions of the statutory and planning documents which are relevant to PC34. A detailed assessment of the statutory framework is in section 2 and Appendix 1 of the Section 32 Report[2].

4.1 Resource Management Act

The purpose of the RMA as set out in section 5 is "*to promote the sustainable management of natural and physical resources".* Within the RMA sustainable management *"means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to*

[1] Opus Consultants (June 2012) Taupo District Flood Hazard Study Hinemaiaia River
Opus Consultants (July 2011) Taupo District Flood Hazard Study Kuratau River
Opus Consutlatns (June 2014) Taupo District Flood Hazard Study Lake-Taupo Foreshore
Opus Consultants (July 2010) Taupo District Flood Hazard Study Tauranga Taupo River
Opus Consutlants (June 2012) Taupo District Flood Hazard Study Tokaanu Stream
Opus Consutlants (July 2011) Taupo District Flood Hazard Study Tongariro River
Opus Consutlants (June 2012) Taupo District Flood Hazard Study Whareroa Stream

[2]. Taupo District Council (2017) Plan Change 34 - Flood Hazard. Section 32 Report

provide for their social, economic, and cultural well-being and for their health and safety while…avoiding, remedying, or mitigating any adverse effects of activities on the environment."

Through the Resource Legislation Amendment Act 2017 a new subsection (h) was added to section 6 of the RMA. It states that the Council, *"in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for…the management of significant risks from natural hazards."* We particularly noted that this new emphasis on managing the significant risks from natural hazards came into effect after the RPS was made operative, and prior to the notification of PC34. It adds weight to the risk-based approach in the RPS and the proposed provisions in the plan change.

Natural hazard is defined in section 2 of the RMA as being *"any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment".* The definition of natural hazards is broad and clearly includes flooding.

Section 7 of the RMA requires the Council, in achieving the purpose of this Act, to have particular regard to the effects of climate change. We note that this is relevant in the context of this plan change because the risks from flooding can be exacerbated by climate change which is predicted to increase the intensity and frequency of rainfall and runoff.

Section 31 of the RMA gives the Council the function of the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. Section 31(1)(b) requires the Council to control any actual or potential effects of the use, development, or protection of land, for the purpose of the avoidance or mitigation of natural hazards. Both regional and district councils have jurisdiction over the control of land use for the purpose of avoidance or mitigation of natural hazards. This subsection requires Council to address the avoidance or mitigation of natural hazards in the District Plan.

Section 35 of the RMA requires the Council to "*gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act or regulations under this Act."* Section 35(2) requires Council to "*monitor (a) the state of the whole or any part of the environment of its region or district (i) to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act."* This section requires the Council to gather information and hold records of areas subject to natural hazards because of its function of controlling the effects of the use and development of land to avoid or mitigate natural hazards under section 31.

Section 74(1) requires the Council to prepare and change its district plan in accordance with the provisions of Part 2, amongst other things. Section 75(3)(c) states that a district plan must give effect to any national policy statement and any regional policy statement.

We were advised that the case law from the decision of the Supreme Court in *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* needs to be taken into account when considering these two sections of the RMA. The Supreme Court stated that where planning documents are established (have gone through their formulation process), they can generally be assumed to be in accordance with Part 2 of the RMA. Lower level planning documents (RPS and plans) can concentrate on giving substance to the provisions of plans in the next level up in the hierarchy, rather than decision-makers going back to consider Part 2 of the RMA in the preparation of these documents. We therefore accept that, PC34 needs to give effect to the RPS but because the RPS has been through a formulation process and been prepared in accordance with Part 2, independent consideration over whether PC34 is in accordance with Part 2 of the RMA is not considered necessary. We also accept that, PC34 deals with a relatively discrete issue in terms of the need to give effect to the RPS, and the RPS is considered to be complete on this matter.

4.2 Waikato Regional Policy Statement

The RPS was made operative in May 2016. It introduces a new risk-based framework for managing natural hazards including planning for residual risk (identified as defended areas in the context of PC34).

Objective 3.24 seeks to ensure that:

the effects of natural hazards on people, property and the environment are managed by:

a) increasing community resilience to hazard risks;
b) reducing the risks from hazards to acceptable or tolerable levels; and
c) enabling the effective and efficient response and recovery from natural hazard events.

The policies that relate to this objective seek to ensure that:

- Natural hazard risks are managed using an integrated and holistic approach (Policy 13.1);
- Subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level (Policy 13.2); and

- The risks associated with high impact, low probability natural hazard events such as tsunami, volcanic eruptions, earthquakes and debris flows are considered (Policy 13.3).

There are a range of implementation methods related to the policies that give direction on how they will be achieved.

The key areas of direction from the RPS for PC34 are:

- Flooding needs to be managed within a risk-based framework that enables planning responses to be proportionate to the level of identified risk.
- There is a clear direction to avoid creating new intolerable risk, which in the context of this plan change relates to activities in the high risk areas.
- More vulnerable activities need to be carefully planned for to ensure that the risk remains acceptable to the community.
- The importance of infrastructure to be able to be built and maintained with as few regulatory costs as possible is recognised, but this needs to be balanced with the need to minimise the risk to that infrastructure and the community it supports in a future flood event.
- Areas of residual risk should be identified and managed to minimise the residual risk.

There are clear directions in the RPS (section 13) that the Council should plan for a 1% AEP flood event consistent with the direction in the Lake Taupō Erosion and Flood Strategy[3]. There is also support for the flood hazard classification system based on a combination of water depth and velocity.

5. DISCUSSION AND FINDINGS

5.1 Support for the plan change and the risk based approach

Submitters

Waikato Regional Council, Ngāti Kurauia, John & Bev Campbell, Trustpower, Mercury, Federated Farmers and the Lakes and Waterways Action Group submitted and Mercury and Trustpower further submitted on the issue of the plan change and the risk-based approach. John Campbell, Mercury and Jane Penton representing the Lakes and Waterways Action Group attended the Hearing and spoke to their submission(s).

The matters raised were:

- Support for the plan change and the risk-based approach as it enables targeted management of the risks of flooding and will manage the effects from flood hazards on people, property and infrastructure as is required to give effect to the RPS
- Support 3l.1ii Introduction, policy 3l.2.1(ii), 3l.2.2 Explanation, text before Objectives 3l.2.1 and 3l.2.3, objectives 3l.2.3 and 3l.2.4, policy 3l.2.3(i) and 3l.2.3(iii), 3l.2.3(iv), 3l.2.3(v), 3l.2.3(vi), 3l.2.3(vii), 3l.2.3(viii), 3l.2.3(ix), 3l.2.3(x), 3l.2.4(ii), 3l.2.4(iii), 3l.2.4(iv), 3l.2.4(v), methods 3l.3iii and xv
- Do not use a district plan change to address flood risk as it is counterproductive to Turangi's growth prospects, and places an unnecessary restriction on properties already facing reducing land values. Instead construct stopbanks where needed as they will increase property values and security
- The plan change needs to recognise that it affects no green field residential environment zoned property on the left bank of the Tongariro River
- The plan change and change to planning conditions imposed on properties are unnecessary as no flooding has occurred in Turangi town area downstream of the State Highway 1 (SH1) Tongariro River Bridge (excluding the Bridge Lodge area).
- Support for the plan change as:
    - the provisions protect vulnerable people and places within flood-prone areas;
    - it separates flood hazards from other hazards and so enables targeted management of the risks of flooding;
    - it exercises greater control over the design of development in areas of medium and low flood hazard;
    - there is a specific policy approach to discourage development in high flood hazard areas; and
    - it uses up to date information to accurately delineate flood hazard areas.

Discussion

We have no need to discuss further the submissions in support of PC 34 other than to note the extent of formal support to the change by way of submissions is a credit to the thorough and well informed data collection, assessment and complex modelling of the flood hazard by Council's staff, its experts and advisors and the

[3] Environment Waikato, Taupo District Council (2009) Lake Taupo Erosion and Flood Strategy

extensive consultation undertaken by Council's staff in the months/years leading to the public notification of the Plan Change.

One submission states that the District Plan should not manage the development within flood hazard areas as it has not worked in the past, places an unnecessary restriction on properties which are already facing reducing land values and will adversely affect Turangi's growth prospects. Instead stopbanks need to be constructed where needed as they will increase property values and security. The same submission also states that the plan change is unnecessary as no flooding has occurred in Turangi town area downstream of SH1.

We were advised by the Sec 42A report that the proposed plan change does identify more properties as subject to flood hazard in the Turangi township than the operative District Plan, particularly to the west of the Tongariro River. It also removes most of the properties along Te Herekiekie Street from the flood hazard area, as shown below.

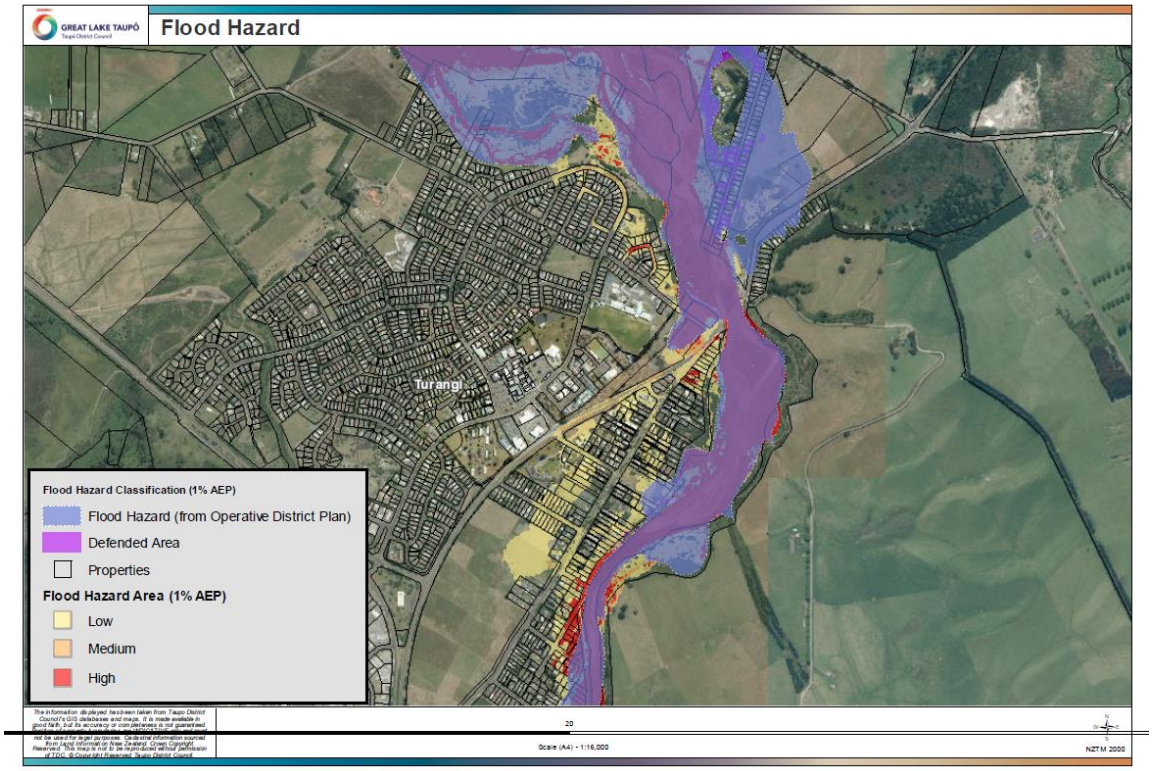

Figure 1. Mapping tool showing the extent of the flood hazard area in the operative District Plan and Plan Change 34 Flood Hazard for Turangi

The reason for this is the flood modelling for the Tongariro River which led to PC 34 now includes an allowance for climate change. The consequence is that in the future, in the event of a 1% AEP flood, properties that had not previously been flooded (for example in 2004) are likely to be flooded. Some properties in Turangi have had the flood hazard notation removed, e.g. Te Herekiekie Street, because of recent changes to the stopbanks. It is also relevant that the modelling is more sophisticated than the previous modelling and is able to identify low, medium and high flood hazard instead of a blanket flood hazard. This allows the rules to be tailored to the level of risk and reduce the economic impact on individual property owners.

The shift from generic assessment to a risk-based approach creates a more enabling regulatory environment for activities in low and medium hazard areas, while providing for more considered decision making in high hazard areas. For example, development in low and medium hazard areas will generally not require a resource consent provided floor levels are built 300mm above the flood level on the site. This planning framework will not unnecessarily restrict development within low and medium flood hazard areas in Turangi, and is likely to make appropriate development within these areas easier than it currently is under the operative District Plan.

Meanwhile, PC34 seeks to avoid development (apart from minor additions) within high hazard areas because of the intolerable risk to life and property. The Section 32 report identifies the economic costs of this approach as:

- Potentially high costs for resource consents for new buildings and major additions in high hazard areas but this should send a signal to avoid new development in these areas.

- Reduced development potential of land in high flood hazard areas.
- May temporarily reduce property values of land in high flood hazard areas, but will reflect the true value of that land over time.
- Some potential for reduction in investment in vacant land in high flood hazard areas but the majority of sites are already developed or rural marginal land. There are only two residential zoned sections that have more than 100m² of high flood hazard that are not already developed that would be suitable for development.
- Costs associated with the plan change.
- Monitoring costs for the Council in ensuring the District Plan is implemented and adhered to.

In summary, while the Section 32 report identifies the economic costs of this approach for development in the high hazard areas, it still concludes that this approach is the most appropriate.

However, in any case, this approach is established in the RPS so must be given effect to in PC34. It also should be noted that most of the urban zoned high flood hazard areas have already been developed and that there are only two residential zoned sections that have more than 100m² of high flood hazard that are not already developed that would be suitable for development. In comparison with the operative provisions, the plan change reduces regulatory costs and more effectively avoids undesirable development in high hazard areas. For these reasons the provisions in the plan change are considered to be the best mechanisms for meeting the objectives 3I.2.3 and 3I.2.4.

Overall the risk-based approach is identified in Appendix 8 of the Section 32 report as being the most appropriate way to achieve the objectives of the plan change.

Also, as discussed in 4.2 above, the provisions of the Waikato Regional Council's fully operative RPS effectively makes such an approach mandatory.

Another submitter seeks relief to the effect that PC34 needs to recognise that it affects no green field residential environment zoned property on the left bank of the Tongariro River. The specific relief that the submitter seeks is unclear as to how it is to be included in PC34.

Recommendations and Reasons

Having particular regard to the statutory requirement that the District Plan must give effect to the provisions of the Waikato Regional Policy Statement, which requires that a risk based approach is taken and noting that no cogent evidence was placed before us which would enable us to recommend to the contrary, we recommend that:

The plan change is necessary and the risk-based approach remains unchanged. Section 6(h) of the RMA requires the Council to manage significant risks from natural hazards. The Section 32 report has demonstrated that the approach in the plan change is the most appropriate mechanism for this. The RPS (policies 13.1 and 13.2) requires the Council to use a risk-based approach for the management of development within flood hazard areas in the District Plan.

5.2 Methodology for flood assessment, climate change and lake level

As indicated above we have adopted the format of the Sec 42A report. Accordingly, we have divided this issue into three sub-issues, the methodology used by Opus for the flood hazard assessment, the use of climate change provisions in the flood assessment, and the water level of Lake Taupō.

Methodology for Flood Assessment

Submitters

Ngāti Kurauia, John & Bev Campbell and Peter Steel on behalf of the Friends of Lake Taupō submitted and Mercury further submitted on this matter. However, Ngāti Kurauia subsequently formally advised us during the hearing that they confirmed their prehearing advice that they sought no amendments to the plan change. For further details on this advice see Section 5.4 Consultation and iwi/hapū issues. Mercury opposed the relief sought by the two remaining submitters.

The remaining two original submitters raised the following matters in relation to this sub-issue:

- PC34 and planning conditions imposed on properties are unnecessary as the flood protection works in Turangi will withstand close to a 1% AEP event, (probably a 1.1% AEP event), so what exists is adequate.
- PC34 should not apply the 1% AEP to building areas.
- The proposed river flood levels need to be reconsidered based on an appropriate combined flood occurrence and acceptable lake levels for Lake Taupō not the combination of 100 year floods used by Opus.

- The seiche provisions and climate change flood level changes need to be removed from any set flood level as seiche and flooding are independent events and it is statistically incorrect to combine 100 year flood provisions with 100 year seiche forecasts.

Discussion

The remaining two original submitters and the further submitter made the following points:

- They sought that:
    - PC34 state that the extent of 1% AEP flood waters in Turangi that will be constrained by the flood protection works
    - The 1% AEP is not applied to building areas.

- They asserted that;
    - The flood levels were incorrect and that inappropriate, unproven and unacceptable provisions for additional flooding resulting from climate change and seiche have been included in the proposed flood levels.
    - River flood levels need to be based on an appropriate combined flood occurrence and acceptable lake levels for Lake Taupō.
    - Seiche and climate change effects should be removed from the flood model as they are independent events and should not be combined with the 100-year flood provisions.

We were advised by the Sec 42A report, well supported by the independent expert evidence of Dr McConchie, a person with impeccable qualifications and years of experience with these matters, many of them focussed on Lake Taupō and its catchments on these matters.

In particular the Sec 42A report informed us:

The use of 1% AEP for building areas

The reports modelled a 1% AEP flood, including the likely effects of climate change and tectonic deformation, for the rivers, streams and Lake Taupō. The use of a 1% AEP design event reflects the accepted best practice and is in accordance with the requirements contained in the RPS and the direction around hazard assessment in the Lake Taupō Erosion and Flood Strategy. The use of a 1% AEP design event also recognises that subdivision of land establishes urban land uses that persist for over 100 years, and that buildings are invariably occupied for more than 50 years. The inclusion of climate change, tectonic deformation and seiche is directed by the Lake Taupō Erosion and Flood Strategy for flood assessments.

State that the 1% AEP flood waters in Turangi will be constrained by the flood protection works

The modelling used a 1% AEP flood, including the likely effects of climate change and tectonic deformation for the rivers, streams and Lake Taupō. Therefore, this flood would not be constrained by the flood protection works as they are designed to withhold a 1% AEP flood, without added climate change or tectonic deformation.

River flood levels should be based on an appropriate combined flood occurrence and acceptable lake levels for Lake Taupō.

Dr McConchie's evidence addresses the combination of the components of the flood hazard in paragraphs 88 to 97.

In the peer review report National Institute of Water and Atmospheric Research (NIWA) stated that the river flooding has been modelled using the design events of a 100-year return period flood with, and without, the effects of climate change, using the 100-year lake-level, (based on historical data), as the downstream boundary. The report states that "what is not emphasized is that this combination of independent events is much rarer than a 100-year event. In areas near the lake where lake levels have an influence on the extent of river flooding this approach is likely to overestimate flooding from 100-year river floods". This has been addressed in section 4.1 of the Peer Review Discussion report[4] where on page 8 it states that "it is recognised that a scenario which includes a 100-year lake level and a 100-year flood is potentially extreme, at least in statistical terms. However, it was necessary to adopt a consistent scenario for all the various flood modelling. It should also be noted that the 100-year lake level adopted was that defined simply from the 1980-2014 lake level record. It does not include any of the various factors which are also likely to affect water levels e.g. seiche, subsidence, climate change, waves etc. Consequently, the lake level adopted is actually not likely to be 'extreme', at least over the 100-year design period. However, the aim was to be slightly conservative rather than potentially under-estimating the potential flood risk. The difference in lake

[4] Opus (2015) Peer Review Discussion Report. Taupō District Flood Hazard Studies

level between a 10% AEP and 1% AEP scenario (i.e. 14cm) is likely to be within the resolution of the various hydraulic models."

As noted by Dr McConchie, in paragraph 93 of his evidence, while a lake level of 357.5m would be a 1% AEP event under current conditions, it may become a 20% AEP event (i.e. 5-year ARI) when seiche and the potential effects of climate change are added.

So, while the methodology used to model the 1% AEP design event for rivers may overestimate the size of flood (as it uses the combination of 1% AEP flood on rivers occurring at the same time as a 1% AEP on the lake) the resulting flood level is likely to be within the resolution of the hydraulic model.

Mr Steel's submission was not supported by what could be considered as "expert" evidence; rather he quoted, and produced copies of resource consents and reports by experts prepared for other forums. We were not in a position to examine the authors of these reports and therefore relied on the expert evidence of Dr McConchie who was aware of all of them and had regard to their content and purpose in his supplementary evidence. Mr Steel's submission and appearance at the hearing did not persuade us to suggest any changes to PC34.

We accept the conclusions of the Sec 42A report.

Recommendations and Reasons

Accordingly we recommend that:

The flood modelling methodology should remain unchanged. The reasons for this are that:

- the RPS and Lake Taupō Erosion and Flood Strategy require the modelling to use a 1% AEP with climate change, seiche and tectonic subsidence,
- Utilising a 1% AEP event reflects best practice and mirrors the approach to hazard management in the New Zealand Coastal Policy Statement,
- the flood model does take into account all waterways entering the Tokaanu Delta and Tokaanu Stream,
- the river modelling is based on appropriate combined river and lake flood occurrences,
- the 1% AEP flood used for modelling the Tongariro River will not be totally constrained by the existing stopbanks as it will be a larger flood than they are designed. Modelling of the flood hazard posed by the Tongariro River includes an allowance for climate change and tectonic subsidence, and
- the methodology used for the identification of defended areas and flood areas is sound.

Climate Change

Submitters

John & Bev Campbell and Friends of Lake Taupō submitted on whether the methodology should include an allowance for climate change and if so what amount. Mercury further submitted opposing the relief sought by the submitters.

The submitters raised the following matters in relation to this sub-issue:

- Methodologies should not provide for climate change.
- Climate change should not be included in the flood estimates as it is premature until there is some indication of what actual climate change will be.
- Methodologies should not provide for climate change as the flood levels for Lake Taupō are controlled by Mercury.
- The flood levels for Lake Taupō are incorrect and that inappropriate, unproven and unacceptable provisions for additional flooding resulting from climate change and seiche have been included in the proposed flood levels.
- Include climate change as it is standard practice to incorporate a climate change allowance within numerical models used to predict the extent and depth of inundation.
- Reassess climate change assumptions so they take into account the changes to catchment use and vegetation growth that will result from warmer temperatures and more frequent rainfall as more vegetation will reduce runoff and decrease the flood intensity levels.

Discussion

We were advised in the Sec 42A report, well supported by the independent expert evidence of Dr McConchie, a person with impeccable qualifications and years of experience with these matters, many of them focussed on these matters around Lake Taupō and its catchments that:

Section 7(i) of the RMA requires the Council to have particular regard to the effects of climate change. Implementation method 4.1.13 in the RPS requires local authorities, through their regional and district plans to recognise and provide for the projected effects of climate change, having particular regard to the

projected increase in rainfall intensity, taking into account the most recent national guidance and assuming a minimum increase in temperature of 2.1°C by 2090 (relative to 1990 levels). In 2009 the Lake Taupō Erosion and Flood Strategy established an agreed methodology for the assessment of the flood risk. In addition to the static water level record, Opus identified the need to incorporate the effects of seiche and the likely future effects related to climate change and tectonic subsidence.

Dr McConchie's evidence (paragraphs 103 to 111) outlines the methodology used to include climate change into the flood frequency analysis. He states "any methodology used must involve a significant level of professional judgement and will result in considerable residual uncertainty". Dr McConchie's methodology is based on the best available information from Ministry for the Environment, his professional judgement and methodologies used in other areas (Peka Peka to Otaki Expressway).

One submitter stated that climate change assumptions should be reassessed to take into account the changes to catchment use and vegetation growth that will result from warmer temperatures and increased more frequent rainfall as more vegetation will reduce runoff and decrease the flood intensity levels. Dr McConchie explains in paragraphs 120 and 121 of his evidence that any rainfall-runoff model would be simplistic and unlikely to reflect the catchment response under an extreme flood scenario and so could be quite misleading.

We accept the conclusions of the Sec 42A report.

Recommendations and Reasons

Accordingly we recommend that the flood modelling which underpins PC 34 should continue to include an allowance for climate change using the methodology outlined by Dr McConchie in his evidence. The reasons for this are that section 7(i) of the RMA and implementation method 4.1.13 of the RPS and key principle 1 of the Taupō Erosion and Flood Strategy require the Council to have regard for and provide for the effects of climate change in accordance with the most recent national guidance.

Lake level

Submitters

Peter Steel on behalf of the Friends of Lake Taupō submitted on the effect the management of the lake level of Lake Taupō has on flooding and Mercury further submitted opposing the relief sought by the submitter.

The submitter contended that:

- The WRC should use the review mechanism for the Mercury consent to restore the lower "step" lake level management approach for any period identified as at risk from significant flood events or otherwise require a consent change to deliver the flood levels set in the consent.
- The Council communicates the findings of the Opus technical studies to MRP/Mercury and WRC and request that, based on the findings of the Opus study, MRP/Mercury advise if there is any change necessary to their set Consent Lake Level/Occurrence condition, or if MRP/Mercury will continue to manage the lake levels to their consented levels.
- The flood levels for Lake Taupō should be reviewed using a whole catchment approach, including the Mercury and Genesis Energy Consents and the use of the Taupō Control Gates by WRC as flood manager.

Discussion

As indicated earlier Mr Steel did not present any evidence to support his submission in this regard. Rather he referred to and produced various reports which had been prepared for resource consent hearings or other fora. We had the benefit of the excellent well referenced expert evidence from Dr McConchie, Council's expert witness in this regard. This evidence included not only his evidence in chief which had been pre-circulated but also evidence which he had prepared two days before the hearing which concludes that:

- Mr Steel had raised no issues that had not been considered in detail during the Taupō Flood Study.
- Most of the argument presented by Mr Steel is based on a misunderstanding of the flood hazard water levels and those contained in Mercury's resource consent conditions.
- There is nothing in Mr Steel's submission that would lead him to reconsider the technical evidence, opinions or recommendations set out in the evidence presented to us.

We agree.

Dr McConchie's evidence explains that both the Mercury and Genesis consents have been taken into account in the flood hazard modelling. He outlined in his evidence, paragraph 80, that the outflow capacity of the Lake Taupō Gates and artificial channel is now significantly greater than the capacity of the natural channel prior to the gate installation in 1941. He also outlined in paragraphs 130 and 131, that the pattern of lake level variation is very similar over the 10 years prior to granting the Mercury consents in 2006 as it was for the 10 years after

2006. He states that *"the dominant control on lake level variation is the inflow regime; not the management decisions relating to flood mitigation or hydro power generation".*

In any case, we agree with the Sec 42A report that a review of the Mercury and Genesis Energy resource consents is outside the scope of this plan change.

Recommendations and Reasons

Accordingly we recommend that the flood modelling which underpins PC 34 is not amended as it already includes a whole of catchment approach.

5.3 Flood hazard on individual properties

Submitters

Twelve submitters sought changes to the flood hazard identified on their properties, all requesting that the flood area on their property be reassessed and /or removed.

Two, Lindsay Fraser, and Tony Houpt had concerns about their Kinloch properties; Six, Richard Kemp, Gilbert Abercrombie, Diane Marbeck, John & Bev Campbell, Ross Baker and Grants Motels were concern about their Turangi properties; two, Roderick Brown and Erin Clark were concerned about their Tokaanu properties and Leone Hapeta was concerned about her Kuratau property.

Some submissions outlined why they considered the flood hazard was incorrect, for example because of the physical characteristics of their property, the nature of the mapping (use of 5x5m grid to delineate flooding) or because it had never flooded before. Other submitters just stated that their property should not be included in the flood hazard area but gave no reasons for this.

The other submission was from Trustpower in relation to their Hinemaiaia B Power Station. They sought a downstream shift of the hydraulic model boundary, as shown on the flood hazard maps, so that the flood hazard notation over the tailrace of Hinemaiaia B is removed to more accurately reflect the likely flood hazard during the 1% AEP design flood in that vicinity.

Of all these submitters only John Campbell and Ross Baker appeared before us to speak to their submissions.

Discussion

The Sec 42A report drew our attention to paragraphs 159 to 231 of Dr McConchie's evidence which describes his re-evaluation of the flood hazard areas on these properties.

In summary he found that, subject to a site visit to confirm his assumptions based on the assertions of the various submitters, the relief sought could be sustained for Lindsay Fraser, (3 Kinloch Esplanade, Kinloch), Tony Houpt (6 Kinloch Esplanade, Kinloch) and Richard Kemp (139 Taupahi Road, Turangi). Further he advised that again subject to a site visit it was likely that assuming the same conditions exist, the area of low hazard should be removed from all properties that bound the Kinloch Marina, that is numbers 4 and 5 Kinloch Esplanade, Kinloch and 20 and 26 Marina Terrace, Kinloch, notwithstanding that there was no submission seeking the flood hazard be amended on these properties. He considered that it was prudent to do this to ensure the integrity of the flood modelling data.

In the cases of Ross Baker (2 Piri Road, Turangi), Roderick Brown (203 Puanga Street, Tokaanu), Gilbert Abercrombie (9 Kokopu Street, Turangi) and Leonie Hapeta, (37A Parehopu Street, Kuratau) after reviewing the situation, having regard to the submissions he recommended that no change be made.

In the cases of Diana Marbeck (229 Taupahi Road Turangi), Erin Clark (105 Humu Street, Tokaanu)' Grants Motels Ltd (24 Te Arahori Street, Turangi) and John & Bev Campbell (168 Te Rangitautahanga Road, Turangi), after reviewing the situation, having regard to the submissions he recommended that no change be made at this time. But he did note that if, at some time in the future:

- a submitter filled a low lying area and raised the ground level or
- any mitigation options are adopted and implemented or
- there is any review of the current flood protection measures or
- the construction of future flood control measures occurs or
- following the capture of more recent LiDAR information or
- there is an increased duration of the flood maxima series

then the situation could be reviewed.

As for the Trustpower submission concerning the Hinemaiaia B Power Station, Dr McConchie agreed that the boundary of the hydraulic model result for the Hinemaiaia River should be shifted downstream to the location indicated on Figure 12 in his evidence. This recognises that Trustpower are responsible for dam safety relating

to the Hinemaiaia Power Station, and that their responsibilities are independent of, and in addition to, any provisions in the District Plan.

At the hearing, Dr McConchie tabled and spoke to an addendum to his Evidence in Chief which summarised the result of his onsite inspections in the vicinity of the Kinloch Marina and at 139 Taupahi Road, Turangi. He confirmed his preliminary assessments summarised above.

We had no other expert evidence on the matter presented to us. The two submitters who did speak to us merely elaborated on their original submissions.

Prior to the hearing Trustpower had indicated its support to Dr McConchie's recommendation with regard to the relief that they sought in this matter.

We therefore accept the unchallenged evidence of Dr McConchie, a well qualified and experienced expert witness.

Recommendations and Reasons

Accordingly we recommend that:

1. The small area of "Low Hazard" affecting those properties backing onto the Kinloch Marina identified and shown on the Flood Hazard maps for PC34, be removed. This will affect properties 3, 4, 5 and 6 Kinloch Esplanade, Kinloch.
2. The small areas of "Low Hazard" affecting 20 & 26 Marina Terrace, which front the Kinloch Marina identified and shown on the Flood Hazard maps for PC34, be removed.
3. The flood hazard mapping on 139 Taupahi Road, Turangi be adjusted so the area of low hazard is removed from the upper terrace, but remains on the lower terrace.
4. That the flood hazard areas on
    - 2 Piri Road, Turangi;
    - 203 Puanga Street, Tokaanu;
    - 9 Kokopu Street, Turangi;
    - 37A Parehopu Street, Kuratau;
    - 229 Taupahi Road, Turangi;
    - 105 Humu Street, Tokaanu;
    - 24 Te Arahori Street, Turangi; and
    - 168 Te Rangitautahanga Road, Turangi

    remain unchanged as inadequate evidence has been provided to demonstrate that the flood hazard modelling is incorrect for these properties.
5. That the boundary of the hydraulic model results for the Hinemaiaia River be shifted downstream so the flood hazard area on the tailrace at Hinemaiaia B Power Station is removed to more accurately reflect the likely flood hazard during the 1% AEP design flood event in this vicinity.

5.4 Consultation and iwi/hapū values

Submitters

Ngāti Kurauia submitted on this issue and Mercury further submitted opposing all of relief sought by Ngāti Kurauia with the exception of their request in relation to extreme wave run-up.

The matters raised and subsequently outlined in an 11 October 2018 addendum to the Section 42A report were:

- That the Council needs to adopt a collaborative process with Ngāti Kurauia hapū, whānau and land owners, and in doing so:
    - develop objectives and policies for risk avoidance, mitigation and to identify tolerable levels of hazard risk;
    - share all information and facilitate more active involvement in the evaluation, impact assessment and innovations that may be related to the issues relevant to Ngāti Kurauia stakeholders;
    - clarify what "a two-step engagement process" really means;
    - determine the "degree of impact on, or interest from iwi/Māori";
    - develop a clear understanding of the impacts of flooding on Ngāti Kurauia, their values and Taonga;
    - develop innovative and effective measures to urgently address the potential and actual impacts of flooding on Ngāti Kurauia hapū, whānau, land owners and property owners; and
    - amend objectives 31.2.1, 31.2.3 and 31.2.4 to take into account the social, cultural, spiritual and economic interests and rights of Ngāti Kurauia.

Ngāti Kurauia also sought that the plan change recognise and provide for:

- sections 6(e), 6(f), 6(g), 7(a) and 8 of the RMA;
- the Ngāti Tūwharetoa Iwi Management Plan;
- protection of areas of culturally significant land including wāhi tapu, historical occupation, geothermal taonga and fertile soils used for extensive gardening; and
- protection of the environmental, economic, social and cultural well-being of Ngāti Kurauia hapū.

They submitted that the Council should:

- Implement mitigation measures to ensure that flooding does not displace Ngāti Kurauia from their ancestral lands and taonga.
- Provide a dispensation and/or reward to Māori owners of flood affected land that recognises the contribution of their land and/or its loss of productive capacity or opportunity cost
- Engage with Ngāti Kurauia to find viable solutions and mitigate the risks not only to our future buildings but more importantly to the mauri (life essence) of Ngāti Kurauia.

Discussion

In essence the relief sought was that the Council meets with Ngāti Kurauia to discuss these issues and seek some resolution.

It is worth recording that Taupō District Council and Waikato Regional Council staff attended Ngāti Kurauia's monthly meeting on Sunday 19th August at the Tokaanu Marae. At the meeting Ngāti Kurauia outlined the importance of freshwater and the effects on freshwater of decisions and legislation since 1897. The main issues are the taking of land by the government since 1897, the raising of lake levels in 1941 and the 1950s and the development of the Tongariro Power Scheme in 1973. They asserted that these events have resulted in loss of traditional land and land north of the marae, which has been inundated and is unable to be used to live on or grow food. They also asserted that the result has been the silting up and raising of the water levels in the Tokaanu Stream making the area more susceptible to flooding. Wave action from the, now raised, lake levels has destroyed any access to the traditional land north of the marae. As a result they stated that Ngāti Kurauia now must live with constant flooding and the plan change needs to take account of this history and resulting factors. The outcome of that meeting was that Council staff agreed to meet further with the Ngāti Kurauia Taiao to discuss the issues raised in their submission and to work together to find solutions.

Accordingly Ngāti Kurauia Taiao and Council staff then met on 2 October 2018 to discuss the Ngāti Kurauia submission on PC34, to clarify the issues raised and to facilitate their resolution. Details of the issues discussed and agreements made at this pre hearing meeting were subsequently circulated to submitters and hearings commissioners prior to the hearing.

In summary we were advised that all of the issues that were raised in their submission and summarised in the bullet point listings above were discussed and as a result it was agreed that:

- in future Council would engage with Ngāti Kurauia in person, through meetings rather than through letters, at the formulation of a plan change.
- the assessment of extreme wave activity will be undertaken through the district plan review.
- the district plan permits, within some zones, subject to relevant performance standards, fill to be placed on land to raise it above the flood level.
- the issue of loss of Ngāti Kurauia ancestral land and access to their occupation and cultural sites due to the Township Act 1897, flooding from the development of the Tongariro Power Scheme in 1973 and the raising of the lake levels in 1941 and the 1950s cannot be directly addressed by Taupō District Council through this plan change.
- the issues raised in Ngāti Kurauia's submission can be more effectively addressed through the development of the District Plan review. Regular meetings, working together and the development, by Ngāti Kurauia of their Hapū Management Plan will help inform the development of the District Plan review.
- the District Plan Team will meet with Ngāti Kurauia regularly starting in February 2019 to establish how in Ngāti Kurauia and Council can work together during the District Plan review.

It was also agreed that this plan change is not an effective mechanism to address the issues raised by Ngāti Kurauia's submission. Instead Ngāti Kurauia and Council will work together through the District Plan review to address these issues.

Notwithstanding this agreement being reached, Mr Asher, on behalf of Ngāti Kurauia, decided to exercise his right to be heard at the hearing to enable him to make a presentation to us so as to ensure that the hearing panel had a clear understanding of the issues as Ngāti Kurauia saw them.

However, as it transpired, Mr Asher was unable to attend at the appointed time, but he did forward a letter to the hearing confirming his withdrawal of his wish to be heard at the hearing, acknowledging that the addendum to the Sec 42A report referred to above provided a clear response to the matters raised in Ngāti Kurauia's submission. He said that this addendum outlined an acceptable pathway and a mutual commitment between Ngāti Kurauia and the Council to address issues relating to flood hazard management and related aspects of land inundation through the District Plan Review and the development of the Ngāti Kurauia Hapū Management Plan. In conclusion he advised that as a result, he confirmed his position that the plan change not be amended as previously sought in their submission.

We consider this a very satisfactory outcome and congratulate both the TDC staff concerned and Ngāti Kurauia in achieving this mutually acceptable agreement.

Recommendations and reasons

As a result of this agreement it now remains for us to formally acknowledge it by recommending that the plan change is not amended as originally requested in the submission, and that Ngāti Kurauia and Council implement their agreement to work together through the District Plan review to address these issues.

5.5 Infrastructure

Submitters

Submissions were received on the management of infrastructure in flood areas principally from companies involved in the generation and reticulation of electricity and telecommunications. They were Trustpower, Mercury, Unison and Transpower as well as Spark. Kinloch Marina Ltd submitted in support of the inclusion of Rule 4e.9.16 which provides for the maintenance or upgrading of existing or the construction of new marina facilities and the buildings that enclose them as a permitted activity. Trustpower, Mercury, and Transpower all lodged further submissions

The matters raised by the major infrastructure companies were:

- Policies 3l.2.4(iv) and (v) are not clear and easy to understand. Also, 'infrastructure that is vulnerable to risk' needs to be defined.
- Policy 3l.2.4(v) does not give effect to the National Policy Statement on Electricity Transmission as this requires councils to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission.
- Rules 4e.9.16 and 4e.9.17 do not reflect the range of activities that electricity distribution businesses undertake in relation to their assets. The rules need to also include operation and replacement of infrastructure to provide certainty for infrastructure providers.
- There is inconsistency between the definition of minor upgrading in the plan change and in the network utilities section of the operative District Plan.
- The plan change currently seeks to manage hydro electricity generation activities in flood hazard areas which may constrain this activity. Amend policies 3l.2.3(iii), 3l.2.3(iv), 3l.2.3(v) and 3l.2.4(ii) so they do not apply to buildings associated with hydro electricity generation.
- Rule 4e.9.16 provides for maintenance or upgrading of existing or the construction of new hydro electricity generation activities and buildings that enclose them as a permitted activity. Hydro electricity generation activities are not defined so it is not clear what they are.
- Objective 3l.2.4 is not clear and needs to address flood events less than a 1% AEP.
- The statement about the National Environmental Standards for Telecommunication Facilities 2016, before rule 4e.9.16 is not clear.
- Rules 4e.9.1 to 4e.9.8 are repetitive in them not applying to buildings that are associated with infrastructure.
- Support for policies 3l.2.3(ii), 3l.2.4(i), rules 4e.9.6, 4e.9.13, 4e.9.14 and 4e.9.15.
- Retain the note under rule 4e.9.16 clarifying what electricity transmission activities are.
- Policy 3l.2.4(ii) does not clarify that where a cadastral feature provides an opportunity to site a new building, or major addition to an existing building, either outside the flood area or in a lesser flood hazard then this should be undertaken. Also this policy needs to clearly explain what structural damage means.
- The wording of rule 4e.9.18 is not clear as to when it applies.

Discussion

The Sec 42A report addresses these submissions and advised us that:

"Clarity of policies 3I.2.4(iv) and (v)

Submitters have sought that policies 3I.2.4(iv) and (v) are reworded as they are not clear. Submitters have also requested that 'infrastructure not vulnerable to flood risk' is defined. These policies provide for infrastructure and subdivision for infrastructure where that infrastructure or subdivision is not vulnerable to flood risk or has a functional requirement to be in a flood hazard area. Policy 3I.2.4(v) seeks to avoid infrastructure and subdivision for infrastructure where that infrastructure or subdivision is vulnerable to flood risk. Submitters have suggested wording changes to both policies 3I.2.4(iv) and (v). Adding a comma in policy 3I.2.4(iv) after the words 'subdivision for infrastructure' will make that policy clear. Rule 4e.9.16 outlines that infrastructure not vulnerable to flood risk includes as follows:

Any maintenance or upgrading of existing or the construction of new:

- *below ground infrastructure and buildings that enclose them;*
- *stormwater infrastructure and buildings that enclose them;*
- *roads;*
- *marina facilities and buildings that enclose them;*
- *hydro electricity generation activities and buildings that enclose them; or*
- *electricity transmission activities.*

This makes it clear which infrastructure is 'not vulnerable to flood risk' so no further changes are necessary to policy 3I.2.4(iv). One submitter suggested deleting policy 3I.2.4(v) by addressing the subject matter in policy 3I.2.4(iv). The wording changes suggested for 3I.2.4(v) do not aid clarity. Whether a new definition is needed to be included for 'infrastructure not vulnerable to flood risk' is addressed in section 10 - Definitions of this report.

Give effect the National Policy Statement on Electricity Transmission

A further submitter has noted that policy 3I.2.4(v) does not give effect to the National Policy Statement on Electricity Transmission (NPSET). The NPSET requires councils to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. While a new submission point cannot be brought up in further submissions it is sensible to address this issue to ensure the policy is consistent with the NPSET.

As this policy seeks to avoid infrastructure that is vulnerable to flood risk locating in a flood hazard area it does not recognise and provide for electricity transmission. Hence policy 3I.2.4(v) needs to be reworded as follows:

> *Avoid infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure, that is vulnerable to flood risk and does not have a functional requirement to be in a flood hazard area.*

This change recognises the importance of transmission infrastructure and the fact that in some situations it must be located in hazard areas, however that should not preclude avoiding the hazard where possible.

Operation and replacement of infrastructure

Submitters sought to have operation and replacement of infrastructure added to rules 4e.9.16 and 4e.9.17 as they consider that the rules do not reflect the range of activities that electricity distribution businesses undertake in relation to their assets. Operation and replacement are provided for in the network utilities section of the existing District Plan. Adding operation and replacement to rule 4e.9.16 will reflect the activities that infrastructure providers carry out and provide consistency within the District Plan. However, rule 4e.9.17 relates to existing above ground infrastructure in a flood hazard area. The addition of operation of this infrastructure to this rule will reflect the activity that is occurring and provide consistency within the operative District Plan. However, the addition of the 'replacement' of above ground infrastructure is not appropriate as a permitted activity. While nothing can be done about existing above ground infrastructure located in flood hazard areas the plan should not encourage the replacement of potentially at risk structures.

Definition of minor upgrading

Submitters sought to amend the definition of 'minor upgrading' for rule 4e.9.17. There is already a definition of minor upgrading in rule 4e.14.4 (District Wide Rules for Network Utilities) of the District Plan.

Definition in rule 4e.9.17
For the purpose of rule 4e.9.17 "minor upgrading" means structure improvement, repair and replacement of worn or technically deficient parts of the infrastructure and accessory buildings and structures of similar character and scale.

Definition in rule 4e.14.4

For the purpose of rule 4e.14.4 "minor upgrading" means: an increase in carrying capacity, efficiency or security of electricity and telecommunication lines where this utilises the existing support structures and includes;

i. the addition of conductors to form a twinned or duplex-pairing;
ii. the reconductoring of the line with higher capacity conductors;
iii. the resagging of conductors;
iv. the addition of longer more efficient insulators;
v. the addition of earthwires (which may contain telecommunication lines), earthpeaks and lightning rods;
vi. the replacement of an existing overhead wire with another one or more of similar character and scale.
vii. the addition or replacement of antennas that meet the requirements of Rule 4e.14.14.

Note: it does not include an increase in the voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage or the addition of extra lines.

Definition in rules 4b.2.4 and 4h.2.3

As well as the definition proposed in PC34 and the definition in rule 4e.14.4 there is also a definition of minor upgrading in rules 4b.2.4 and 4h.2.3 for existing electricity generation core sites, geothermal steamfields and associated structures in the Rural Environment, the Taupō Industrial Environment and Centennial Industrial Environment.

For the purpose of this rule "minor upgrading" means "Structure improvement, repair and replacement of worn or technically deficient parts of the powerhouse, hydro dams, separation plants, switchyards, intake, control and diversion structures, wells, pipes, tunnels, cables, other equipment and accessory buildings and structures of similar character and scale, and includes associated drilling, earthworks and vegetation removal. Also the extension to existing Buildings and Structures, and the erection of new Buildings and Structures up to 100m^2 in area and not exceeding the maximum height standard for the Industrial Environment and the erection of any aerial, antennae or communication dish not exceeding 5m2 in area located on top of a hydro or geothermal existing structure, subject to compliance with the Noise Performance Standard."

Rule 4e.9.17 applies to all existing above ground infrastructure. If the definition of minor upgrading from rule 4e.14.4 was used for rule 4e.9.17 it would only apply to electricity and telecommunication lines or if the definition from rules 4b.2.4 and 4h.2.3 were used it would only apply to existing electricity generation core sites, geothermal steamfields and associated structures. Each of these definitions applies to a specific rule and specific types of infrastructure. It is not appropriate to use the definition of minor upgrading that is used in rule 4e.14.4 for utilities to apply to all existing above ground infrastructure in rule 4e.9.17 as the two rules do not apply to the same type of infrastructure. This matter will be addressed through the District Plan Review.

Exclusion of hydro electricity generation activities

A submitter has sought that the plan change and in particular policies 3l.2.3(iii), 3I.2.3(iv), 3I.2.3(v) and 3l.2.4(ii) should exclude buildings associated with hydro electricity generation activities and a definition of hydro electricity generation activities is included. This is because hydro electricity generation activities by their very nature need to be located in flood hazard areas so the submitter considers it is not efficient or effective for the Council to control their location in flood hazard areas. Policies 3l.2.3 iii, 3I.2.3(iv), 3I.2.3(v) and 3l.2.4(ii) address the:

- *design of new buildings, major and minor additions in low and medium flood hazard areas, and*
- *the design of minor additions to existing buildings in high flood hazard areas.*

Rule 4e.9.18 provides for the maintenance, upgrading of existing and the construction of new hydro electricity generation activities and buildings that enclose them as a permitted activity. As a result, no hydro electricity generation activities and buildings will be assessed against policies 3l.2.3(iii), 3I.2.3(iv), 3I.2.3(v) and 3l.2.4(ii) as permitted activities do not require a resource consent so do not require an assessment against policies. Policies 3l.2.4(iv) and (v) address the management of infrastructure and buildings that enclose that infrastructure within flood hazard areas. Hydro electricity generation activities come within the definition of infrastructure in the District Plan as they are "facilities for the generation of electricity". Therefore, policies 3l.2.4(iv) and (v) are relevant for the assessment of any applications for infrastructure activities that do not meet rules 4e.9.16 and 4e.9.17. Any of those applications are assessed under rule 4e.9.18. These policies refer to providing for infrastructure that is not vulnerable to flood risk and infrastructure that has a functional requirement to be in a flood hazard area. Accordingly rule 4e.9.16 states that any operation, maintenance, upgrading of existing, replacement or new hydro electricity generation activities and buildings that enclose them are a permitted activity.

Policies 3l.2.3(iii), 3I.2.3(iv), 3I.2.3(v) and 3l.2.4(ii) do not exclude buildings associated with infrastructure as rule 4e.9.18 requires some new above ground infrastructure to be assessed as a restricted discretionary activity. Buildings associated with new above ground infrastructure that is assessed under this rule will be assessed against policies 3l.2.4(iv) and (v) and whichever other policies that are relevant (i.e. of policies 3l.2.3 (iii), 3l.2.3

(iv), 3I.2.3(v) and 3I.2.4(ii)). Therefore, it is not appropriate to exclude buildings associated with infrastructure from policies 3I.2.3(iii), 3I.2.3(iv), 3I.2.3(v) and 3I.2.4(ii).

The submitter also seeks the inclusion of a definition of 'hydro electricity generation activities' so it is clear what activities are covered by this term in Rule 4e.9.16. They suggest the following definition:

> *Hydro electricity generation activities means the construction, operation, maintenance and upgrade of structures associated with hydro electricity generation.*

It is considered that this definition is not necessary as it does not add clarity to the rule. The rules already provide for the, operation, maintenance, upgrading of existing, replacement and new hydro electricity generation activities and buildings that enclose them.

Clarity of objective 3I.2.4

A submitter seeks to amend the wording of objective 3I.2.4 to clarify what the "structural damage" requirement relates to and to clarify that the objective applies to larger flood events (with a lesser AEP than 1%). The suggested wording is "Buildings and infrastructure are located and designed to ensure continued operation and to avoid structural damage to themselves and other infrastructure and property during a flood event with an annual exceedance probability of 1% or less. The proposed wording does clarify structural damage but could be improved further as follows:

> *"Buildings and infrastructure are located and designed to ensure continued operation and to avoid structural damage, to themselves and other buildings, infrastructure and property during a flood event with an annual exceedance probability of 1%.*

However, PC 34 is based on flood areas resulting from a 1% AEP flood not a larger flood event so the proposed change, adding the words "or less" after 1%, is not appropriate.

Statement about the National Environmental Standards for Telecommunication Facilities 2016 (NESTF)

A submitter sought amended wording for the statement about the NESTF 2016, before rule 4e.9.16 so it clarifies that it only applies to facility operators as defined under the National Environmental Standard and does not apply to all the activities listed in rules 4e.9.16 to 4e.9.18 (such as the National Grid). This text should be amended as follows to provide for this:

> *The provisions of the National Environmental Standards for Telecommunication Facilities that apply to facility operators prevail where they are applicable to the following infrastructure rules.*

Formatting of rules for new buildings, minor and major additions

A submitter requested that text should be inserted underneath the heading '4e.9 Flood Hazard Area' stating that rules 4e.9.1 to 4e.9.8 do not apply to infrastructure. This would avoid repeating the text "(excluding those associated with infrastructure)" in each rule. However, each rule should stand alone and be able to be understood when read as a rule. With the use of e-plans rules have to contain all the information that relates to that rule as they will be read alone rather than as a group of rules. Therefore, adding text underneath the rule heading stating that rules 4e.9.1 to 4e.9.8 do not apply to infrastructure is not appropriate.

Support for policies and rules

A number of submissions support the retention of policies 3I.2.3(ii), 3I.2.4(i), rules 4e.9.6, 4e.9.13, 4e.9.14 and 4e.9.15. A submission also supports the retention of the note under 4e.9.16 clarifying what electricity transmission activities are. There are other submissions on policies 3I.2.3(ii) and 3I.2.4(i) and rule 4e.9.6 which seek amendments to these policies and rules (see issue 5 - Infrastructure, issue 7 - activities/buildings and issue 9 - uninhabited farm buildings) so these will be addressed under these issues. However as there are no submissions in opposition on rules 4e.9.13, 4e.9.14 and 4e.9.15 and the note under 4e.9.16 clarifying what electricity transmission activities are, these rules and note should remain unchanged.

Rewording of policy 3I.2.4(ii)

A submitter sought that policy 3I.2.4(ii) is reworded to clarify:

- that where a cadastral feature provides an opportunity to locate a new building or major addition to an existing building either outside the flood area or in a lesser flood hazard then this should be undertaken;
- what structural damage means; and
- what constitutes a "significant flood event".

The rewording proposed is:

> *Policy 3I.2.4(ii) Control the location and design of new buildings and major additions to existing buildings in low and medium flood hazard areas to avoid structural damage to themselves and other infrastructure and property during ~~significant flood events~~ a flood event with an annual exceedance probability of 1% or less.*

The rules (4e.9.1, 4e.9.2, 4e.9.4 and 4e.9.5) do not control the location of a new building or a major addition within the low or medium flood hazard areas. Instead they control the design by requiring the floor level to be raised 300mm above the identified maximum flood level. Therefore, it would be incorrect to include the word 'location" in policy 3l.2.4(ii).

The wording provided to clarify what structural damage means is not necessary as it has been added into objective 3l.2.4 as the result of another submission.

The wording 'significant flood events' is used to refer to a 1% AEP flood as outlined in objective 3l.2.4. The submitter seeks to also include floods with an AEP of less than 1%. As the plan change is based on a flood maximum of 1% AEP it is not appropriate to extend this policy to apply to floods greater than a 1% AEP flood (i.e. with a probability of less than 1% AEP). So there is no need to amend policy 3l.2.4(ii).

Clarity for rule 4e.9.18

A submitter sought to amend the wording of rule 4e.9.18 to make it clear that rule 4e.9.18 only applies where the activity is not permitted by rule 4e.9.16. The rewording proposed for rule 4e.9.18 is:

> *"Any new above ground infrastructure (and buildings that enclose them), in any flood hazard area, that ~~does~~ is not permitted by ~~comply with~~ rule 4e.9.16 is a restricted discretionary activity with the matters of discretion restricted to:..."*

Rule 4e.9.16 is a list of activities that are identified as permitted activities and there are no listed performance standards. It is clearer to state that rule 4e.9.18 applies to activities that are not specifically permitted by the earlier rule, rather than to infer the requirement to comply with a standard when none apply. So the suggested wording change to rule 4e.9.18, as outlined above, should be made."

We were advised that the concessions listed above and the reasoning that supported them generally found favour with the major infrastructure submitters on these points. Most of those that had indicated their intention to appear before us at the hearing indicated their acceptance of the proposed amendments before the hearing and subsequently decided not to attend. Mercury did attend but did not further address these issues.

Recommendations and Reasons

Accordingly we recommend that:

1. Policy 3l.2.4(iv) be amended by adding a comma after the words 'subdivision for infrastructure' as follows:

   Provide for, infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure, that is not vulnerable to flood risk or has a functional requirement to be in a flood hazard area.

   The amended wording of Policy 3l.2.4(iv) and the existing wording of Policy 3l.2.4(v) will ensure that these policies are clear and 'infrastructure not vulnerable to flood risk' does not need to be defined as it is defined in rule 4e.9.16.
2. Policy 3l.2.4(v) be amended as follows:

   Avoid infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure, that is vulnerable to flood risk and does not have a functional requirement to be in a flood hazard area.

   This will ensure that Policy 3l.2.4(v) gives effect to the National Policy Statement on Renewable Electricity Generation.
3. Rule 4e.9.16 be amended by adding the words operation and replacement to the rule as follows:

   4e.9.16 Any operation, maintenance, ~~or~~ upgrading of existing, replacement or the construction of new:

   - below ground infrastructure and buildings that enclose them,
   - stormwater infrastructure and buildings that enclose them,
   - roads,
   - marina facilities and buildings that enclose them,
   - hydro electricity generation activities and buildings that enclose them, or
   - electricity transmission activities

   in any flood hazard area is a **permitted activity.**

   This will reflect the activities that infrastructure providers carry out and provide consistency within the District Plan.
4. Rule 4e.9.17 be amended by adding the word operation to the rule as follows:

   Rule 4e.9.17 Any operation, maintenance or minor upgrading of existing above ground infrastructure (and buildings that enclose them), in any flood hazard area is a **permitted activity.**

This will reflect the activity that is occurring and provide consistency within the operative District Plan but will not allow for the 'replacement' of above ground infrastructure as a permitted activity as this may encourage the replacement of potentially at risk structures.

5. The existing definition of minor upgrading in rule 4e.9.17 be retained as it is broad enough to be applicable to all existing above ground infrastructure identified in the rule.
6. The existing wording of policies 3l.2.3(iii), 3l.2.3(iv), 3l.2.3(v) and 3l.2.4(ii) be retained as it is not appropriate to exclude buildings associated with hydro electricity generation activities. These policies will not be used to assess hydro electricity generation activities as they are a permitted activity under rule 4e.9.16.
7. The existing definition for "hydro electricity generation activities" be retained as it is not necessary and does not add clarity to rule 4e.9.16.
8. Objective 3l.2.4 be amended as follows:

   Buildings and infrastructure are located and designed to ensure continued operation and to avoid structural damage, to themselves and other buildings, infrastructure and property during a flood event with an annual exceedance probability of 1%.

   This change makes the objective easier to understand.
9. The size of flood event that objective 3l.2.4 addresses remains unchanged as the flood hazard assessment has been based on a 1% AEP flood not a larger flood event.
10. The statement about the National Environmental Standard for Telecommunication Facilities 2016, before rule 4e.9.16 be amended as follows:

    The provisions of the National Environmental Standards for Telecommunication Facilities that apply to facility operators, where they are applicable, prevail over the following infrastructure rules.

    This will clarify that this statement only applies to defined facility operators and the provisions do not prevail over all infrastructure rules.
11. Rules 4e.9.1 to 4e.9.8 remain unchanged in that the words "(excluding those associated with infrastructure)" should be retained as rules need to be able to be understood on their own as in e-plans they are read alone rather than as a group of rules.
12. Rules 4e.9.13, 4e.9.14 and 4e.9.15 and the note under rule 4e.9.16 clarifying what electricity transmission activities are, and should be retained as there are only submissions in support for these rules and text.
13. Policy 3l.2.4 (ii) remains unchanged as the meaning of structural damage is explained in the reworded objective 3l.2.4. The rules do not control the location of new buildings and major additions within the low or medium flood hazard areas and the policy does not apply to floods larger than 1% AEP.
14. Rule 4e.9.18 be amended as follows:

    Any new above ground infrastructure (and buildings that enclose them), in any flood hazard area, that ~~does~~ is not permitted by ~~comply with~~ rule 4e.9.16 is a **restricted discretionary activity** with the matters of discretion restricted to:

    a. The location and design of the infrastructure and building.
    b. Whether the infrastructure is a lifeline utility.
    c. Whether the infrastructure can continue to operate during and after a flood event.

    This will ensure that it is clear when this rule applies.

5.6 Physical protection

Submitters

Grants Motels Ltd and John & Bev Campbell submitted seeking changes to the proposed plan change and Mercury further submitted in opposition to the relief sought by the submitters on this issue.

The submitters asserted that:

- The plan change does not give enough emphasis on the provision of stopbanks or water diversion schemes to prevent the spread of water to low and medium hazard areas in flood events.
- Flood waters need to be able to divert to their lowest point and not be prevented from doing so by roads that are built higher than the ground and act as dams.
- Physical works such as topping up existing and building new stopbanks and the periodic removal of gravels and sediment from the Tongariro River will be more effective at protecting property than the plan change so are preferable to the plan change.
- This plan change will not protect property from flooding unless stopbanks are built near the Flight property in Hirangi Road and along Kohineheke Crescent Reserve.
- Inadequate and irregular maintenance of stormwater outlets has exacerbated the effects of floods.

Discussion

These and a number of other submitters suggested that physical works, such as topping up existing stopbanks, building new stopbanks, removal of gravels and sediment from rivers, better maintenance of stormwater outlets and designing roads so they do not act as a dam, will divert flood waters away from development areas and so will be more effective at controlling activities in flood hazard areas than the plan change.

The Sec 42A report drew our attention to Section 6(h) of the RMA which requires the Council to manage significant risks from natural hazards and the Section 32 report has demonstrated that the approach in the plan change is the most appropriate mechanism for this. The RPS (policies 13.1 and 13.2) requires the Council to use a risk-based approach for the management of development and use within flood hazard areas in the District Plan. It is best practice to address risk with a suite of measures. We accept that engineering works should be used where other measures are impractical or ineffective on their own. Currently engineering works are undertaken by WRC with their flood protection works and programmes on the Tauranga Taupo and Tongariro Rivers. PC34 does not prevent engineered works being undertaken where they are deemed appropriate or necessary to supplement the risk management regime established in the plan change.

We are also aware that the Soil Conservation and Rivers Control Act 1941 gives catchment boards (now regional councils) the function to minimise and prevent damage within its district by floods and erosion. Many regional councils operate and maintain flood defence systems (such as stopbanks) along rivers and lakes. In the Taupō District, WRC owns and operates the Tauranga Taupō Flood Protection Scheme and the Tongariro River Flood Protection Scheme. The physical works that WRC undertake to protect communities from the flooding cannot be directed through this plan change.

In section 3l.3 methods of the District Plan there are already existing methods that enable physical work to be undertaken as follows:

> 3l.3 Methods
> viii. Allocation of resources through the Strategic and Annual Plan processes where measures to avoid, mitigate or remedy the effects of natural hazards in public areas, is appropriate.
>
> xii. Structural works to avoid the effects of natural hazards where deemed appropriate and necessary.

We therefore conclude that no changes are required to the plan change as flooding risk should be addressed through a suite of measures and method xii already provides for engineering works to be undertaken where appropriate and necessary. Furthermore, we accept that the decisions that WRC makes regarding the upgrading of their flood protection schemes are made in the context of the Local Government Act 2002. They are influenced by factors such as financial impacts, priorities in other parts of the region and the views of their communities. We concur that it would be inappropriate for Taupō District Council to be relying on a particular outcome from those processes to manage flood hazards.

Recommendations and Reasons

Accordingly, we recommend that the plan change is not amended as physical works are already identified in the methods section of the natural hazards chapter of the District Plan, and the RPS requires the Council to use a risk-based approach for the management of development within flood hazard areas in the District Plan.

5.7 Activities and Buildings

Submitters

Waikato Regional Council submitted and Mercury further submitted seeking clarity on whether the rules for buildings also apply to activities that are listed in the rules:

Noting that the rules seek to manage both activities (assembly care activities, community care activities and emergency service activities) and buildings, they submitted that it was unclear whether the rules for buildings also apply to activities that are listed in the rules.

Discussion

The Sec 42A report notes that Policy 13.2 of the RPS requires the Council to manage subdivision, use and development to reduce the risks from natural hazards to an acceptable or tolerable level, including ensuring risk is assessed for proposed activities on land subject to natural hazards. The following implementation methods are relevant:

- Implementation method 13.2.5 requires the Council to ensure that use and development (of habitable structures, significant community infrastructure such as emergency services and lifeline utilities) in high risk flood hazard zones is appropriate and that Council avoids the placement of structures or development where these would be vulnerable to flooding or would place a community at intolerable risk.

- Implementation method 13.2.6 requires the Council to ensure that subdivision, use and development can only occur in a floodplain with an annual exceedance probability of 1% where:
    - appropriate assessment of the risks has been undertaken and these risks will not exceed acceptable levels;
    - any adverse effects of a 1% annual exceedance probability flood event on habitable buildings are avoided or mitigated;

The plan change contains rules that manage the development of new buildings and additions (major and minor) in high flood hazard areas and low or medium flood hazard areas. This is to ensure that the risk to people's safety and property is not intensified in the high flood hazard areas.

The proposed objectives relate to keeping people safe and protecting property. The policies and methods seek to reflect the risk approach outlined in the RPS. They are centred on not intensifying the risk to people's safety and property in the high flood hazard areas. This reflects the approach in the RPS of avoiding increasing the exposure of people and buildings in the high hazard areas. They are based on minimising regulation for those whose properties are within the low and medium flood hazard areas and ensuring that they are not at risk from flooding by requiring the raising of floor levels above flood levels.

However, we were advised that this approach would not necessarily work for more vulnerable people such as children at schools, unwell or elderly people in care facilities and activities that need to be able to operate in floods such as emergency services. So a more conservative approach was designed for assembly care or community care activities and emergency services all of which were further defined in the Sec 42A report.

It is essential that emergency services can continue to operate during a flood event and provide sufficiently for the community. Rule 4e.9.11 makes it a restricted discretionary activity to locate a new emergency service activity in the low and medium flood hazard areas. This will require the developer to demonstrate that the emergency service will have the ability to continue to operate during a flood event. Rule 4e.9.12 makes any new emergency service in a high flood hazard area a non-complying activity as it is unlikely that they would be able to operate during a flood event. This gives effect to the direction in the RPS.

The Sec 42A report further elaborates on the intended implementation of the rules demonstrating to our satisfaction that the rules are capable of effective implementation and thus consistent with the approach outlined in the RPS

We accept the conclusion of the Sec 42A report that no changes need to be made to the plan change as it is clear that in flood hazard areas, the rules for buildings and additions and also the rules for emergency services and care facilities apply, where these activities are established and new buildings or additions are proposed.

Recommendations and Reasons

Accordingly we recommend that the plan change is not amended and the separate rules for new buildings, additions to existing buildings and activities that involve vulnerable people and emergency services in flood hazard areas are retained. This is because a more conservative approach is necessary to ensure vulnerable people are kept safe in floods and such activities may locate in existing buildings and to ensure that emergency services can continue to operate during floods.

5.8 Hazardous Substances

Submitters

Waikato Regional Council submitted and Mercury further submitted on the matter of the inclusion of rules for the establishment of hazardous facilities in flood hazard areas.

They asserted that:

- That the plan change does not adequately address the location, design and management of hazardous substances/ hazardous facilities within flood hazard areas.
- There is no explanation or analysis in the Section 32 Report to indicate why provisions relating to hazardous substances in flood hazard areas are not included in the plan change.

Discussion

These submissions identify that method 4.2.9 of the RPS allocates to the council the responsibility for developing objectives, policies and rules for land for the prevention or mitigation of any adverse effect of the storage, use, disposal or transportation of hazardous substances. Also method 13.2.5 of the RPS requires that the District Plan ensure that use and development in high risk flood hazard zones is appropriate. Method 13.2.6(a)(vi) states that subdivision, use and development can only occur in a 1% AEP floodplain where any hazardous substance stored as part of the development, or during the construction, or found on or near to the site, will not create a hazard. Mercury stated that it is considered good environmental practice to locate

hazardous substances and hazardous facilities away from flood hazard areas to avoid the risk of hazardous spills and associated contamination entering waterbodies.

The Sec 42A report drew our attention to the facts that Sections 12 and 13 of the Resource Legislation Amendment Act 2017 amended Sections 30 and 31 of the RMA to remove the control of hazardous substances as an explicit function of councils. This means that the Council no longer has an obligation to regulate hazardous substances in its District Plan. Consequential changes were also made to the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Health and Safety at Work Act 2015 (HSW) in light of this change. These changes were made because other legislation controls hazardous substances and in most cases HSNO and Worksafe controls will be adequate to avoid, remedy or mitigate adverse environmental effects (including potential effects) of hazardous substances. Advice from MfE states that the inclusion of hazardous substance controls in plans should be the exception rather than the rule, and included only when a rigorous section 32 analysis shows that these controls are justified.

Under section 31(1)(a) of the RMA the Council has a broad function of achieving integrated management. The Council may use this function to place extra controls on hazardous substance use under the RMA, if existing HSNO or Worksafe controls are not adequate to address the environmental effects of hazardous substances in any particular case (including managing the risk of potential effects on the local environment). HSNO does not specifically address the management of hazardous facilities in flood hazard areas. Therefore the District Plan needs to address this issue.

We were advised that Section 3m of the District Plan currently controls the use of land to prevent or mitigate any adverse effects of hazardous substances. Section 3m contains an objective and two policies to protect the environment and the health and safety of the community, from the adverse effects of hazardous substances associated with hazardous facilities. These were set out in the Sec 42A report along with the consequential rule 4e.13.2 which manages the location of any hazardous facility within or immediately adjacent to the Residential Environment within the District Plan.

he Sec 42A report notes that some of the flood hazard areas are within the Residential Environment so in these areas the location and design of hazardous facilities is already managed by rule 4e.13.2. However, the flood areas in PC34, cover other zones apart from just the residential environment, primarily the rural environment. So currently hazardous facilities will not be managed within flood hazard areas that are outside the residential environment or not immediately adjacent to the residential environment. Therefore, rule 4e.13.2 needs to be amended to include all flood hazard areas as follows:

> 4e.13.2 Any hazardous facility located within or immediately adjacent to the Residential Environment <u>or within the flood hazard area</u>, is a discretionary activity.

This will ensure that the District Plan implements method 13.2.6(a)(vi) of the RPS by ensuring that hazardous facilities can only locate within a 1% AEP floodplain where any hazardous substance will not create a hazard. We heard no submissions to the contrary and accordingly we adopt the recommendation below.

<u>Recommendations and Reasons</u>

We recommend that existing rule 4e.13.2 is amended as follows:

> Any hazardous facility located within or immediately adjacent to the Residential Environment <u>or within the flood hazard area</u>, is a discretionary activity.

This will ensure that the District Plan implements method 13.2.6(a)(vi) of the RPS by ensuring that hazardous facilities can only locate within a 1% AEP floodplain where any hazardous substance will not create a hazard.

5.9 <u>Uninhabited Farm Buildings</u>

<u>Submitters</u>

Federated Farmers submitted and Trustpower further submitted on the exclusion of uninhabited farm buildings from the building rules in flood hazard areas.

Federated Farmers submitted that uninhabited farm buildings are not vulnerable to flooding, are structurally very sound, seldom have people in them, do not usually have fixtures and fittings, usually result in a low economic loss if the building fails and are not used for essential infrastructure operations and accordingly should be excluded from policies 3l.2.3(ii) and 3l.2.4(i), rules 4e.9.1, 4e.9.2, 4e.9.3, 4e.9.4, 4e.9.5, 4e.9.6, 4e.9.7 and 4e.9.8.

They also submitted that to include uninhabited farm buildings in the controls for buildings in flood hazard areas would add unnecessary costs to farmers for seemingly little or no benefit and to enable them to be excluded, uninhabited farm buildings need to be defined.

Discussion

The Sec 42A report drew our attention to the fact that two objectives of the plan change are to keep people safe and to ensure continued operation of buildings and avoid structural damage during floods. The plan change does not distinguish between uses within buildings except for buildings that house vulnerable people, emergency services and those associated with infrastructure. To start distinguishing between uses within buildings is irrelevant as any building can be affected by flooding, resulting in structural damage and subsequent damage to people and buildings downstream from debris, regardless of the activities within the building.

We note that uninhabited farm buildings are likely to reflect a wide range of different uses from storing hay to housing animals or farming equipment. Those buildings have a value and that value will differ from building to building, however that still means it is important to try and avoid unnecessary damage from future flood events. Unless appropriately designed those buildings could be at risk from substantial damage. Debris from damaged buildings, regardless of whether they are inhabited, has the potential to adversely impact on other buildings or the safety of people. For this reason uninhabited buildings in urban areas are managed and the same is true for rural areas.

The large scale of farms affected by the flooding on the margins of Lake Taupō and the modelled tributaries, means owners are likely to have choices about the location of farm buildings so that hazards can be avoided.

If uninhabited farm buildings are not excluded from policies 3l.2.3(ii) and 3l.2.4(i), rules 4e.9.1, 4e.9.2, 4e.9.3, 4e.9.4, 4e.9.5, 4e.9.6, 4e.9.7 and 4e.9.8 there is no need to define the term ‘uninhabited farm buildings’.

Recommendations and Reasons

We had no further submissions from Federated Farmers who did not attend the hearing. We accept that advice of the Sec42A report and therefore recommend that:

1. Policies 3l.2.3(ii) and 3l.2.4(i), rules 4e.9.1, 4e.9.2, 4e.9.3, 4e.9.4, 4e.9.5, 4e.9.6, 4e.9.7 and 4e.9.8 are not amended to exclude uninhabited farm buildings. This is because buildings, even if they are empty can have effects downstream (both to people and buildings) if structural damage occurs as a result of flooding.
2. A new definition of uninhabited farm buildings is not added to the definitions section. This is because the term is not used in the plan change so does not need to be defined.

5.10 Definitions

Submitters

Trustpower and Mercury submitted and they together with Transpower further submitted seeking amendments to the definitions section of the plan change.

The matters raised were:

- Certainty is needed as to what infrastructure is included in “infrastructure not vulnerable to flood risk or that has a functional requirement to be in a flood hazard area” as it is used in policy 3l.2.4(iv) and (v).
- The definition of AEP needs to be amended as it’s not easy to understand.

Discussion

The Sec 42A report advises that Policy 3l.2.4(iv) provides for infrastructure that is not vulnerable to flood risk or has a functional requirement to be in a flood hazard area. Policy 3l.2.4(v) seeks to avoid infrastructure that is vulnerable to flood risk being located in flood hazard areas. The submissions seek to ensure that in policy 3l.2.4(iv) the words “infrastructure that is not vulnerable to flood risk or has a functional requirement to be in a flood hazard area” includes hydro electricity generation activities and buildings and suggested a more detailed definition.

The report notes that it is not necessary to define “infrastructure that is not vulnerable to flood risk or has a functional requirement to be in a flood hazard area” as Rule 4e.9.16 outlines the different types of infrastructure that are not vulnerable to flood risk or that have a functional requirement to be in a flood hazard area. This rule provides for the maintenance or upgrading of existing hydro electricity generation activities or the construction of new hydro electricity generation activities as a permitted activity. We accept that advice.

The current definition of AEP proposed in the plan change is *“the probability of a certain design flood flow being equalled or exceeded in any year. A 1% AEP design flood flow has a 1% or 1 in 100 chance of being equalled or exceeded in any year.”*

The definition in the RPS is *“the estimated probability of an event occurring in any one year – for example, a 1% annual exceedance probability means an event that has an estimated probability of occurrence of 1 per cent in any one year”.*

The submissions propose amending the definition of AEP so it is clear and aligns with the intent and specific purpose of the PC34. That is, it is applicable to not only the river flood flows but also the water level of Lake Taupō. They propose that the definition in the RPS should be used as it is sufficiently broad to cover both river and lake scenarios, and states that the district plan needs to be consistent with RPS.

They proposed:

> Annual Exceedance Probability (AEP) - means the estimated probability of ~~a certain design flood flow being equalled or exceeded~~ an event occurring in any one year. ~~A –~~ For example, a 1% AEP means an event that has an estimated probability of occurrence of 1 per cent ~~design flood flow has a 1% or 1 in 100 chance of being equalled or exceeded in~~ any one year.

Dr McConchie states, in paragraph 233 of his evidence, that the definition suggested by the submitter (and therefore the RPS definition) is technically incorrect as it does not consider the probability of events greater than the design event also occurring. Dr McConchie, in paragraph 236 of his evidence recommends the existing definition for AEP in the plan change be amended to read:

> Annual Exceedance Probability (AEP): The AEP quantifies the probability of a design event being equalled or exceeded in any year. AEPs are generally described as a percentage i.e. the probability x 100. For example, a design flood with the probability of being equalled or exceeded each year of 0.01 is described as the 1% AEP design flood.

He also recommends that a new definition for "design flood" be included in the plan change as follows:

> Design flood: The design flood when assessing the flood hazard posed by the major tributaries flowing into Lake Taupō includes the 1% AEP flood assessed using a frequency analysis of the annual flood maxima series (or alternative methodology), and an allowance for the potential effects of climate change over approximately the next 100 years. The design flood when assessing the flood hazard posed by high water levels within Lake Taupō includes the 1% AEP water level assessed using a frequency analysis of the annual lake level maxima series since 1980, an allowance for the potential effects of climate change over approximately the next 100 years, an allowance for the increase in water level caused by seiche; and an allowance for ongoing deformation of the shoreline over the next 100 years.

Given the particular situation with Lake Taupō and its major inflowing rivers and preferring the definition(s) proposed by Dr McConchie an undoubted expert on such matters we accept his advice. We also note that Mercury's expert witness on hydrology, Mr Payne, supported Dr McConchie's proposed definitions. However we also note and accept the Sec 42A report advice that these definitions need minor rewording to be consistent with the format of the definitions in the District Plan.

Recommendations and Reasons

We therefore recommend that:

1. No definition is added for "infrastructure that is not vulnerable to flood risk or has a functional requirement to be in a flood hazard area" as this is not required as it is effectively defined in rule 4e.9.16.

2. The definition of Annual Exceedance Probability is replaced with the following definition:

   > Annual Exceedance Probability (AEP): means the probability of a design event being equalled or exceeded in any year. AEPs are generally described as a percentage i.e. the probability X 100. For example, a design flood with the probability of being equalled or exceeded each year of 0.01 is described as the 1% AEP design flood.

   The reason for amending the AEP definition is that it is technically correct, more accurately describes the AEP and provides an example to add clarity.

3. A new definition for Design flood is included in the plan change as follows:

   > Design flood: means the design flood when assessing the flood hazard posed by the major tributaries flowing into Lake Taupō includes the 1% AEP flood assessed using a frequency analysis of the annual flood maxima series (or alternative methodology), and an allowance for the potential effects of climate change over approximately the next 100-years. The design flood when assessing the flood hazard posed by high water levels within Lake Taupō includes the 1% AEP water level assessed using a frequency analysis of the annual lake level maxima series since 1980, an allowance for the potential effects of climate change over approximately the next 100-years, an allowance for the increase in water level caused by seiche; and an allowance for ongoing deformation of the shoreline over the next 100-years.

The reason for including a new definition for design flood is that it clearly describes the basic design event used in the flood hazard assessment, which is referred to in the definition of AEP.

5.11 Impact on property and property values

Submitters

Leonie Hapeta and John & Bev Campbell submitted on this issue, there were no further submissions.

Their concerns were that:

- The tennis courts on Parehopu Street, Kuratau should be protected from flooding given their importance as a community asset.
- The approach to managing risks from flooding should recognise the social issues facing Turangi and avoid, as far as possible, exacerbating the devaluation of property values.

Discussion

Protection of the tennis courts on Parehopu Street, Kuratau

The Sec 42A report acknowledged that the tennis court near the beach front in Kuratau is a valuable community asset and indicated that the Council may wish to undertake some physical works to ensure that the court is more resilient to flooding in the future. However, it was pointed out it would be a matter for the Council to resolve through its asset management planning. We accept that PC34 cannot directly influence the presence of the tennis court given its existing use rights, nor can the plan change influence the Council to undertake physical works.

Recognise Turangi social issues and avoid exacerbating the devaluation of property values.

We also accept the advice to us in the Sec42A report. It told us that:

> *"This a complex issue related to the mix of social and economic challenges facing the township of Turangi. The Section 32 Report[5] has identified that there are economic costs related to the plan change including a potential fall in property values. The scale of any such economic impact will vary between locations and even between individual properties and is likely to change over time.*
>
> *The application of the risk-based approach in PC34 has enabled Council to reduce some of the negative economic impacts. With the more accurate modelling now available, the plan change will provide landowners and prospective landowners with a more accurate assessment of the likely flooding risks. This means that individuals can more effectively factor in the impacts of the natural hazard when making decisions about property transactions. This is in contrast with the flood hazard areas in the District Plan which simply treat all flood areas the same regardless of the degree of risk.*
>
> *There will inevitably be some impacts on property values in the Turangi area. However, Council has an obligation under the RMA and the RPS to identify and manage development and use within flood hazard areas. Keeping people and property safe in floods is a greater obligation under the RMA than the potential economic impact on any one individual property owner.*
>
> *In establishing the provisions to manage the risks, the Council has sought to reduce the compliance costs on individuals where practicable. This is best reflected in the permitted activity status for building in low and medium hazard areas. Practically, this would apply to much of the flood hazard areas within Turangi. Where the risk is greater (high flood hazard areas) the RPS requires the Council to discourage development that increases the exposure of people and buildings to intolerable risks. The non-complying activity status for the erection of new buildings in high flood hazard areas (rule 4e.9.3) allows applicants to obtain a resource consent where they can demonstrate that the development can avoid or mitigate these risks and will keep people and property safe in floods.*
>
> *The application of a risk-based approach to the flood hazard is considered to be superior to the generic approach currently applied in the District Plan. By providing more sophisticated information around the degree of risk, Council will enable property owners and purchasers to make better informed decisions and reflect the true value of risk within property transactions."*

Recommendations and Reasons

Accordingly we recommend:

That no changes are made to PC 34 with regard to protecting property and property values. The plan change has been promoted by Council in response to the overarching obligations in the RMA to manage the risks from

[5] Taupo District Council (2017) Plan Change 34 - Flood Hazard. Section 32 Report.

natural hazards on use and development and the more specific obligations under the RPS. These obligations are considered to be greater under the RMA than the economic impact on an individual property owner through the reduction in their property value.

5.12 Minor Changes

Submitters

Trustpower were the only submitter on this point. They sought clarity for section 3I.1(ii) in the introductory text to ensure that it clearly explains why some areas which can flood, have not been identified as flood hazard areas in the District Plan. They proposed that the words underlined below be inserted:

> *"Other waterbodies in the district can flood but have not been included in flood modelling and / or identified in the planning maps as flood hazard areas as they:…"*

Discussion

Section 3I.1(ii) of the operative District Plan outlines the issue of flooding and development within flood hazard areas. The plan change seeks to amend this section to explain which waterbodies were modelled for a 1% AEP flood for the plan change and why other waterbodies that can flood were not included. The paragraph also introduces the concept of defended areas and outlines which defended areas have been mapped.

We accept Ms Mavor's contention in the Sec 42A report that the resulting flood hazard areas from flood modelling, for the rivers that have been modelled, have been mapped on the District Plan maps. It is not necessary to include the additional text to state this. It is obvious that if the waterbodies that flood have not been included in the flood modelling then their flood hazard areas cannot be mapped on the District Plan maps.

Subsequently, Trustpower after reviewing the Sec 42A Reporting Officers recommendations in relation to these provisions advised that they no longer wished to appear and speak to their submission as they now supported the changes that had been recommended.

Recommendations and Reasons

We therefore recommend that the text in the Section 3I.1(ii) remains unchanged as the text is clear that if rivers have not been included in the flood modelling their flood hazard areas will not be mapped on the District Plan maps.

5.13 Management of extreme wave activity

Submitters

This issue was raised by three submitters, Ngāti Kurauia, Mercury Energy and the Lake and Waterways Action Group. The latter was largely in support of the recommendation that the "Long Term Plan" prioritises modelling work on wave activity. Ngāti Kurauia subsequently advised in writing at the hearing that the plan change not be amended. For further details refer to "Issue 4 – Consultation on Iwi/Hapū Values".

Discussion

The Sec 42A report dealt comprehensively with this matter concluding with a recommendation that there should be no changes made to PC34 to address the management of the risks associated with extreme wave activity for the reason that while council has recognised this potential and separate natural hazard, it does not have adequate information on the spatial extent and magnitude of the risk and has therefore not been able to engage with affected landowners about this risk. The report notes that until the extent and nature of the hazard are understood it would be premature to impose additional methods or policies on landowners. The recommendation is preceded by detailed analysis of the reasons in support of this recommendation.

Mercury was represented at the hearing on this matter by Mr Hansen, a planning consultant. Notwithstanding the content of the Sec 42A report, he raised the following points when he spoke to his evidence:

- The RPS requires an integrated and holistic approach to natural hazards.
- Council needs to provide data and disseminate information on wave run up to the community to enhance their resilience. Council should not be concerned about possible litigation.
- The proposed policy needs to be included in the plan change as there is still a policy gap for rule 4e.2.1. Council has had time to prepare a section 32 assessment for this policy.
- Council's existing use of LIMs and webpage on extreme wave activity will not enhance community resilience. More needs to be done.

In her Right of Reply Ms Mavor disagreed with his contentions on the first three points and agreed with his last point. She noted that it was just not possible for the council to deal with the matter of extreme wave activity until Council has robust data showing the spatial extent of the potential hazard and the level of risk. She assured us

that this is the ideal approach and this is the approach that will be taken during the District Plan review of the hazards section of the District Plan.

She also said that Council does not want to confuse the public about the wave run up hazard. Until it knows the spatial extent and the nature of the risk, it would be very difficult to enhance community resilience if Council staff cannot explain the risk. She noted that Council does not want to misinform or confuse the community.

Ms Mavor denied that there was a "policy gap" and set out her reasons for this noting that the matters that Mercury had raised can be addressed through the existing policy framework. That is that policy 3l.2.1 (ii) supports rule 4e.2.1 in terms of erosion and so there is no policy gap. She also outlined that even if a new policy was required it could not be formulated in a vacuum without a full Section 32 assessment and public consultation.

With reference to Mr Hansen's last point she told us that she agreed that only providing information through LIMs and the Council website will not provide adequate information to communities so will not enhance community resilience. She accepted that more needs to be done and advised us again that the District Plan review will assess this hazard and undertake engagement with the community and formulate an approach, which is justified by a section 32 evaluation.

Her position on this matter from a planner's point of view was reinforced by Dr McConchie, Council's expert witness on such matters. In his right of reply he gave us further background detail as to the reasons why Council decided not to include the wave run-up hazard within PC 34. He then outlined for us what would be involved in the data collection and modeling required to achieve robust predictions of the extreme wave run-up hazard. He advised us that the "package of work' including deployment of buoys and the development, calibration and validation of a 2 dimensional model could be ready for community engagement and consultation within 3-5 years. He also advised us that notwithstanding any uncertainty that may exist in allowing for extreme wave activity as a result of the current lack of data, the current flood modelling of flood hazard is considered sufficiently conservative to provide for such uncertainty over the few years that may elapse until the matter is dealt with.

We have carefully considered all the evidence before us and having regard to the fact that where there were unresolved matters, we preferred the views of the council's planner supported by the expert evidence of Dr McConchie.

Recommendations and Reasons

Accordingly we recommend that:

No changes be made to PC34 to address the management of the risks associated with extreme wave activity. We accept that although Council has recognised this potential and separate natural hazard, it does not have adequate information on the spatial extent and magnitude of the risk and has not engaged with affected landowners about this risk. Until the extent and nature of the hazard are understood it would be premature to impose additional methods or policies on landowners.

6. OVERALL RECOMMENDATION

In formulating our recommendations we have had regard to the provisions of the Resource Management Act 1991 and in particular to s74 (matters to be considered by a territorial authority), s75 (contents of district plans), s31 (functions of territorial authorities under this Act), s32 (consideration of alternatives, benefits and costs), taken into account any relevant planning document recognised by an iwi authority and lodged with the Council, the provisions of the Waikato Regional Policy Statement and other higher order planning documents providing national direction.

6.1 Recommendations and reasons:

The outcome of our consideration is that we recommend that PC34, as amended by our recommendations below, should be adopted.

On the District Plan maps

1. The small area of "Low Hazard" affecting those properties backing onto the Kinloch Marina identified and shown on the Flood Hazard maps for PC34, be removed. This will affect properties 3, 4, 5 and 6 Kinloch Esplanade, Kinloch.
2. The small areas of "Low Hazard" affecting 20 & 26 Marina Terrace, which front the Kinloch Marina identified and shown on the Flood Hazard maps for PC34, be removed.
3. The flood hazard mapping on 139 Taupahi Road, Turangi be adjusted so the area of low hazard is removed from the upper terrace, but remains on the lower terrace.
4. The boundary of the hydraulic model results for the Hinemaiaia River be shifted downstream so the flood hazard area on the tailrace at Hinemaiaia B Power Station is removed to more accurately reflect the likely flood hazard during the 1% AEP design flood event in this vicinity.

In the Plan Change text

5. Policy 3I.2.4(iv) be amended by adding a comma after the words 'subdivision for infrastructure' as follows:

   Provide for, infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure, that is not vulnerable to flood risk or has a functional requirement to be in a flood hazard area.

   The amended wording of Policy 3I.2.4(iv) and the existing wording of Policy 3I.2.4(v) will ensure that these policies are clear and 'infrastructure not vulnerable to flood risk' does not need to be defined as it is defined in rule 4e.9.16.

6. Policy 3I.2.4(v) be amended as follows:

   Avoid infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure, that is vulnerable to flood risk and does not have a functional requirement to be in a flood hazard area.

   This will ensure that Policy 3I.2.4(v) gives effect to the National Policy Statement on Renewable Electricity Generation.

7. Rule 4e.9.16 be amended by adding the words operation and replacement to the rule as follows:

   4e.9.16 Any operation, maintenance, ~~or~~ upgrading of existing, replacement or the construction of new:

   - below ground infrastructure and buildings that enclose them,
   - stormwater infrastructure and buildings that enclose them,
   - roads,
   - marina facilities and buildings that enclose them,
   - hydro electricity generation activities and buildings that enclose them, or
   - electricity transmission activities

   in any flood hazard area is a **permitted activity.**

   This will reflect the activities that infrastructure providers carry out and provide consistency within the District Plan.

8. Rule 4e.9.17 be amended by adding the word operation to the rule as follows:

   Rule 4e.9.17 Any operation, maintenance or minor upgrading of existing above ground infrastructure (and buildings that enclose them), in any flood hazard area is a **permitted activity.**

   This will reflect the activity that is occurring and provide consistency within the operative District Plan but will not allow for the 'replacement' of above ground infrastructure as a permitted activity as this may encourage the replacement of potentially at risk structures.

9. Objective 3I.2.4 be amended as follows:

   Buildings and infrastructure are located and designed to ensure continued operation and to avoid structural damage, to themselves and other buildings, infrastructure and property during a flood event with an annual exceedance probability of 1%.

   This change makes the objective easier to understand.

10. The statement about the National Environmental Standards for Telecommunication Facilities 2016, before rule 4e.9.16 be amended as follows:

    The provisions of the National Environmental Standards for Telecommunication Facilities that apply to facility operators, where they are applicable, prevail over the following infrastructure rules.

    This will clarify that this statement only applies to defined facility operators and the provisions do not prevail over all infrastructure rules.

11. Rule 4e.9.18 be amended as follows:

    Any new above ground infrastructure (and buildings that enclose them), in any flood hazard area, that ~~does~~ is not permitted by ~~comply with~~ rule 4e.9.16 is a **restricted discretionary activity** with the matters of discretion restricted to:

    a. The location and design of the infrastructure and building.
    b. Whether the infrastructure is a lifeline utility.
    c. Whether the infrastructure can continue to operate during and after a flood event.

    This will ensure that it is clear when this rule applies.

12. Rule 4e.13.2 is amended as follows:

> Any hazardous facility located within or immediately adjacent to the Residential Environment or within the flood hazard area, is a discretionary activity.
>
> This will ensure that the District Plan implements method 13.2.6(a)(vi) of the RPS by ensuring that hazardous facilities can only locate within a 1% AEP floodplain where any hazardous substance will not create a hazard.

13. The definition of Annual Exceedance Probability is replaced with the following definition:

> Annual Exceedance Probability (AEP): means the probability of a design event being equalled or exceeded in any year. AEPs are generally described as a percentage i.e. the probability X 100. For example, a design flood with the probability of being equalled or exceeded each year of 0.01 is described as the 1% AEP design flood.
>
> The reason for amending the AEP definition is that it is technically correct, more accurately describes the AEP and provides an example to add clarity.

14. A new definition for Design flood is included in the plan change as follows:

> Design flood: means the design flood when assessing the flood hazard posed by the major tributaries flowing into Lake Taupō includes the 1% AEP flood assessed using a frequency analysis of the annual flood maxima series (or alternative methodology), and an allowance for the potential effects of climate change over approximately the next 100-years. The design flood when assessing the flood hazard posed by high water levels within Lake Taupō includes the 1% AEP water level assessed using a frequency analysis of the annual lake level maxima series since 1980, an allowance for the potential effects of climate change over approximately the next 100-years, an allowance for the increase in water level caused by seiche; and an allowance for ongoing deformation of the shoreline over the next 100-years.
>
> The reason for including a new definition for design flood is that it clearly describes the basic design event used in the flood hazard assessment, which is referred to in the definition of AEP.

6.2 Other Recommendations

That Ngāti Kurauia and Council implement their agreement to work together through the District Plan review to address the issues raised by Ngāti Kurauia.

6.3 Consequential Alterations

Consequential alterations to the text of Plan Change 34 which are required as a result of this Recommendation are shown as a “marked up” version in Appendix A to this Recommendation.

7. APPENDIX A - PLAN CHANGE WITH RECOMMENDATIONS SHOWN AS TRACK CHANGES

Changes proposed are shown by underline for new text and strike through for deleted text.

PLAN CHANGE 34 FLOOD HAZARD

In Chapter 3l Natural Hazards, Introduction update 3I.1ii Flooding as follows:

ii FLOODING

Inundation can occur as the result of water flowing over the top of riverbanks and flooding adjoining land; inflows exceeding outflows from the lake flooding lakeshore properties; and properties being located in ephemeral waterways. Settlements adjacent to the Hinemaiaia River; the Tauranga Taupō River, the Tongariro Rivers, the Tokaanu Stream, the Kuratau River and the Whareroa Stream and Lake Taupō can be affected by flooding. Other waterbodies in the district can flood but have not been included in flood modelling as they:

- are spring fed so not as susceptible to flood flows, or
- have a small catchment area, or
- are located in areas where there are relatively few people, limited property at risk and outside future growth areas.

In some areas mitigation measures such as stopbanks exist and allow the use and occupancy of the flood plain at an acceptable level of risk. These have been identified as defended areas. For the Tauranga Taupō River the defended areas, identified on the planning maps, are defended up to 2% AEP. For the Tongariro River the defended areas, identified on the planning maps, are defended up to 1% AEP.

Insert the following text before Objective 3l.2.1

The following objectives and policies apply to all natural hazards except flooding. Objectives 3l.2.3 and 3l.2.4 apply to flood hazard areas.

Delete the word "*flooding"* from policy 3I.2.1ii

*Delete the following text "*Earthworks may alter the direction and intensity of a flood event by diverting floodwaters or altering drainage functions, while" *from the third sentence of the second paragraph under 3I.2.2 Explanation*

Insert the following text before Objective 3l.2.3:

Objective 3l.2.3 seeks to keep people safe in a 1% annual exceedance probability flood. Objective 3l.2.4 seeks to keep buildings and infrastructure safe in a 1% annual exceedance probability flood.

OBJECTIVE

3l.2.3 Keep people safe during a flood event with an annual exceedance probability of 1% and ensure that emergency services remain able to operate.

POLICIES

i. Ensure that communities are informed of the potential flood hazard (including residual risks) that may affect them.
ii. Avoid locating new buildings (excluding those associated with infrastructure) and major additions to existing buildings (excluding those associated with infrastructure) in high flood hazard areas due to the risk to people's lives from flood waters and building debris.
iii. Control the design of new buildings and minor additions in low and medium flood hazard areas to keep people safe.
iv. Control the design of minor additions to existing buildings in high flood hazard areas. This acknowledges the existing investment on the site but recognises the overriding need to keep people safe.
v. Control the design of major additions to existing buildings in low and medium flood hazard areas. This acknowledges the existing investment on the site but recognises the overriding need to keep people safe.
vi. Avoid locating new assembly care and community care activities for vulnerable people in high flood hazard areas.
vii. Manage the location and design of new assembly care and community care activities for vulnerable people in low and medium flood hazard areas to keep people safe. This includes the ability for people to be evacuated.

viii. Avoid locating new emergency services in high flood hazard areas.
ix. Manage the location and design of new emergency services in low and medium flood hazard areas to ensure their ability to operate in a flood event.
x. Avoid subdivision that creates intolerable risk in high flood hazard areas. The location of building platforms within high flood hazard areas is considered to be intolerable.

OBJECTIVE

3l.2.4 Buildings and infrastructure are located and designed to ensure continued operation and to avoid structural damage, to themselves and other buildings, infrastructure and property during a flood event with an annual exceedance probability of 1%.

POLICIES

i. Avoid locating new buildings (excluding those associated with infrastructure) and major additions to existing buildings (excluding those associated with infrastructure) in high flood hazard areas given the likelihood of structural damage.
ii. Control the design of new buildings and major additions to existing buildings in low and medium flood hazard areas to avoid structural damage during significant flood events.
iii. Provide for minor additions to existing buildings in low and medium flood hazard areas in recognition of the investment in the existing buildings and site works.
iv. Provide for, infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure, that is not vulnerable to flood risk or has a functional requirement to be in a flood hazard area.
v. Avoid infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure, that is vulnerable to flood risk and does not have a functional requirement to be in a flood hazard area.

Delete the words "such a minimum floor levels in identified flood prone areas" from Method 3l.3iii
Delete method 3l.3xv
Renumber method 3l.3xvi to 3l.3xv

DISTRICT WIDE RULES

Delete the words "flood inundation or" from the assessment criterion d to rule 4e.2.1 (Any building on or above ground within a Foreshore Protection Area is a discretionary activity.) so it reads
"d. The potential for erosion from the District's waterways and lakes"

Remove the existing rules in section 4e.9 Flood Hazard Area (rules 4e.9.1 and 4e.9.2) and insert the following:
These rules apply to the flood hazard areas marked on the District Plan maps.
NOTE. There are no rules that apply to the defended areas. These areas are identified on the District Plan maps for information purposes only.

New Buildings

4e.9.1 Any new building (excluding those associated with infrastructure) in a low or medium flood hazard area is a **permitted activity** provided the floor level is 300mm above the identified maximum flood level.
4e.9.2 Any new building (excluding those associated with infrastructure) in a low or medium flood hazard area which does not comply with the standard in rule 4e.9.1 is a **restricted discretionary activity**, with Council's discretion being restricted to:
  a. The degree to which building, structural or design work to be undertaken can avoid the effects of the flood hazard.
  b. The nature of the activity, its intended uses including whether the use is temporary or permanent and the degree to which people are put at risk as a result of the activity.
4e.9.3 Any new building (excluding those associated with infrastructure) in a high flood hazard area is a **non-complying activity**.

Major Additions

4e.9.4 Any major addition to an existing building (excluding those associated with infrastructure) in a low or medium flood hazard area is a **permitted activity** provided the floor level of the addition is 300mm above the identified maximum flood level.

4e.9.5 Any major addition to an existing building (excluding those associated with infrastructure) in a low or medium flood hazard area which does not comply with the standard in rule 4e.9.4 is a **restricted discretionary activity**, with Council's discretion being restricted to:

a. The degree to which building, structural or design work to be undertaken can avoid or mitigate the effects of the flood hazard.
b. The nature of the activity, its intended uses including whether the use is temporary or permanent and the degree to which people are put at risk as a result of the activity.

4e.9.6 Any major addition to an existing building (excluding those associated with infrastructure) in a high flood hazard area is a **non-complying activity**.

Minor Additions

4e.9.7 One minor addition to an existing building at the date this rule becomes operative (excluding those associated with infrastructure) in a low, medium or high flood hazard area is a **permitted activity** provided the floor level of the addition is not lower than the existing floor level.

4e.9.8 Any minor addition to an existing building (excluding those associated with infrastructure) in a low, medium or high flood hazard area which does not comply with the standard in rule 4e.9.7 is a **restricted discretionary activity**, with Council's discretion being restricted to:

a. The degree to which building, structural or design work to be undertaken can avoid or mitigate the effects of the flood hazard.
b. The nature of the activity, its intended uses including whether the use is temporary or permanent and the degree to which people are put at risk as a result of the activity.

Assembly care or community care activities

4e.9.9 Any new assembly care or community care activity in a low or medium flood hazard area is a **restricted discretionary activity** with Council's discretion being restricted to:

a. The degree to which building, structural or design work to be undertaken can avoid or mitigate the effects of the flood hazard.
b. The nature of the activity, its intended uses including whether the use is temporary or permanent and the degree to which people are put at risk as a result of the activity.
c. The ability to evacuate during a flood event.

4e.9.10 Any new assembly care or community care activity in a high flood hazard area is a **non-complying activity**.

Emergency services activities

4e.9.11 Any new emergency service activity in low or medium flood hazard areas is a **restricted discretionary activity** with Council's discretion being restricted to:

a. The degree to which building, structural or design work to be undertaken can avoid or mitigate the effects of the flood hazard.
b. The nature of the activity, its intended uses including whether the use is temporary or permanent and the degree to which people are put at risk as a result of the activity.
c. The ability of emergency services vehicles to operate from the site during a flood event.

4e.9.12 Any new emergency service activity in a high flood hazard area is a **non-complying activity**.

Subdivision

Note: Refer to the underlying environment rules for subdivision in low and medium flood hazard areas.

4e.9.13 Subdivision of land in a high flood hazard area, is a **restricted discretionary activity** provided that:

i. building platforms are identified outside high flood hazard areas, and

ii. recorded through a consent notice on the Computer Freehold Register of the newly created allotments.

With Council's discretion being restricted to:

a. The design of the subdivision to allow access to the site during a flood event.
b. The recording of the height of the building platforms through a consent notice.

EXCEPTION:

Rule 4e.9.13 will not apply to subdivision for the purposes of infrastructure, access lots, adjustment of boundaries, or legal protection in perpetuity of Significant Natural Areas.

4e.9.14 Subdivision of land in a high flood hazard area which does not comply with standard i. or ii. in rule 4e.9.13 is a **non-complying activity**.

EXCEPTION:

Rule 4e.9.14 will not apply to subdivision for the purposes of infrastructure, access lots, adjustment of boundaries, or legal protection in perpetuity of Significant Natural Areas.

4e.9.15 Subdivision providing for infrastructure in a high flood hazard area is a **restricted discretionary activity** with Council's discretion being restricted to:

a. The location and design of the infrastructure and buildings that enclose the infrastructure.
b. Whether the infrastructure is a lifeline utility.
c. Whether the infrastructure can continue to operate during and after a flood event.

Infrastructure

The provisions of the National Environmental Standards for Telecommunication Facilities <u>that apply to facility operators, where they are applicable, prevail over the following infrastructure rules</u> ~~prevail over the following Infrastructure rules.~~

4e.9.16 Any <u>operation,</u> maintenance<u>,</u> ~~or~~ upgrading of existing<u>, replacement</u> or the construction of new:

- below ground infrastructure and buildings that enclose them,
- stormwater infrastructure and buildings that enclose them,
- roads,
- marina facilities and buildings that enclose them,
- hydro electricity generation activities and buildings that enclose them, or
- electricity transmission activities

in any flood hazard area is a **permitted activity.**

For rule 4e.9.16 electricity transmission activities mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand.

4e.9.17 Any <u>operation,</u> maintenance or minor upgrading of existing above ground infrastructure (and buildings that enclose them), in any flood hazard area is a **permitted activity.**

For the purpose of rules 4e.9.16 and 4e.9.17 "maintenance" means all activities associated with the protective care and monitoring of infrastructure, in order to arrest the processes of decay, structural fatigue, erosion or dilapidation.

For the purpose of rule 4e.9.17 "minor upgrading" means structure improvement, repair and replacement of worn or technically deficient parts of the infrastructure and accessory buildings and structures of similar character and scale.

4e.9.18 Any new above ground infrastructure (and buildings that enclose them), in any flood hazard area, that <u>is not permitted by</u> ~~does not comply with~~ rule 4e.9.16 is a **restricted discretionary activity** with the matters of discretion restricted to:

a. The location and design of the infrastructure and building.
b. Whether the infrastructure is a lifeline utility.
c. Whether the infrastructure can continue to operate during and after a flood event.

Amend rule 4e.13.2 by inserting the words "or within a flood hazard area" after the words "Residential Environment".

DEFINITIONS

Add the following definitions to section 10 of the District Plan

Annual Exceedance Probability (AEP) - means the probability of a ~~certain~~ design ~~flood flow~~ event being equalled or exceeded in any year. AEPs are generally described as a percentage i.e. the probability X 100. For example, a design flood with the probability of being equalled or exceeded each year of 0.01 is described as the 1% AEP design flood. ~~A 1% AEP design flood flow has a 1% or 1 in 100 chance of being equalled or exceeded in any year.~~

Assembly care activity - means a building or use where a large degree of care and service is provided. For example, an early childhood education and care centre, college, day care institution, centre for handicapped persons, kindergarten, school or university.

Community care activity - means a residential building or use where a large degree of assistance or care is extended to the principal users. There are two types:

- Unrestrained: where the principal users are free to come and go such as a hospital, old peoples home or health camp.
- Restrained: where the principal users are legally or physically constrained in their movements such as a borstal or drug rehabilitation centre, aged care where substantial care is extended, a prison or hospital.

Defended areas - are areas which would normally flood in a 1% AEP flood event but are protected from flooding by a flood protection scheme managed by the WRC.

Design flood – means the design flood when assessing the flood hazard posed by the major tributaries flowing into Lake Taupō includes the 1% AEP flood assessed using a frequency analysis of the annual flood maxima series (or alternative methodology), and an allowance for the potential effects of climate change over approximately the next 100-years. The design flood when assessing the flood hazard posed by high water levels within Lake Taupō includes the 1% AEP water level assessed using a frequency analysis of the annual lake level maxima series since 1980, an allowance for the potential effects of climate change over approximately the next 100-years, an allowance for the increase in water level caused by seiche; and an allowance for ongoing deformation of the shoreline over the next 100-years.

Emergency services - means Police, Fire, Ambulance Service, Coastguard, Civil Defence and Emergency Management facilities and welfare centres.

High flood hazard area - is the area where floodwaters in a 1% annual exceedance probability flood are likely to significantly impede the manoeuvrability or stability of the average person and damage to property is likely to be widespread and structural, including instances where buildings have been raised above the 'flood level'. These areas are shown on the planning maps as high flood hazard areas (red). These areas are defined by:

i. the depth of flood waters exceeds one metre; or
ii. the speed of flood waters exceeds two metres/second; or
iii. the flood depth multiplied by the flood speed equals or exceeds one."

Lifeline Utility - means entities named or described in Part A, or that carries on a business described in Part B of Schedule 1 of the Civil Defence and Emergency Management Act 2002 and their associated essential infrastructure and services.

Low flood hazard area - is the area where floodwaters in a 1% annual exceedance probability flood are unlikely to impede the manoeuvrability or stability of the average person and damage to property is likely to be non-structural and mainly due to inundation and deposition of sediment. These areas are shown on the planning maps as low flood hazard areas (yellow). These are areas where:

i. the depth of flood waters is one metre or less; or
ii. the speed of flood waters is one metre/second or less; or
iii. the flood depth multiplied by the flood speed is less than 0.5.

Major addition - means any addition to the gross floor area that exceeds 15m^2.

Marina facilities - means boat ramps, jetties, berth poles, access structures, lights, street furniture, facilities associated with water circulation, power and water supply points for berths and security cameras, fencing and gates.

Maximum flood level - is the maximum depth of inundation as a result of either lake or river flooding.

Medium flood hazard area - is the area where floodwaters in a 1% annual exceedance probability flood are likely to start to impede the manoeuvrability or stability of the average person and damage to property is unlikely to be structural provided that weak points such as windows and doors are retained above flood level. These areas are shown on the planning maps as medium flood hazard areas (orange). These are areas where:

i. the speed of flood waters is greater than one metre/second but equal to or less than two metres/second; or
ii. the flood depth multiplied by the flood speed is equal to or greater than 0.5 and less than one"

Minor addition - means any addition to the gross floor area that is equal to or less than 15m^2.

PLANNING MAPS

Make the following changes to the planning maps:

1. Remove the area of low flood hazard on 3, 4, 5 and 6 Kinloch Esplanade, Kinloch, and 20 and 26 Marina Terrace, Kinloch.
2. Remove the area of low hazard from the upper terrace at 139 Taupahi Road, Turangi but keep the area of flood hazard on the lower terrace.
3. Move the boundary of the hydraulic model of the Hinemaiaia River downstream and remove the flood hazard area on the tailrace at Hinemaiaia B Power Station.

8. APPENDIX B- SUMMARY OF DECISIONS SOUGHT, ORDERED BY ISSUE

1	Sub Point Number	Submitter	Plan Section	Support/ Oppose	Descision/Reason	Category in report
106	OS19.2	Federated Farmers of New Zealand	3l.1 Introduction ii Flooding	Support	**Decision Sought** Retain 3l.1ii Introduction, **Decision Reason** We support PC34 provisions that separates flood hazards from other hazards which enables targeted management of the risks of flooding.	01 Plan change & risk based approach
106	FS24.8	Trustpower Limited	3l.1 Introduction ii Flooding	Support	OP 19.2 **Decision Sought** Allow **Decision Reason** Support in so far as it aligns with Trustpower's submission, with the exception of Trustpower's requested relief.	01 Plan change & risk based approach
107	OS19.3	Federated Farmers of New Zealand	Policy 3l.2.1 ii	Support	**Decision Sought** Retain Policy 3l.2.1ii **Decision Reason** We support PC34 provisions that separates flood hazards from other hazards which enables targeted management of the risks of flooding.	01 Plan change & risk based approach
108	OS19.4	Federated Farmers of New Zealand	Objective 3l.2.2 Explanation	Support	**Decision Sought** Retain 3l.2.2, Explanation. **Decision Reason** We support PC34 provisions that separates flood hazards from other hazards which enables targeted management of the risks of flooding.	01 Plan change & risk based approach
111	OS19.7	Federated Farmers of New Zealand	Text before Objective 3l.2.3	Support	**Decision Sought** Retain text before Objective 3l.2.3. **Decision Reason** We support PC34 provisions that separates flood hazards from other hazards which enables targeted management of the risks of flooding.	01 Plan change & risk based approach
140	OS19.36	Federated Farmers of New Zealand	Objective Guidance	Support	**Decision Sought** Retain text before Objective 3l.2.1 **Decision Reason** Retain text before Objective 3l.2.1	01 Plan change & risk based approach
79	OS17.7	Trustpower Ltd	Objective 3l.2.3	Support	**Decision Sought** Retain Objective 3l.2.3 as notified. **Decision Reason** Trustpower supports the objective focusing on the safety of people ad emergency services	01 Plan change & risk based approach
112	OS19.8	Federated Farmers of New Zealand	Objective 3l.2.3	Support	**Decision Sought** Retain Objective 3l.2.3 **Decision Reason** FNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach
112	FS24.1	Trustpower Limited	Objective 3l.2.3	Support	OP 19.8 **Decision Sought** Allow **Decision Reason** Support as it aligns with Trustpower's submission that this Objective be retained as notified	01 Plan change & risk based approach
83	OS17.11	Trustpower Ltd	Objective 3l.2.4	Support	**Decision Sought** Retain Objective 3l.2.4 as notified. **Decision Reason** Objective 3l.2.4 recognises that some buildings and infrastructure need to be located in flood hazard areas, provided that they are located and designed to operate in particular flood events.	01 Plan change & risk based approach
123	OS19.19	Federated Farmers of New Zealand	Objective 3l.2.4	Support	**Decision Sought** Retain Objective 3l.2.4 **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	01 Plan change & risk based approach
123	FS24.2	Trustpower Limited	Objective 3l.2.4	Support	OP 19.19 **Decision Sought** Allow **Decision Reason** Support as it aligns with Trustpower's submission that this Objective be retained as notified.	01 Plan change & risk based approach
101	OS18.12	Mercury	Policy 3l.2.3 i	Support	**Decision Sought** Retain Policy 3l.2.3(i) in the same or similar form. **Decision Reason** Mercury considers that the policy provides support for TDC to disseminate information to its communities living on the lake shoreline regarding water levels in the lake and the potential consequential effects on people, property and infrastructure when high water levels are experienced. This information dissemination process would be especially useful at times when inflows are likely to exceed outflows, such as where the lake is near or at its maximum operating level and heavy rainfall is forecast to occur. This practice would assist with raising community awareness of hazards, improve resilience to the hazards, provide health and safety benefits, and ensure the use of best information/best practice, as required by Waikato Regional Policy Statement Policy 13.1.	01 Plan change & risk based approach

113	OS19.9	Federated Farmers of New Zealand	Policy 3I.2.3 i	Support	**Decision Sought** Retain Policy 3I.2.3(i) **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach
115	OS19.11	Federated Farmers of New Zealand	Policy 3I.2.3 iii	Support	**Decision Sought** Retain Policy 3I.2.3 iii **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach
115	FS24.9	Trustpower Limited	Policy 3I.2.3 iii	Support	OP 19.11 **Decision Sought** Allow **Decision Reason** Support is so far as it aligns with Trustpower's submission, with the exception of Trustpower's requested relief.	01 Plan change & risk based approach
116	OS19.12	Federated Farmers of New Zealand	Policy 3I.2.3 iv	Support	**Decision Sought** Retain Policy 3I.2.3 iv **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach
116	FS24.10	Trustpower Limited	Policy 3I.2.3 iv	Support	OP 19.12 **Decision Sought** Allow **Decision Reason** Support in so far as it aligns with Trustpower's submission, with the exception of Trustpower's requested relief.	01 Plan change & risk based approach
117	OS19.13	Federated Farmers of New Zealand	Policy 3I.2.3 v	Support	**Decision Sought** Retain Policy 3I.2.3 v **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach
117	FS24.11	Trustpower Limited	Policy 3I.2.3 v	Support	OP 19.13 **Decision Sought** Allow **Decision Reason** Support in so far as it aligns with Trustpower's submission, with the exception of Trustpower's requested relief.	01 Plan change & risk based approach
118	OS19.14	Federated Farmers of New Zealand	Policy 3I.2.3 vi	Support	**Decision Sought** Retain Policy 3I.2.3 vi **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach
119	OS19.15	Federated Farmers of New Zealand	Policy 3I.2.3 vii	Support	**Decision Sought** Retain Policy 3I.2.3 vii **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach

120	OS19.16	Federated Farmers of New Zealand	Policy 3I.2.3 viii	Support	**Decision Sought** Retain Policy 3I.2.3 viii **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach
121	OS19.17	Federated Farmers of New Zealand	Policy 3I.2.3 ix	Support	**Decision Sought** Retain Policy 3I.2.3ix **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach
122	OS19.18	Federated Farmers of New Zealand	Policy 3I.2.3 x	Support	**Decision Sought** Retain Policy 3I.2.3 x **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	01 Plan change & risk based approach
125	OS19.21	Federated Farmers of New Zealand	Policy 3I.2.4 ii	Support	**Decision Sought** Retain Policy 3I.2.4 ii **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	01 Plan change & risk based approach
126	OS19.22	Federated Farmers of New Zealand	Policy 3I.2.4 iii	Support	**Decision Sought** Retain Policy 3I.2.4 iii **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit. iii. Provide for minor additions to existing buildings in low and medium flood hazard areas in recognition of the investment in the existing buildings and site works.	01 Plan change & risk based approach

127	OS19.23	Federated Farmers of New Zealand	Policy 3I.2.4 iv	Support	**Decision Sought** Retain 3I.2.4 iv **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	01 Plan change & risk based approach
128	OS19.24	Federated Farmers of New Zealand	Policy 3I.2.4 v	Support	**Decision Sought** Retain policy 3I.2.4 v **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	01 Plan change & risk based approach
109	OS19.5	Federated Farmers of New Zealand	Method iii	Support	**Decision Sought** Retain 3I.3 Method iii **Decision Reason** We support PC34 provisions that separates flood hazards from other hazards which enables targeted management of the risks of flooding.	01 Plan change & risk based approach
110	OS19.6	Federated Farmers of New Zealand	Method xv	Support	**Decision Sought** Retain Method xv. **Decision Reason** We support PC34 provisions that separates flood hazards from other hazards which enables targeted management of the risks of flooding.	01 Plan change & risk based approach
14	OS10.1	Waikato Regional Council	General	Support	**Decision Sought** Accept PPC34 subject to the amendments outlined in the submission **Decision Reason** WRC wishes to acknowledge the huge amount of work that has gone into PPC34 and that it represents a significant improvement in terms of managing flood hazards in the Taupo District and giving effect to Chapter 13 of the WRPS. We accept PPC34 subject to amendments.	01 Plan change & risk based approach
42	OS15.7	Ngati Kurauia	General	Support	**Decision Sought** Support Council's general intention to review and propose a plan change to and create new objectives and options for responding to flood hazards. **Decision Reason** In particular, we support Council's conclusions that existing natural hazards objectives and policies: •are not specific enough; •do not directly address the resource management issues for flooding; and, •do not reflect the new risk based approach to managing hazards required by the RPS.	01 Plan change & risk based approach
60	OS16.2	Campbell, John & Bev	General	Not Stated	**Decision Sought** Do not use a district plan change to address flood risk **Decision Reason** The Proposed District Plan Change is counterproductive to the town's growth prospects, and places an unnecessary restrictions that is based on a low probability to properties already facing reducing land values. Conversely, stopbanks provided where needed increase property values and security. Good policy advice would have identified this.	01 Plan change & risk based approach
60	FS25.41	Mercury	General	Oppose	OP 16.2 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission because it considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. It is also recognized that the District Plan is not the only tool that should be used to manage flood risks and PC 34 does not prevent engineered works being undertaken where deemed appropriate or necessary to supplement or replace other risk treatment measures	01 Plan change & risk based approach
72	OS16.14	Campbell, John & Bev	General	Not Stated	**Decision Sought** The plan change needs to recognise that it affects no green field residential environment zoned property on the left bank of the Tongariro River downstream of the SH1 Tongariro River Bridge. **Decision Reason** The Flood Hazard Plan Change affects no residential environment zoned property on the left bank of the Tongariro River downstream of the SH1 Tongariro River Bridge.	01 Plan change & risk based approach
77	OS17.5	Trustpower Ltd	General	Support	**Decision Sought** Retain the proposed risk based approach to managing flood hazard that is taken in PC34 **Decision Reason** In that context, Trustpower submits that it would not be effective or efficient to include provisions in the Taupo District Plan which seek to avoid or control the establishment or use of hydroelectricity generation buildings and infrastructure in flood hazard areas as: •Those structures have a functional need to locate in flood hazard areas (as is recognised by Policy C1 and E2 of the National Policy Statement for Renewable Electricity Generation 2011 ("NPSREG") and Policy 6.6 and Implementation Method 6.6.1 of the Waikato Regional Policy Statement ("RPS")); •Those structures are designed and located with flood events in mind, and the effects of flood events on them would not place the community at intolerable risk; and • Specific planning intervention by the Taupo District Council into the design and location of these structures in areas that would be inundated by flooding is not needed to keep people safe.	01 Plan change & risk based approach

77	FS25.51	Mercury	General	Support	OP 17.5 **Decision Sought** Allow **Decision Reason** Mercury agrees that the risk-based approach, which underpins PC 34, is appropriate for managing flood hazard effects on people, property and infrastructure around the shoreline and backshore areas of the lake.	01 Plan change & risk based approach
90	OS18.1	Mercury	General	Seek Amendments	**Decision Sought** To retain the objectives, policies, rules and definitions of the Proposed Plan Change, except where otherwise requested by this submission. Any further and consequential amendments to achieve the intent of this submission. **Decision Reason** Mercury generally supports the intention of the objectives, polices, rules and definitions set out in the Proposed Plan Change. In summary, these new provisions aim to provide new and strengthened provisions within the Taupo District Plan to manage the effects from flood hazards on people, property and infrastructure located around the Taupo-nui-a-Tia shoreline. However, Mercury considers that there is potential to better promote the concepts of community appreciation of natural hazard risk and community resilience within the objectives, polices and rules of the Proposed Plan Change.	01 Plan change & risk based approach
90	FS24.14	Trustpower Limited	General	Support	OP 18.1 **Decision Sought** Allow **Decision Reason** Support in so far as it aligns with the provisions which Trustpower supported in its submission and sought to be retained as notified, specifically provisions: - Objective 3I.2.3 - Policy 3I.2.3 (ii)	01 Plan change & risk based approach
90	FS24.15	Trustpower Limited	General	Support	OP 18.1 **Decision Sought** Allow **Decision Reason** Support in so far as it aligns with Trustpower's submission, with the exception of Trustpower's requested relief regarding Policies 3I.2.3 (iii), (iv) and (v)	01 Plan change & risk based approach
137	OS19.33	Federated Farmers of New Zealand	General	Support	**Decision Sought** Retain the intent to identify flood hazards and manage development to mitigate risks to people and property in PC34 **Decision Reason** FFNZ generally supports PC34 and its intent to identify flood hazards and manage development to mitigate risks to people and property.	01 Plan change & risk based approach
137	FS25.54	Mercury	General	Support	OP 19.33 **Decision Sought** Allow **Decision Reason** Mercury supports the submission because it considers that PC 34 aims to provide new and strengthened provisions within the Taupo District Plan to manage the effects from flood hazards on people, property and infrastructure located around the Taupo-nui-a-Tia shoreline.	01 Plan change & risk based approach
138	OS19.34	Federated Farmers of New Zealand	General	Support	**Decision Sought** Retain the use of up-to-date information to more accurately delineate flood hazard areas and the Council's commitment to continue to refine the areas in PC34. **Decision Sought** Retain the use of up-to-date information to more accurately delineate flood hazard areas and the Council's commitment to continue to refine the areas in PC34.	01 Plan change & risk based approach
138	FS25.55	Mercury	General	Support	OP 19.34 **Decision Sought** Allow **Decision Reason** Mercury supports the submission because it considers that risk-based approaches to natural hazard management rely on accurate and up to date hazard assessments. On this basis, and as reflected in Mercury's primary submission, Mercury expects that TDC will initiate a technical assessment of the effect of lake wave activity and set up on the landward extent of inundation shown on the flood hazard maps associated with PC 34, and if consequential amendments are required to the policy framework of PC 34 then these will also be undertaken.	01 Plan change & risk based approach
139	OS19.35	Federated Farmers of New Zealand	General	Support	**Decision Sought** Retain the use of a risk based approach to managing flood hazards in PC34 **Decision Reason** This approach aligns with the approach required by the Resource Management Act 1991.	01 Plan change & risk based approach
139	FS25.56	Mercury	General	Support	OP 19.35 **Decision Sought** Allow **Decision Reason** Mercury agrees that the risk-based approach, which underpins PC 34, is appropriate for managing flood hazard effects on people, property and infrastructure around the shoreline and backshore areas of the lake.	01 Plan change & risk based approach
149	OS21.3	Lakes and Waterways Action Group	General	Support	**Decision Sought** Retain provisions planning for the protection of vulnerable people and places within flood-prone areas **Decision Reason** Lakes and Waterways Action Group support Plan Change 34	01 Plan change & risk based approach
149	FS25.65	Mercury	General	Support	OP 21.3 **Decision Sought** Allow **Decision Reason** Mercury supports the submission because it considers that PC 34 aims to provide new and strengthened provisions within the Taupo District Plan to manage the effects from flood hazards on people, property and infrastructure located around the Taupo-nui-a-Tia shoreline. Mercury considers that PC 34 represents a significant improvement on the current objectives, polices and rules of the District Plan in so far as the concepts of community appreciation of natural hazard risk and community resilience are concerned.	01 Plan change & risk based approach
151	OS21.5	Lakes and Waterways Action Group	General	Support	**Decision Sought** Retain the provisions for exercising greater control over the design of development in areas of medium and low flood hazard **Decision Reason** Lakes and Waterways Action Group support Plan Change 34	01 Plan change & risk based approach
151	FS25.66	Mercury	General	Support	OP 21.5 **Decision Sought** Allow **Decision Reason** Mercury supports the submission because it considers that PC 34 aims to provide new and strengthened provisions within the Taupo District Plan to manage the effects from flood hazards on people, property and infrastructure located around the Taupo-nui-a-Tia shoreline. Mercury considers that PC 34 represents a significant improvement on the current objectives, polices and rules of the District Plan in so far as the concepts of community appreciation of natural hazard risk and community resilience are concerned.	01 Plan change & risk based approach
152	OS21.6	Lakes and Waterways Action Group	General	Support	**Decision Sought** Retain the specific policy approach to discourage development in high flood hazard areas **Decision Reason** Lakes and Waterways Action Group support Plan Change 34	01 Plan change & risk based approach
152	FS25.67	Mercury	General	Support	OP 21.6 **Decision Sought** Allow **Decision Reason** Mercury supports the submission because it considers that PC 34 aims to provide new and strengthened provisions within the Taupo District Plan to manage the effects from flood hazards on people, property and infrastructure located around the Taupo-nui-a-Tia shoreline. Mercury considers that PC 34 represents a significant improvement on the current objectives, polices and rules of the District Plan in so far as the concepts of community appreciation of natural hazard risk and community resilience are concerned.	01 Plan change & risk based approach

36	OS15.1	Ngati Kurauia	General	Not Stated	**Decision Sought** That the Tokaanu Stream and all other waterways entering the Tokaanu Delta and Tokaanu Stream be included in this assessment. **Decision Reason** The point we would like to make is that we believe that all the adverse conditions that currently exist in the Tokaanu Basin are major factors in contributing to a significantly high level of flood risk and hazard but these factors appear not to be part of the evaluation of risk and hazard. We note that the operative District Plan does not identify the underling factors that exacerbate flood risk and intensity as mentioned above in the Tokaanu Delta	02.1 Methodology for flood assessment
45	OS15.10	Ngati Kurauia	General	Not Stated	**Decision Sought** Further discussion with Council on this matter, ("To remove defended areas that were affected by flooding from an alternative source"), with Ngati Kurauia and the affected owners to determine the 'real' impact and implications of this decision. **Decision Reason** To determine the 'real' impact and implications of this decision.	02.1 Methodology for flood assessment
45	FS25.29	Mercury	General	Oppose	OP 15.10 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	02.1 Methodology for flood assessment
46	OS15.11	Ngati Kurauia	General	Not Stated	**Decision Sought** We request direct dialogue with Council before the decision "To remove non-contiguous flood areas from the mapping outputs for the Lake" is finalised. **Decision Reason** There has been no discussion with the affected land owners and Ngati Tuwharetoa hapu on this matter.	02.1 Methodology for flood assessment
46	FS25.30	Mercury	General	Oppose	OP 15.11 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	02.1 Methodology for flood assessment
49	OS15.14	Ngati Kurauia	General	Not Stated	**Decision Sought** Urgent dialogue with Council on this matter ("To assume that stop banks won't be changed over time"). We ask that Council to ascertain this position with WRC's assistance and engage with Ngati Tuwharetoa and Ngati Kurauia land owners directly where their land is utilized or affected by the erection of stop banks. **Decision Reason** We ask that Council to ascertain this position with WRC's assistance and engage with Ngati Tuwharetoa and Ngati Kurauia land owners directly where their land is utilized or affected by the erection of stop banks.	02.1 Methodology for flood assessment
58	OS15.23	Ngati Kurauia	General	Oppose	**Decision Sought** Request that, in the first instance, Council evaluate the situation in the Tokaanu Basin and meet with relevant Hapu to resolve this matter of removing flooding under 10 cm. **Decision Reason** We disagree with the assumption that water below 10cm did not pose a risk to people or property in the event that this applies within the Tokaanu basin or any other lands where an abnormally high water table has undermined the stability of the land surface and subsurface.	02.1 Methodology for flood assessment
58	FS25.35	Mercury	General	Oppose	OP 15.23 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34.	02.1 Methodology for flood assessment
144	OS20.4	Friends of Lake Taupo	General	Oppose	**Decision Sought** Technical deficiencies need to be addressed. The proposed river flood levels need to be reconsidered based on an appropriate combined flood occurrence and acceptable lake levels for Lake Taupo not the combination of 100 year floods used by Opus. **Decision Reason** The proposed river flood levels need to be reconsidered based on an appropriate combined flood occurrence and acceptable lake levels for Lake Taupo not the combination of 100 year floods used by Opus. This is an issue identified by NIWA. The sieche provisions and climate change flood level changes need to be removed from any set flood level. Seiche and flooding are independent events and it is statistically incorrect to combine 100 year flood provisions with 100 year seiche forecasts.	02.1 Methodology for flood assessment
144	FS25.60	Mercury	General	Oppose	OP 20.4 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission as it is not founded on credible science and misinterprets the relevant provisions of the RMA, Waikato Regional Policy Statement and the intent of PC 34. PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement.	02.1 Methodology for flood assessment
145	OS20.5	Friends of Lake Taupo	General	Oppose	**Decision Sought** Technical Deficiencies need to be addressed The sieche provisions and climate change flood level changes need to be removed from any set flood level as seiche and flooding are independent events and it is statistically incorrect to combine 100 year flood provisions with 100 year seiche forecasts. **Decision Reason** The proposed river flood levels need to be reconsidered based on an appropriate combined flood occurrence and acceptable lake levels for Lake Taupo not the combination of 100 year floods used by Opus. This is an issue identified by NIWA. The sieche provisions and climate change flood level changes need to be removed from any set flood level. Seiche and flooding are independent events and it is statistically incorrect to combine 100 year flood provisions with 100 year seiche forecasts.	02.1 Methodology for flood assessment
145	FS25.61	Mercury	General	Oppose	OP 20.5 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission as it is not founded on credible science and misinterprets the relevant provisions of the RMA, Waikato Regional Policy Statement and the intent of PC 34. PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement.	02.1 Methodology for flood assessment
63	OS16.5	Campbell, John & Bev	General	Not Stated	**Decision Sought** The plan change and change to planning conditions imposed on properties are unnecessary. **Decision Reason** Flood protection works will withstand close to 1% AEP probably 1.1% AEP, so what exists is adequate and a change is planning conditions imposed on properties is unnecessary.	02.1 Methodology for flood assessment

63	FS25.42	Mercury	General	Oppose	OP 16.5 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission because it considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. It is also recognized that the District Plan is not the only tool that should be used to manage flood risks and PC 34 does not prevent engineered works being undertaken where deemed appropriate or necessary to supplement or replace other risk treatment measures	02.1 Methodology for flood assessment
68	OS16.10	Campbell, John & Bev	General	Oppose	**Decision Sought** The District Plan change should not apply the 1% AEP to building areas. **Decision Reason** A 1% AEP is at the top end of risk and should only be applied to stopbank structures, not the design of residential properties. The Building Act allows Building Consent to be at 2% AEP.	02.1 Methodology for flood assessment
68	FS25.47	Mercury	General	Oppose	OP 16.10 **Decision Sought** Disallow **Decision Reason** Mercury considers that it is prudent to use the 1% AEP flood level in assigning low, medium and high risk classifications to the lake shoreline and backshore environments. Property owners, developers and infrastructure providers make investment decisions which consider short term, medium term and long term planning horizons (100 + years). In making their decisions, it is typical for these parties to consider the full hazard risk profile (i.e. different probabilities of occurrence and difference consequences) and assess the sensitivity of the combination of various probability and consequence scenarios to determine the acceptable level of risk.	02.1 Methodology for flood assessment
65	OS16.7	Campbell, John & Bev	General	Not Stated	**Decision Sought** Including climate change in flood estimates is premature at this stage. Remove climate change from flood estimates. **Decision Reason** The actual climate change, not the current speculation, can be determined by good monitoring and the rate of these changes. For example, we may have more frequent storm events but of lesser intensity and duration – hence no increased flood risk. It is premature at this stage to start including climate change in the flood estimates.	02.2 Climate change
65	FS25.45	Mercury	General	Oppose	OP 16.7 **Decision Sought** Disallow **Decision Reason** Mercury considers it is standard practice to incorporate a climate change allowance within numerical models used to predict the extent and depth of inundation. The District Plan provides the regulatory framework for all future land use, subdivision and development within the district. Property owners, developers and infrastructure providers make investment decisions which consider short term, medium term and long term planning horizons (100 + years). The environment within the district, including climate, will not remain static within medium and long term planning horizons. Consequently, it would be negligent not to incorporate climate change allowance within the hazard assessment work undertaken under PC 34.	02.2 Climate change
69	OS16.11	Campbell, John & Bev	General	Not Stated	**Decision Sought** Reassess climate change assumptions to take into account the changes to catchment use and vegetation growth that will result from warmer temperatures and increased more frequent rainfall as more vegetation will reduce runoff and decrease the flood intensity levels. **Decision Reason** The Climate Change assumptions and resulting flood estimations are flawed as changes to the catchment use and increased vegetation growth that will occur in the verdant new environment it postulates are not included in the way they will increase the rainfall retention and decrease the speed of runoff.	02.2 Climate change
69	FS25.46	Mercury	General	Oppose	OP 16.11 **Decision Sought** Disallow **Decision Reason** Mercury considers it is standard practice to incorporate a climate change allowance within numerical models used to predict the extent and depth of inundation. The District Plan provides the regulatory framework for all future land use, subdivision and development within the district. Property owners, developers and infrastructure providers make investment decisions which consider short term, medium term and long term planning horizons (100 + years). The environment within the district, including climate, will not remain static within medium and long term planning horizons. Consequently, it would be negligent not to incorporate climate change allowance within the hazard assessment work undertaken under PC 34.	02.2 Climate change
141	OS20.1	Friends of Lake Taupo	General	Oppose	**Decision Sought** Object to any change in the Taupo District Plan's flood levels for Lake Taupo. **Decision Reason** Our objection to this Plan Change is that the proposed flood levels are incorrect and that inappropriate, unproven and unacceptable provisions for additional flooding resulting from climate change and seiche have been included in the proposed flood levels.	02.2 Climate change
141	FS25.57	Mercury	General	Oppose	OP 20.1 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission as it is not founded on credible science and misinterprets the relevant provisions of the RMA, Waikato Regional Policy Statement and the intent of PC 34. PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement.	02.2 Climate change
146	OS20.6	Friends of Lake Taupo	General	Oppose	**Decision Sought** The provision for the Plan Change to provide increased flood level to provide for climate change needs to be removed.An increase of 2.5% for both time periods is supported by the evidence presented by Opus. The reality is that flood levels in Taupo are controlled by MRP/Mercury. **Decision Reason** We therefore consider that there is no justification in proposing an increase of flood inflows for Lake Taupo of 7.2% by 2040 and 16.8% by 2090. heir consent has fixed flood levels up to 2041 without any change. They would be well able to manage to the existing flood levels with an increase in flood inflows of greater than 2.5%, particularly given the significant advances being made in climate science and weather forecasting as a result of international focus and investment in understanding climate change. Even if increased inflows did happen MRP/Mercury is still required to manage flood levels within the existing consent AEP range.	02.2 Climate change
146	FS25.62	Mercury	General	Oppose	OP 20.6 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission as it is not founded on credible science and misinterprets the relevant provisions of the RMA, Waikato Regional Policy Statement and the intent of PC 34. PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement.	02.2 Climate change

142	OS20.2	Friends of Lake Taupo	General	Oppose	**Decision Sought** Formally request that the Waikato Regional Council use the review mechanism for the MRP/Mercury Consent to restore the lower "step" lake level for any period identified as at risk from significant flood events or otherwise provide consent change to deliver the flood levels set in the Consent. Alternatively TDC can communicate the findings of the Opus technical studies to MRP/Mercury and Waikato Regional Council and request that, based on the findings of the Opus study, MRP/Mercury advise if there is any change necessary to their set Consent Lake Level/Occurrence condition, or if MRP/Mercury will continue to manage the lake levels to their consented levels. **Decision Reason** The proposed Plan Change ignores the other statutory and planning instruments, being the MRP/Mercury Consent Conditions and the Lake Taupo Compensation Claims Act, which are already in place which identify flood levels and allocate risk and compensation consequences in the event of flooding of Lake Taupo. There is a simple approach to flood management for Lake Taupo available to the Taupo District Council, if TDC consider that there is real risk of current flood levels being exceeded.	02.3 Lake level
142	FS25.58	Mercury	General	Oppose	OP 20.2 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission as it is not founded on credible science and misinterprets the relevant provisions of the RMA, Waikato Regional Policy Statement and the intent of PC 34. PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement.	02.3 Lake level
143	OS20.3	Friends of Lake Taupo	General	Oppose	**Decision Sought** If any change to flood levels is to be considered review of flood levels for Lake Taupo using a whole catchment approach, including the Mercury and Genesis Energy Consents and the use of the Taupo Control Gates by Environment Waikato as flood manager. This would provide for proper consideration of the allocation to this risk to the various affected parties, MRP/Mercury as Consent holder and Operator and TDC, Iwi, lake and riverside landowners and other interested parties. **Decision Reason** We consider that it is inappropriate to have separate consideration of the MRP/Mercury Consent from the proposed District Plan provisions for increased flood levels and that there is a need for combined consideration of the Consent and District Plan if any change to flood levels is to be considered. To be consistent the Genesis Energy Resource Consent, that authorises diversion of Whanganui River waters into Lake Taupo, and the use of the Taupo Control Gates by Environment Waikato as flood manager should be assessed at the same time. We note that the MRP/Mercury Consent is subject to a review in 2018. If Taupo District Council and the Waikato Regional Council want to consider adjusting the allocation of current or future flood risk provisions on Lake Taupo, it is necessary to proceed with this review of the MRP/Mercury Consent in conjunction with consideration of any adjusted flood levels affecting the land around the Lake. This would provide for proper consideration of the allocation to this risk to the various affected parties, MRP/Mercury as Consent holder and Operator and TDC, Iwi, lake and riverside landowners and other interested parties.	02.3 Lake level
143	FS25.59	Mercury	General	Oppose	OP 20.3 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission as it is not founded on credible science and misinterprets the relevant provisions of the RMA, Waikato Regional Policy Statement and the intent of PC 34. PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement.	02.3 Lake level
2	OS1.1	Fraser, Lindsay	Flood Hazard Map	Seek Amendments	**Decision Sought** Remove the flood hazard from within the boundaries of 3 Kinloch Esplanade. **Decision Reason** The TDC designated flood hazard risk area enters our property for technical mapping reasons rather than actual risk and as such the map should be tweaked to remove the designated hazard from our property. The designation as it stands binds us to various unnecessary notifications (and potential investigations) etc with respect to insurance companies.	03 Individual properties
6	OS3.1	Kemp, Richard On Behalf Of Kemp Family Trust	Flood Hazard Map	Seek Amendments	**Decision Sought** Amend the yellow flood hazard area on the lower terrace on 139 Taupahi Road, Turangi, as identified on the map attached to the submission, so it more accurately shows the division between the upper and lower terraces. Remove all of the area west of the dotted line (the hatched area) from the flood hazard area. **Decision Reason** The flood hazard area needs to be amended on the lower terrace, as shown on the plan, to reflect the two distinct terraces on the property.	03 Individual properties
8	OS5.1	Resident	Flood Hazard Map	Oppose	**Decision Sought** Remove the flood hazard designation from 203 Puanga Street, Tokaanu. **Decision Reason** The results of these scenarios, makes any type of categorising of property as being in a potential Flood Hazard Zone, impossible to accurately define as a result of a natural occurring event. The fact that there are man made structures that have an effect on river hydrology and excessively high lake levels is more of the reason that properties surrounding lake Taupo are prone to flooding. To surmise that categorising properties as being within a Flood Hazard Zone as a result of a natural event seems dubious unless controlled inflows and outflow are removed from the equation. Climate Change is inevitable, but we will not see its true effects because our waterways and lakes are controlled at will. The Councils decision has a real impact on property valuations and future development. To put property owners in a position where their properties may devalue based on your research of natural events occurring without emphasising how the effects of Hydro Development plays a major part to contributing to flooding in the Lake Taupo region. Without recognising these mechanisms, it is an unfair system of punishing landowners with devalued properties and the major power corporation's continuing to increase its value whilst the Regional and District Councils try to mitigate repercussions of damages to private property. The inclusion of our property in a Flood Hazard Zone, means that the restrictions placed on our property and its reduced attraction and valuation is unwarranted and based on conjecture with the exclusion of some major factors	03 Individual properties
8	FS25.4	Mercury	Flood Hazard Map	Oppose	OP 5.1 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission because it considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement.	03 Individual properties
9	OS6.1	Houpt, Tony	Flood Hazard Map	Oppose	**Decision Sought** Remove the flood hazard from 6 Kinloch Esplanade, Kinloch. Lower lake level, maximum height **Decision Reason** I believe assessment is incorrect for my property. If this is an issue the lake level should be lowered or removal of building height restriction	03 Individual properties
11	OS8.1	Abercrombie, Gilbert	Flood Hazard Map	Oppose	**Decision Sought** That Plan Change 34 is not implemented and the current flood hazard areas in the Taupo District remain unchanged. **Decision Reason** The proposed changes will •adversely impact on the properties valuation •significantly increase our insurance premiums or possibly prevent us from getting insurance cover altogether •prevent us from making any capital improvements to the property	03 Individual properties

11	FS25.5	Mercury	Flood Hazard Map	Oppose	OP 8.1 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission because it considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement.	03 Individual properties
13	OS9.2	Hapeta, Leonie	Flood Hazard Map	Not Stated	**Decision Sought** We do not want to limit our options for the future if we want to develop the property in future years. **Decision Reason** If we were to build in the front of our section – then this new build maybe impacted by a 'special' weather event. Under the section 32 report – page 40. As implied earlier, we would be categorised as low lying area.	03 Individual properties
28	OS11.1	Marbeck, Diana	Flood Hazard Map	Seek Amendments	**Decision Sought** Remove high flood hazard from 229 Taupahi Road, Turangi. Prepared to level ground to achieve this if necessary. **Decision Reason** Given that the river is more than one property distance behind my actual house (my property is large) , and the red zone is on the street side front lawn of my house, and a considerable distance from even the house behind, I'm more than a little puzzled at the logic in the need for the red zoned area to remain on my title. The fish pond was in existence when I purchased the property, and I would assume that the ground around it was sculpted down slightly to allow water to end up in the pond. I am not so attached to the pond that it cant be filled in and the lawn leveled if that's what it takes for the red zone to be removed from my property's title.	03 Individual properties
29	OS12.1	Clark, Erin	Flood Hazard Map	Oppose	**Decision Sought** That there will be no flood risk attributed to property owner in this area (105 Humu Street, Tokaanu). **Decision Reason** There is overwhelming evidence that there is no risk of flooding in Tokaanu other than situations other than outcomes created by man made authorised activities beyond the control of residents. The so called risk lies with Councils, not residents.	03 Individual properties
29	FS25.19	Mercury	Flood Hazard Map	Oppose	OP 12.1 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission because it considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement.	03 Individual properties
30	OS13.1	Grants Motels Ltd	Flood Hazard Map	Oppose	**Decision Sought** Council needs to be careful to NOT strip away existing owners property development rights. (24 Te Arahori Street, Turangi) **Decision Reason** Council must take into account that just because a site is low lying at present and potentially flood prone, such sites can always be built up with engineered fill and/or higher floor levels for future buildings which 100% mitigates the current perceived flood risk. More emphasis should be given to the provision of stop banks or water diversion schemes to prevent the spread of water to low and medium hazard areas in such an event. Also allowing water to divert to its lowest point and not be prevented from doing so by roads that are built higher than the ground and act as dams.	03 Individual properties
30	FS25.20	Mercury	Flood Hazard Map	Oppose	OP 13.1 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission on the basis that the use of engineered works (including but not limited to stop banks and diversion channels) as the only or primary risk treatment measure for flood hazard management does not accord with the directives of the Waikato Regional Policy Statement nor the Ministry for the Environment's guidance for local government in New Zealand. Modern best practice is to treat risk with a suite of measures and that engineering works should be used where other measures are impractical or ineffective on their own. In any event, PC 34 does not prevent engineered works being undertaken where deemed appropriate or necessary to supplement or replace other risk treatment measures.	03 Individual properties
71	OS16.13	Campbell, John & Bev	Flood Hazard Map	Not Stated	**Decision Sought** Remove flood hazard zoning from our property (168 Te Rangitautahanga Road, Turangi) **Decision Reason** There is no evidence on the maps, or in historical events, that a 1% AEP flood reached this property. The Proposed Change is not supported by empirical evidence from 1958 and 2004. The 1% AEP is based on limited and uncertain data and close to previous design figures.	03 Individual properties
75	OS17.3	Trustpower Ltd	Flood Hazard Map	Seek Amendments	**Decision Sought** Amend the PC34 planning maps so that the Hinemaiaia B Power Station tailrace is not covered by any flood risk area overlay. **Decision Reason** Trustpower sees no merit in classifying the tailrace at Hinemaiaia B power station as a flood risk area. All other areas which contain Hinemaiaia HEPS infrastructure, and all areas which contain Kuratau HEPS infrastructure are not classified as being a flood risk area and the same approach should be taken for the Hinemaiaia B Power Station tailrace.	03 Individual properties
7	OS4.1	Baker, Ross	Flood Hazard Map	Oppose	**Decision Sought** Seek another independent assessment to remove the flood hazard from 2 Piri Road, Turangi or we will be forced to resort to legal action to remove the flood hazard notification. **Decision Reason** The flood hazard assessment is incorrect as: •No adjoining property or property opposite 2 Piri Road or on Taupahi Road in this vicinity, which are all on the same level, has a flood hazard notation. •We have lived here with out any knowledge or signs of flood hazard •The motel has operated for over 50 years without a single insurance claim of complaint about flooding. •The lack of accuracy with the flood hazard report was clearly exposed when they included a swimming pool that had been filled in over ten years ago as high flood hazard.	03 Individual properties
56	OS15.21	Ngati Kurauia	Policy 3I.2.1 ii	Seek Amendments	**Decision Sought** Amendment to 31.2.1. Ngati Kurauia seeks an assurance from the Council that it will meet urgenntly with Ngati Kurauia representatives to discuss the issues and to agree a schedule of engagements for their resolution. **Decision Reason** The social, cultural, spiritual and economic interests and rights of Ngati Kurauia as tangata whenua and mana whenua of lands included in the Tokaanu Basin and Tongariro Delta, has not been adequately understood, comprehended and/or evaluated in context of the risks and hazards associated with flooding.	04 Consultation/iwi & hapu values
56	FS25.40	Mercury	Policy 3I.2.1 ii	Oppose	OP 15.21 **Decision Sought** Disallow **Decision Reason** It is unclear what relief is sought by the submitter in relation to PC 34 Objective, Policies and explanation. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34.	04 Consultation/iwi & hapu values
55	OS15.20	Ngati Kurauia	Objective 3I.2.2 Explanation	Seek Amendments	**Decision Sought** Amendment to 31.2.2 Explanation. Ngati Kurauia seeks an assurance from the Council that it will meet urgently with Ngati Kurauia representatives to discuss the issues and to agree a schedule of engagements for their resolution. **Decision Reason** The social, cultural, spiritual and economic interests and rights of Ngati Kurauia as tangata whenua and mana whenua of lands included in the Tokaanu Basin and Tongariro Delta, has not been adequately understood, comprehended and/or evaluated in context of the risks and hazards associated with flooding	04 Consultation/iwi & hapu values
55	FS25.39	Mercury	Objective 3I.2.2 Explanation	Oppose	OP 15.20 **Decision Sought** Disallow **Decision Reason** It is unclear what relief is sought by the submitter in relation to PC 34 Objective, Policies and explanation. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34.	04 Consultation/iwi & hapu values

53	OS15.18	Ngati Kurauia	Objective 3I.2.3	Oppose	**Decision Sought** Oppose Objective 31.2.3. Ngati Kurauia seeks an assurance from the Council that it will meet urgently with Ngati Kurauia representatives to discuss the issues and to agree a schedule of engagements for their resolution. **Decision Reason** The social, cultural, spiritual and economic interests and rights of Ngati Kurauia as tangata whenua and mana whenua of lands included in the Tokaanu Basin and Tongariro Delta, has not been adequately understood, comprehended and/or evaluated in context of the risks and hazards associated with flooding.	04 Consultation/iwi & hapu values
53	FS25.37	Mercury	Objective 3I.2.3	Oppose	OP 15.18 **Decision Sought** Disallow **Decision Reason** It is unclear what relief is sought by the submitter in relation to PC 34 Objective, Policies and explanation. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34.	04 Consultation/iwi & hapu values
54	OS15.19	Ngati Kurauia	Objective 3I.2.4	Seek Amendments	**Decision Sought** Amendment to objective 31.2.4. Ngati Kurauia seeks an assurance from the Council that it will meet urgently with Ngati Kurauia representatives to discuss the issues and to agree a schedule of engagements for their resolution. **Decision Reason** The social, cultural, spiritual and economic interests and rights of Ngati Kurauia as tangata whenua and mana whenua of lands included in the Tokaanu Basin and Tongariro Delta, has not been adequately understood, comprehended and/or evaluated in context of the risks and hazards associated with flooding.	04 Consultation/iwi & hapu values
54	FS25.38	Mercury	Objective 3I.2.4	Oppose	OP 15.19 **Decision Sought** Disallow **Decision Reason** It is unclear what relief is sought by the submitter in relation to PC 34 Objective, Policies and explanation. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34.	04 Consultation/iwi & hapu values
37	OS15.2	Ngati Kurauia	General	Not Stated	**Decision Sought** That Council assure and demonstrate to us that such an evaluation have particular regard for the purposes of the Resource Management Act 1991 (RMA) that pertain to Ngati Kurauia interests and circumstances. In particular we seek further evaluations in respect of the following provisions of the RMA are recognised and provided for: •Section 6(e), "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga", •Section 6(f) "the protection of historic heritage from inappropriate subdivision, use and development"; •Section 6(g) “the protection of protected customary rights” •Section 7(a) which requires that 'kaitiakitanga' be exercised •Section 8 which requires that the principles of the Treaty of Waitangi are taken into account. **Decision Reason** We note that Section 32 (s32) of the Resource Management Act 1991 (the Act) requires an evaluation of Plan Change 34. We await further information detailing the assessment of the appropriateness of Plan Change 34.	04 Consultation/iwi & hapu values
37	FS25.22	Mercury	General	Oppose	OP 15.2 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values
38	OS15.3	Ngati Kurauia	General	Not Stated	**Decision Sought** Ensure that the considerations and issues set out in paragraphs 2-7 of this submission are taken into consideration under any evaluation under section 6(h) of the RMA. **Decision Reason** We cannot accept that such an evaluation would be appropriate or credible without ensuring that the considerations and issues set out in paragraphs 2-7 of this submission.	04 Consultation/iwi & hapu values
38	FS25.23	Mercury	General	Oppose	OP 15.3 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values
39	OS15.4	Ngati Kurauia	General	Not Stated	**Decision Sought** That Council adopt a collaborative process with Ngati Kurauia hapu, whanau and land owners to develop objectives and policies for risk avoidance, mitigation and to identify tolerable levels of hazard risk. **Decision Reason** Ngati Kurauia objects to the requirement to give effect to the Waikato Regional Policy Statement on the grounds that we have not received any assurance that the RPS itself is aligned with Ngati Kurauia aspirations, values and interests.	04 Consultation/iwi & hapu values
39	FS25.24	Mercury	General	Oppose	OP 15.4 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values
40	OS15.5	Ngati Kurauia	General	Not Stated	**Decision Sought** That Council take an active consultation and collaboration role that includes the sharing of all information and more active involvement in the evaluation and impact assessment and innovations that may be relate to the issues relevant to Ngati Kurauia stakeholders. **Decision Reason** We consider that the total frequency, quality and level of engagement with affected Ngati Tuwharetoa stakeholders, for this whole scheme change process, has been inadequate and jeopardises the credibility and authenticity of the important kaupapa that is being addressed	04 Consultation/iwi & hapu values
40	FS25.25	Mercury	General	Oppose	OP 15.5 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values

41	OS15.6	Ngati Kurauia	General	Not Stated	**Decision Sought** Ensure that the objectives and the evaluation of the options in the Plan Change 34 have adequate regard to the goals and context of the Ngati Tuwharetoa Iwi Management Plan. **Decision Reason** Ngati Kurauia consider that Plan Change 34 does not have adequate regard to the goals and context of the Ngati Tuwharetoa Iwi Management Plan in either the objectives or the evaluation of the options.	04 Consultation/iwi & hapu values
41	FS25.26	Mercury	General	Oppose	OP 15.6 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values
43	OS15.8	Ngati Kurauia	General	Not Stated	**Decision Sought** We request Council to: a) Accurately identify and map the known flood risks in conjunction with values of Ngati Kurauia that are relevant to and consistent with Section 6 (e), (f) and (g) of the Act; b) Evaluate and report on the anticipated future effects from climate change and tectonic subsidence. A risk based approach is incorporated into the District Plan to reflect Part II of the Act; c) Undertake a wider analysis of resource management issues and risks relating to severe flooding affecting Ngati Kurauia stakeholders, properties, taonga and their economic, social and cultural well-being. d) Extend the flood risk and hazard strategy to account for a wider range of matters than Section 6 (h) of the Act. We request that Council extend the Plan Change to include a significantly wider range of matters pertaining to Part II of the Act as noted above as all these matters are actually or potentially and significantly impacted upon in the event of a serious flood hazard. **Decision Reason** We point out that while a Section 6 (h) focus is absolutely warranted, but request that, in addition, consideration is given to the affect that flood hazards have on tangata whenua values and interests.	04 Consultation/iwi & hapu values
43	FS25.27	Mercury	General	Oppose	OP 15.8 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values
44	OS15.9	Ngati Kurauia	General	Not Stated	**Decision Sought** We request that Council comprehensively evaluates the benefits and costs of environmental, economic, social and cultural effects as they relate specifically to Ngati Kurauia hapu, whanau and land owner values. **Decision Reason** There appears to be insufficient information to enable decision-makers to develop sound understanding of the impact of this Plan Change on Ngati Kurauia hapu, whanau, landowners and to advise on its relevance to their cultural, social, economic and environmental interests. For whatever reasons, there does not appear to be any clear method chosen for evaluating the effects of these options on tangata whenua especially for the production of clear, transparent and consistent results.	04 Consultation/iwi & hapu values
44	FS25.28	Mercury	General	Oppose	OP 15.9 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values
48	OS15.13	Ngati Kurauia	General	Not Stated	**Decision Sought** To receive clarity on what “to have a two-step engagement process” really means. Ngati Kurauia, therefore, request that Council engage in a more informative manner with residents and land owners in the Tokaanu Basin. **Decision Reason** We do not accept that sufficient time nor did Council provide the inputs or convey adequate information on this important project to enable it to be understood by those who are at risk of and are actually and potentially impacted by flooding. The failure to provide this creates an additional risk to residents and landowners.	04 Consultation/iwi & hapu values
50	OS15.15	Ngati Kurauia	General	Not Stated	**Decision Sought** That development induced incursions and the failure to implement effective mitigation on any of these incursions, be urgently addressed as the future projected likelihood is that Ngati Kurauia may be displaced from their ancestral lands and taonga. **Decision Reason** The next flood may well be the tipping point for this undesirable and unacceptable scenario and Ngati Kurauia may be displaced from their ancestral lands and taonga.	04 Consultation/iwi & hapu values
50	FS25.31	Mercury	General	Oppose	OP 15.15 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values
51	OS15.16	Ngati Kurauia	General	Not Stated	**Decision Sought** That Council urgently address this issue ("the effects of flooding on waahi tapu, historical occupation, geothermal taonga and fertile soils used for extensive gardening, have never been addressed following serious flooding incidents") and provide an urgent, fair and equitable solution. Ngati Kurauia request that Council seriously consider the following: a) That the owners of Maori lands that are utilized to provide a public good or service to the community or nation (such as flood mitigation, prevention, risk reduction) be rewarded by a form of dispensation and/or reward that fairly and equitably recognizes the contribution of the land and/or its loss of productive capacity or opportunity cost. b) That the cultural, spiritual, environmental and social values of the land impacted by the risk and hazard associated with flooding be seriously and transparently considered by the Council through direct engagement with Ngati Kurauia. **Decision Reason** We consider that under these circumstances the notion that “any loss of development potential is considered to be outweighed by the risk of developing in these flood prone areas” – is inequitable and insensitive to the disproportionate amount of Maori land utilised in the flood mitigation and protection and the indefinite period that this land will continue to be adversely affected by foregoing development purposes. Furthermore, the effects of flooding on waahi tapu, historical occupation, geothermal taonga and fertile soils used for extensive gardening, have never been addressed following serious flooding incidents.	04 Consultation/iwi & hapu values

51	FS25.32	Mercury	General	Oppose	OP 15.16 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values
52	OS15.17	Ngati Kurauia	General	Not Stated	**Decision Sought** Request that an informative and constructive process of consultation be convened directly with Council to determine the "Degree of impact on, or interest from iwi/Maori". Ngati Kurauia propose that the agenda for this engagement include: a) The mutual establishment of a clear understanding of flood hazard risks and impacts on Ngati Kurauia and their values and taonga. b) Develop innovative and effective measures to urgently address the potential and actual impacts on Ngati Kurauia hapu, whanau, land owners and property owners **Decision Reason** To determine the degree of impact on and interest from iwi/Maori.	04 Consultation/iwi & hapu values
52	FS25.33	Mercury	General	Oppose	OP 15.17 **Decision Sought** Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34	04 Consultation/iwi & hapu values
57	OS15.22	Ngati Kurauia	General	Oppose	**Decision Sought** Council to consider our circumstances and the risks that confront us in addressing these flood hazards. We request that Council to engage with us to find viable solutions and mitigate the risks not only to our future buildings but more importantly to the mauri (life essence) of Ngati Kurauia. For this reason we request that Council assess and evaluate these matters seriously in its consideration of the "effects of natural hazards on people, property and the environment" and in the considerations for achieving the goals of "increasing community resilience to hazard risks, reducing natural hazard risks to acceptable or tolerable levels and ensuring that there is effective and efficient response and recovery from a natural hazard event". **Decision Reason** These matters are of the utmost urgency to us.	04 Consultation/iwi & hapu values
57	FS25.34	Mercury	General	Oppose	OP 15.22 **Decision Sought** : Disallow **Decision Reason** Mercury considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. Mercury supports TDC working collaboratively with Ngati Kurauia. However, it is unclear what specific relief is sought by Ngati Kurauia in relation to PC 34 beyond identifying more clearly the extent of the mapped flood hazard on its whenua and taonga. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34.	04 Consultation/iwi & hapu values
100	OS18.11	Mercury	Objective 3I.2.4	Seek Amendments	**Decision Sought** Amend Objective 3I.2.4 to read: Buildings and infrastructure are located and designed to ensure continued operation and to avoid structural damage **to themselves and other infrastructure and property** during a flood event with an annual exceedance probability of 1% **or less.** **Decision Reason** Mercury supports the intent of the objective but considers that it should be amended to clarify what the "structural damage" requirement relates to. Locating and designing to ensure continuity of function is clear. However, the damage criterion should be expanded to make it clearer that the new structures shall not result in adverse effects on themselves and other parties' (such as Mercury's) structures, infrastructure and property. It would also be prudent to ensure the objective makes it clear that the requirement to locate and design buildings in a manner such that they continue to operate and are not damaged by flooding, or cause damage, also pertains to larger flood events (with a lesser AEP than 1%).	05 Infrastructure
100	FS24.3	Trustpower Limited	Objective 3I.2.4	Support	OP 18.11 **Decision Sought** Allow **Decision Reason** Trustpower has no concerns with the additional wording being inserted into the policy as proposed by the submitter.	05 Infrastructure
100	FS26.5	Transpower	Objective 3I.2.4	Support	OP 18.11 **Decision Sought** Allow **Decision Reason** The amendments to the objective recognise that buildings and infrastructure in flood hazard areas can have adverse effects on the environment.	05 Infrastructure
87	OS17.15	Trustpower Ltd	Policy 3I.2.3 ii	Support	**Decision Sought** Retain Policy 3I.2.3(ii) as notified **Decision Reason** The specific exemptions for infrastructure in policies which direct activities and buildings to be avoided in high flood hazard areas (Policy 3I.2.3(ii)/Policy 3I.2.4(i))	05 Infrastructure
87	FS26.3	Transpower	Policy 3I.2.3 ii	Support	OP 17.15 **Decision Sought** Allow **Decision Reason** Transpower supports retention of this policy excluding infrastructure which is addressed under Objective 3I.2.4 and associated policies.	05 Infrastructure
80	OS17.8	Trustpower Ltd	Policy 3I.2.3 iii	Seek Amendments	**Decision Sought** Amend Policy 3I.2.3 (iii) so it does not apply to buildings associated with hydro electricity generation activities as follows: *iii. Control the design of new buildings and minor additions, that are not for hydro electricity generation activities, in low and medium flood hazard areas to keep people safe.* **Decision Reason** These policies direct that the design of buildings is to be controlled in high, medium and low flood hazard areas. In the context of achieving Objective 3I.2.4, there is no reason for the Taupo District Plan to include controls on the design buildings associated with hydro electricity generation schemes, and it is not efficient or effective to do so. The proposed infrastructure rules in 4e.9.16 recognise this and do not require resource consents for these activities. These policies should be amended so they do also. Trustpower acknowledges that, in order to achieve Objective 3I.2.3, there may be reasons why it is effective and efficient for the Taupo District Council to control the design of buildings associated with other infrastructure in flood hazard areas. For this reason, Trustpower's submission only seeks a specific exemption for buildings associated with hydro electricity generation schemes.	05 Infrastructure

81	OS17.9	Trustpower Ltd	Policy 3I.2.3 iv	Seek Amendments	**Decision Sought** Amend Policy 3I.2.3 (iv) so they do not apply to buildings associated with hydro electricity generation activities as follows: *iv. Control the design of minor additions to existing buildings, that are not for hydro electricity generation activities, in high flood hazard areas. This acknowledges the existing investment on the site but recognises the overriding need to keep people safe.* Or any similar amendment with like effect in order to give effect to the submission by Trustpower. **Decision Reason** These policies direct that the design of buildings is to be controlled in high, medium and low flood hazard areas. In the context of achieving Objective 3I.2.4, there is no reason for the Taupo District Plan to include controls on the design buildings associated with hydro electricity generation schemes, and it is not efficient or effective to do so. The proposed infrastructure rules in 4e.9.16 recognise this and do not require resource consents for these activities. These policies should be amended so they do also. Trustpower acknowledges that, in order to achieve Objective 3I.2.3, there may be reasons why it is effective and efficient for the Taupo District Council to control the design of buildings associated with other infrastructure in flood hazard areas. For this reason, Trustpower's submission only seeks a specific exemption for buildings associated with hydro electricity generation schemes.	05 Infrastructure
82	OS17.10	Trustpower Ltd	Policy 3I.2.3 v	Seek Amendments	**Decision Sought** Amend Policy 3I.2.3 (v) so it does do not apply to buildings associated with hydro electricity generation activities as follows: *v. Control the design of major additions to existing buildings, that are not for hydro electricity generation activities, in low and medium flood hazard areas. This acknowledges the existing investment on the site but recognises the overriding need to keep people safe.* Or any similar amendment with like effect in order to give effect to the submission by Trustpower. **Decision Reason** These policies direct that the design of buildings is to be controlled in high, medium and low flood hazard areas. In the context of achieving Objective 3I.2.4, there is no reason for the Taupo District Plan to include controls on the design buildings associated with hydro electricity generation schemes, and it is not efficient or effective to do so. The proposed infrastructure rules in 4e.9.16 recognise this and do not require resource consents for these activities. These policies should be amended so they do also. Trustpower acknowledges that, in order to achieve Objective 3I.2.3, there may be reasons why it is effective and efficient for the Taupo District Council to control the design of buildings associated with other infrastructure in flood hazard areas. For this reason, Trustpower's submission only seeks a specific exemption for buildings associated with hydro electricity generation schemes.	05 Infrastructure
88	OS17.16	Trustpower Ltd	Policy 3I.2.4 i	Support	**Decision Sought** Retain Policy 3I.2.4(i) as notified **Decision Reason** The specific exemptions for infrastructure in policies which direct activities and buildings to be avoided in high flood hazard areas (Policy 3I.2.3(ii)/Policy 3I.2.4(i))	05 Infrastructure
89	OS17.17	Trustpower Ltd	Policy 3I.2.4 ii	Seek Amendments	**Decision Sought** Amend Policy 3I.2.4(ii) so these provisions do not apply to buildings associated with hydro electricity generation activities. **Decision Reason** These provisions should not apply to buildings associated with hydro electricity generation activities.	05 Infrastructure
102	OS18.13	Mercury	Policy 3I.2.4 ii	Seek Amendments	**Decision Sought** Amend Policy 3I.2.4 (ii) to read: Control the **location and** design of new buildings and major additions to existing buildings in low and medium flood hazard areas to avoid structural damage **to themselves and other infrastructure and property** during ~~significant flood events~~ **a flood event with an annual exceedance probability of 1% or less**. **Decision Reason** Mercury supports the intent of the policy but considers that it should be amended to clarify that where topographic and cadastral features provide an opportunity to site a new building and major addition to an existing building either outside of the flood hazard area, or in a lesser flood hazard risk area, then this should be undertaken. There are likely to be instances where it is possible to reduce the consequences of inundation (and thereby the risk) to buildings by siting them further away from the hazard. This accords with best practice and the Waikato Regional Policy Statement requirements. As above, Mercury considers clarification should be provided as to what the "structural damage" requirement relates to. Locating and designing to ensure continuity of function is clear. However, the damage criterion should be expanded to make it clearer that the new structures shall not result in adverse effects on themselves and other parties' (such as Mercury's) structures, infrastructure and property. Further, the policy should be amended to address the current ambiguity surrounding what constitutes a "significant flood event". As the 1% AEP flood event is specified in the supporting objective, it would be sensible to be consistent in the policy.	05 Infrastructure
84	OS17.12	Trustpower Ltd	Policy 3I.2.4 iv	Seek Amendments	**Decision Sought** Amend Policy 3I.2.4(iv), as follows (or relief to like effect to give effect to the submission point): *(iv) Provide for, infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure , that is not vulnerable to flood risk or has a functional requirement to be in a flood hazard area.* **Decision Reason** Trustpower supports Policy 3I.2.4(iv) providing different policy direction for infrastructure based on whether it is vulnerable to flood risk and/or has a functional need ne not officially define what type of infrastructure falls into each classification. However, to ensure PC34 clearly defines that hydro electricity generation activities and buildings are covered by Policy 3I.2.4(iv), Trustpower seeks: •An additional comma be added to Policy 3I.2.4(iv) so it is clear the last part of the policy does not just apply to "subdivision for infrastructure"; •A new definition of "Infrastructure not vulnerable to flood risk or that has a functional requirement to be in a flood hazard area". Rule 4e.9.16 which identifies which infrastructure activities do, and do not, require resource consent in flood hazard areas would seem to implement Policy 3I.2.4(iv) and (v) and provides a good basis for the new definition. The proposed definition contains the phrase "includes, but is not limited to" so it is clear that the listed items are included, but that the list is not exhaustive.	05 Infrastructure
84	FS25.52	Mercury	Policy 3I.2.4 iv	Oppose	OP 17.12 **Decision Sought** Disallow **Decision Reason** Mercury's primary submission sought changes to Policy 3I.2.4 iv. and 3I.2.4 v. as well as removing the need to define 'infrastructure not vulnerable to flood risk'. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34.	05 Infrastructure
103	OS18.14	Mercury	Policy 3I.2.4 iv	Seek Amendments	**Decision Sought** Amend Policy 3I.2.4 (iv) to read: Provide for, infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure that ~~is not vulnerable to flood risk~~ **will not be functionally compromised or result in adverse effects on other infrastructure (and buildings that enclose that infrastructure) as a result of flooding** or has a functional requirement to be in a flood hazard area. **Decision Reason** Mercury supports the intent of the policy but considers that it should be amended. The way the policy is currently drafted is incorrect and confusing in terms of terminology and technical concepts. Infrastructure cannot be vulnerable to flood risk. Risk is a combination of likelihood and consequence; while vulnerability (in this context) is the extent to which the infrastructure is likely to experience harm from the flood hazard. Further, Policy 3I.2.4 (v) could be deleted altogether and one policy developed which encompasses both scenarios of circumstances where it is appropriate and inappropriate to provide for infrastructure, buildings and subdivision in a flood hazard area.	05 Infrastructure

103	FS24.4	Trustpower Limited	Policy 3I.2.4 iv	Support	OP 18.14 **Decision Sought** Allow **Decision Reason** Trustpower supports this submission point as it is seeking to achieve a similar outcome to that being sought by Trustpower	05 Infrastructure
103	FS26.6	Transpower	Policy 3I.2.4 iv	Support	OP 18.14 **Decision Sought** Allow **Decision Reason** Transpower supports the relief in principle as it recognises that development can result in external effects when it occurs in flood hazard areas.	05 Infrastructure
85	OS17.13	Trustpower Ltd	Policy 3I.2.4 v	Seek Amendments	**Decision Sought** Amend Policy 3I.2.4(v), as follows (or relief to like effect to give effect to the submission point): *(v) Avoid infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure, that is* *not provided for in (iv)* ~~*vulnerable to flood risk*~~ *in a flood hazard area.* **Decision Reason** Trustpower supports Policy 3I.2.4 (v) providing different policy direction for infrastructure based on whether it is vulnerable to flood risk and/or has a functional need ne not officially define what type of infrastructure falls into each classification. However, to ensure PC34 clearly defines that Policy 3I.2.4(v) does not apply to hydro electricity generation activities and buildings Trustpower seeks: •Changes to the wording of Policy 3I.2.4(v); and •A new definition of "Infrastructure not vulnerable to flood risk or that has a functional requirement to be in a flood hazard area". Rule 4e.9.16 which identifies which infrastructure activities do, and do not, require resource consent in flood hazard areas would seem to implement Policy 3I.2.4(iv) and (v) and provides a good basis for the new definition. The proposed definition contains the phrase "includes, but is not limited to" so it is clear that the listed items are included, but that the list is not exhaustive.	05 Infrastructure
85	FS25.53	Mercury	Policy 3I.2.4 v	Oppose	OP 17.13 **Decision Sought** Disallow **Decision Reason** Mercury's primary submission sought changes to Policy 3I.2.4 iv. and 3I.2.4 v. as well as removing the need to define 'infrastructure not vulnerable to flood risk'. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34.	05 Infrastructure
104	OS18.15	Mercury	Policy 3I.2.4 v	Oppose	**Decision Sought** Delete Policy 3I.2.4 (v) by addressing the subject matter in Policy 3I.2.4 (iv): ~~Avoid infrastructure (and buildings that enclose that infrastructure), and subdivision for infrastructure, that is vulnerable to flood risk in a flood hazard area.~~ **Decision Reason** Mercury supports the intent of the policy but considers that it should be amended. The way the policy is currently drafted is incorrect and confusing in terms of terminology and technical concepts. Infrastructure cannot be vulnerable to flood risk. Risk is a combination of likelihood and consequence; while vulnerability (in this context) is the extent to which the infrastructure is likely to experience harm from the flood hazard. Further, Policy 3I.2.4 (v) could be deleted altogether and one policy developed which encompasses both scenarios of circumstances where it is appropriate and inappropriate to provide for infrastructure, buildings and subdivision in a flood hazard area.	05 Infrastructure
104	FS24.5	Trustpower Limited	Policy 3I.2.4 v	Support	OP 18.15 **Decision Sought** Allow **Decision Reason** Trustpower supports this submission point as it is seeking to achieve a similar outcome to that being sought by Trustpower	05 Infrastructure
104	FS26.7	Transpower	Policy 3I.2.4 v	Support	OP 18.15 **Decision Sought** Allow **Decision Reason** The policy wording to "avoid" infrastructure (which includes the National Grid) does not give effect to the National Policy Statement on Electricity Transmission and is more appropriately addressed in Policy 3I.2.4(iv), as promoted by the submitter.	05 Infrastructure
74	OS17.2	Trustpower Ltd	4e District Wide Rules	Support	**Decision Sought** Retain the District Wide Rules in 4e.9 but include the following new definition of "hydro electricity generation activities" so it is clear what activities are covered by Rule 4e.9.16 (or relief to like effect to give effect to the submission point). ***Hydro electricity generation activities*** *means the construction, operation, maintenance and upgrade of structures associated with hydro electricity generation.* **Decision Reason** Trustpower supports the proposed District Wide Rules on the basis that: •They would not require resource consents for hydro electricity generation activities and buildings that enclose them in any flood hazard area; and •The restricted discretionary activity status attributed subdivision providing for infrastructure in high flood hazard areas by Rule 4e.9.15, and the associated matters of discretion, provide an appropriate planning framework for that activity	05 Infrastructure
74	FS25.48	Mercury	4e District Wide Rules	Oppose	OP 17.2 **Decision Sought** Disallow **Decision Reason** Mercury supports the use of definitions where they provide clarity to the District Plan. In this instance, the definition is opposed as there are a number of 'electricity generation' related terms already in use in the Plan (including in existing rules) but are not specifically defined in the Plan. This includes 'hydro electric generation structures', 'hydro electric power scheme', 'hydro electric power developments', 'hydro electric power station', and 'electricity generation facilities'. Adding a further electricity generation related term and corresponding definition in the District Plan only adds confusion for related terms already in use and may have unintended consequences. This matter should be addressed as part of the wider District Plan review that the Council will be undertaking.	05 Infrastructure
164	OS22.12	Transpower	4e District Wide Rules	Seek Amendments	**Decision Sought** Add following text beneath heading "4e.9 Flood Hazard Area": "EXEMPTION: Rules 4e.9.1-4e.9.8 do not apply to infrastructure." **Decision Reason** It is also considered unnecessary to repeat the statement within each rule when it applies in each case. Instead a blanket statement is proposed above the rules to specify this, mirroring the approach used in the rules for subdivision.	05 Infrastructure
164	FS25.76	Mercury	4e District Wide Rules	Support	OP 22.12 **Decision Sought** Allow **Decision Reason** Given the important and essential role that infrastructure plays in the District, including in flood hazard area, Mercury supports the exemption for infrastructure provided in some of the PC 34 provisions and rules. The relief sought by Transpower for a single exemption applying across multiple rules (Rule 4e.9.1 to 4e.9.8) is a clearer way to address the matter and is supported.	05 Infrastructure
156	OS22.4	Transpower	Rule 4e.9.1	Seek Amendments	**Decision Sought** Delete the following text from rule 4e.9.1: "(excluding those associated with infrastructure)" **Decision Reason** It is also considered unnecessary to repeat the statement within each rule when it applies in each case. Instead a blanket statement is proposed above the rules to specify this, mirroring the approach used in the rules for subdivision.	05 Infrastructure

156	FS25.68	Mercury	Rule 4e.9.1	Support	OP 22.4 **Decision Sought** Allow **Decision Reason** Given the important and essential role that infrastructure plays in the District, including in flood hazard area, Mercury supports the exemption for infrastructure provided in some of the PC 34 provisions and rules. The relief sought by Transpower for a single exemption applying across multiple rules (Rule 4e.9.1 to 4e.9.8) is a clearer way to address the matter and is supported.	05 Infrastructure
157	OS22.5	Transpower	Rule 4e.9.2	Seek Amendments	**Decision Sought** Delete the following text from rule 4e.9.2: "(excluding those associated with infrastructure)" **Decision Reason** It is also considered unnecessary to repeat the statement within each rule when it applies in each case. Instead a blanket statement is proposed above the rules to specify this, mirroring the approach used in the rules for subdivision.	05 Infrastructure
157	FS25.69	Mercury	Rule 4e.9.2	Support	OP 22.5 **Decision Sought** Allow **Decision Reason** Given the important and essential role that infrastructure plays in the District, including in flood hazard area, Mercury supports the exemption for infrastructure provided in some of the PC 34 provisions and rules. The relief sought by Transpower for a single exemption applying across multiple rules (Rule 4e.9.1 to 4e.9.8) is a clearer way to address the matter and is supported.	05 Infrastructure
158	OS22.6	Transpower	Rule 4e.9.3	Seek Amendments	**Decision Sought** Delete the following text from rule 4e.9.3: "(excluding those associated with infrastructure)" **Decision Reason** It is also considered unnecessary to repeat the statement within each rule when it applies in each case. Instead a blanket statement is proposed above the rules to specify this, mirroring the approach used in the rules for subdivision.	05 Infrastructure
158	FS25.70	Mercury	Rule 4e.9.3	Support	OP 22.6 **Decision Sought** Allow **Decision Reason** Given the important and essential role that infrastructure plays in the District, including in flood hazard area, Mercury supports the exemption for infrastructure provided in some of the PC 34 provisions and rules. The relief sought by Transpower for a single exemption applying across multiple rules (Rule 4e.9.1 to 4e.9.8) is a clearer way to address the matter and is supported.	05 Infrastructure
159	OS22.7	Transpower	Rule 4e.9.4	Seek Amendments	**Decision Sought** Delete the following text from rule 4e.9.4: "(excluding those associated with infrastructure)" **Decision Reason** It is also considered unnecessary to repeat the statement within each rule when it applies in each case. Instead a blanket statement is proposed above the rules to specify this, mirroring the approach used in the rules for subdivision.	05 Infrastructure
159	FS25.71	Mercury	Rule 4e.9.4	Support	OP 22.7 **Decision Sought** Allow **Decision Reason** Given the important and essential role that infrastructure plays in the District, including in flood hazard area, Mercury supports the exemption for infrastructure provided in some of the PC 34 provisions and rules. The relief sought by Transpower for a single exemption applying across multiple rules (Rule 4e.9.1 to 4e.9.8) is a clearer way to address the matter and is supported.	05 Infrastructure
160	OS22.8	Transpower	Rule 4e.9.5	Seek Amendments	**Decision Sought** Delete the following text from rule 4e.9.5: "(excluding those associated with infrastructure)" **Decision Reason** It is also considered unnecessary to repeat the statement within each rule when it applies in each case. Instead a blanket statement is proposed above the rules to specify this, mirroring the approach used in the rules for subdivision.	05 Infrastructure
160	FS25.72	Mercury	Rule 4e.9.5	Support	OP 22.8 **Decision Sought** Allow **Decision Reason** Given the important and essential role that infrastructure plays in the District, including in flood hazard area, Mercury supports the exemption for infrastructure provided in some of the PC 34 provisions and rules. The relief sought by Transpower for a single exemption applying across multiple rules (Rule 4e.9.1 to 4e.9.8) is a clearer way to address the matter and is supported.	05 Infrastructure
86	OS17.14	Trustpower Ltd	Rule 4e.9.6	Support	**Decision Sought** Retain Rule 4e.9.6 **Decision Reason** Trustpower supports Rule 4e.9.6 which makes any maintenance or upgrading of existing, or the construction of new hydro electricity generation activities and buildings that enclose them, a permitted activity in any flood hazard area.	05 Infrastructure
161	OS22.9	Transpower	Rule 4e.9.6	Seek Amendments	**Decision Sought** Delete the following text from rule 4e.9.6: "(excluding those associated with infrastructure)" **Decision Reason** It is also considered unnecessary to repeat the statement within each rule when it applies in each case. Instead a blanket statement is proposed above the rules to specify this, mirroring the approach used in the rules for subdivision.	05 Infrastructure
161	FS25.73	Mercury	Rule 4e.9.6	Support	OP 22.9 **Decision Sought** Allow **Decision Reason** Given the important and essential role that infrastructure plays in the District, including in flood hazard area, Mercury supports the exemption for infrastructure provided in some of the PC 34 provisions and rules. The relief sought by Transpower for a single exemption applying across multiple rules (Rule 4e.9.1 to 4e.9.8) is a clearer way to address the matter and is supported.	05 Infrastructure
162	OS22.10	Transpower	Rule 4e.9.7	Seek Amendments	**Decision Sought** Delete the following text from rule 4e.9.7: "(excluding those associated with infrastructure)" **Decision Reason** It is also considered unnecessary to repeat the statement within each rule when it applies in each case. Instead a blanket statement is proposed above the rules to specify this, mirroring the approach used in the rules for subdivision.	05 Infrastructure
162	FS25.74	Mercury	Rule 4e.9.7	Support	OP 22.10 **Decision Sought** Allow **Decision Reason** Given the important and essential role that infrastructure plays in the District, including in flood hazard area, Mercury supports the exemption for infrastructure provided in some of the PC 34 provisions and rules. The relief sought by Transpower for a single exemption applying across multiple rules (Rule 4e.9.1 to 4e.9.8) is a clearer way to address the matter and is supported.	05 Infrastructure

163	OS22.11	Transpower	Rule 4e.9.8	Seek Amendments	**Decision Sought** Delete the following text from rule 4e.9.8: "(excluding those associated with infrastructure)" **Decision Reason** It is also considered unnecessary to repeat the statement within each rule when it applies in each case. Instead a blanket statement is proposed above the rules to specify this, mirroring the approach used in the rules for subdivision.	05 Infrastructure
163	FS25.75	Mercury	Rule 4e.9.8	Support	OP 22.11 **Decision Sought** Allow **Decision Reason** Given the important and essential role that infrastructure plays in the District, including in flood hazard area, Mercury supports the exemption for infrastructure provided in some of the PC 34 provisions and rules. The relief sought by Transpower for a single exemption applying across multiple rules (Rule 4e.9.1 to 4e.9.8) is a clearer way to address the matter and is supported.	05 Infrastructure
165	OS22.13	Transpower	Rule 4e.9.13	Support	**Decision Sought** Retain rule 4e.9.13 **Decision Reason** The rule recognises the particular requirements of subdivision for infrastructure as distinct from other forms of subdivision within high flood hazard areas.	05 Infrastructure
166	OS22.14	Transpower	Rule 4e.9.14	Support	**Decision Sought** Retain rule 4e.9.14 **Decision Reason** The rule recognises the particular requirements of subdivision for infrastructure as distinct from other forms of subdivision within high flood hazard areas.	05 Infrastructure
97	OS18.8	Mercury	Rule 4e.9.15	Support	**Decision Sought** Retain Rule 4e.9.15 in the same or similar form. **Decision Reason** Mercury considers that the Proposed Plan Change adopts a pragmatic approach to dealing with infrastructure within flood hazard areas. This recognises that infrastructure may have a functional or operational need to be located in such areas, and in some cases the infrastructure may provide flood hazard mitigation. The rules applying to infrastructure within flood hazard areas, specifically Rules 4e.9.15 to 4e.9.18, are supported by Objective 3l.2.4 and Policy 3l.2.4 (iv), and should be retained.	05 Infrastructure
97	FS24.18	Trustpower Limited	Rule 4e.9.15	Support	OP 18.8 **Decision Sought** Allow **Decision Reason** Support as it aligns with Trustpower's submission that these rules are retained as notified.	05 Infrastructure
167	OS22.15	Transpower	Rule 4e.9.15	Support	**Decision Sought** Retain rule 4e.9.15 **Decision Reason** The rule recognises the particular requirements of subdivision for infrastructure as distinct from other forms of subdivision within high flood hazard areas.	05 Infrastructure
3	OS2.1	Unison Networks Limited	Rule 4e.9.16	Seek Amendments	**Decision Sought** Amend rule 4e.9.16 to include the following underlined additions: '4e.9.16 Any operation, maintenance, replacement or upgrading of existing, or construction of new:' **Decision Reason** This reflects the range of activities that Electricity Distribution Businesses would undertake in relation to these assets.	05 Infrastructure
3	FS24.7	Trustpower Limited	Rule 4e.9.16	Support	OP 2.1 **Decision Sought** Allow **Decision Reason** Trustpower has no concerns with the additional wording being inserted into the policy as proposed by the submitter.	05 Infrastructure
3	FS25.1	Mercury	Rule 4e.9.16	Support	OP 2.1 **Decision Sought** Allow **Decision Reason** The proposed rules would be more encompassing by including the operation and replacement, as well as maintenance and upgrading elements associated with infrastructure. This is consistent with existing rules in the District Plan.	05 Infrastructure
10	OS7.1	Kinloch Marina Ltd	Rule 4e.9.16	Support	**Decision Sought** Retain rule 4e.9.16 **Decision Reason** These rules provide for the maintenance or upgrading of existing or the construction of new marina facilities and buildings that enclose them as a permitted activity. This enables Kinloch Marina Ltd to undertake its operational and maintenance activities without having to require resource consent for undertaking works within a flood hazard area.	05 Infrastructure
32	OS14.1	Spark Trading New Zealand Limited	Rule 4e.9.16	Support	**Decision Sought** Retain rule 4e.9.16 **Decision Reason** Support the provisions	05 Infrastructure
35	OS14.4	Spark Trading New Zealand Limited	Rule 4e.9.16	Support	**Decision Sought** The statement regarding the NESTF 2016, before rule 4e.9.16, be amended to make it clear that it only applies to facility operators as defined in the NESTF 2016. **Decision Reason** The provisions of NESTF 2016 only apply to facility operators as defined in the NESTF 2016.	05 Infrastructure
154	OS22.2	Transpower	Rule 4e.9.16	Support	**Decision Sought** Retain the note under rule 4e.9.16 that states "For rule 4e.9.16 electricity transmission activities mean part of the national grid of transmission lines and cables (aerial, underground and undersea, including the high-voltage direct current link), stations and sub-stations and other works used to connect grid injection points and grid exit points to convey electricity throughout the North and South Islands of New Zealand." **Decision Reason** Transpower supports this note in absence of a definition within the District Plan for the same, and note that it is consistent with the definition of "electricity transmission" in the Waikato Regional Policy Statement (and the NPSET).	05 Infrastructure
154	FS24.6	Trustpower Limited	Rule 4e.9.16	Support	OP 22.2 **Decision Sought** Allow **Decision Reason** Support as it aligns with Trustpower's submission that these rules are retained as notified	05 Infrastructure
168	OS22.16	Transpower	Rule 4e.9.16	Support	**Decision Sought** Retain rule 4e.9.16 **Decision Reason** Rule 4e.9.16 permits any maintenance, upgrading of existing and construction of new electricity transmission activities (the National Grid) in any flood hazard area, which gives effect to the objective of the National Policy Statement on Electricity Transmission (NPSET), to "facilitate the operation, maintenance, and upgrade of the existing transmission network and the establishment of new transmission resources…"	05 Infrastructure
4	OS2.2	Unison Networks Limited	Rule 4e.9.17	Seek Amendments	**Decision Sought** Amend rule 4e.9.17 to include the following underlined additions: 4e.9.17 Any operation, maintenance, replacement, or minor upgrading of existing above ground infrastructure (and buildings that enclose them), in any flood hazard area is a **permitted activity.** **Decision Reason** This reflects the range of activities that Electricity Distribution Businesses would undertake in relation to these assets.	05 Infrastructure

4	FS25.2	Mercury	Rule 4e.9.17	Support	OP 2.2 **Decision Sought** Allow **Decision Reason** The proposed rules would be more encompassing by including the operation and replacement, as well as maintenance and upgrading elements associated with infrastructure. This is consistent with existing rules in the District Plan.	05 Infrastructure
4	FS26.1	Transpower	Rule 4e.9.17	Support	OP 2.2 **Decision Sought** Allow **Decision Reason** To provide certainty for infrastructure providers, the permitted activity rule should include operation and replacement of existing above ground infrastructure.	05 Infrastructure
5	OS2.3	Unison Networks Limited	Rule 4e.9.17	Oppose	**Decision Sought** That the definition of 'minor upgrading' for rule 4e.9.17 be replaced with the definition that is currently used in rule 4e.14.4 (District Wide Rules for Network Utilities). **Decision Reason** Minor upgrading activities may be necessary to provide an increase in carrying capacity, efficiency or security of electricity supply. Notably, increase in line voltage is excluded from the 4e.14.4 definition of 'minor upgrading', which would be consistent for flood hazard areas.	05 Infrastructure
5	FS25.3	Mercury	Rule 4e.9.17	Oppose	OP 2.3 **Decision Sought** Disallow **Decision Reason** The proposed rule applies to all above ground infrastructure so it is important that any corresponding definition (for minor upgrading) has broad applicability to all infrastructure rather than being limited to network utilities.	05 Infrastructure
5	FS26.2	Transpower	Rule 4e.9.17	Support	OP 2.3 **Decision Sought** Allow **Decision Reason** Reliance on the existing definition in Rule 4e.14.4 would provide certainty and clarity to plan users	05 Infrastructure
33	OS14.2	Spark Trading New Zealand Limited	Rule 4e.9.17	Support	**Decision Sought** Retain rule 4e.9.17 **Decision Reason** Support the rule.	05 Infrastructure
98	OS18.9	Mercury	Rule 4e.9.17	Support	**Decision Sought** Retain Rule 4e.9.17 in the same or similar form. **Decision Reason** Mercury considers that the Proposed Plan Change adopts a pragmatic approach to dealing with infrastructure within flood hazard areas. This recognises that infrastructure may have a functional or operational need to be located in such areas, and in some cases the infrastructure may provide flood hazard mitigation. The rules applying to infrastructure within flood hazard areas, specifically Rules 4e.9.15 to 4e.9.18, are supported by Objective 3I.2.4 and Policy 3I.2.4 (iv), and should be retained.	05 Infrastructure
98	FS24.19	Trustpower Limited	Rule 4e.9.17	Support	OP 18.9 **Decision Sought** Allow **Decision Reason** Support as it aligns with Trustpower's submission that these rules are retained as notified.	05 Infrastructure
34	OS14.3	Spark Trading New Zealand Limited	Rule 4e.9.18	Support	**Decision Sought** Retain rule 4e.9.18 including the restricted discretionary status and matters of discretion. **Decision Reason** Support the rule as the restricted discretionary status and matters of discretion were considered to be appropriate.	05 Infrastructure
91	OS18.2	Mercury	Rule 4e.9.18	Support	**Decision Sought** Retain Rule 4e.9.18 in the same or similar form. **Decision Reason** Mercury considers that the Proposed Plan Change adopts a pragmatic approach to dealing with infrastructure within flood hazard areas. This recognises that infrastructure may have a functional or operational need to be located in such areas, and in some cases the infrastructure may provide flood hazard mitigation. The rules applying to infrastructure within flood hazard areas, specifically Rules 4e.9.15 to 4e.9.18, are supported by Objective 3I.2.4 and Policy 3I.2.4 (iv), and should be retained.	05 Infrastructure
91	FS24.16	Trustpower Limited	Rule 4e.9.18	Support	OP 18.2 **Decision Sought** Allow **Decision Reason** Support as it aligns with Trustpower's submission that these rules are retained as notified.	05 Infrastructure
155	OS22.3	Transpower	Rule 4e.9.18	Seek Amendments	**Decision Sought** Amend rule 4e.9.18 as follows: Any new above ground infrastructure (and buildings that enclose them), in any flood hazard area, that ~~does~~ is not **permitted by** ~~comply with~~ rule 4e.9.16 is a restricted discretionary activity with the matters of discretion restricted to:... **Decision Reason** Rule 4e.9.16 is conveyed as a list of permitted activities, with no listed performance standards. For the purpose of Rule 4e.9.18 it is considered clearer to state that the rule applies to activities that are not specifically permitted by the earlier rule, rather than to infer the requirement to comply with a standard when none apply.	05 Infrastructure
78	OS17.6	Trustpower Ltd	General	Seek Amendments	**Decision Sought** That PC34 be made operative but amended with either: •A specific exemption which states its provisions do not apply to *hydro electricity generation activities*, and inclusion of the following new definition. ***Hydro electricity generation activities*** *means the construction, operation, maintenance and upgrade of structures associated with hydro electricity generation* OR •The amendments requested in the submission **Decision Reason** Trustpower supports PC34 as notified but seeks it not contain planning intervention for hydro electricity generation activities in flood hazard areas.	05 Infrastructure
78	FS25.49	Mercury	General	Oppose	OP 17.6 **Decision Sought** Disallow **Decision Reason** Mercury supports the use of definitions where they provide clarity to the District Plan. In this instance, the definition is opposed as there are a number of 'electricity generation' related terms already in use in the Plan (including in existing rules) but are not specifically defined in the Plan. This includes 'hydro electric generation structures', 'hydro electric power scheme', 'hydro electric power developments', 'hydro electric power station', and 'electricity generation facilities'. Adding a further electricity generation related term and corresponding definition in the District Plan only adds confusion for related terms already in use and may have unintended consequences. This matter should be addressed as part of the wider District Plan review that the Council will be undertaking.	05 Infrastructure
96	OS18.7	Mercury	Rule 4e.9.16	Support	**Decision Sought** Retain Rule 4e.9.16 in the same or similar form. **Decision Reason** Mercury considers that the Proposed Plan Change adopts a pragmatic approach to dealing with infrastructure within flood hazard areas. This recognises that infrastructure may have a functional or operational need to be located in such areas, and in some cases the infrastructure may provide flood hazard mitigation. The rules applying to infrastructure within flood hazard areas, specifically Rules 4e.9.15 to 4e.9.18, are supported by Objective 3I.2.4 and Policy 3I.2.4 (iv), and should be retained.	05 Infrastructure
96	FS24.17	Trustpower Limited	Rule 4e.9.16	Support	OP 18.7 **Decision Sought** Allow **Decision Reason** Support as it aligns with Trustpower's submission that these rules are retained as notified.	05 Infrastructure

153	OS22.1	Transpower	Rule 4e.9.16	Seek Amendments	**Decision Sought** Delete the statement "The provisions of the National Environmental Standards for Telecommunication Facilities prevail over the following Infrastructure rules" before rule 4e.9.16 and replace it with a clearer statement of intent for the purpose of these rules. **Decision Reason** The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 would not specifically apply to a number of the activities listed in Rule 4e.9.16-4e.9.18 (such as the National Grid), therefore it should be deleted and replaced with a clearer statement of intent for the purpose of these rules.	05 Infrastructure
31	OS13.2	Grants Motels Ltd	General	Oppose	**Decision Sought** More emphasis should be given to the provision of stop banks or water diversion schemes to prevent the spread of water to low and medium hazard areas in such an event. Also allowing water to divert to its lowest point and not be prevented from doing so by roads that are built higher than the ground and act as dams. **Decision Reason** Council must consider that just because a site is low lying at present and potentially flood prone, such sites can always be built up with engineered fill and/or higher floor levels for future buildings which 100% mitigates the current percieved flood risk. Council needs to be care not to strip away existing owner's property development rights just because a GIS model shows potential for flooding. We refer particulary to Medium and Low Hazard Areas as identified by this Plan Change.	06 Physical protection
31	FS25.21	Mercury	General	Oppose	OP 13.2 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission on the basis that the use of engineered works (including but not limited to stop banks and diversion channels) as the only or primary risk treatment measure for flood hazard management does not accord with the directives of the Waikato Regional Policy Statement nor the Ministry for the Environment's guidance for local government in New Zealand. Modern best practice is to treat risk with a suite of measures and that engineering works should be used where other measures are impractical or ineffective on their own. In any event, PC 34 does not prevent engineered works being undertaken where deemed appropriate or necessary to supplement or replace other risk treatment measures.	06 Physical protection
61	OS16.3	Campbell, John & Bev	General	Not Stated	**Decision Sought** Placing of a small stopbank in this area (near the Flight property in the Hirangi Road area) is the most urgently needed action of both Council's and no amount of District Plan changes will protect anything while this remains neglected. **Decision Reason** If WRC and TDC are serious about Flood Hazard, they must complete the small stop bank necessary on Hirangi Road near the Flight residence. This was part of the total flood protection works necessary to protect Turangi, and in particular the Hirangi Road rural and Turangi WWTP areas, yet is uncompleted.	06 Physical protection
64	OS16.6	Campbell, John & Bev	General	Not Stated	**Decision Sought** TDC surpluses could easily be used complete the needed and some additional stopbank works and protect the property interests of the property owners in Turangi. This would be much more preferable than this bureaucratic planning nonsense we are being subjected to in Planni Change 34. **Decision Reason** TDC have demonstrated in its Annual Plan 2016/17 report that it has surplus operational funds of $9,300,000 that it should have used to address maintenance issues and could elect to spend on minor capital works to achieve the objectives of the planning change without imposing Flood Hazard controls on our property.	06 Physical protection
64	FS25.43	Mercury	General	Oppose	OP 16.6 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission because it considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. It is also recognized that the District Plan is not the only tool that should be used to manage flood risks and PC 34 does not prevent engineered works being undertaken where deemed appropriate or necessary to supplement or replace other risk treatment measures	06 Physical protection
66	OS16.8	Campbell, John & Bev	General	Not Stated	**Decision Sought** Periodic removal of gravels and sediments may need consideration to ensure the bed of the river does not aggrade. **Decision Reason** The volcanic eruptions of the 1998-2002 period and subsequent deposition of ash sediments into the headwaters of the Tongariro River catchment had more significant effects on the Tongariro River than any other natural event. Heavy rainfalls after that period mobilised and flushed this material, yet the river coped in 2004. The river channel work by WRC since 2004 has increased the river's ability to cope with floods.	06 Physical protection
67	OS16.9	Campbell, John & Bev	General	Not Stated	**Decision Sought** Complete the stopbank on Hirangi Road by closing the low spot. **Decision Reason** The Flood Hazard Map Plan change does nothing to remove, reduce or mitigate flood risk to existing occupied properties nor does it advance the safety of Turangi residents. There are much more productive actions that TDC can, and should, be taking as 'a priori' to reduce flood risk that will negate the need for a District Plan change - such as placing new stopbanks and topping up existing ones.	06 Physical protection
70	OS16.12	Campbell, John & Bev	General	Not Stated	**Decision Sought** The real need is physical works such as stop-banking along the Kohineheke-Cresent Reserve, Turangi. No planning encumbrances should be placed on our properties. **Decision Reason** The Flood Hazard Map Plan change does nothing to remove, reduce or mitigate flood risk to existing occupied properties nor does it advance the safety of Turangi residents. There are much more productive actions that TDC can, and should, be taking as 'a priori' to reduce flood risk that will negate the need for a District Plan change - such as placing new stopbanks and topping up existing ones.	06 Physical protection
70	FS25.44	Mercury	General	Oppose	OP 16.12 **Decision Sought** Disallow **Decision Reason** Mercury opposes the submission because it considers that PC 34 adopts a risk-based approach that aims to provide new and strengthened provisions within the District Plan to manage the effects from flood hazards on people, property and infrastructure, and is required to give effect to the Waikato Regional Policy Statement. It is also recognized that the District Plan is not the only tool that should be used to manage flood risks and PC 34 does not prevent engineered works being undertaken where deemed appropriate or necessary to supplement or replace other risk treatment measures	06 Physical protection
62	*OS16.4*	Campbell, John & Bev	General	Not Stated	**Decision Sought** WRC and TDC must increase its local flood response procedures so that stormwater outfall flap valves are accessible, regularly maintained, and checked they can close when high rainfall events warnings are received. **Decision Reason** Regular and timely maintenance of the stormwater outlets is a key flood hazard reduction measure.	06 Physical protection
15	OS10.2	Waikato Regional Council	Rule 4e.9.1	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
15	FS25.6	Mercury	Rule 4e.9.1	Support	OP 10.2 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings

16	OS10.3	Waikato Regional Council	Rule 4e.9.2	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
16	FS25.7	Mercury	Rule 4e.9.2	Support	OP 10.3 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
17	OS10.4	Waikato Regional Council	Rule 4e.9.3	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
17	FS25.8	Mercury	Rule 4e.9.3	Support	OP 10.4 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
18	OS10.5	Waikato Regional Council	Rule 4e.9.4	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
18	FS25.9	Mercury	Rule 4e.9.4	Support	OP 10.5 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
19	OS10.6	Waikato Regional Council	Rule 4e.9.5	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
19	FS25.10	Mercury	Rule 4e.9.5	Support	OP 10.6 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
20	OS10.7	Waikato Regional Council	Rule 4e.9.6	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
20	FS25.11	Mercury	Rule 4e.9.6	Support	OP 10.7 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
21	OS10.8	Waikato Regional Council	Rule 4e.9.7	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
21	FS25.12	Mercury	Rule 4e.9.7	Support	OP 10.8 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
22	OS10.9	Waikato Regional Council	Rule 4e.9.8	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
22	FS25.13	Mercury	Rule 4e.9.8	Support	OP 10.9 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
23	OS10.10	Waikato Regional Council	Rule 4e.9.9	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
23	FS25.14	Mercury	Rule 4e.9.9	Support	OP 10.10 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
24	OS10.11	Waikato Regional Council	Rule 4e.9.10	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
24	FS25.15	Mercury	Rule 4e.9.10	Support	OP 10.11 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
25	OS10.12	Waikato Regional Council	Rule 4e.9.11	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are managed. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings

25	FS25.16	Mercury	Rule 4e.9.11	Support	OP 10.12 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
26	OS10.13	Waikato Regional Council	Rule 4e.9.12	Seek Amendments	**Decision Sought** Amend PPC34 to clarify how activities and buildings are manged. **Decision Reason** It is unclear if assembly care activities, community care activities and emergency service activities include the establishment of the building as part of the activity or if the rules for new buildings and additions address the building aspect of an activity.	07 Activities/buildings
26	FS25.17	Mercury	Rule 4e.9.12	Support	OP 10.13 **Decision Sought** Allow **Decision Reason** Mercury supports the submission is it will provide clarity in relation to managing building and managing activities in flood hazard areas.	07 Activities/buildings
27	OS10.14	Waikato Regional Council	Existing Rule 4e.9.1	Seek Amendments	**Decision Sought** Amend PPC34 to ensure that hazardous substances/ hazardous facilities are appropriately located, designed and managed in relation to flood hazard areas. **Decision Reason** From the above analysis, it appears that the District Plan does not address the location and management of hazardous facilities within Flood Hazard Areas. In addition, there is no explanation or analysis in the Section 32 Report to indicate why provisions relating to hazardous substances in Flood Hazard Areas are not included in PPC34. WRPS Method 4.2.9 allocates the responsibilities related to the use of land for the prevention or mitigation of any adverse effect of the storage, use, disposal or transportation of hazardous substances. Territorial authorities are responsible for developing objectives, policies and rules for land other than that within the coastal marine area and the beds of lakes and rivers. WRPS Policy 13.2 requires that subdivision, use and development are managed to reduce the risks from natural hazards to an acceptable or tolerable level. Method 13.2.5 requires that regional and district plans ensure that use and development in high risk flood hazard zones is appropriate. Method 13.2.6a)vi) requires that regional and district plans ensure that subdivision, use and development can only occur in a floodplain with an annual exceedance probability of 1% (where the floodplain does not match the definition of being a high risk flood zone) area where any hazardous substance stored as part of the development, or during the construction, or found on or near to the site, will not create a hazard.	08 Hazardous substances
27	FS25.18	Mercury	Existing Rule 4e.9.1	Support	OP 10.14 **Decision Sought** Allow **Decision Reason** Mercury supports the submission as it is considered good environmental practice to locate hazardous substances and hazardous facilities away from flood hazard areas to avoid the risk of hazardous spills and associated contamination entering waterbodies.	08 Hazardous substances
114	OS19.10	Federated Farmers of New Zealand	Policy 3I.2.3 ii	Seek Amendments	**Decision Sought** Amend Policy ii by adding the text underlined as set out below: POLICIES ii. Avoid locating new buildings (excluding those associated with infrastructure and uninhabited farm buildings) and major additions to existing building (excluding those associated with infrastructure and uninhabited farm buildings) in high flood hazard areas due to the risk to people's lives from flood waters and building debris. **Decision Reason** FFNZ submits that keeping people safe from flooding is the paramount consideration. Objective 3I.2.3 is specifically about keeping people (not buildings) safe. Some buildings like dwellings and offices may require control for the protection of people in a flood event because of the high probability that people are in these buildings. However, uninhabited farm buildings like sheds seldom have people in them and this is even more unlikely in a flood event. These buildings also do not have the fixtures and accessories found in other buildings like tables, chairs and ornaments so there is minimal chance of debris coming from these buildings that may harm people. Accordingly, uninhabited farm buildings are a negligible risk to the lives of people in a flood event and ought to be excluded from the policies relating to safety of people in a flood event.	09 Uninhabited farm buildings
114	FS24.13	Trustpower Limited	Policy 3I.2.3 ii	Neutral	OP 19.10 **Decision Sought** Allow **Decision Reason** Trustpower has no concerns with the additional wording being inserted into the policy as proposed by the submitter.	09 Uninhabited farm buildings
124	OS19.20	Federated Farmers of New Zealand	Policy 3I.2.4 i	Support	**Decision Sought** Amend Policies 3I.2.4 i by adding the text underlined as follows: i. Avoid locating new buildings (excluding those associated with infrastructure and uninhabited farm buildings) and major additions to existing buildings (excluding those associated with infrastructure and uninhabited farm buildings) in high flood hazard areas given the likelihood of structural damage. **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	09 Uninhabited farm buildings
124	FS24.12	Trustpower Limited	Policy 3I.2.4 i	Neutral	OP 19.20 **Decision Sought** Allow **Decision Reason** Trustpower has no concerns with the additional wording being inserted into the policy as proposed by the submitter.	09 Uninhabited farm buildings

129	OS19.25	Federated Farmers of New Zealand	Rule 4e.9.1	Seek Amendments	**Decision Sought** Amend rule for new buildings, 4e.9.1, by adding the text underlined as follows: **New Buildings** 4e.9.1 Any new building (excluding those associated with infrastructure and uninhabited farm buildings) in a low or medium flood hazard area is a **permitted activity** provided the floor level is 300mm above the identified maximum flood level. **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	09 Uninhabited farm buildings
130	OS19.26	Federated Farmers of New Zealand	Rule 4e.9.2	Seek Amendments	**Decision Sought** Amend District wide rule for new buildings, 4e.9.2 by adding the text underlined as follows: **New Buildings** 4e.9.2 Any new building (excluding those associated with infrastructure and uninhabited farm buildings) in a low or medium flood hazard area which does not comply with the standard in rule 4e.9.1 is a **restricted discretionaryactivity**, with Council's discretion being restricted to: a. The degree to which building, structural or design work to be undertaken can avoid the effects of the flood hazard. b. The nature of the activity, its intended uses including whether the use is temporary or permanent and the degree to which people are put at risk as a result of the activity. **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	09 Uninhabited farm buildings
131	OS19.27	Federated Farmers of New Zealand	Rule 4e.9.3	Seek Amendments	**Decision Sought** Amend District wide rules for new buildings,4e.9.3 by adding the text underlined as follows: **New Buildings** 4e.9.3 Any new building (excluding those associated with infrastructure and uninhabited farm buildings) in a high flood hazard area is a **non-complying activity**. **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	09 Uninhabited farm buildings

132	OS19.28	Federated Farmers of New Zealand	Rule 4e.9.4	Seek Amendments	**Decision Sought** Amend District wide rule for Major Additions, rule 4e.9.4 as follows: **Major Additions** 4e.9.4 Any major addition to an existing building (excluding those associated with infrastructure and uninhabited farm buildings) in a low or medium flood hazard area is a permitted activity provided the floor level of the addition is 300mm above the identified maximum flood level. **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	09 Uninhabited farm buildings
133	OS19.29	Federated Farmers of New Zealand	Rule 4e.9.5	Seek Amendments	**Decision Sought** Amend District wide rule for Major Additions, rule 4e.9.5 as follows: **Major Additions** 4e.9.5 Any major addition to an existing building (excluding those associated with infrastructure and uninhabited farm buildings) in a low or medium flood hazard area which does not comply with the standard in rule 4e.9.4 is a **restricted discretionary activity**, with Council's discretion being restricted to: a. The degree to which building, structural or design work to be undertaken can avoid or mitigate the effects of the flood hazard. b. The nature of the activity, its intended uses including whether the use is temporary or permanent and the degree to which people are put at risk as a result of the activity. **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	09 Uninhabited farm buildings
135	OS19.31	Federated Farmers of New Zealand	Rule 4e.9.7	Seek Amendments	**Decision Sought** Amend District wide rule for Minor Additions, rule 4e.9.7 as follows: **Minor Additions** 4e.9.7 One minor addition to an existing building at the date this rule becomes operative (excluding those associated with infrastructure and uninhabited farm buildings) in a low, medium or high flood hazard area is a **permitted activity** provided the floor level of the addition is not lower than the existing floor level. **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	09 Uninhabited farm buildings

136	OS19.32	Federated Farmers of New Zealand	Rule 4e.9.8	Seek Amendments	**Decision Sought** Amend District wide rule for Minor Additions, rules 4e.9.8 as follows: **Minor Additions** 4e.9.8 Any minor addition to an existing building (excluding those associated with infrastructure and uninhabited farm buildings) in a low, medium or high flood hazard area which does not comply with the standard in rule 4e.9.7 is a **restricted discretionary activity**, with Council's discretion being restricted to: a. The degree to which building, structural or design work to be undertaken can avoid or mitigate the effects of the flood hazard. b. The nature of the activity, its intended uses including whether the use is temporary or permanent and the degree to which people are put at risk as a result of the activity. **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	09 Uninhabited farm buildings
105	OS19.1	Federated Farmers of New Zealand	Section 10 Definitions	Seek Amendments	**Decision Sought** Add a new definition in the 10 Definitions as set out below: **Uninhabited farm buildings** – means a building or structure which primary purpose is to be used for farming activities or storage of farming equipment, machines, stock or plant and is not used by people to live in nor is it any structure used by people for accommodation, residence, as a dwelling or as an office. **Decision Reason** We consider it prudent to define uninhabited farm buildings to ensure that the above exceptions as submitted just capture sheds, barns, pump houses and the other structures intended.	09 Uninhabited farm buildings
134	OS19.30	Federated Farmers of New Zealand	Rule 4e.9.6	Seek Amendments	**Decision Sought** Amend District wide rule for Major Additions, rules 4e.9.6 as follows: **Major Additions** 4e.9.6 Any major addition to an existing building (excluding those associated with infrastructure and uninhabited farm buildings) in a high flood hazard area is a non-complying activity. **Decision Reason** Objective 3I.2.4 is about managing the continued operation of buildings and infrastructure and to avoid structural damage. **Operation during flood event** FFNZ does not consider that all buildings should be designed to be continuously used during a flood event. Not all buildings are used or needed in a flood event. FFNZ considers that uninhabited farm buildings are not used for essential infrastructure operations, communication centres, water treatment, emergencies or used to fulfill a role of importance to the local community or to society in general. These buildings do not have to continue to operate during a flood event. **Structure** Uninhabited farm buildings have to comply with the Building Code and its performance standards for structural integrity and durability of building elements. It is also required to be constructed in a way that protects people and other property from the adverse effects of surface water. Generally uninhabited farm buildings are not vulnerable to flooding and are structural very sound. This is because they do not require fixtures and other fittings that compromise the integrity of a structure. Uninhabited farm buildings like sheds have a low economic cost should the building fail. Accordingly uninhabited farm buildings do not require provisions to unsure they continue to operate during a flood event or extra regulations to manage their structural integrity. Such provisions would only add unnecessary costs to the farmer for seeming little or no benefit.	09 Uninhabited farm buildings
76	OS17.4	Trustpower Ltd	Section 10 Definitions	Seek Amendments	**Decision Sought** Include in Section 10 Definitions new definitions as follows: ***Infrastructure not vulnerable to flood risk or that has a functional requirement to be in a flood hazard area*** *- includes, but is not limited to:* *- Below ground infrastructure and buildings that enclose them.* *- Stormwater infrastructure and buildings that enclose them.* *- Roads.* *- Marina facilities and buildings that enclose them.* *- Hydro electricity generation activities and buildings that enclose them.* *- Electricity transmission activities.* ***Hydro electricity generation activities*** *means the construction, operation, maintenance and upgrade of structures associated with hydro electricity generation.* Or any similar amendment with like effect in order to give effect to the submission by Trustpower. **Decision Reason** Trustpower seeks new definitions to be inserted into the plan to aid in the interpretation of PC34 provisions	10 Definitions
76	FS25.50	Mercury	Section 10 Definitions	Oppose	OP 17.4 **Decision Sought** Disallow **Decision Reason** Mercury's primary submission sought changes to Policy 3I.2.4 iv. and 3I.2.4 v. that would remove the need to define 'infrastructure not vulnerable to flood risk'. For this reason, Mercury opposes the submission to ensure the relief Mercury has sought in its primary submission is reflected in Council's decision on PC 34. As noted above, a new definition for 'hydro electricity generation activities' is not supported.	10 Definitions
76	FS26.8	Transpower	Section 10 Definitions	Oppose	OP 17.4 **Decision Sought** Disallow **Decision Reason** It is more effective to rely upon the existing definition of "infrastructure" in the District Plan and to avoid any conflicts between the definition and the proposed rules.	10 Definitions

92	OS18.3	Mercury	Annual Exceedance Probability (AEP)	Seek Amendments	**Decision Sought** Amend in Section 10 Definitions the definition for 'Annual Exceedance Probability (AEP)' to read: *Annual Exceedance Probability (AEP) - means the* ***estimated*** *probability of* ~~*a certain design flood flow being equalled or exceeded*~~ ***an event occurring*** *in any* ***one*** *year* ~~*. A*~~ ***– for example, a*** *1% AEP* ***means an event that has an estimated probability of occurrence of 1 per cent*** ~~*design flood flow has a 1% or 1 in 100 chance of being equalled or exceeded in*~~ *any* ***one*** *year.* **Decision Reason** Mercury supports the inclusion of a definition of AEP but considers that the current definition requires amendment so that it is clear and aligns with the intent and specific purpose of the Proposed Plan Change. That is, for the purposes of the Proposed Plan Change, AEP should not be limited to just river flood flows but also water level (e.g. in Lake Taupo). The definition provided in the Waikato RPS should be used as it is sufficiently broad to cover both river and lake scenarios, and it is considered best practice for the District Plan to be consistent with the higher order RPS.	10 Definitions
92	FS26.4	Transpower	Annual Exceedance Probability (AEP)	Support	OP 18.3 **Decision Sought** Allow **Decision Reason** The revised definition is more easily understood	10 Definitions
12	OS9.1	Hapeta, Leonie	Flood Hazard Map	Not Stated	**Decision Sought** The Taupo District Council should where possible protect the tennis courts on Parehopu Street, Kuratau as it is a community asset. **Decision Reason** These tennis courts are community courts and should be protected – where possible – your bottom bullet point states – 'provide for infrastructure that is not vulnerable to flooding' – we feel it would be vulnerable.	11 Community/property value
59	OS16.1	Campbell, John & Bev	General	Not Stated	**Decision Sought** Any planning policy should recognise these issues (decline in population, loss of social diversity and devaluing residential capital values) and avoid any action that may exacerbate further devaluation of property values than is absolutely necessary and a last resort. **Decision Reason** The Turangi Town is an established urban area. Since 1980 the population has been shrinking from approx. 5500 to under 3000 now. It has lost its social diversity and today as a population dominated by young unemployed (mainly Maori) or senior citizens – and few in the middle. It is currently facing devaluing residential capital values (approx avg $147k).	11 Community/property value
73	OS17.1	Trustpower Ltd	3I.1 Introduction ii Flooding	Seek Amendments	**Decision Sought** Amend 3I.1(ii) as follows (or words to like effect to give effect to the submission point): *…Other waterbodies in the district can flood but have not been included in flood modelling and / or identified in the planning maps as flood hazard areas as they:* •Are spring fed so not as susceptible to flood flows, or •Have a small catchment area, or •Are located in areas where there are relatively few people, limited property at risk and outside future growth areas…. Or any similar amendment with like effect in order to give effect to the submission by Trustpower. **Decision Reason** A change to the introductory text is sought so that it clearly explains why some areas which can flood, have not been identified as flood hazard areas requiring a specific planning response to manage flood risk.	12 Minor changes
95	OS18.6	Mercury	3I Methods	Oppose	**Decision Sought** Include a new method under 3I.3: ***Council will update the flood hazard areas shown on the planning maps and corresponding policies and rules once it has a detailed understanding of the effects of wave activity on erosion and inundation of the foreshore and backshore of Taupo-nui-a-Tia. Until such time as this update process is complete, Council will engage with its communities located around the lake shoreline regarding the potential for wave activity to exacerbate erosion as well as the extent of the flood hazard areas shown on the planning maps. This engagement could include, but not be limited to, including information in Land Information Memoranda and having dedicated space on the Council's website regarding lake shoreline hazards.*** **Decision Reason** The effect of lake wave activity and set up on the landward extent of inundation has been deliberately excluded from the flood hazard maps and the policy framework of PC 34. Mercury generally supports this approach as it does not want to frustrate or delay the PC 34 Schedule 1 RMA process whilst TDC commissions more numerical modelling to address wave activity and set up effects on the foreshore and backshore environments around Taupo-nui-a-Tia. However, Mercury considers that the wave activity and set up issues still need to be recognised within PC 34, which relates to wave effects rather than the static water level of the lake. This will ensure community understanding and appreciation of flood and erosion hazards is achieved, buildings are not established within backshore areas which are likely to be affected by wave activity and overtopping in significant storm events. Mercury recognises that it will take time, possibly years, for TDC to secure funding through the Long Term Plan for further technical assessment regarding wave effects on erosion and inundation areas, commission and possibly peer review those assessments, and complete a Schedule 1 RMA process to incorporate new objectives, polices and methods in the District Plan that address wave activity and set up issues. For the above reasons, Mercury seeks that interim measures are incorporated into the Proposed Plan Change to address potential risks associated with lake wave activity. This should take the form of amending the existing Foreshore Protection Area ("FPA") provisions to encompass subdivision activity. This is because Rule 4e.2.1 already requires discretionary consent for buildings. Although not scientifically founded, the 20m FPA buffer could provide an area to accommodate erosion and inundation events for any future subdivision and development. It is acknowledged that PC 34 does not apply to the area downstream of Taupo Gates and therefore, the change sought to Rule 4e.2.1 should not apply to subdivision downstream of Taupo Gates. Also, it will need to be noted the FPA rule is additional to the subdivision and land use based rules set out under the "environments" sections of the Plan and will prevail over any conflicts with subdivisions rules in the underlying "environment". Mercury notes that Rule 4e2.1 does not appear to be supported by any policy. In the absence of supporting policies it is difficult for Plan users to understand what the rule is seeking to achieve in terms of outcomes. Mercury recommends that a new policy addressing wave activity within the FPA is an appropriate interim measure. Also a new policy acknowledging that the effects of flooding and wave activity can combine under certain weather event which would exacerbate the inundation and erosion issues. In addition, a new method should be inserted setting out the actions needed in order to better understand the risks associated with wave activity.	13 Extreme wave activity
99	OS18.10	Mercury	Section 4e.2	Oppose	**Decision Sought** Amended Rule 4e.2.1 to read: Any building on or above ground **or subdivision** within a Foreshore Protection Area**(excluding subdivision along the Waikato River downstream of Taupo Control Gates)** is a discretionary activity. …ASSESSMENT CRITERIA … d. The potential for flood inundation or erosion from the District's waterways and Lakes**,including wave activity on Lake Taupo.** **Note to Rule 4e.2.1: all subdivision activity within the Foreshore Protection Area (other than subdivision along the Waikato River downstream of Taupo Control Gates) shall be a discretionary activity and where there is a conflict between Rule 4e.2.1 and other subdivision related rules in the District Plan then Rule 4e.2.1 shall prevail.** **Decision Reason** The effect of lake wave activity and set up on the landward extent of inundation has been deliberately excluded from the flood hazard maps and the policy framework of PC 34. Mercury generally supports this approach as it does not want to frustrate or delay the PC 34 Schedule 1 RMA process whilst TDC commissions more numerical modelling to address wave activity and set up effects on the foreshore and backshore environments around Taupo-nui-a-Tia. However, Mercury considers that the wave activity and set up issues still need to be recognised within PC 34, which relates to wave effects rather than the static water level of the lake. This will ensure community understanding and appreciation of flood and erosion hazards is achieved, buildings are not established within backshore areas which are likely to be affected by wave activity and overtopping in significant storm events.	13 Extreme wave activity

93	OS18.4	Mercury	Section 4e.9	Oppose	**Decision Sought** Amend the Note for new subdivision rules 4e.9.13 to 4e.9.15 as follows: Note: refer to the underlying environment rules for subdivision in low and medium flood hazard areas. **Refer to Rule 4e.2.1 for subdivision within a Foreshore Protection Area (other than subdivision along the Waikato River downstream of Taupo Control Gates).** **Decision Reason** The effect of lake wave activity and set up on the landward extent of inundation has been deliberately excluded from the flood hazard maps and the policy framework of PC 34. Mercury generally supports this approach as it does not want to frustrate or delay the PC 34 Schedule 1 RMA process whilst TDC commissions more numerical modelling to address wave activity and set up effects on the foreshore and backshore environments around Taupo-nui-a-Tia. However, Mercury considers that the wave activity and set up issues still need to be recognised within PC 34, which relates to wave effects rather than the static water level of the lake. This will ensure community understanding and appreciation of flood and erosion hazards is achieved, buildings are not established within backshore areas which are likely to be affected by wave activity and overtopping in significant storm events. Mercury recognises that it will take time, possibly years, for TDC to secure funding through the Long Term Plan for further technical assessment regarding wave effects on erosion and inundation areas, commission and possibly peer review those assessments, and complete a Schedule 1 RMA process to incorporate new objectives, polices and methods in the District Plan that address wave activity and set up issues. For the above reasons, Mercury seeks that interim measures are incorporated into the Proposed Plan Change to address potential risks associated with lake wave activity. This should take the form of amending the existing Foreshore Protection Area ("FPA") provisions to encompass subdivision activity. This is because Rule 4e.2.1 already requires discretionary consent for buildings. Although not scientifically founded, the 20m FPA buffer could provide an area to accommodate erosion and inundation events for any future subdivision and development. It is acknowledged that PC 34 does not apply to the area downstream of Taupo Gates and therefore, the change sought to Rule 4e.2.1 should not apply to subdivision downstream of Taupo Gates. Also, it will need to be noted the FPA rule is additional to the subdivision and land use based rules set out under the "environments" sections of the Plan and will prevail over any conflicts with subdivisions rules in the underlying "environment". Mercury notes that Rule 4e2.1 does not appear to be supported by any policy. In the absence of supporting policies it is difficult for Plan users to understand what the rule is seeking to achieve in terms of outcomes. Mercury recommends that a new policy addressing wave activity within the FPA is an appropriate interim measure. Also a new policy acknowledging that the effects of flooding and wave activity can combine under certain weather event which would exacerbate the inundation and erosion issues. In addition, a new method should be inserted setting out the actions needed in order to better understand the risks associated with wave activity.	13 Extreme wave activity
47	OS15.12	Ngati Kurauia	General	Oppose	**Decision Sought** That Council carry out precise wave modelling to determine the actual dynamics and impact of wave activity. We request that work on the monitoring and modelling be carried out in the Tokaanu/Waihi Bay and Tongariro Delta areas. **Decision Reason** Ngati Kurauia are concerned with this matter and believe its impact is important. The dearth of information is a concern to us and we object to the exclusion of this matter. We request that work on the monitoring and modelling be carried out in the Tokaanu/Waihi Bay and Tongariro Delta areas.	13 Extreme wave activity
47	FS25.36	Mercury	General	Support	OP 15.12 **Decision Sought** Allow **Decision Reason** Mercury supports the submission and expects that TDC will initiate a technical assessment of the effect of lake wave activity and set up on the landward extent of inundation shown on the flood hazard maps associated with PC 34, and if consequential amendments are required to the policy framework of PC 34 then these will also be undertaken. Mercury has lodged submissions to the Taupo District Council's Long Term Plan seeking that funding is secured urgently to undertake the lake wave numerical modelling assessment.	13 Extreme wave activity
147	OS21.1	Lakes and Waterways Action Group	General	Seek Amendments	**Decision Sought** That Plan Change 34 clearly reference District Plan provisions on building or renovating within the 20 metre buffer zone. **Decision Reason** **W**e are aware of existing and future issues regarding the combined effects of lake/flood levels with wind and wave effects. We therefore support Mercury's recommendation to clearly reference and utilise the existing District Plan provisions regarding building or extending structures within the 20 metre buffer zone. i.e., building within that area is a discretionary activity with the assessment criteria making specific reference to erosion.	13 Extreme wave activity
148	OS21.2	Lakes and Waterways Action Group	General	Support	**Decision Sought** That further modelling of wave effects, including erosion and inundation, be carried out to better understand the risks, inclusive of the effects of climate change predictions **Decision Reason** LWAG understand that increased flood and erosion risks are expected through the effects of climate change.	13 Extreme wave activity
148	FS25.63	Mercury	General	Support	OP 21.2 **Decision Sought** Allow **Decision Reason** Mercury supports the submission as it considers that risk-based approaches to natural hazard management rely on accurate and up to date hazard assessments. On this basis, and as reflected in Mercury's primary submission, Mercury expects that TDC will initiate a technical assessment of the effect of lake wave activity and set up on the landward extent of inundation shown on the flood hazard maps associated with PC 34, and if consequential amendments are required to the policy framework of PC 34 then these will also be undertaken. Mercury has lodged submissions to the Taupo District Council's Long Term Plan seeking that funding is secured urgently to undertake the lake wave numerical modelling assessment.	13 Extreme wave activity
150	OS21.4	Lakes and Waterways Action Group	General	Support	**Decision Sought** Retain the prioritisation of the wave activity hazard and associated funding for modelling work being addressed through the Long Term Plan. **Decision Reason** Lakes and Waterways Action Group support Plan Change 34	13 Extreme wave activity
150	FS25.64	Mercury	General	Support	OP 21.4 **Decision Sought** Allow **Decision Reason** Mercury supports the submission as it considers that risk-based approaches to natural hazard management rely on accurate and up to date hazard assessments. On this basis, and as reflected in Mercury's primary submission, Mercury expects that TDC will initiate a technical assessment of the effect of lake wave activity and set up on the landward extent of inundation shown on the flood hazard maps associated with PC 34, and if consequential amendments are required to the policy framework of PC 34 then these will also be undertaken. Mercury has lodged submissions to the Taupo District Council's Long Term Plan seeking that funding is secured urgently to undertake the lake wave numerical modelling assessment.	13 Extreme wave activity

94	OS18.5	Mercury	3I.2 Objectives and Policies	Oppose	**Decision Sought** Include new policies under Chapter 3I Natural Hazards as follows: **To recognise and manage the potential risk of wave activity to subdivision and buildings around the shoreline of Lake Taupo, particularly for properties located within the Foreshore Protection Area as measured from the Nui-a-Tia boundary.** **To recognise that flood and wave activity around the shoreline of Lake Taupo can be caused by different processes, but their combination can exacerbate the consequence of inundation and erosion around the shoreline of Lake Taupo.** **Decision Reason** The effect of lake wave activity and set up on the landward extent of inundation has been deliberately excluded from the flood hazard maps and the policy framework of PC 34. Mercury generally supports this approach as it does not want to frustrate or delay the PC 34 Schedule 1 RMA process whilst TDC commissions more numerical modelling to address wave activity and set up effects on the foreshore and backshore environments around Taupo-nui-a-Tia. However, Mercury considers that the wave activity and set up issues still need to be recognised within PC 34, which relates to wave effects rather than the static water level of the lake. This will ensure community understanding and appreciation of flood and erosion hazards is achieved, buildings are not established within backshore areas which are likely to be affected by wave activity and overtopping in significant storm events. Mercury recognises that it will take time, possibly years, for TDC to secure funding through the Long Term Plan for further technical assessment regarding wave effects on erosion and inundation areas, commission and possibly peer review those assessments, and complete a Schedule 1 RMA process to incorporate new objectives, polices and methods in the District Plan that address wave activity and set up issues. For the above reasons, Mercury seeks that interim measures are incorporated into the Proposed Plan Change to address potential risks associated with lake wave activity. This should take the form of amending the existing Foreshore Protection Area ("FPA") provisions to encompass subdivision activity. This is because Rule 4e.2.1 already requires discretionary consent for buildings. Although not scientifically founded, the 20m FPA buffer could provide an area to accommodate erosion and inundation events for any future subdivision and development. It is acknowledged that PC 34 does not apply to the area downstream of Taupo Gates and therefore, the change sought to Rule 4e.2.1 should not apply to subdivision downstream of Taupo Gates. Also, it will need to be noted the FPA rule is additional to the subdivision and land use based rules set out under the "environments" sections of the Plan and will prevail over any conflicts with subdivisions rules in the underlying "environment". Mercury notes that Rule 4e2.1 does not appear to be supported by any policy. In the absence of supporting policies it is difficult for Plan users to understand what the rule is seeking to achieve in terms of outcomes. Mercury recommends that a new policy addressing wave activity within the FPA is an appropriate interim measure. Also a new policy acknowledging that the effects of flooding and wave activity can combine under certain weather event which would exacerbate the inundation and erosion issues. In addition, a new method should be inserted setting out the actions needed in order to better understand the risks associated with wave activity.	13 Extreme wave activity