

8. NATURAL HAZARDS

8.1 PURPOSE OF THE NATURAL HAZARDS PROVISIONS	3
8.2 Objectives and Policies for the Natural Hazards Provisions	3
8.3 PURPOSE OF THE COASTAL HAZARD EROSION PLAN AREA (CHEPA) AND COASTAL PROTECTION PLAN AREA.....	5
8.4 Activity Status Rules (CHEPA & Coastal Protection Plan Area)	8
8.5 Permitted Activity Rules	11
8.6 Restricted Discretionary Activity Rules	12
8.7 Non-Complying Activity Rules.....	14
8.8 Prohibited Activity Rules	15
8.9 PURPOSE OF THE FLOOD HAZARD PLAN AREA.....	16
8.10 Activity Status Rules (Flood Hazard Plan Area).....	17
8.11 Restricted Discretionary Activity Rules	18
APPENDIX 8A: INFORMATION REQUIREMENTS (WITHIN THE CHEPA).....	19
APPENDIX 8B: INFORMATION REQUIREMENTS (WITHIN THE FLOOD HAZARD PLAN AREA).....	20

8.1 PURPOSE OF THE NATURAL HAZARDS PROVISIONS

The City is located on land that is geologically sensitive and partly in a *coastal environment* which is hydrologically dynamic.

Natural hazards identified within *the City* environs include:

- a) Peat deposits and other highly compressible soils;
- b) Relic land slips and associated slip debris nodes;
- c) Stormwater secondary flow paths;
- d) Potential for sea-level rise, inundation and storm-induced wave action which can erode coastal dunes or inundate low-lying coastal and harbour margins.

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

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

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

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

8.2 Objectives and Policies for the Natural Hazards Provisions

8.2.1 General Objectives and Policies of the Natural Hazards Provisions

8.2.1.1 Objective - Avoidance of Natural Hazards

Subdivision, use and development are not adversely affected by natural hazards.

8.2.1.1.1 Policy - Avoidance of Natural Hazards

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

8.2.1.1.2 Policy - Functional Need to Undertake Subdivision, Use or Development

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

8.2.1.1.3 Policy - Reduction in Nett Vulnerability

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

8.2.1.2 Objective - Avoidance of Compressible and Liquefiable Soils

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

8.2.1.2.1 Policy - Avoidance of Compressible and Liquefiable Soils

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

8.2.1.3 Objective - Hazard Management - Avoidance of Areas of Land Instability

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

8.2.1.3.1 Policy - Avoidance of Areas of Land Instability

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

8.2.1.4 Objective - Protection of the Coastal Environment

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

8.2.1.4.1 Policy - Protection of the Coastal Environment

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

8.3 PURPOSE OF THE COASTAL HAZARD EROSION PLAN AREA (CHEPA) AND COASTAL PROTECTION PLAN AREA

8.3.1 Purpose of the Coastal Hazard Erosion Plan Area

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

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

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

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

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

8.3.2 Purpose of the Coastal Protection Plan Area

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

8.3.3 Objectives and Policies for Areas Subject to Coastal Erosion and Inundation

8.3.3.1 Objective - Avoidance of Coastal Erosion and Inundation Hazards

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

8.3.3.1.1 Policy - Effect of Climate Change

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

8.3.3.1.2 Policy - Dune Protection

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

8.3.3.1.3 Policy - Managing Erosion and Inundation Hazards

a) Existing *Buildings* and Activities:

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

b) New *Subdivision* or Use:

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

8.3.3.1.4 Policy - Building in the Coastal Hazard Erosion Plan Area (CHEPA)

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

8.3.3.1.5 Policy - Current Erosion Risk Zone (CERZ)

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

8.3.3.1.6 Policy - 50-Year and 100-Year Erosion Risk Zones

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

8.3.3.1.7 Policy - Retention of Volume of Sand Within the CHEPA

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

8.3.3.1.8 Policy - Review: Development and Use

By ensuring the location of *buildings*, *structures* and activities within the *CHEPA* are reviewed when the crest of the foredune, or the top of any dune scarp, recedes to a point within 8 metres or less to the nearest part of a *building* or activity to assess the risk erosion and inundation. *Buildings*, *structures* and activities may be required to be *practicably moved* or relocated to an *alternative building site* as a consequence of the review.

8.3.3.1.9 Policy - Subdivision

a) CERZ:

- i) By prohibiting *subdivision* on land wholly located within the CERZ;
- ii) By enabling *subdivision* to be undertaken on land partially located within the CERZ, where any new allotment created complies with *Policy 8.3.3.1.9 b)*.

b) 50-Year and 100-Year Erosion Risk Zones

By ensuring that only those allotments proposed to be created with an *alternative building site*, provided contiguous with and clear of the *CHEPA*, shall be approved.

8.3.3.1.10 Policy - Roads and Parking and Manoeuvring Areas

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

8.3.3.1.11 Policy - Utilities, Works, Services

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

8.3.3.1.12 Policy - Open Space

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

8.3.3.1.13 Policy - Coastal Protection Plan Area

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

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

8.4 Activity Status Rules (CHEPA & Coastal Protection Plan Area)

8.4.1 Activities Subject to Natural Hazards

All activities within the *CHEPA* and *Coastal Protection Plan Area* shall have the status identified in *Table 8.4A*. Symbols used in *Table 8.4A* have the meaning described in *Table 1B: Activity Status*.

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

Table 8.4A: Natural Hazards Activity Status (CHEPA and Coastal Protection Plan Area)

Use/Activity	Relevant Rule	CERZ	50-Year and 100-Year ERZ	Coastal Protection Plan Area
<i>Beach replenishment, nourishment and restoration.</i>	8.5	P	P	P
Clearance of vegetation.	-	P (Refer Rule 8.5)	P (Refer Rule 8.5)	NC (Refer Rule 8.7)
<i>Construction, erection and/or placement of minor structures and activities on private property.</i>		P (Refer Rule 8.5)	P (Refer Rule 8.5)	NC (Refer Rule 8.7)
Maintenance, replacement or alteration of existing structures and buildings inside the envelope and footprint of the existing structure or building.	8.5	P	P	P
<i>Construction, replacement, maintenance, development or enhancement of minor public recreational facilities and activities.</i>	-	P (Refer Rule 8.5)	P (Refer Rule 8.5)	NC (Refer Rule 8.7)
Surf life-saving activities and associated structures, excluding clubrooms and accommodation buildings.	-	P (Refer Rule 8.5)	P (Refer Rule 8.5)	NC (Refer Rule 8.7)

Use/Activity	Relevant Rule	CERZ	50-Year and 100-Year ERZ	Coastal Protection Plan Area
<p>The following activities that form part of a lawfully established <i>camping ground</i> that existed at the date of notification of <i>the Plan</i>:</p> <p>a) Tent and powered <i>sites</i> for campers and caravans; b) Kitset awnings and mobile annexes; c) Existing carparking and internal vehicle and pedestrian accessways.</p>	8.5	P	P	P
<p><i>Construction of new public recreational facilities and activities, structures, or extensions to existing public recreational facilities and activities.</i></p>	-	RD (Refer Rule 8.6)	RD (Refer Rule 8.6)	NC (Refer Rule 8.7)
<p>Erection of <i>structures</i> in the <i>Road Zone</i>.</p>	-	P (Refer Rule 8.5)	P (Refer Rule 8.5)	NC (Refer Rule 8.7)
<p>Maintenance to existing <i>network utilities</i>.</p>	8.5	P	P	P
<p>Additions to or the replacement of any lawfully established <i>building</i> or <i>structure</i> that is proposed to exceed the existing <i>building</i> or <i>structure</i> envelope or footprint.</p>	-	RD (Refer Rule 8.6)	RD (Refer Rule 8.6)	NC (Refer Rule 8.7)
<p><i>Construction of new independent dwelling units.</i></p>	-	Pr (Refer Rule 8.8)	RD (Refer Rule 8.6)	NC (Refer Rule 8.7)
<p>Disposal of domestic stormwater.</p>	-	NC (Refer Rule 8.7)	P (Refer Rule 8.5)	NC (Refer Rule 8.7)

Use/Activity	Relevant Rule	CERZ	50-Year and 100-Year ERZ	Coastal Protection Plan Area
Demolition of a <i>building</i> or <i>structure</i> .	8.6	RD	RD	RD
<i>Construction/erection of hard protection works</i> for the purpose of protecting land zoned Road.	8.6	RD	RD	RD
<i>Hard protection works</i> for the purpose of protecting: a) Private property; b) Land zoned Open Space.	8.8	Pr	Pr	Pr

8.5 Permitted Activity Rules

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

8.5.1 Compliance with the CHEPA Guidelines

All *buildings, structures* and activities shall comply with the *CHEPA* Guidelines.

8.5.2 Buildings, Structures and Activities to be designed by a Coastal Processes Engineer

All *buildings, structures* and activities shall be certified by a *Coastal Processes Engineer*, except where those *buildings, structures* and activities comply with *Rule 8.5.1 – Compliance with the CHEPA Guidelines*.

8.5.3 Clearance of Vegetation

Activities located outside of any *Open Space Zone* shall not result in the clearance of more than 30m² of vegetation in any 6-month period of any calendar year.

8.5.4 Replacement of an Existing Lawfully Established Building or Structure

Where a lawfully established *building* or *structure* is to be replaced, then the replacement *building* or *structure* shall be constructed within the same footprint and envelope formed by the existing *building* or *structure*.

8.5.5 Activities Undertaken Within the CHEPA

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

Note: For the purposes of Rule 8.5.5 – Activities Undertaken Within the CHEPA, reinstatement shall maintain the natural shape of the foredune by reference to the existing natural shape of the dune in the vicinity of the reinstatement. As a minimum, the volume of sand between the 100-year Erosion Risk Zone boundary and the toe of the foredune (per metre frontage) is not reduced to less than that existing prior to the commencement of the activity.

Note: For the purposes of Rule 8.5.5 – Activities Undertaken Within the CHEPA, activities involving the respreading of sand material on land zoned Open Space, held within public ownership, are required to provide written approval from the Chief Executive (or their delegate) to undertake the respreading works.

8.5.6 Rules in Other Sections of the Plan

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

- a) The provisions of the underlying Zone;
- b) The provisions of *Chapter 4 – General Rules*;
- c) The provisions of *Chapter 7 - Heritage*;
- d) The provision of *Chapter 8 - Natural Hazards*;
- e) The provisions of *Chapter 9 - Hazardous Substances and Contaminated Land*;
- f) The provisions of *Chapter 11 – Financial Contributions*;
- g) The provisions of *Chapter 12 - Subdivision, Infrastructure and Services, Section 12.16 - Infrastructure and Services*;
- h) The provisions of any Plan Area.

8.6 Restricted Discretionary Activity Rules

The following are Restricted Discretionary Activities:

- a) Any activity that does not comply with *Rule 8.5 - Permitted Activity Rules*;
- b) Any activity listed as Restricted Discretionary in *Table 8.4A*.

8.6.1 Notification

Applications made under *Rule 8.6 – Restricted Discretionary Activity Rules* need not be publicly notified or served on affected persons.

8.6.2 Restricted Discretionary Activity - Standards and Terms

Note: Any activity that does not comply with Rule 8.6.2 - Restricted Discretionary Activity - Standards and Terms shall be considered a Non-Complying Activity.

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

8.6.2.1 Activities Within the CHEPA

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

8.6.2.2 Additions to, or the Replacement of, any Lawfully Established Building or Structure within the CERZ

Additions to, or the replacement of, any existing lawfully established *building* or *structure* within the CERZ that does not exceed the *building* envelope or footprint of the existing *building* or *structure*, provided that:

- a) The activity complies with *Rule 8.6.2.1 – Activities within the CHEPA*;
- b) The additional *gross floor area (GFA)* at *ground level* does not exceed 20m² (as measured from the floor area existing at 25 June 2005);
- c) They project no further seaward than the existing external surfaces of the *building* or *structure*.

Note: Any activity that does not comply with Rule 8.6.2.2 b) or c) Additions to, or the Replacement of any Existing Building or Structure within the CERZ shall be considered a Prohibited Activity.

8.6.3 Restricted Discretionary Activities - Standards and Terms

All activities undertaken within the *CHEPA* shall include those matters in accordance with *Appendix 8A: Information Requirements (within the CHEPA)*.

8.6.4 Restricted Discretionary Activity - Matters of Discretion

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

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

- g) The requirement that *subdivision* (existing and new allotments) be provided with *alternative building sites*. Such requirements and any on-going conditions, such as those requiring periodic review, shall be registered on the certificate of title for the allotment(s) created by way of *consent notice*;
- h) The matters to which any report from a *Coastal Processes Engineer* is to have regard as set out in the information requirements in *Appendix 8A: Information Requirements (within the CHEPA)*;
- i) The provision for a review of conditions being required under section 128 of the *RMA*. This review would be initiated where defined hazard risk circumstances occur on the *site*, particularly:
 - i) When the crest of the foredune or the top of any dune scarp recedes to a point within 12 metres or less from the nearest part of the *building*;The review will enable the actual risk to be considered at that time, and appropriate mitigation measures implemented through changed consent conditions, should this be deemed necessary, including, but not limited to, requiring the relocation of any *building, structure* or other works to the *alternative building site* and/or further monitoring;
- j) *The requirement* that the removal or relocation of the *building* from the *site* to the *alternative building site* when the crest of the foredune or the top of any dune scarp recedes to a point within 8 metres or less from the nearest part of the *building*;
- k) Requiring that, on relocation, all materials used in constructing the *building*, including foundations, be removed from the *CHEPA* and that the *site* within the *CHEPA* be reinstated, to maintain the natural shape of the foredune by reference to the existing natural shape of the dune in the vicinity of the reinstatement works. As a minimum, the volume of sand between the 100-year ERZ *boundary* and the toe of the foredune (per metre of frontage) is not reduced to less than that existing before reinstatement works were required;
- l) The provisions of the underlying zone;
- m) Any other matter to which *Council* has limited its discretion in the zone in which the activity occurs.

8.7 Non-Complying Activity Rules

The following are Non-Complying Activities:

- a) Any activity that does not comply with the *Rule 8.6.2 – Restricted Discretionary Activity - Standards and Terms*, except for
 - i) *Rule 8.6.2.2 b) or c) - Additions to, or the Replacement of any Existing Building or Structure within the CERZ*, which are Prohibited Activities;
- b) Any activity not listed as Permitted, Restricted Discretionary or a Prohibited Activity within the *CHEPA*;
- c) Any activity listed as a Non-Complying Activity in *Table 8.4A*.

8.8 Prohibited Activity Rules

The following are Prohibited Activities:

- a) *Subdivision* within the 50-and 100-year ERZ, where an *alternative building site* is not provided;
- b) *Construction* of a new *independent dwelling unit* on an allotment where there is an existing *independent dwelling unit* located within the *CHEPA*, where the new *independent dwelling unit* is not located clear of an *alternative building site* required for the existing *independent dwelling unit*;
- c) Additions to, or the replacement of, any lawfully established *building* or *structure* that does not exceed the *building* envelope or footprint of the existing *building* or *structure*, provided that the additional *gross floor area (GFA)* at *ground level* does not exceed 20m² (as measured from the floor area existing at 25 June 2005); and projects no further seaward than the existing external surfaces of the *building* or *structure*;
- d) Any activity that is not listed as a Permitted or Restricted Discretionary Activity within the CERZ;
- e) Any activity listed as a Prohibited Activity in *Table 8.4A*.

8.9 PURPOSE OF THE FLOOD HAZARD PLAN AREA

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

8.9.1 General Objectives and Policies of the Flood Hazard Plan Area

8.9.1.1 Objective - Avoidance of Flood-Prone Areas

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

8.9.1.1.1 Policy - Avoidance of Flood-Prone Areas

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

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

8.10 Activity Status Rules (Flood Hazard Plan Area)

8.10.1 Activities within the Flood Hazard Plan Area

All activities within the *Flood Hazard Plan Area* shall have the status identified in *Table 8.10A*. Symbols used in *Table 8.10A* have the meaning described in *Table 1B: Activity Status*.

Table 8.10A: Flood Hazard Plan Area

Use/Activity	Relevant Rule	Activities within the Flood Hazard Plan Area
<i>Construction, erection and/or placement of minor structures and activities.</i>	-	P
<i>Construction/replacement, maintenance, development or enhancement of minor public recreational facilities and activities.</i>	-	P
<i>Construction, erection or placement of any building, (not otherwise provided for in Table 8.10A) on land) either natural ground level or any artificially created ground level, situated lower than 2.5–2.9m above Moturiki Datum as established by site survey levels referenced to Moturiki Datum and located within the Flood Hazard Plan Area.</i>	8.11	RD

8.11 Restricted Discretionary Activity Rules

Any activity listed as Restricted Discretionary in *Table 8.10A* is deemed a Restricted Discretionary Activity.

8.11.1 Restricted Discretionary Activities - Standards and Terms

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

8.11.2 Restricted Discretionary Activities - Matters of Discretion

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

- a) Whether the proposal is consistent with the objectives and policies of the *Flood Hazard Plan Area*;
- b) The degree to which inundation of *buildings* or *structures* or other land can be avoided, remedied or mitigated and/or that the ponding ability of the subject property remains protected;
- c) The siting, location and orientation of *buildings*, *building platforms*, allotments, roads or other public *infrastructure* with respect to flood pathways, taking into account the advantage of higher ground;
- d) The siting, location and orientation of *buildings*, *building platforms* and allotments to mitigate against potential adverse effects on surrounding properties and land;
- e) The matters to which an engineering assessment is to have regard as set out in the information requirements in *Appendix 8B: Information Requirements (within the Flood Hazard Plan Area)* for areas potentially subject to flood hazard;
- f) The percentage of permeable areas on *site* or means of surface water disposal;
- g) *Earthworks* being undertaken as a method of remedy or to mitigate adverse effects;
- h) The provisions of the underlying zone.

APPENDIX 8A: INFORMATION REQUIREMENTS (WITHIN THE CHEPA)

- a) In addition to any other information requirements in *the Plan*, an application for consent for *subdivision*, use or development within the *CHEPA* shall include:
- i) Written confirmation, within the application and plans, sections and elevations attached to the application, from a *Chartered Professional Engineer* that the *CHEPA* Guidelines are being adopted for the proposed *building*, *structure*, or siteworks, as the acceptable solution;
 - ii) Where the application does not comply with the *CHEPA* Guidelines, then a report on the suitability of the proposed *building*, *structure*, extension to any *building* or *structure* or siteworks, prepared by a *Coastal Processes Engineer*, shall be attached to the application. This report shall confirm that the proposed *structure*, or extension to, any *building* or *structure*, on the land, is not likely to accelerate, worsen or result in material damage to that land, other land or any *structure*, through inundation or erosion.
- b) Applications for new *structures*, extensions to any *building* or *structure* or additions to *structures* shall include confirmation from a *Chartered Professional Engineer* and/or a house removal company that the *building* (or the addition/extension) is *able to be relocated*.
- c) The activity shall comply with the Permitted Rules of the underlying zone in which it is located; except where there is a conflict with the rules contained in *Chapter 8 Natural Hazards* in which case the rules in *Chapter 8 Natural Hazards* shall prevail.
- d) If the applicant considers the location of the 50-year and 100-year Erosion Risk Zone boundaries to be different to those boundaries defined on the *Plan Maps (Part B)*, then the *Council* may require the Assessment of Environmental Effects, submitted with the application, to include additional information to determine the location of these boundaries in the context of the application.

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

APPENDIX 8B: INFORMATION REQUIREMENTS (WITHIN THE FLOOD HAZARD PLAN AREA)

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