

## Report: Summary of Submissions by Category

Category Name: Plan Change 1 (Awatarariki Fanhead, Matatā)

**Submitter Number:** 1 **Submitter:** Ngāti Awa

**Organisation:** Te Rūnanga O Ngāti Awa

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**Point Number** OS1.1 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā)

**Support/Oppose/Neutral:** Support

**Summary of Submission** Submission is in support of the proposed plan change. The prohibited activities will protect people from making investments in a high risk location. Permitted activities will allow for appropriate activities in the location. Further engagement with Iwi over the recognition of the cultural significance of the reserve area is sought.

**Decision sought:** Adopt proposed plan change 1. Provide appropriate wording in the proposed plan change to make provisions for the reserve area in which koiwi recovered from the Matatā area have been reinterred.

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**Submitter Number:**

3

**Submitter:** Keith Sutton

**On behalf of:** Nola Neale

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**Point Number** OS3.1 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā)

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** Oppose plan change 1 in its entirety. Inundation of submitter's property can be mitigated. The rules in the plan change are far too stringent. The hazard maps are based on flawed information. The submitter considers that the Whakatāne District Council is in breach of a resource consent for large scale earthworks (RC 64647) and has failed to comply with consent conditions that required building platforms on 28 and 32

Clem Elliot Drive to be raised. The submitter considers that raising the building platforms on 28 and 32 Clem Elliot Drive to over 6m RL can mitigate the effects of future inundation and make the land suitable for a residential or camping activity

**Decision sought:** To remove this plan change 1 in its entirety until such time as the voluntary retreat package has been fully implemented.

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**Submitter Number:** 6 **Submitter:** Gavin Dennis

**Organisation:** Matatā Residents Association

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**Point Number** OS6.1 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā)

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** Want Plan Change 1 to be put aside until alternative engineering solutions are fully investigated.  
i.e. fully investigate a combination of bunding on the Awatarariki Stream and an early warning system, including rainfall gauge instruments and ground moisture content monitors.

**Decision sought:** Request that Whakatāne District Council fully investigate a combination of bunding on the Awatarariki Stream coupled with an early warning system, including telemetered rainfall gauge instruments and ground moisture content monitors.

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**Submitter Number:** 8 **Submitter:** Glenn Baker

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**Point Number** OS8.1 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā)

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** Opposition to the relocation of citizens because of growing pressure from economic sources. Politically influenceable aspects not being addressed.

**Decision sought:** Cease the proposed plan change action and ask central government to address this problem nationally

**Category Name: Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 3 Zone Descriptions, Activity Status, Information Requirements and Criteria for Resource Con > Section 3.2 > 3.2.5 Awatarariki Debris Flow Policy Area**

**Submitter Number:** 5 **Submitter:** Russell George

**Organisation:** Bay of Plenty CDEM Coordinating Executive Group

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**Point Number** OS5.1 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 3 Zone Descriptions, Activity Status, Information Requirements and Criteria for Resource Con > Section 3.2 > 3.2.5 Awatarariki Debris Flow Policy Area

**Support/Oppose/Neutral:** Support

**Summary of Submission** Support change to the Operative Whakatāne District Plan to:  
- Include an Awatarariki Debris Flow Policy Area and show high, medium and low risk areas in this policy area on the District Plan Planning Maps.  
- Rezone the high risk area to Coastal Protection.  
- Introduce a new policy framework and rules to manage the identified natural hazard risk.

**Decision sought:** Adopt Proposed Plan Change 1 to the Whakatāne District Plan - Awatarariki Fanhead, Matatā.

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**Submitter Number:** 7 **Submitter:** Rick Whalley

**Organisation:** Awatarariki Residents Incorporated

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**Point Number** OS7.1 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 3 Zone Descriptions,

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** PC1 does not promote sustainable management, is unlawful or breaches the statutory framework.

**Decision sought:** (a) Withdraw PC1; or  
(b) Delete 3.2.5; or  
(c) Reclassify high risk areas as medium/low risk areas.

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**Category Name: Plan Change 1 (Awatarariki Fanhead, Matata) > Chapter 3 Zone Descriptions, Activity Status, Information Requirements and Criteria for Resource Con > Section 3.4.1.1**

**Submitter Number:** 7 **Submitter:** Rick Whalley

**Organisation:** Awatarariki Residents Incorporated

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**Point Number** OS7.5 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 3 Zone Descriptions, Activity Status, Information Requirements and Criteria for Resource Con > Section 3.4.1.1

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** PC1 does not promote sustainable management, is unlawful or breaches the statutory framework.

**Decision sought:** Amend PC1 to include methods and rules regime identified below. These are listed as alternatives, but a rules regime may include a combination of these. Amending PC1 to include the rules and other methods listed below may require additional issues, objectives and policies to be included in PC1 to ensure vertical and horizontal integration:  
(a) No restrictions on residential activities for high and medium risk properties. Mitigation options limited to non-regulatory or non-rule-based methods to avoid and manage hazard risk such as educative or early warning systems; and/or  
(b) A grandparenting regime for high and medium risk properties:  
(c) permitted status for residential activities for high risk properties where

residential activity was established prior to notification of PC1;

(d) controlled status for any increase or change in character, intensity and scale of existing residential activities in high risk properties;

(e) As alternative to (i), delete prohibited status and substitute controlled status for residential activities for high risk properties. Limit controlled status criteria to presence of early warning detection landslide or debris flow events; and/or

(f) Methods (which may include rules) that require the District Council to establish a hazard identification and monitoring regime to provide an early warning system for owners and occupants of high risk properties in the event of a credible landslide or debris flow event; and/or

(g) Without prejudice to grounds stated and above relief, if the decision-maker decides that prohibited status is appropriate having regard to the statutory criteria, then introduce an environmental compensation and offsetting regime that involves payment to owners of high risk properties of reasonable compensation for changing residential activities to prohibited status.

(h) Introducing rules and other methods that require payment of reasonable mitigation, environmental offsetting and/or environmental compensation by the District Council to the owners of high risk properties as a consequence of the intended prohibited status rule for residential activities. Such a rules regime may require Augier undertakings by the Regional or District Council to be enforceable; or may involve condition precedents for the rules framework (and change in activity status of residential activities) to be triggered.

(i) Methods for calculation of mitigation, offsetting and/or environmental compensation are to reflect recognised valuation principles that apply under the equivalent Public Works Act processes;

(j) Absent any financial compensation or offsetting regime, the prohibited status rule does not have effect;

(k) A new Method that requires annual competent peer review by qualified persons in relation to PC1 assumptions about management of acceptable risk from landslide or debris flow, with ability to revisit the rules regime and prohibited status based on the findings of the peer review.

**Category Name: Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 3 Zone Descriptions, Activity Status, Information Requirements and Criteria for Resource Con > Section 3.7.25**

<b>Submitter Number:</b>	7	<b>Submitter:</b>	Rick Whalley
<b>Organisation:</b>	Awatarariki Residents Incorporated		
<b>Point Number</b>	OS7.2	<b>Category</b>	Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 3 Zone Descriptions, Activity Status, Information Requirements and Criteria for Resource Con > ection 3.7.25

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** PC1 does not promote sustainable management, is unlawful or breaches the statutory framework.

**Decision sought:**  
(a) Withdraw PC1; or  
(b) Delete amendment to 3.7.25; or  
(c) Reclassify high risk areas as medium/low risk areas.

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**Category Name: Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards**

**Submitter Number:** 7 **Submitter:** Rick Whalley

**Organisation:** Awatarariki Residents Incorporated

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**Point Number** OS7.3 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** PC1 does not promote sustainable management, is unlawful or breaches the statutory framework. Alternative methods may be appropriate

**Decision sought:**  
(a) Withdraw PC1; or  
(b) Delete Policies 18 & 19; or  
(c) Delete reference to high risk areas; or  
(d) include new policy that requires provision for social, economic and cultural wellbeing of owners and occupants of properties in the high, medium and low risk areas.

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**Category Name: Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards > Section 18.2 Rules > Rules 18.2.6**

**Submitter Number:** 7 **Submitter:** Rick Whalley

**Organisation:** Awatarariki Residents Incorporated

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**Point Number** OS7.4 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards > Section 18.2 Rules > Rules 18.2.6

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** PC1 does not promote sustainable management, is unlawful or breaches the statutory framework.

**Decision sought:** Delete Rules 18.2.6.3, 18.2.6.4 & 18.2.6.5 and retain the activity status under the relevant Residential zone.

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**Point Number** OS7.7 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards > Section 18.2 Rules > Rules 18.2.6

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** PC1 does not promote sustainable management, is unlawful or breaches the statutory framework.

**Decision sought:** Delete amendment to advice note.

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**Category Name:** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards > Section 18.2 Rules > Rules 18.2.6 > 18.2.6. 3

**Submitter Number:** 4 **Submitter:** Pam Butler

**Organisation:** KiwiRail Holdings Limited

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**Point Number** OS4.1 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards > Section 18.2 Rules > Rules 18.2.6 > 18.2.6. 3

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** Rule appears to restrict network utility works in clause (c) to those 'in a public place'. the railway corridor is not usually referred to as a public place, nor does the clause cover privately owned sites; which can sometimes host utility and council conduits and pipes. The maintenance and operation of existing utilities on all land should be enabled to retain connections of benefit to the community.

**Decision sought:** Amend 18.2.6.3(c) by deleting the words '*in a public place*' from the end of the clause.

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<b>Point Number</b>	OS4.3	<b>Category</b>	Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards > Section 18.2 Rules > Rules 18.2.6 > 18.2.6. 3
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**Support/Oppose/Neutral:** Support

**Summary of Submission** Supports rule 18.2.6.3(e) which provides for the upgrading and maintenance of existing network utility and related structures

**Decision sought:** Retain Rule 18.2.6.3 (e) as notified.

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**Category Name:** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards > Section 18.2 Rules > Rules 18.2.6 > 18.2.6. 6

<b>Submitter Number:</b>	4	<b>Submitter:</b>	Pam Butler
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<b>Organisation:</b>	KiwiRail Holdings Limited
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<b>Point Number</b>	OS4.2	<b>Category</b>	Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards > Section 18.2 Rules > Rules 18.2.6 > 18.2.6. 6
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**Support/Oppose/Neutral:** Oppose

**Summary of Submission** Rule appears to restrict network utility works in clause (c) to those 'in a public place'. the railway corridor is not usually referred to as a public place, nor does the clause cover privately owned sites; which can sometimes host utility and council conduits and pipes. The maintenance and operation of existing utilities



on all land should be enabled to retain connections of benefit to the community.

**Decision sought:**

Amend 18.2.6.6(c) by deleting the words '*in a public place*' from the end of the clause.

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**Category Name: Plan Change 1 (Awatarariki Fanhead, Matata) > Chapter 18 Natural Hazards > Section 18.7 > Other Methods 18.7.1**

**Submitter Number:** 7 **Submitter:** Rick Whalley

**Organisation:** Awatarariki Residents Incorporated

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**Point Number** OS7.8 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 18 Natural Hazards > Section 18.7 > Other Methods 18.7.1

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** PC1 does not promote sustainable management, is unlawful or breaches the statutory framework.

**Decision sought:** Delete amendment to methods.

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**Category Name: Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 21 Definitions**

**Submitter Number:** 7 **Submitter:** Rick Whalley

**Organisation:** Awatarariki Residents Incorporated

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**Point Number** OS7.6 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Chapter 21 Definitions

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** PC1 does not promote sustainable management, is unlawful or breaches the statutory framework.

**Decision sought:** (a) Delete High, Medium, Low risk areas; or  
(b) Amend high risk areas to medium or low risk; or  
(c) Identify Awatarariki Policy Area as a natural hazard area, but do not state whether risk is high, medium or low.

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**Category Name:** Plan Change 1 (Awatarariki Fanhead, Matatā) > Planning Maps

**Submitter Number:** 2 **Submitter:** Margaret Annie Gracie

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**Point Number** OS2.1 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Planning Maps

**Support/Oppose/Neutral:** Support

**Summary of Submission** Support the change in zone.

**Decision sought:** Adopt the plan change.

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**Submitter Number:** 7 **Submitter:** Rick Whalley

**Organisation:** Awatarariki Residents Incorporated

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**Point Number** OS7.9 **Category** Plan Change 1 (Awatarariki Fanhead, Matatā) > Planning Maps

**Support/Oppose/Neutral:** Oppose

**Summary of Submission** PC1 does not promote sustainable management, is unlawful or breaches the statutory framework.

**Decision sought:**

- (a) Reject amendment to planning maps; or
  - (b) Delete high risk and substitute with medium or low risk areas; or
  - (c) Identify Awatarariki Policy Area as a natural hazard area, but do not state whether risk is high, medium or low.
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