

PROPOSED

Plan Change 1 (Awatarariki Fanhead, Matatā) to the Whakatane District Plan

A proposed plan change seeking the identification of the Awatarariki Debris Flow Policy Area, including a "high risk", "medium risk" and a "low risk" area, and rezoning the high risk area from Residential Zone to Coastal Protection Zone.

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Chapter 3 Zone Descriptions, Activity Status, Information Requirements and Criteria for Resource Consents

Add the following new Policy Area in Section 3.2

3.2.5 Awatarariki Debris Flow Policy Area

The Awatarariki Debris Flow Policy Area means the land susceptible to debris flow hazards and identified on the Planning Maps as either high, medium, or low risk.

The risk areas are:

- a. **Awatarariki High Risk Debris Flow Policy Area:** The High Risk area includes land that is subject to a high risk to life and property from debris flows due to the likelihood of future debris flows and the potential for such flows to contain high impact boulders and woody debris, combined with the volume, density, and velocity of any future flow. Existing residential uses should retreat from the High Risk area because other forms of risk mitigation cannot practicably reduce the high likelihood of loss of life. There is also a risk to life for visitors to the area. Urban activities are prohibited in the High Risk area, with other activities only allowed where they relate to transitory recreational use of open space;
- b. **Awatarariki Medium Risk Debris Flow Policy Area:** The Medium Risk area includes land that is subject to risk to life and property from debris flows, but is beyond the area where previous debris flows have contained high impact boulders and woody debris. Development is allowed only where a risk assessment establishes that the level of risk is reduced to a level that is as low as reasonably practicable.
- c. **Awatarariki Low Risk Debris Flow Policy Area:** The Low Risk area includes land that is subject to risk to property from debris flows, but is beyond the areas where previous debris flows have contained high impact boulders and woody debris. There is potential for flows, predominantly containing sand, silt and gravel, with variable boulder and timber content.

Amend Section 3.7.25 Natural Hazard Effects as follows:

- d. In relation to erosion, falling debris or slippage, and debris flows, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of covenants on the lot's Certificate of Title. The **Council** will have regard to the siting of buildings or building platforms, and the specific design of buildings or other structures to avoid, remedy or mitigate the effect of the hazard;

Chapter 18 Natural Hazards

Section 18.1 Objectives and Policies

Add the following new Policies under Objective Haz1:

Policy 18

To assess the natural hazard risk from Debris Flows on the Awatarariki fanhead at Matatā by undertaking a risk analysis using the methodology set out in the Australian Geomechanical Society – Landslide Risk Management 2007.

Policy 19

- a. To reduce the level of natural hazard risk in the Awatarariki High Risk Debris Flow Policy Area from high to medium levels (and lower if reasonably practicable);
- b. To reduce the level of natural hazard risk in the Awatarariki Medium Risk Debris Flow Policy Area from medium to as low as reasonably practicable.
- c. To maintain the level of natural hazard risk in the Awatarariki Low Risk Debris Flow Policy Area to within the low natural hazard risk range.

Section 18.2 Rules

Add the following new Rules under 18.2.6 Falling Debris and Debris Flows

18.2.6.3 Within the area shown as **Awatarariki High Risk Debris Flow Policy Area** on Planning Map 101A Matatā the following activities are Permitted Activities:

- a) The construction of structures and the use of land for passive recreation, including the construction and maintenance of public pedestrian and cycle tracks, interpretative and directional signs, fencing, pedestrian stiles, gates, bollards and associated barriers, seating, landscaping, gardens and grassed areas and rubbish and/or recycling bins;
- b) Activities operating in accordance with, or that are provided for in, an approved Reserve Management Plan under the Reserves Act 1977.
- c) The erection of new, and the minor upgrading (including ancillary earthworks) and maintenance of existing, network utilities and related structures in a public place;
- d) Demolition and/or removal of a building or structure;
- e) The removal of network utilities;
- f) Vegetation clearance;
- g) The erection of fencing, signage, a viewing platform and other minor structures, associated with the development of a commemorative reserve on Lot 20 DP 306286;
- h) Activities operating in accordance with section 18(2) of the Reserves Act 1977 on the Te Kaokaoroa Historic Reserve (Allotment 373 Town of Richmond)

18.2.6.4 Within the area shown as **Awatarariki High Risk Debris Flow Policy Area** on Planning Map 101A Matatā the following activity is a Restricted Discretionary Activity:

a) **Earthworks**

In assessing an application for a Restricted Discretionary Activity for earthworks in the **Awatarariki High Risk Debris Flow Policy Area** the **Council** shall restrict its discretion to:

- a) Whether the activity will avoid causing any increased risk to other activities, and any buildings and their occupants on any other site, from a debris flow;
- b) Whether the activity will appropriately address the accidental discovery of koiwi or other taonga, including giving effect to any protocols agreed with tangata whenua.

18.2.6.5 Within the area shown as **Awatarariki High Risk Debris Flow Policy Area** on Planning Map 101A Matatā any activity, other than those that are a Permitted Activity under Rule 18.2.6.3 or a Restricted Discretionary Activity under Rule 18.2.6.4, is a Prohibited Activity.

18.2.6.6 Within the area shown as **Awatarariki Medium Risk Debris Flow Policy Area** on Planning Map 101A Matatā the following activities are Permitted Activities:

- a) Residential activities and associated buildings and structures within the existing building or structure envelope, including the footprint, as lawfully established before 31 December 2017;
- b) Demolition and/or removal of a building or structure;
- c) The erection of new, and the minor upgrading (including ancillary earthworks) and maintenance of existing, network utilities and related structures in a public place.

18.2.6.7 Within the area shown as **Awatarariki Medium Risk Debris Flow Policy Area** on Planning Map 101A Matatā all activities are a Restricted Discretionary Activity unless the activity is listed as a Permitted Activity by Rule 18.2.6.6, or a discretionary, non-complying or prohibited activity in Section 3.4.1 Activity Status Table.

Section 18.4 Assessment Criteria for Restricted Discretionary Activities

Add the following new Rules

18.4.2 **Awatarariki Medium Risk Debris Flow Policy Area**

18.4.2.1 **Council shall restrict its discretion to**

- a) Whether the design and layout of the activity will reduce the risk to the activity, and any building and its occupants from a debris flow, to a level that is as low as reasonably practicable;

- b) Whether the activity will avoid causing any increased risk to other activities, and any buildings and their occupants on any other site, from a debris flow.

An application for Restricted Discretionary Activity in the Awatarariki Medium Risk Debris Flow Policy Area shall not be notified, or served on affected persons.

Add a new line to the activity status table 3.4.1.1 to be:

61	Activities in the Awatarariki Medium, High and Low Risk Debris Flow Policy Areas	See Rules 18.2.6.3 – 18.2.6.7
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In the Activity Status table 3.4.1.1 add a “Pr” with a superscript number to all of the activities in the Coastal Protection column with the following footnote

In the Awatarariki High Risk Debris Flow Policy Area this activity is a Prohibited Activity

In the Activity Status table 3.4.1.1 add an “RD” with a superscript number to activities 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 16, 17, and 30 in Residential column with the following footnote

In the Awatarariki Medium Risk Debris Flow Policy Area this activity is a Restricted Discretionary Activity

Add definitions to Chapter 21 Definitions

Awatarariki High Risk Debris Flow Policy Area means land on the Awatarariki fanhead that is subject to a high risk to life and property from debris flows.

Awatarariki Medium Risk Debris Flow Policy Area means land on the Awatarariki fanhead that is subject to a medium risk to life and property from debris flows.

Awatarariki Low Risk Debris Flow Policy Area means land on the Awatarariki fanhead that is subject to low risk of life and property from debris flows.

Amend Advice Note: to 18.2.6.2 as below.

Council is undertaking an assessment of landslide and debris flow risks in the vicinity of the escarpments at Whakatāne, Ōhope, and Matatā. This work is intended to provide the community with a better understanding of the nature and extent of these hazards and the risks they may present. **Council** has completed the debris flow risk assessment for the Awatarariki fanhead at Matatā and has included a Natural Hazard Policy Area on the Awatarariki fanhead. It is likely that the District Plan maps and rules that control land use and subdivision in areas affected by landslide and debris flow hazards, in areas apart from the Awatarariki fanhead at Matatā, will need to be changed once the risk assessment has been completed. Any changes to the District Plan will be subject to a public submission process under the Resource Management Act.

If you own land in close proximity to the escarpments at Whakatāne, Ōhope, and Matatā and are potentially affected by landslide and debris flow hazards, the **Council** will provide information to you on the risk assessment when this becomes available. If you are planning to purchase land or to undertake any development in the vicinity of the

escarpments at Whakatāne, Ōhope, and Matatā you are advised to contact the **Council** at an early stage to obtain the latest information.

Add the following to Other Methods 18.7.1

Anyone planning to purchase land or undertake development in the **Awatarariki High Risk Debris Flow Policy Area** is advised to contact the Bay of Plenty Regional Council to determine if there are any regional rules that would affect their development.

The area shown as Awatarariki Low Risk Debris Flow Policy Area on Planning Map 101A Matatā has been assessed as having a low risk to life and property from debris flows from the Awatarariki catchment. While this is an acceptable level of risk, anyone planning to purchase land or undertake development in this area is advised to contact **Council** to obtain the latest information, and to then evaluate the risk. The debris flood in this area, resulting from a debris flow from the Awatarariki catchment, will be further assessed as part of future district wide susceptibility modelling of flooding. It is possible that the outcome of that assessment will result in controls being placed on land use and/or subdivision.

Add a requirement, as o. in Rule 3.5.1.1 as follows:

- o within the Awatarariki Medium Risk Debris Flow Policy Area (AMRDFPA):
 - i. Unless the **Council** otherwise determines that some other assessment is appropriate, an application for resource consent for an extension to a building, a new building, or any other new structure within the AMRDFPA, shall include a report on its suitability, prepared by a **Suitably Qualified and Experienced Practitioner**, certifying that the extension, building or other new structure will reduce the risk to the activity, and any building and its occupants from a debris flow, to a level that is as low as reasonably practicable, and will avoid causing any increased risk to other activities, and any buildings and their occupants on any other site, from a debris flow.

Add a new definition of **Chartered Professional Engineer experienced in natural hazard management** as follows:

Suitably Qualified and Experienced Practitioner means a person who is an independent expert who applies good professional practice, and assesses consequences with reference to accepted benchmarks and industry guidelines.

Planning Maps

Amend Planning Map 101A Matatā to show:

- Awatarariki High Risk Debris Flow Policy Area
- Awatarariki Medium Risk Debris Flow Policy Area
- Awatarariki Low Risk Debris Flow Policy Area

Amend Planning Map 101B Matatā to show:

- Coastal Protection Zone underlying the Awatarariki High Risk Debris Flow Policy Area