

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 356

IN THE MATTER OF an appeal under clause 14 of Schedule
One to the Resource Management Act
1991

BETWEEN WAIKATO REGIONAL COUNCIL
(ENV-2022-AKL-000073)

Appellant

AND WAIKATO DISTRICT COUNCIL

Respondent

AND FEDERATED FARMERS OF NEW
ZEALAND INCORPORATED

GENESIS ENERGY LIMITED

HORTICULTURE NEW ZEALAND

KĀINGA ORA – HOMES AND
COMMUNITIES

OHINEWAI LANDS LIMITED

PERRY GROUP LIMITED

PUKEKOHE VEGETABLE
GROWERS ASSOCIATION

Section 274 Interested Parties

Court: Environment Judge S M Tepania sitting alone under s 279(1)(b)
of the Act

Last case event: 27 November 2024



Date of Order: 23 December 2024

Date of Issue: 23 December 2024

CONSENT DETERMINATION

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the Interpretation and Natural hazards and climate change chapters of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix A** to this order; and
- (2) paragraph 10(e) of the Waikato Regional Council's notice of appeal allocated to Topic 17: Natural hazards and climate change is otherwise dismissed.

B: Under s 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Background

[1] This consent determination relates to an appeal by the Waikato Regional Council (**WRC**) against the decisions by the Waikato District Council (**WDC**) in relation to the Proposed Waikato District Plan (**PDP**).

[2] This consent determination resolves paragraph 10(e) of WRC's appeal relating to the definition of 'Floodplain management area'. The relief sought in paragraph 10(e) has been assigned to Topic 17: Natural hazards and climate change. For completeness, WRC's remaining interest in Topic 17 is as a s 274 party to Horongarara Community Group's appeal¹ for which consent documentation has been provided to the Court.

¹ ENV-2022-AKL-000065 Horongarara Community Group v Waikato District Council.

[3] During the hearings on the PDP, the Independent Hearing Panel (**IHP**) made the decision to amend the notified PDP to adopt the National Planning Standards which came into force after notification of the PDP. As a result, the chapters and provisions referenced in submissions, further submissions, and in some notices of appeal do not reflect the chapter and provision references in the decisions version of the PDP. For ease of reference, the decisions version provisions are referred to in this Order with the notified provision number footnoted where relevant.

WRC's submission

[4] The original submission by WRC, regarding natural hazards and climate change, sought to ensure that activities in all areas potentially at high risk from natural hazards are able to be adequately assessed, not just activities in those areas that are currently identified and mapped. To achieve this, the WRC sought the addition of a number of new definitions to the PDP including 'Flood Risk Area' and 'Floodplain'.

[5] In Decision Report 29B: Natural hazards and climate change, the IHP accepted in part WRC's submission to add a definition for 'Flood risk area' and rejected their submission to add a definition for 'Floodplain' to the PDP. It is noted that WRC's submission was made prior to the notification of Stage 2 of the PDP and, therefore, the NH – Natural hazards and climate change chapter² (**NH chapter**) of the PDP, which was part of the Stage 2 notification, partially addresses the issues raised in WRC's submission.

[6] The s 42A report for Hearing 27B: Objectives, Policies, and General Submissions (Natural hazards and climate change) noted that the flood risk overlays adopted in the NH chapter as notified did not include the names suggested in WRC's submissions and that all of the Stage 1 submissions were therefore overtaken by the notification of, and submissions on, Stage 2.

[7] The original submission by WRC also raised concerns about how area or site-specific assessments will occur where hazards are not mapped in the PDP planning maps. The s 42A report 27B: Natural Hazards: General Submissions considered that the planning maps as notified were clear and fit-for-purpose. The s 42A report author

² Chapter 15 as notified.

therefore recommended that the submission be rejected on the basis that the relief sought was unclear and no specific amendments were sought.

WRC's appeal

[8] On 1 March 2022, WRC filed an appeal against the decisions version of the PDP seeking the following amendment of relevance to Topic 17:

- (a) Amend the definition of 'Flood plain management area' as follows:
 - (i) Means an area ~~identified on the planning maps~~ which is at risk of flooding in a 1% AEP flood event and is otherwise described in the District Plan as the 1% AEP floodplain.

[9] Consistent with the position advanced in WRC's submission, the basis for the relief sought is to retain flexibility regarding the areas at risk of flooding, rather than rely solely on those areas which are mapped in the PDP planning maps.

[10] Federated Farmers of New Zealand Inc, Genesis Energy Ltd, Horticulture NZ, Ohinewai Lands Ltd, Perry Group Ltd, Port of Auckland, Pukekohe Vegetable Growers Association and Kāinga Ora Homes and Communities gave notice of an intention to become a party to the part of the appeal relating to Topic 17, under s 274 of the Act. Port of Auckland withdrew its interest in the appeal on 27 September 2024.

Agreement reached

[11] WRC and WDC entered into direct discussions regarding the appeal point in Topic 17. While discussions on other points of the appeal continue, WRC and WDC have now agreed on a proposal which will fully resolve the appeal point on Topic 17: Natural hazards and climate change.

[12] During discussions between the parties, it was acknowledged that the effect of the definition, as per the decisions version of the PDP, is that there are limited opportunities to provide updated flood information when it becomes available as it would require a Schedule 1 process.

[13] The parties agreed that a more dynamic representation of floodplain management areas would be more effective at managing land within the 1% AEP floodplain. To assist plan users, the parties further agreed that a mapping tool would be beneficial to identify known floodplain management areas and that such a map would not necessarily need to form part of the statutory mapping layers of the PDP.

[14] A non-statutory mapping system was introduced as part of WDC's Intensification Planning Instrument and is now live. The mapping system, known as the 'Supporting information layer' is a GIS layer which contains information relating to flood risks. The parties agreed that this mapping system could be used to identify known floodplain management areas and that this system should be updated in a timely manner as updated flood information becomes available.

[15] The parties have therefore agreed to amend the definition of 'Flood plain management area' so it is not limited to only areas identified on the planning maps and to amend the NH chapter to better describe the non-statutory mapping approach (Supporting information layer). Specifically, the parties have agreed to the following:

- (a) amend the definition of 'Flood plain management area' as follows:

Term	Definition
Flood plain management area	Means an area identified on the planning maps which is at risk of flooding in a 1% AEP flood event and is otherwise described in this District Plan as the 1% AEP floodplain.

- (b) amend the description of the 'Flood plain management overlay' in the NH chapter as follows:

Overlay	Description
	Flood hazards
Flood plain management area	Identifies the 1% Annual Exceedance Probability (AEP) floodplain and has been developed through both 1D and 2D modelling, depending on the level of information available

- (c) add the following new clause (4) under the 'Overview' heading in the NH chapter:

(4) Flood plain management areas can be identified on the planning maps and/or on Council's supporting information layer. Council's supporting information layer takes precedence in any instance where there is a discrepancy between the planning maps and the supporting information layer. The Supporting information layer will be updated as new or better information becomes available.

Statutory planning assessment

[16] WDC has assessed the proposed changes against the relevant planning documents. It considers the proposed amendments will overall better enable a more efficient management of areas at risk from flood hazard as WDC will be able to update and refer to more recent assessments of hazard risk. This will also contribute towards the wellbeing of local communities in line with the higher order planning documents discussed below.

Section 6

[17] Section 6(h) of the Act recognises the importance of the management of significant risks from natural hazards. The proposed amendments enable the natural hazards maps to be updated more efficiently, to better reflect risk as new information and/or assessments become available.

Section 7

[18] Section 7(b) states that all persons exercising functions and powers under the Act shall have particular regard to the efficient use and development of natural and physical resources. The proposed amendments provide a pathway for updated natural hazard risk information to be considered in the application of the PDP provisions. This will allow WDC to enable development that provides for adequate levels of flood risk management and ultimately provide for more efficient land use outcomes.

[19] Section 7(i) requires that particular regard be given to the effects of climate change. Climate change is acknowledged to impact on the risk posed to an area by flooding hazard. The proposed amendments promote the consideration of the effects of climate change by allowing for the efficient update and consideration of flood

hazard information, therefore enabling WDC to be more responsive in managing potential flood risks through the plan provisions.

Waikato Regional Policy Statement

[20] Objective HAZ-O1 – Natural hazards of the Waikato Regional Policy Statement (**WRPS**) seeks that the effect of natural hazards on people, property and the environment are managed by increasing community resilience, reducing the risks and enabling the effective and efficient response and recovery from natural hazard events. The proposed amendments give effect to Objective HAZ-O1 by:

- (a) providing a clear definition of ‘Flood plain management areas’;
- (b) providing plan users and the public with the most up-to-date information regarding areas that are subject to floodplain management areas and enabling decision making to be informed by a reliance on this information; and
- (c) enabling a responsive approach (i.e. updates to non-statutory layers) to providing updated floodplain management data.

Section 32AA evaluation

[21] Section 32AA of the Act requires a further evaluation of any changes to the proposed plan change since the initial s 32 evaluation report and the Decisions. WRC has prepared a stand-alone s 32AA evaluation, which is included in **Appendix B** to this Order.

[22] In summary, the s 32AA assessment concludes that:

- (a) The scale and significance of the proposed amendments are assessed as low/medium given:
 - (i) the proposal addresses a relevant resource management issue relating to WDC’s relevant RMA functions;

- (ii) the proposal, implements higher order direction from national and regional planning instruments and will enable the efficient use and development of natural and physical resources;
 - (iii) the proposal provides for the better management of areas at risk from flood hazard through the ability to update and refer to more recent assessments of hazard risk;
 - (iv) the proposal does not amend the management approach to be applied through the provisions of the PDP;
 - (v) the proposal better implements a matter of national importance (s 7(h) of the Act) and the WRPS (Objective HAZ-O1);
 - (vi) there is no evidence to suggest that the proposal is of particular interest to iwi or the community;
 - (vii) the proposal may introduce increased costs associated with administering the non-statutory mapping system and the potential requirement for additional expert assessments as part of a resource consent application; and
 - (viii) the proposal will enable the most recent natural hazard information to be considered in development proposals.
- (b) As there are no proposed amendments to objectives, the 'objective' is the proposal to amend the PDP to ensure that activities located within an identified 1% Annual Exceedance Probability (AEP) floodplain can be adequately considered and managed through the existing provisions of the PDP:
- (i) The proposal constitutes sustainable management of natural and physical resources in accordance with s 5(1) of the Act. The proposal does not change the management approach to areas that meet the definition of 'Flood plain management area'. The proposal extends the application of this management approach to

areas that are more recently identified as meeting (or not meeting) the definition; therefore, addressing the resource management issues originally identified through plan development and decisions and consequently enabling a more dynamic response to the management of these issues.

- (ii) The proposal provides for the efficient update of natural hazard maps. These areas can then be appropriately managed through the provisions of the plan. The proposal therefore recognises and provides for the management of significant risks from natural hazards. This is in accordance with s 6(h) of the Act.
 - (iii) The proposal promotes the efficient use and development of natural and physical resources by providing a pathway for updated natural hazard risk information to be considered in the application of the PDP provisions. This promotes development that is consistent with the risk present and ensures that that development is an efficient use of land. This is in accordance with s 7(b) of the Act.
 - (iv) Climate change is acknowledged to impact on the risk posed to an area by flooding hazard. The proposal promotes the consideration of the effects of climate change by allowing for the efficient update and consideration of flood hazard information, and therefore enabling these effects to be appropriately managed through the plan provisions. This is in accordance with s 7(i) of the Act.
- (c) The proposal is the most efficient and effective means of achieving the objectives of the PDP as it will:
- (i) assist in achieving the relevant PDP Objectives, including NH-O2, NH-O3, NH-O4;
 - (ii) enable the WDC to fulfil its statutory obligations;

- (iii) achieve the relevant Part 2 matters, namely ss 6(h), 7(b), and 7(i) of the Act;
- (iv) better implement the WRPS (Objective HAZ-O1); and
- (v) achieve the objective of the proposal without the need for wide-reaching changes to the PDP.

[23] The parties advise that the proposed provisions have been compared against other reasonably practicable options. The amended provisions are considered to represent the most appropriate means of achieving the proposed objectives, as well as giving effect to the relevant parts of ss 6 and 7 of the Act, and WRPS.

[24] The parties agree that, subject to the Court's approval, WRC's appeal point relating to Topic 17 can be settled by consent in accordance with the amendments shown in **Appendix A** to this Order.

Consideration

[25] I have read and considered the notice of appeal dated 1 March 2022 and the joint memorandum dated 27 November 2024.

[26] I have made one very minor change to ensure new clause (4) maintains consistency throughout the provision in the way it references the mapping system known as the 'supporting information layer'.

[27] The Court is making this order under s 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297.

[28] The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this Order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the

relevant requirements and objectives of the Act, including in particular Part 2.

[29] The Court is satisfied that the changes sought are within the scope of WRC's submission and appeal.

Order

[30] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (a) the Interpretation and Natural hazards and climate change chapters of the Proposed Waikato District Plan (decisions version) be amended in accordance with **Appendix A** to this Order; and
- (b) paragraph 10(e) of the Waikato Regional Council's notice of appeal allocated to Topic 17: Natural hazards and climate change is otherwise dismissed.

[31] Under s 285 of the Resource Management Act 1991, there is no order as to costs.



S M Tepania
Environment Judge | Kaiwhakawā i te Kōti Taiao



Appendix A – Tracked change version of the agreed changes to the NH – Natural hazards and climate change and Interpretation chapters of the PDP decisions version

Interpretation chapter

1. Amend the definition of ‘Flood plain management area’ as follows:

Term	Definition
Flood plain management area	Means an area identified on the planning maps which is at risk of flooding in a 1% AEP flood event and is otherwise described in this District Plan as the 1% AEP floodplain.

NH – Natural hazards and climate change chapter

2. Amend the notes under the ‘Overview’ heading as follows:

Overview

(1) The NH – Natural hazards and climate change chapter identifies risks associated with natural hazards and manages land use in areas subject to risk from natural hazards. It identifies areas where certain types of new development will be avoided because of the natural hazards present, but also recognises that there is existing development, including infrastructure, already located on land subject to natural hazards. These areas will require management through mitigation and adaptation to ensure that the risk of damage to property, or injury or loss of lives is not increased.

(2) This chapter sets out a two-tiered approach where natural hazard risk from subdivision, use and development is to be avoided within the following identified high risk natural hazard areas:

- a. High Risk Flood Area;
- b. High Risk Coastal Inundation Area; and
- c. High Risk Coastal Erosion Area.

(3) Outside of these areas, subdivision, use and development is provided for where natural hazard risk can be adequately avoided, remedied or mitigated and the risk is not exacerbated or transferred to adjoining sites.

(4) Flood plain management areas can be identified on the planning maps and/or on Council’s supporting information layer. Council’s supporting information layer takes precedence in any instance where there is a discrepancy between the planning maps and the supporting information layer. The supporting information layer will be updated as new or better information becomes available.

(5) (4) The following natural hazards areas have been identified and mapped in the District Plan:

Overlay	Description
Flood hazards	
High flood risk area	Identifies areas within the floodplain where the depth of flood water in a 1% AEP flood event exceeds 1 metre and the speed of flood water exceeds 2 metres per second, or the flood depth multiplied by the flood speed exceeds one.
Flood plain management area	Identifies the 1% Annual Exceedance Probability (AEP) floodplain and has been developed through both 1D and 2D modelling, depending on the level of information available.
Flood ponding area	Identifies areas that experience floodwater ponding in a 1% AEP rainfall event.
Residual risk areas / Defended areas	Identifies areas of land that would be at risk from a natural hazard event if it were not for a structural defence such as a stop bank.
Coastal hazards	
High risk coastal inundation area / High risk coastal erosion area	Identify land where there is significant risk from either coastal inundation or coastal erosion with existing sea level and coastal processes.
Coastal sensitivity area (Erosion) / Coastal sensitivity area (Inundation)	Identify land that is potentially vulnerable to either coastal erosion or coastal inundation over a 100 year period to 2120, assuming a sea level rise of 1.0 metre.
Subsidence risk	
Mine subsidence risk area	Identifies an area where subsidence has occurred at Huntly due to former underground coal mining.

Section 32AA Evaluation

Natural Hazards Chapter Flood Plain Management Definition

For the resolution of parts of appeals by:
Waikato Regional Council (ENV-2022-AKL-000073)

November 2024

1. INTRODUCTION

1.1 Overview

This s32AA evaluation report addresses relevant statutory tests under the Resource Management Act 1991 (RMA) as they relate to part of the appeal of Waikato Regional Council (ENV-2022-AKL-000073) to the Proposed Waikato District Plan – Decisions Version (PDP-DV).

The appeal sought to amend provisions of the Natural Hazards and Climate Change (NH) chapter of the PDP-DV to ensure that all areas that are at risk of flooding in a 1% Annual Exceedance Probability (AEP) can be adequately considered and managed through the PDP-DV provisions, not just those areas that are currently mapped within the plan.

Through negotiations the appellant, the respondent and s274 parties have agreed changes to the overview text and the definition of Floodplain Management Area to address the appeal. This is set out in Annexure 1 to the consent memorandum (hereafter the proposal). The changes will:

- a) Amend the definition of Floodplain Management Area;
- b) Amend the description of the 'Floodplain management area overlay' in the NH chapter; and
- c) Include additional text in the NH section 'Overview' that clarifies how the Floodplain Management Areas will be determined,

This evaluation report is organised to firstly consider the scale and significance of the proposal, before addressing the following relevant tests:

- the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- the relevant policies and methods are the most appropriate way to achieve the objectives, having regard to their efficiency and effectiveness (s32(1)(b)) and taking into account:
 - the scale and significance of the proposed policies and methods;
 - the benefits and costs of the proposed policies and methods; and
 - the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules of other methods.

1.2 Scale and Significance of the Effects

Further evaluation reports of this nature are required by the RMA to be undertaken at a level of detail that corresponds to the scale and significance of the change proposed¹. The change in this case being:

¹ Section 32AA(1)(c).

- The expansion of those areas that may meet the definition of 'Floodplain Management Area' to include areas not only those areas mapped in the PDP-DV but also areas identified and included in a specific GIS layer administered by the respondent.
- The reliance on a non-statutory mapping layer to provide information about floodplain management areas.

The scale and significance of the proposal has been determined by a qualitative assessment of relevant factors, as recorded in **Attachment 1** to this evaluation report. In summary, the scale and significance of the proposed change is assessed as **low-medium** for the following reasons.

- the proposal addresses a relevant resource management issue relating to the Council's relevant RMA functions;
- the proposal, implements higher order direction from national and regional planning instruments and will enable the efficient use and development of natural and physical resources;
- the proposal provides for the better management of areas at risk from flood hazard through the ability to update and refer to more recent assessments of hazard risk;
- the proposal does not amend the management approach to be applied through the provisions of the PDP-DV;
- the proposal better implements a matter of national importance (s7(h) RMA) and the Waikato Regional Policy Statement (Objective HAZ-O1).
- there is no evidence to suggest that the proposal is of particular interest to iwi or the community;
- the proposal may introduce increased costs associated with administering the non-statutory mapping system and the potential requirement for additional expert assessments as part of a resource consent application;
- the proposal will enable the most recent natural hazard information to be utilised to adequately assess flood risks as part of resource consent applications.

Consequently, a high-level evaluation of the proposal has been identified as appropriate for the purposes of this report.

2. Evaluation of Objectives

2.1 Appropriateness in terms of the purpose of the RMA

Council must evaluate, in accordance with s32 of the RMA, the extent to which each objective proposed is the most appropriate way to achieve the purpose of the RMA. In this case, there are no proposed changes to objectives, but s32 clarifies that “objectives” can mean the purpose of the proposal.²

As there are no proposed amendments to objectives, the ‘objective’ is the proposal to amend the PDP- DV to ensure that activities located within an identified 1% Annual Exceedance Probability (AEP) floodplain can be adequately considered and managed through the existing provisions of the PDP- DV through:

- a) Additional text in the NH section ‘Overview’ that clarifies how the Floodplain Management Areas will be determined including:
 - the clarification that this information may be contained on a ‘supporting information layer’ that will be managed outside of the district plan or through technical assessment.
 - the addition of an exemption to the application of hazard rules where detailed modelling has shown that a site is not within a previously identified flood plain management area.
- b) Amend the definition of Floodplain Management Area.

Section 5

The proposal constitutes sustainable management of natural and physical resources in accordance with s5(1) of the RMA. The proposal does not change the management approach to areas that meet the definition of ‘Floodplain Management Area’, which has already been subject to a s32 evaluation. The proposal extends the application of this management approach to areas that are more recently identified as meeting the definition; therefore, addressing the resource management issues originally identified through plan development and decisions and consequently broadening the management of these issues.

Ensuring developments are managed with due consideration for the flood hazard present will support social and economic well-being as well as community health and safety.

Section 6

The most relevant section 6 matter is s 6(h) the management of significant risks from natural hazards. The proposal provides for the efficient update of natural hazard maps. These areas can then be appropriately managed through the provisions of the plan. The proposal therefore recognises and provides for the management of significant risks from natural hazards.

² RMA s32(6).

Section 7

The most relevant section 7 matters are discussed below.

Section 7(b) the efficient use and development of natural and physical resources

The proposal promotes the efficient use and development of natural and physical resources by providing a pathway for updated natural hazard risk information to be considered in the application of the PDP-DV provisions. This promotes development that is consistent with the risk present and ensures that that development is efficient use land.

Section 7(i) The effects of climate change.

Climate change is accepted to impact on the risk posed to an area by flooding hazard. The proposal promotes the consideration of the effects of climate change by allowing for the efficient update and consideration of flood hazard information, and therefore enabling these effects to be appropriately managed through the plan provisions.

Section 8 RMA

Section 8 has limited relevance to the proposal. Additional engagement with iwi is anticipated under the PDP where resource consent is required.

Having assessed the objectives of the proposal against Part 2 of the RMA it is considered that they are the most appropriate way to achieve the purpose of the RMA.

3. Evaluation of the Provisions

Section 32 assessments must determine whether the proposed provisions are the most appropriate way to achieve the proposed objectives. This must include the identification of alternatives, and cost benefit analysis of the economic, social, environmental and cultural effects of the provisions including whether opportunities for economic growth and employment are reduced or increased. The risk of acting or not acting where uncertain information exists must also be considered.

To enable the proposal requires the discrete amendments to the PDP-DV described in Section 1.1 of this report. The following sections of this report will identify the range of options available, and the efficiency and effectiveness of the preferred provisions.

The following broad options have been identified:

Option 1 – Decision version: Retain the provisions of the NH chapter without the additional text and amended definition.

Option 2 – Amend the provisions: to allow for other methods of identifying the “Floodplain Management Area” other than maps currently included in the PDP-DV.

This option would have the effect of amending the provisions of the NH chapter in the following way:

- a. Amend the definition of Floodplain Management Area as follows:

Identifies the 1% Annual Exceedance Probability (AEP) floodplain ~~and has been developed through both 1D and 2D modelling, depending on the level of information available~~

- b. Addition to the Overview section of the NH chapter that describes Flood Plain Management areas as:

Overlay	Description
Flood hazards	
Flood plain management area	Identifies the 1% Annual Exceedance Probability (AEP) floodplain and has been developed through both 1D and 2D modelling, depending on the level of information available

- c. Addition to the Overview section of the NH chapter stating:

Flood plain management areas can be identified on the planning maps and/or on Council's supporting information layer. Council's supporting information layer takes precedence in any instance where there is a discrepancy between the planning maps and the supporting information layer. The Supporting information layer will be updated as new or better information becomes available.

The preferred option is Option 2 because it recognises that information on the nature and location of flood hazard risk is dynamic and provides for significant efficiency benefits in being able to consider this updated information without the need for a Schedule 1 RMA plan change process to update planning maps. Ultimately Option 2 provides for a more comprehensive management of natural hazard risk.

Table 1 below provides a high-level assessment of the appropriateness of Option 2 for comparative purposes.

Table 1: Option 2

This includes the following amendments:

- Amendment of the definition of “Floodplain Management Area”
- Amendments to the Overview of the NH chapter.

Costs	Benefits
Environmental costs There are no environmental costs identified for this option.	Environmental benefits Communities and individuals are informed in a timely manner of areas subject to flood hazards in a 1% AEP flood. Enables management of subdivision, use and development through the District Plan in Flood plain management areas as they are identified.
Economic costs Waikato District Council will have costs in terms of improving flood hazard information and mapping over time. Possible change in valuation of existing properties within new flood hazard areas. The level of technical assessment to support development within additional floodplain management areas is greater than outside of these areas.	Economic benefits Assists property owners in being aware of potential flooding and therefore able to make informed investment decisions. Reduction in costs through the incorporation of a “supporting information layer” outside of the district plan, removing the need of a Schedule 1 RMA plan change process to update flood hazard maps. Damages to property are avoided or reduced where development is able to proceed under mitigation measures such as implementation of the required minimum floor levels. Flooding of floors bears a high cost in house and contents repair, high personal disruption and increased health risks (mould, rising damp and cleaning up contaminated water under homes). Identification of flood hazard areas and policies that that require avoidance or mitigation prior to an event is therefore beneficial, enabling such damage and disruption to be prevented.
Social costs Uncertainty within the community around whether particular areas will be identified in the future.	Social benefits Greater public awareness of flood hazard areas. Health and safety of people enhanced as development is likely to be managed with consideration of Flood Risk.
Cultural costs There are no known costs for iwi associated with the proposal.	Cultural benefits There are no additional cultural benefits arising from the proposed amendments

Opportunities for economic growth

There are no known impacts on economic growth of the proposal. The proposal will amend how areas of 'Floodplain Management Area' are identified for the purposes of implementing the existing provisions of the PDP-DV. There is no change proposed to the management approach for these areas.

Opportunities for employment

There are no known impacts on opportunities for employment of the proposal. The proposal will amend how areas of 'Floodplain Management Area' are identified for the purposes of implementing the existing provisions of the PDP-DV. There is no change proposed to the management approach for these areas.

Certainty and sufficiency of information

The proposal has been subject to an appropriate level of investigation as to the effects of the amended provisions, and there are no material gaps in the knowledge base that give rise to any need for a risk assessment.

Effectiveness and efficiency

Effectiveness

The proposal will enable the effective implementation of the following PDP-DV objectives:

- NH-O2 Areas at risk from natural hazards – The proposal enables the timely identification of natural hazards and consequently for the risk posed to be managed.
- NH-O3 Awareness of natural hazard risks – The proposal provides a process for natural hazard information to be updated as necessary in a pragmatic manner.
- NH-O4 Climate Change – the proposal allows for the update of hazard information to reflect climate change as necessary.

Accuracy of flood hazard information is important for the most appropriate rules to be applied to a particular site. The proposal provides a path for Council to incorporate the most up to date flood hazard information into decisions made pursuant to the PDP-DV.

Efficiency

The provisions are an efficient way to achieve the objectives.

The proposal includes the use of an 'out of plan' approach to updating natural hazard information. This is a pragmatic mechanism for achieving the objectives of the plan and has significant efficiency benefits due to being able to update the hazard maps without a plan change process.

The proposal does not seek to amend the level of assessment for activities in areas of 'Flood Plain Management Area'. This retains the existing efficiency of the PDP-DV.

Overall evaluation

Option 2 is the most appropriate option to achieve the PDP-DV objectives. It is anticipated to provide an increased benefit in contrast to Option 1 (the status quo).

The proposal outlined in Option 2 will make changes to the PDP-DV that will promote the efficient and effective achievement of higher order planning documents as well as the objectives of the PDP-DV. The ability to utilise the most up to date flood hazard definition without the need for a schedule one plan change process enables a more comprehensive approach to the management of natural hazard risk.

The provisions outlined in the Option 2 proposal are crafted to ensure they represent the most appropriate means of achieving the stated objectives.

3.1 Reasons for deciding on the provisions

The proposal is the most efficient and effective means of achieving the objectives of the PDP it will:

- assist in achieving the relevant PDP- DV Objectives, including NH-02, NH-03, NH-04;
- enable the Council to fulfil its statutory obligations;
- achieve the relevant Part 2 matters, namely sections 6(h) 7(b), and 7(i) of the RMA;
- better implement the Waikato Regional Policy Statement (Objective HAZ-O1); and
- achieve the objective of the proposal without the need for wide-reaching changes to the PDP.

4. CONCLUSION

Pursuant to s32 of the RMA, the proposed objective of the proposal to amend the PDP-DV to ensure that activities located within an identified 1% Annual Exceedance Probability (AEP) floodplain are able to be adequately considered and managed through the existing provisions of the PDP- DV have been analysed against Part 2 of the RMA and is considered to be the most appropriate way to achieve the purpose of the RMA.

The proposed provisions have been compared against reasonably practicable options. The amended provisions are considered to represent the most appropriate means of achieving the proposed objectives, as well as giving effect to the relevant parts of Sections 6 and 7 of the Resource Management Act, and Waikato Regional Policy Statement. .

ATTACHMENT 1 – Scale and Significance Assessment

The matrix below has been used to inform the assessment of the proposal's scale and significance.

Criteria	Scale/Significance			Comment
	Low	Medium	High	
Addresses a resource management issue	X			<ul style="list-style-type: none"> The proposal relates to Council's functions. under s31(1)(a), s31(1)(aa) and s31(2) of the RMA. Implements higher order direction from national and regional planning instruments. Enables efficient use and development of natural and physical resources under s7 of the RMA, to be provided for The amendments to provisions are in response to concerns raised by WRC in its appeal.
Addresses a matter that relates to human health or the protection of life and property		X		<ul style="list-style-type: none"> The proposal relates to a human health matter or the protection of life or property. The proposal provides for the better management of areas at risk from flood hazard risk through the ability to update and refer to more recent assessments of hazard risk.
Degree of shift from the status quo		X		<ul style="list-style-type: none"> The proposal does not alter the management approach or activity status for identified areas. The proposal may result in additional sites being identified as Floodplain Management Areas and excluded from those areas over the life of the PDP-DV.
Who and how many will be affected/ geographical scale of effect/s		X		<ul style="list-style-type: none"> The geographical scale of the proposal is limited to areas that are assessed as meeting the definition of Floodplain Management Area. The area identified is likely to increase over time.

Degree of impact on or interest from iwi/ Māori	X			<ul style="list-style-type: none"> • Iwi were consulted by the Council in the formative stages of the PDP. • No iwi authority has joined as a s274 party to the appeal.
Degree of likely community interest		X		<ul style="list-style-type: none"> • Of the twelve s274 parties, eleven are institutional or sector agencies. • The proposal is a refined / more limited proposal than the original appeal sought. • The proposal is likely to result in an increased area being defined as 'Floodplain management Area' over time and therefore impact on an increased number of the community.
Likelihood of resulting in major financial impact on households / community due to compliance or administrative costs		X		<ul style="list-style-type: none"> • The proposal may change the number of properties that will be required to demonstrate through technical assessment that standards are met or a resource consent granted. • The cost of administering the Supporting Information GIS Mapping layer will fall on Council.
Implications for servicing and transport networks	X			<ul style="list-style-type: none"> • The management of infrastructure within Floodplain management areas is addressed through specific provisions and are largely permitted activities.
Type of effect/s	X			<ul style="list-style-type: none"> • The proposal is necessary to deliver on existing objectives and policies of the PLAN. • The proposal provides for more comprehensive management of natural hazard risk.
Likelihood of significantly reducing development opportunities or land use options	X			<ul style="list-style-type: none"> • The amended provisions may, over time, change the areas managed by rules applicable to the Floodplain Management Area. • The rules applicable to this area largely make development a permitted activity subject to standards. • This will not significantly reduce development potential but will make development more appropriate for the hazard risk posed.

Degree of risk and uncertainty	X		<ul style="list-style-type: none"> • There is a good level of information to inform decision-making on the proposal, and a correspondingly low risk associated with the proposed provisions. • The proposal will over time, reduce the risk posed by natural hazards over time by ensuring hazard risk is identified and managed in a timely manner.
OVERALL ASSESSMENT			For the above reasons, the proposal is assessed as having a low/medium overall scale and significance.