

PRACTICE NOTE: FILLING IN A FLOOD RISK AREA RELATING TO BUILDING CONSENT WORKS (WAIKATO SECTION)



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1. Introduction

The earthworks and filling rules in the Waikato Section of the District Plan have exemptions if the activity is necessary for building works authorised by a building consent (herein referred to as “building exemptions”).

This Practice Note helps to determine compliance with the building exemptions in regard to Earthworks.

There are separate Practice Notes detailing Earthworks and Filling outside a Flood Risk Area. An earthworks activity needs to comply with all relevant rules and performance standards to be permitted.

2. Definition of Flood Risk Area from the plan

Means the land shown on the Planning Map, and other land that is subject to more than minor flood hazards.

3. All zones

The permitted activity Filling - Flood Risk Area rules follow this general structure:

Any activity in a Flood Risk Area (excluding Huntly South Assessment Area 1) (or a Land Stability Policy Area if in the rural zone) is a permitted activity if:

a) filling is no more than is necessary to:

- i. provide a foundation for building approved by a building consent, and access to that building, or*
- ii. enable minor upgrading of existing electricity lines...*

Filling in a Flood Risk Area that is part of a development that requires building consent will be assessed against the building exemption.

Follow these steps:

1. Filling in a Flood Risk Area that is necessary to provide a foundation for building/s and access to building/s, will become permitted once a building consent is issued.
2. If the filling in a Flood Risk Area is not necessary to provide a foundation for the building/s and access to the building/s, resource consent is required and building consent will be issued with a Building Act s37 certificate.

4. IMPORTANT POINTS for interpretation for filling in a Flood Risk Area

The building exemption does not apply until building consent is issued. If relying on the building exemption, filling in a Flood Risk Area cannot start prior to the issuing of a building consent. Council RMA Monitoring Officers can investigate breaches that occur prior to building consent being issued.

“to: provide a foundation for building” means the filling, as identified in the building consent application, that will allow the construction of the foundations required in the building consent for any building/s approved by that building consent.

Only the filling that is “necessary to: provide a foundation for building approved by a building consent, and access to that building” is permitted by the building exemption. That is, an applicant cannot use a building consent to authorise other filling in a Flood Risk Area.

When assessing a building consent: the building exemption is only available once building consent is issued – if the filling in a Flood Risk Area will comply with the building exemption a Building Act s37 certificate is not required to be issued for the filling in a Flood Risk Area.

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