

5.13 FLOOD PONDING ZONE

5.13.1 BACKGROUND

Under the Paeroa Borough Section of the Transitional District Plan, most of the land zoned Rural Residential had a dual role of providing for people wanting a semi-rural lifestyle, and providing areas to allow water to pond during periods of flood. The land zoned Rural Residential covered approximately 16.5ha, which is 45% of the land in Paeroa set aside to accommodate the ten year flood of the Hape Stream (Main Drain). Stormwater systems connected to the Hape Stream carry 70-75% of Paeroa's stormwater.

The Waikato Regional Council has raised concerns regarding the infilling of ponding areas along the Hape Stream (Main Drain). During periods of high rainfall when the Ohinemuri River is high, water cannot be pumped into it. The water ponds until such time as the river level lowers and the pumps can be used to remove it.

Infilling of these ponding areas increases the degree to which water levels are raised. This increases the risk of flooding for adjacent residential and industrial properties. Council has recently increased the minimum floor level for all new buildings adjacent to the ponding areas.

This Flood Ponding Zone is designed to accommodate only those activities and developments which do not compromise the primary function of the area for ponding purposes.

Some activities may be compatible with the flood ponding purpose and the controlled activity process will be used to enable an assessment of the effects of these activities on the principal function of the zone.

The Flood Ponding Zone is a very specific and restrictive zone. However, the provisions of this zone do not override the existing use rights contained in Section 10 of the Resource Management Act 1991 that may apply to existing uses of land in the zone.

The area of the Flood Ponding Zone is such that the existing developments within it do not compromise the flood ponding function. However, any additional building, paving, or change in the land contour or ground cover has the potential to adversely affect the ability of the land to either absorb rainwater or contain flood water. Individually, such changes may be very minor, but cumulatively these individual changes can result in the effects of flooding being extended beyond the boundaries of the Flood Ponding Zone.

5.13.2 RESOURCE MANAGEMENT ISSUES

The main environmental issue which the zone addresses is protecting and sustaining the urban resource of Paeroa from the detrimental effects of flooding. Other works by the Regional Council in relation to controlling water runoff are complemented by the provision of the Flood Ponding zone.

5.13.3 ANTICIPATED ENVIRONMENTAL RESULTS

The environmental result of this zone is to control the effects of flooding to protect the urban resources of Paeroa and at the same time enable the people of Paeroa to maintain their social, economic and cultural wellbeing and their health and safety.

5.13.4 OBJECTIVES AND POLICIES

Objective 1

To protect the urban resources of Paeroa from the effects of flooding.

Policies

Objective 1 will be achieved by implementation of the following policies:

1. Restricting activities in the area used for flood ponding purposes to those that will not compromise that purpose.
2. Supporting the Waikato Regional Council in its water and soil conservation activities designed to control and minimise the effects of rainfall in the catchments around Paeroa.

Reasons for Objectives and Policies

1. Flooding is a natural hazard (increased through human activities). It is a function of Council under the Act to control land use activities in a manner that avoids or mitigates the effects of natural hazards.
2. The use of this restrictive zone and rules serves to highlight how important it is to protect urban resources from the effects of flooding and the "key" role that this flood ponding function has.
3. While actions such as catchment works will in the longer term control the effects of catchment runoff, the flood ponding areas will still be required for their purpose.

5.13.5 METHODS TO IMPLEMENT OBJECTIVES AND POLICIES

The principal method by which Council will implement the above objectives and policies in the District Plan is by the implementation of the Flood Ponding zone (both the physical limits shown on the planning maps and the rules) to control the location, type and scale of land use activities.

The other information systems held by Council (eg Land Information, Hazard Register) can be used to advise people of the hazards associated with land in the zone and the restrictions on the type and scale of activities within it.

Conservation works are provided for in the Rural zone, which will allow the Waikato Regional Council to carry out its water and soil conservation works. The designation of the water supply catchment and the zoning of areas of bush as Conservation (Indigenous Vegetation), are also methods to implement the objectives and policies.

Prohibited activity status has been given to surface mining activities. Council has resolved that the appropriate process and assessment of such activities is by means of a private request for a plan change (refer to Section 2.2.5 – Extractive Industries for a description and reasons).

Reasons

Refer to Section 2.2.5 – Extractive Industries.

5.13.6 ACTIVITIES

5.13.6.1 Permitted Activities

The following are permitted activities, which shall comply with the Performance Standards specified in Rule 5.13.7 below:

1. Water and soil conservation works.
2. Amenity planting, stands and plantations of trees.
3. Grazing of animals.

4. Any permitted activity specified in Sections:

- ✍ 7.1 - Heritage Features
- ✍ 7.4 - Recognition and Protection of Significant Urban/Township Trees
- ✍ 8.1 - Provision for Network Utilities
- ✍ 8.7 - Signs
- ✍ 8.10 - Surface of Water in Lakes, Rivers and Streams
- ✍ 10.1 - Subdivision

5.13.6.2 Controlled Activities

The following are controlled activities, shall comply with the Performance Standards specified in Rule 5.13.7 below, and shall be assessed in relation to the criteria specified in Rule 5.13.6.2 A below:

1. Any controlled activity specified in Sections:

- ✍ 7.1 - Heritage Features
- ✍ 7.4 - Recognition and Protection of Significant Urban/Township Trees
- ✍ 8.7 - Signs
- ✍ 8.10 - Surface of Water in Lakes, Rivers and Streams
- ✍ 10.1 - Subdivision

A. Assessment Criteria for Controlled Activities

The following will be used to assess a controlled activity:

1. The assessment criteria contained in each of the sections listed in Rule 5.13.6.2 1. above.

5.13.6.3 Discretionary Activities

The following are discretionary activities and shall be assessed in relation to the criteria specified in Rule 5.13.6.3 A below:

1. Any extension to a building or activity that exceeds the existing use rights provision of the Resource Management Act 1991.
2. Removal of any vegetation or groundcover (excluding that ancillary to a permitted or controlled activity).
3. Any covering of the existing ground with an impermeable surface.
4. Any discretionary activity specified in Sections:
 - ✍ 7.1 - Heritage Features
 - ✍ 7.4 - Recognition and Protection of Significant Urban/Township Trees
 - ✍ 8.1 - Provision for Network Utilities
 - ✍ 8.7 - Signs
 - ✍ 8.10 - Surface of Water in Lakes, Rivers and Streams
 - ✍ 10.1 - Subdivision

5. Any permitted activity that does not meet the performance standards specified in Rule 5.13.7.

A. Assessment Criteria for Discretionary Activities

The following criteria will be used when assessing an application for a discretionary activity:

1. The degree to which the proposal fails to meet the performance standards for permitted activities for the zone, and whether in the particular circumstances the purpose of the standard is adequately met by other means or is unnecessary.

2. Design of Buildings

Whether the building is designed in such a manner that the land can still accommodate flood ponding.

3. Removal of Vegetation/Earthworks/Impermeable Covering

Whether the work will result in an increase in the amount of water and/or sediment runoff into the flood ponding area, thereby decreasing the ability of the area to manage the effects of flooding.

Whether there are other actions being taken which will cancel out the effects of the vegetation removal, earthworks or covering of the land (eg planting of trees, flood detention works).

Whether the work being done will have any negative effect on the flood ponding capacity of the area.

Does the work actually increase the ability of the flood ponding area to handle floodwaters.

Whether the fill is carried out in a manner that ensures erosion of the fill face during flooding will be minor and not significantly affect the functioning of the zone.

Whether any fill material will leach into the water and create a pollution hazard.

The cumulative effect of works on the functioning of the zone.

4. Landscape Design

Whether any proposed landscaping contributes to the control of stormwater runoff, erosion control and the flood ponding purpose of the zone.

Does the landscaping inhibit the ability of the flood ponding areas to achieve that purpose. For example vegetation should not impede the free flow of water during the flood ponding process (both filling and emptying).

5.13.6.4 Non Complying Activities

1. Any activity not provided as a permitted, controlled, discretionary or prohibited activity.

5.13.6.5 Prohibited Activities

1. Surface mining (refer to Section 2.2.5 – Extractive Industries).

5.13.7 PERFORMANCE STANDARDS

The performance standards listed in Rule 9.5 - MATRIX OF PERFORMANCE STANDARDS and as detailed throughout Section 9.0 - PERFORMANCE STANDARDS FOR DEVELOPMENT AND SUBDIVISION shall be met by permitted and controlled activities.

5.13.8 GENERAL PROVISIONS

- Section 3.0 - MONITORING AND EVALUATION
- Section 7.0 - CONSERVATION AND HERITAGE
- Section 8.1 - PROVISION FOR NETWORK UTILITIES OPERATIONS
- Section 8.2 - PROVISION FOR PUBLIC WORKS
- Section 8.3 - EXTRACTIVE INDUSTRY
- Section 8.4 - EXCAVATION AND FILL
- Section 8.5 - AIR QUALITY
- Section 8.7 - SIGNS
- Section 8.8 - HAZARDOUS SUBSTANCES
- Section 8.10 - SURFACE OF WATER
- Section 10.0 - SUBDIVISION, FINANCIAL CONTRIBUTIONS, ESPLANADE
RESERVES AND ESPLANADE STRIPS