

Proposed Horowhenua District Plan

Natural Hazards

Hearing: 15 April 2013

Officer Right of Reply and Response to Commissioners Questions

Officer Right of Reply

We have considered the evidence presented by submitters at the hearing on 15th April 2013. In addition, we have considered the questions and comments from the Commissioners raised during the hearing. Below we respond to the evidence presented and questions/comments. In responding to the matters raised, we have ordered them into the following topics to align with the Section 42A Report:

- Liquefaction
- Mapping of the Flood Hazard Overlay Area
- Response to Commissioners Questions: Moutoa Floodway and Flood Hazard Overlay Area Rules

Where we heard no evidence questioning or opposing recommendations, we have not further commented on these and our original evaluations and recommendations remain.

Liquefaction

Liquefaction was addressed by Anne Hunt, Rosalie Huzziff, Pen Tucker (Horizons Regional Council) and Christina Paton at the hearing. Ms Tucker advised that the January 2005 'Lifelines Report' is the latest and best information Horizons Regional Council has on liquefaction at the regional level and that they do not anticipate providing any finer scale information in the foreseeable future. Ms Tucker further commented that the Civil Defence and Emergency Management (CDEM) Group were scheduled to commence a hazard data literature and status update in 2013-14, and this review would determine future hazard investigations.

Ms Hunt expressed concern about the lack of recognition and provision in the District Plan on the risks from liquefaction. Ms Hunt referred to the current RMA reform, including recently released Discussion Document, and that future changes to the RMA are anticipated in relation to natural hazards. In addition, Ms Hunt commented on other legislation, such as Council's obligations under the Civil Defence and Emergency Management Act to identify and respond to natural hazard risks. Furthermore, Ms Hunt contended there was a 'lacuna' in the Building Act in that it did not recognise tsunami or liquefaction as natural hazards. Ms Hunt also highlighted and queried the wording of the disclaimer in the Planning Maps in relation to natural hazards. In response to questions from Commissioners, Ms Hunt advised she supported including a reference to the natural hazards information and advice note in the District Plan on liquefaction risk.

Mrs Huzziff also expressed concern about the lack of recognition and provision in the District Plan on the risks from liquefaction, with particular reference to areas in and around Foxton and Foxton Beach. She contended a hazard was known and had been identified, therefore,

the District Plan should give clear guidelines to Council staff on what is expected in response to this hazard. Mrs Huzziff sought the identified liquefaction hazard area be identified in the District Plan and that development in this area be carefully assessed, with development directed to areas with minimal risk. In response to questions from Commissioners, Mrs Huzziff advised she supported including a reference to the liquefaction map and advice note in the District Plan on liquefaction risk.

Mrs Paton expressed concern about the lack of recognition and provision in the District Plan on the risks from liquefaction. Mrs Paton referred to Canterbury where natural hazards information had recently been made available online, and contended Horowhenua District Council should do the same. She contended that as the hazard risk was known, Council should include this information in the District Plan and responded to. In response to questions from Commissioners, Mrs Paton advised she supported including a map and advice note in the District Plan on liquefaction risk.

The matter of liquefaction risk was addressed in Section 4.5 and 4.22 of the Section 42A Report. Evidence from submitters confirmed the latest and most relevant information available on liquefaction risks is contained in the Lifelines Report. Having heard and considered the evidence presented, we remain of the view that it is not appropriate to add areas at risk from liquefaction to the Planning Maps due to the broad-scale of the hazard identified and that no specific plan provisions apply for liquefaction risks. In our view, it would be appropriate to add reference to the District Plan on the available natural hazard information (including liquefaction) to assist in the assessment of subdivision and development in known hazard areas. Below we recommend specific Advice Notes be added to alert Plan users to this information to assist with this assessment.

Mrs Huzziff contended that in the Section 42A Report the matter of liquefaction risk was “put in the too hard basket” and we “decided to do nothing about it”. We refute these statements. As detailed in the Section 42A Report, we consider the current Building Act, NZ Building Code, Section 106 of the RMA, and the current District Plan requirements (e.g. all subdivision applications to consider natural hazards) provide effective mechanisms to consider and respond to natural hazard risks, including liquefaction risk. The available information (e.g. Lifelines Report) could be considered in the above processes, even with no specific reference in the District Plan. Furthermore, as noted in the Section 42A Report, further regulations and guidance from central government is anticipated on seismic hazards. Therefore, Council may need to review the current approach or implement other requirements based on new guidance or statutory requirements.

Given the above, we now recommend the submissions from Rosalie Huzziff (107.00, 107.02), Christina Paton (102.00, 102.01) and Anne Hunt (10.00) be accepted in part.

Recommended Amendment:

Amend 6th bullet point under the heading ‘District Plan’ in Methods for Issue 8.1 & Objective 8.1.1 as follows:

- Where there are significant risks from natural hazards (erosion, falling debris, subsidence, slippage, or inundation) that have not yet been identified in the District Plan, control subdivision in these areas through Section 106 of the RMA. The “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group is a summary of all natural hazards in the region and could be used for this purpose.

Amend 2nd bullet point under the heading ‘Collection and Provision of Information’ in Methods for Issue 8.1 & Objective 8.1.1 as follows:

- Council will make available information for the Public that would help raise awareness and educate people about the risks of natural hazards. The “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group is a summary of all natural hazards in the region and could be used for this purpose.

Amend Rule 15.7.5 Subdivision of Land (Matters of Control) for the Residential Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend Rule 16.7.1 Subdivision of Land (Matters of Control) for the Industrial Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend Rule 17.7.1 Subdivision of Land (Matters of Control) for the Commercial Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend Rule 20.7.1 Subdivision of Land (Matters of Control) for the Open Space Zone as follows:

- (viii) Avoidance or mitigation of natural hazards. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Note: No recommended amendments are made for the Greenbelt Residential Zone or Rural Zone as these matters of control form part of Plan Changes 20 and 21, and therefore do not form part of the Proposed Plan open for submission/amendment. It is anticipated a future plan change would be undertaken to these two Zones to align their rules with other zones following the Proposed Plan being made operative.

Amend Assessment Criteria 25.7.14 Natural Hazards as follows:

- (a) The probability and magnitude of the natural hazard event, and the type, scale and distribution of the risks from the natural hazard. Includes consideration of the influence of climate change, adopting a precautionary approach for the frequency and intensity of events. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend 28.2.2 Information Requirements 1: General Information as follows:

- (ii) A statement describing any significant natural hazards affecting, or likely to affect, the proposal including flooding, land instability, coastal hazards and fire. (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Amend 28.2.4 Information Requirements 3: Subdivision as follows:

- (j) Natural Hazards: A description of any areas known to be subject to land instability or other significant hazard, together with a statement of any proposals for mitigating, or remedying any adverse effects or the hazard(s). (Note: Refer to the “Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project” (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).

Mapping of the Flood Hazard Overlay Area

The location and extent of the Flood Hazard Overlay Area was addressed by Malcolm Guy. Mr Guy queried the accuracy of the mapped flood hazard area, noting some sections included tall dune ridges. Mr Guy contended the accuracy of this mapping was important to avoid any resource consents if they applied to construct a dwelling or another building on these tall dune ridges which did not flood.

In liaison with the Flood Catchment team at Horizons Regional Council, the location and extent of the Flood Hazard Overlay Area in the area of Mr Guy’s property (Koputaroa Road) has been further reviewed. This further review has identified specific locations where the Flood Hazard Overlay Area can be redefined to exclude the tall dune ridges referred to by Mr Guy. In redefining this flood hazard area, the Flood Catchment team at Horizons Regional Council re-iterated this mapping is “indicative only”. It is recommended the Flood Hazard Overlay Area be amended as shown on the attached map. It is recommended Malcolm Guy’s submission (4.00) be accepted in part.

Recommended Amendment:

Amend Planning Map 4 as shown in Appendix 1 to this report.

Response to Commissioners Questions

Moutoa Floodway (Rules 19.4.9 and 19.6.10)

Q. Can you clarify and confirm the intent of all rules relating to the Moutoa Floodway and review the workings/mechanics (internal consistency) of these rules to ensure they achieve the intent?

A. Policy 10-2(a) of the Horizons Regional Council Proposed One Plan states:

- (a) *The Regional Council and Territorial Authorities must not allow the establishment of any new structure or activity, or any increase in the scale of any existing structure or activity, within a floodway mapped in Schedule 1 unless:*
 - (i) *there is a functional necessity to locate the structure or activity within such an area, and*

- (ii) *the structure or activity is designed so that the adverse effects of a 0.5% annual exceedance probability (AEP) (1 in 200 year) flood event on it are avoided or mitigated, and*
- (iii) *the structure or activity is designed so that adverse effects on the environment, including the functioning of the floodway, arising from the structure or activity during a flood event are avoided or mitigated, in which case the structure or activity may be allowed.*

This policy is given effect to in the Proposed District Plan in Policy 8.1.2 which specifically relates to the Moutoa Floodway, being the only floodway in the Horowhenua District in Schedule I of the Proposed One Plan. The intent of the rules in the Proposed Plan is to implement these policies.

In brief, the rules seek to permit only activities which have a functional necessity in the floodway, provided these permitted activities do not adversely affect the performance of the floodway. All other activities, and permitted activities that would adversely affect the performance of the floodway require a resource consent.

In terms of the rule mechanics, the Moutoa Floodway is identified on the Planning Maps. The Flood Hazard Area Overlay also applies to the entire floodway, as well as an underlying Rural Zone.

Rule 19.1(m) permits a limited number of activities in the Flood Hazard Area, including the Moutoa Floodway (e.g. primary production activities, flood protection works and maintenance and upgrading of network utilities). In the Section 42A Report it is recommended additional works associated with network utilities be permitted (e.g. underground utilities, cabinets, utility masts and poles). These permitted activities are subject to a condition in Rule 19.6.10 which states “no earthworks, buildings or structures are permitted in the Moutoa Floodway”. This condition restricts those works that could compromise the functioning of the floodway. For example, dairy farming is permitted in the floodway (e.g. grazing of animals, spreading of fertiliser) but not farm buildings (e.g. milking shed, implement shed). The intent of Rule 19.6.10 is to apply specific conditions to the Moutoa Floodway and not apply the Flood Hazard Area conditions under Rule 19.6.11 which would permit a level of building and other works. To clarify this matter, it is recommended that an amendment be made to Rule 19.6.11 to exclude the Moutoa Floodway from these conditions. In addition, consequential amendments would be required to Rule 19.6.10 similar to those recommended to Rule 19.6.11 in the Section 42A Report to provide for the works recommended amendments to Rule 19.1(m).

For all other activities not permitted in Rule 19.1(m), these would be a restricted discretionary activity under Rule 19.4.9(b). For any permitted activities which do not comply with the conditions in Rule 19.6.10, these would be a restricted discretionary activity under Rule 19.4.9(a). Lastly, any subdivision of land is a restricted discretionary activity under Rule 19.4.9(c). I note two corrections to section 4.17 of the Section 42A Report:

1. 2nd sentence, paragraph 3 of Discussion and Evaluation: Reference to Rule 19.6.10(b) should be to Rule 19.4.9(b).
2. 3rd sentence, paragraph 3 of Discussion and Evaluation and Recommended Amendments: Reference to Rule 19.4.8(b) should be to Rule 19.4.9(b).

Accordingly, it is recommended Rules 19.6.10 and 19.6.11 are amended as below. These recommended amendments are considered to be within the scope of the submissions from Telecom (78), Chorus (79) and further submission from Powerco (505) set out in sections 4.6 – 4.21 in the Section 42A Report which are recommended to be accepted.

Recommended Amendment:

Amend Rule 19.6.10 as follows:

19.6.10 Moutoa Floodway

(a) *No earthworks, buildings or structures are permitted in the Moutoa Floodway.*

Exceptions

(i) Earthworks associated with the installation of underground network utilities shall reinstate ground as close as practicable to its state prior to disturbance.

(ii) Network utility cabinets/buildings shall not exceed 5m² gross floor area.

Amend Rule 19.6.11 as follows:

19.6.11 Flood Hazard Overlay Area (excluding Moutoa Floodway)

(a) *Within a Flood Hazard Overlay Area (excluding Moutoa Floodway) earthworks shall....*

(b) *Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), the erection...*

(c) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), the installation of underground network utilities...

(d) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), new network utility cabinets/buildings...

Q. Can you review the wording of new recommended Rule 19.6.11(c) in relation to the intent of this rule?

A. The recommended new Rule 19.6.11(c) is intended to provide for earthworks to enable the installation of underground network utilities, providing the ground level is reinstated to the same level as to prior to the earthworks.

In reviewing the wording of the new rule, it could be simplified to clarify this intention. In addition, it is recognised it may not be practical or feasible to exactly reinstate the ground to the same level as prior to the earthworks. Below is revised recommended wording of this rule. In addition, in response to the previous question, this wording should also be applied to the condition for Rule 19.6.10. Furthermore, in the written statement received from Powerco, they seek additional wording to Rule 19.6.11(a) to clarify the earthworks thresholds do not apply to undergrounding network utilities. I support this clarification and the wording submitted and recommended the wording apply to all zones.

These recommended amendments are considered to be within the scope of the submissions from Telecom (78), Chorus (79) and further submission from Powerco (505) set out in sections 4.6 – 4.21 in the Section 42A Report which are recommended to be accepted.

Recommended Amendment:

Amend Rule 15.6.14 (Residential Zone) as follows:

- (a) *Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.*

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (b) ...

- (c) *Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.*

- (d) *Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.*

Amend Rule 16.6.19 (Industrial Zone) as follows:

- (a) *Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.*

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (b) ...

- (c) *Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.*

- (d) *Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.*

Amend Rule 17.6.14 (Commercial Zone) as follows:

- (a) *Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.*

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

- (b) ...

- (c) *Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.*

- (d) *Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area.*

Amend Rule 19.6.10 (Rural Zone) as follows:

19.6.10 Moutoa Floodway

(a) *No earthworks, buildings or structures are permitted in the Moutoa Floodway.*

Exceptions

(i) Earthworks associated with the installation of underground network utilities shall reinstate ground as close as practicable to its state prior to disturbance.

Amend Rule 19.6.11 (Rural Zone) as follows:

19.6.11 Flood Hazard Overlay Area (excluding Moutoa Floodway)

(a) ...

(c) Within a Flood Hazard Overlay Area (excluding Moutoa Floodway), earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.

(d) ...

Amend Rule 20.6.11 (Open Space Zone) as follows:

(a) *Within a Flood Hazard Overlay Area earthworks shall not exceed 20m³ per site within any 12 month period.*

Except

The earthworks volume limit does not apply to tracks where the existing ground level is not altered by greater than 0.1 metres in any 12 month period or to the installation of underground network utilities undertaken in accordance with (c) below.

(b) ...

(c) Within a Flood Hazard Overlay Area, earthworks associated with the installation of underground network utilities shall reinstate ground level as close as practicable to its state prior to disturbance.

(d) Within a Flood Hazard Overlay Area, new network utility cabinets/buildings shall not exceed 5m² gross floor area."

Response prepared by Hamish Wesney

Reviewed by David McCorkindale

Dated 27th May 2013

Appendix: Recommended Amendments to Flood Hazard Overlay Area

LEGEND
ZONES

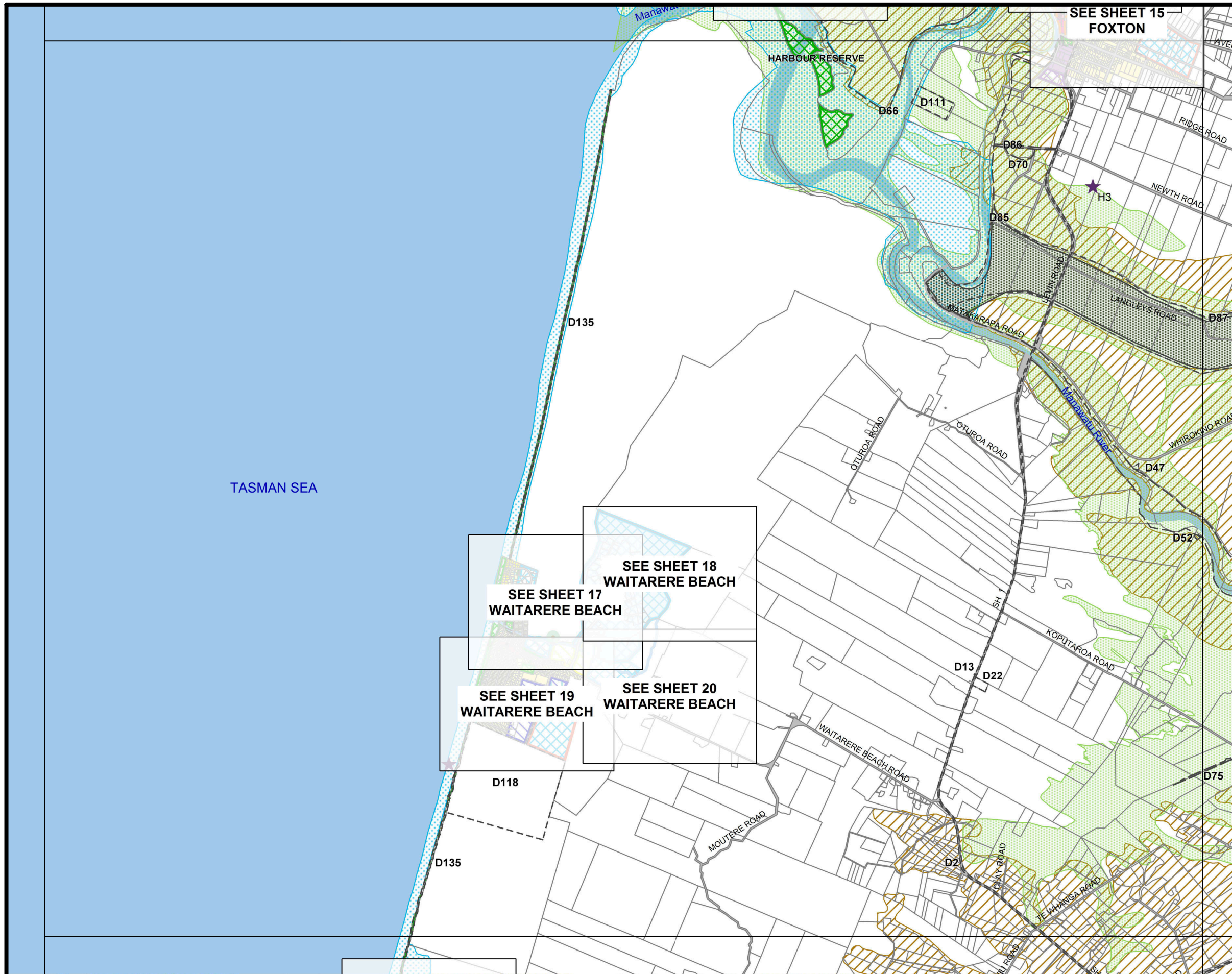
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Proposed Commercial Zone
- Proposed Greenbelt Residential Zone (part of PC 21)
- Proposed Greenbelt Residential Deferred Zone (part of PC 21)
- Proposed Industrial Zone
- Proposed Open Space Zone
- Proposed Residential Zone
- Proposed Residential Zone (part of PC 21)
- Proposed Residential Deferred Zone
- Proposed Rural Zone

OVERLAYS

- Proposed Greenbelt Residential Waitarere Rise (part of PC 21)
- Proposed Low Density Area (part of PC 21)
- Proposed Medium Density Area
- Proposed Large Format Retail Area
- Proposed Town Centre Heritage/Character Area
- Proposed Foxton Tourism Area
- Proposed Pedestrian Area
- Proposed Coastal Natural Character and Hazard Area (1:50,000 Rural Maps Only)
- Proposed Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

FEATURES

- Notable Tree
- Historic Heritage Building, Structure or Site
- Designation
- Road

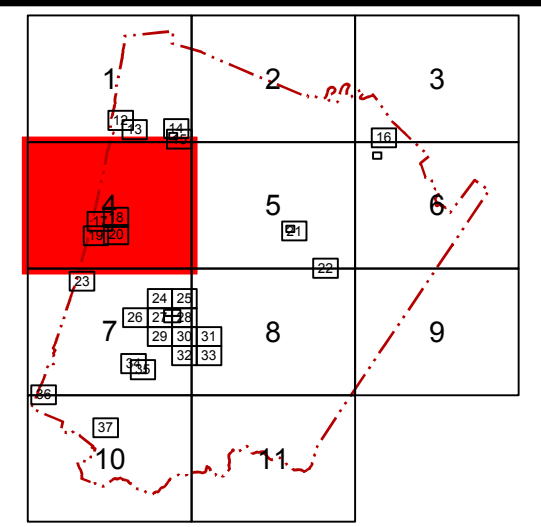


SEE SHEET 17
WAITARERE BEACH

SEE SHEET 18
WAITARERE BEACH

SEE SHEET 19
WAITARERE BEACH

SEE SHEET 20
WAITARERE BEACH



Scale 1 : 50,000

PROPOSED HOROWHENUA DISTRICT PLAN
RURAL

Planning Map 4

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