

**APPENDIX 2 – SUBMISSIONS RECEIVED**  
**PC38 Hearing Report**

10 October 2014



Brenda O'Shaughnessy  
Wanganui District Council  
PO Box 637  
Wanganui Mail Centre  
Wanganui 4540

File ref: RAI 04 07  
2014  
PT/BWG

Private Bag 11025  
Manawatu Mail Centre  
Palmerston North 4442

P 06 952 2800  
F 06 952 2929

[www.horizons.govt.nz](http://www.horizons.govt.nz)

**Delivered via Email to**  
**Leayne.Huirua@wanganui.govt.nz**

Dear Brenda

**PROPOSED PLAN CHANGE 38**

Please find enclosed Horizons Regional Council's submission to Proposed Plan Change 38. Horizons wishes to be heard in respect to this submission.

Horizons supports this Proposed Plan Change and considers that it gives effect to the regional policy framework for natural hazards set out in Chapter 10 of the One Plan.

Yours faithfully

Pen Tucker  
**POLICY ANALYST**

Encls. Submission on Proposed Plan Change 38

Resource Management Act 1991

**Submission on a Publicly Notified Plan Change to the Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

**To:** Wanganui District Council  
PO Box 637  
Wanganui

**Name:** Horizons Regional Council (Horizons)

**Contact Person:** Pen Tucker, Policy Analyst

**This is a submission on:** **Proposed Plan Change 38 – Land Stability Assessment Areas (Stage 2)**

1. Horizons **could not** gain an advantage in trade competition through this submission.
2. Horizons **does** wish to be heard in support of this submission.
3. Horizons' officers would welcome any opportunity to attend informal or formal pre-hearing meetings with Wanganui District Council and other parties to discuss points of contention.
4. If others make a similar submission Horizons **would** be prepared to consider presenting a joint case with them to any hearing.

Status of the Proposed One Plan

5. As this submission will refer to provisions in the Proposed One Plan (POP), it is appropriate to provide a brief summary of the current status of this Plan. All appeals to the Environment Court and High Appeal were fully resolved in May 2013, and the amendments agreed through mediation have now all been confirmed by consent order. All amendments recorded in the Proposed One Plan as Amended by Environment Court Decisions (available on Horizons' website but not as a formal, printed version) therefore now have legal effect. Although the POP has not been made operative by Council, the policy framework now has legal effect. While it should still be considered in conjunction with the operative policy framework in practice we find that the policy framework in the operative Regional Policy Statement is given virtually no weight, because the POP is now so close to becoming operative, is more up-to-date, and has been through extensive community and judicial scrutiny recently.
6. It is anticipated that the One Plan will be fully operative before the end of 2014.

Submission

7. Horizons supports Proposed Plan Change 38 – Land Stability Assessment Areas (Stage 2). The proposed amendments to the District Plan will give effect to the POP regional policy framework for natural hazards set out in Chapter 10, specifically Policy 10-1 Responsibilities for natural hazard management and Policy 10-5 Other types of natural hazards.

8. As set out in Table 1 of the Section 32 report (updated in October 2014), under POP Policy 10-1 the District Council holds the responsibility for developing objectives, policies and methods (including rules) for controlling land use to avoid, remedy or mitigate natural hazards. The suite of objectives and policies addressing natural hazards, and the rules for the Land Stability Assessment Areas, give effect to Policy 10-1.

9. Table 1 also considers POP Policy 10-5, which requires Horizons and the District Council

*to manage future development and activities in areas susceptible to natural hazards events... in a manner which:*

*(a) ensures that any increase to that any increase in risk to human life, property or infrastructure from natural hazard events is avoided where practicable, or mitigated where the risk cannot be practicably avoided*

...

*(c) is unlikely to cause a significant increase in the scale or intensity of natural hazard events.*

Proposed Plan Change 38 will enable the District Council to manage the effects of future development and activities in the Land Stability Assessment Areas through resource consents, thereby giving effect to Policy 10-5.

10. **Address for Service:** Horizons Regional Council  
Private Bag 11025  
Palmerston North

**Day time phone No:** (06) 9522 948

**Email:** [pen.tucker@horizons.govt.nz](mailto:pen.tucker@horizons.govt.nz)

**Signed:**

  
Nic Peet  
GROUP MANAGER STRATEGY AND REGULATION

**Dated:** 10 October 2014

182854  
**SCANNED**

②

28 D'Arcy Rd

Wanganui 4500

29 August 2014

Chief Executive

Wanganui District Council

PO Box 637

Wanganui 4540

Dear Sir

**Submission: Proposed Slip Protection Zone, 28 D'Arcy Rd, Bastia Hill**

This letter is in response to the Council's letter of 10<sup>th</sup> June 2014 advising of Council's intention to include a Slip Protection Zone over many properties in the Bastia Hill area, including ours at 28 D'Arcy Road.

While we do not oppose the intent of the proposed zone, expert advice we have sort suggests the lack of sophistication taken by Council compared to what is at stake would cause Council embarrassment should we decide to contest the proposed zone. However, concerning our own property, we propose a simple solution.

In support of our opposition to the proposed zone, we wish to make the following comments:

- a) We understand why it is prudent for Council to take steps to limit its future liability and be transparent for future property owners concerning sites of additional risk to the norm. However, Council did issue building consents for the houses affected and in respect to or residence, obviously an extremely important factor we took into account in deciding on its purchase. So, as well as future owners, the Council has a duty of care to the existing owners.
- b) The house was built in 1977 (37 years old) and shows no sign of settlement, which would suggest the site foundation is stable, which is not as implied by the proposed zone Area A having a risk of failure period of 10-50 years.
- c) Prospective purchasers and Insurance Companies react to headline information and the wording as proposed in the zone paints a more severe picture than what seems to be intended when speaking with Council representatives. The headline information will most likely have a negative impact on the value and saleability of our property. Like most New Zealanders, a large chunk of our personal savings is wrapped up in our residence.
- d) While we appreciate the expertise of the people involved in deciding on the makeup and boundaries of the proposed zone, Council is the representative of this community and so has a legal duty of care in exercising its powers. The method to assess the risk of slippage to our residence (i.e. inspecting soil maps and aerial photos and a drive by (when our property is hidden from sight) is actually seriously inadequate for what is at stake.

- e) We decided to at least put some site specific science into the matter so undertook some research ourselves, including getting legal advice, inspection of the hill below the house, recorded slope angles, studied maps of contours before the area was developed, augured a soil test bore, etc.
- f) On the subject of supporting foundation stability, we refer to the attached aerial plan and photos. The first photo, taken from Shakespeare Road, shows No 26 (neighbours to the right) and 28 D'Arcy Road (hidden by long established trees). Also shown on the photo, below No 26, is the top of a layer of sandstone which appears to lie largely, but not completely or evenly, through the vicinity. Using a level taken from the top of the protruding sandstone, we assessed that the sand stone would be about 3.7m below the lowest house footing, providing the sandstone was present under our house. Using a hand auger we struck the sand stone at the estimated depth. Attached is a photo showing the various brown-orange clay subsoil's as we dug down and then the grey sandstone. We believe that where the sandstone material exists then it offers a comparatively stronger and more stable means of support and can maintain a much steeper slope than areas without it.
- g) The report talks about slope angles and risk, with half our dwelling and one third of our land within Area A. The report states that Area A has 'a characteristic angle of 45 degrees from the toe of the slope', which the land below our property and our sloping land simply does not have. The vast majority of the our land and the downhill neighbours does not even fit into the flatter graded Area B, as defined by the grade 30-40 degrees. A check on pre construction plans, dated 1962, of the D'Arcy Rd subdivision land shows the same lack of severe grade at this site, and no significant alteration to the slope has occurred. This shows that the land has not failed within the last 52 years. The application of and choice of grading applied to the property is incorrect.

We therefore believe that the need for the proposed zone that is shown on the plan (OPUS plan 5w1100.12 figure 2) going through the middle of our house is unsubstantiated and Council is not undertaking its RMA role with the required duty of care.

We therefore ask the Council to:

- a) Make the headline wording of the proposed slip protection zone far less scary and reflect the intent as has been verbally explained.
- b) Remove the proposed zone off our house footprint at 28 D'Arcy Rd. (ie about a 3m shift)
- c) Explain to us why more than the Area B zone should be proposed for our hillside land below our house and extending up to the plateau of the house site.

Yours faithfully



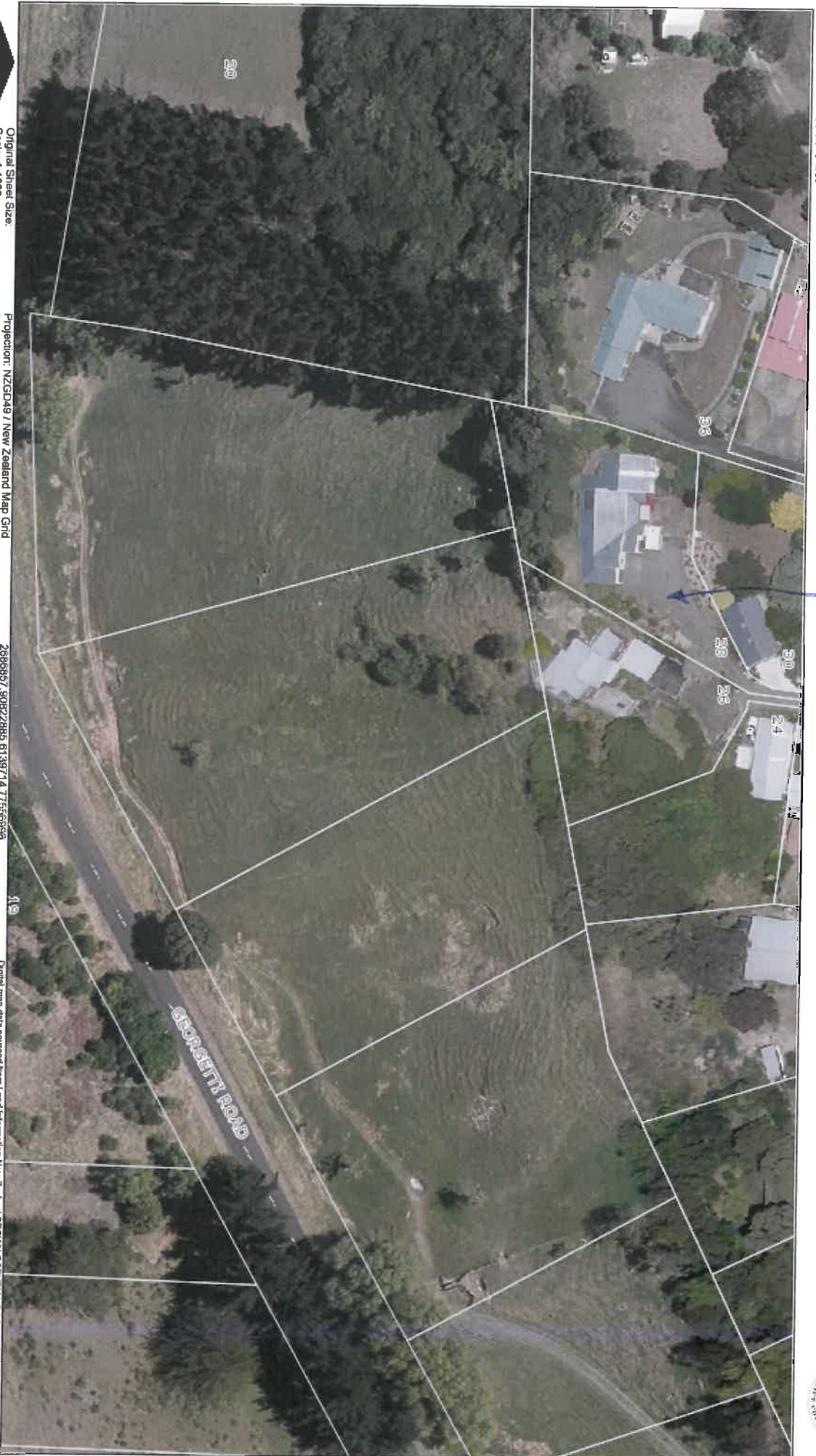
Rowan & Rosemary McGregor



# Map Print -

Print Date: 27/08/2014  
Print Time: 8:17 AM

28 D'Arcy Rd.



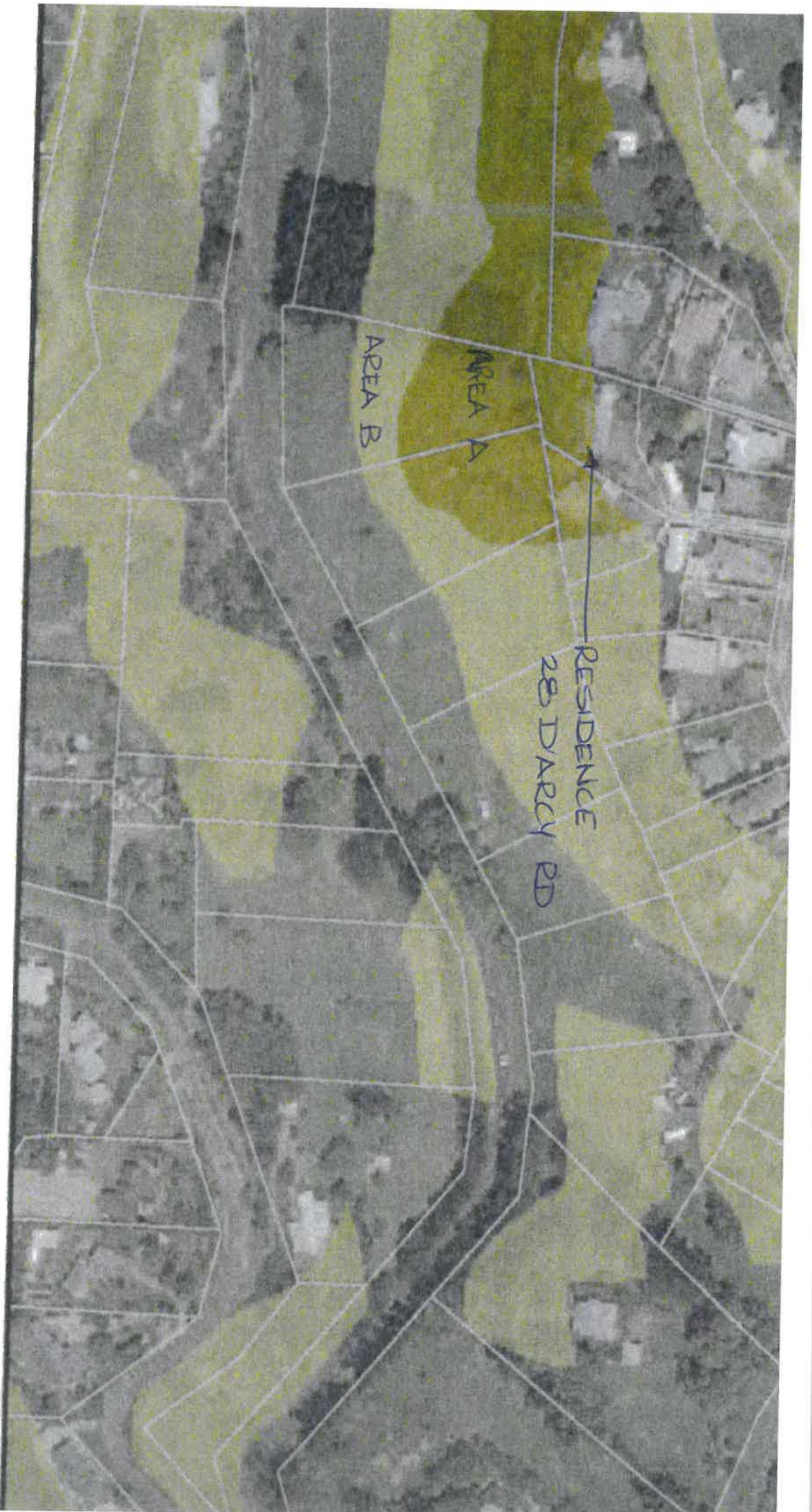
Original Sheet Size:  
Scale: 1:1000

Projection: NZGD49 / New Zealand Map Grid  
Bounds: 2886574.85219455, 6139560.30707002

2886567.90622885, 6139714.71566996

Digital map data sourced from Land Information New Zealand CROWN COPYRIGHT RESERVED.  
The information displayed in the GIS has been taken from Mangawhai District Council's databases and maps.  
It is made available in good faith but its accuracy or completeness is not guaranteed.  
If the information is relied on in support of a resource consent it should be verified independently.





BLOWN UP PORTION OF OPUS PLAN

5W1100.12 FIG 2



28 | ID'ARCH RD  
↑ RESIDENCE

BOTTOM OF  
HOUSE  
FOUNDATION  
TO TOP OF  
SANDSTONE  
APPROX 3.7m

↑ TOP OF SANDSTONE

↑ SANDSTONE

↑ SANDSTONE

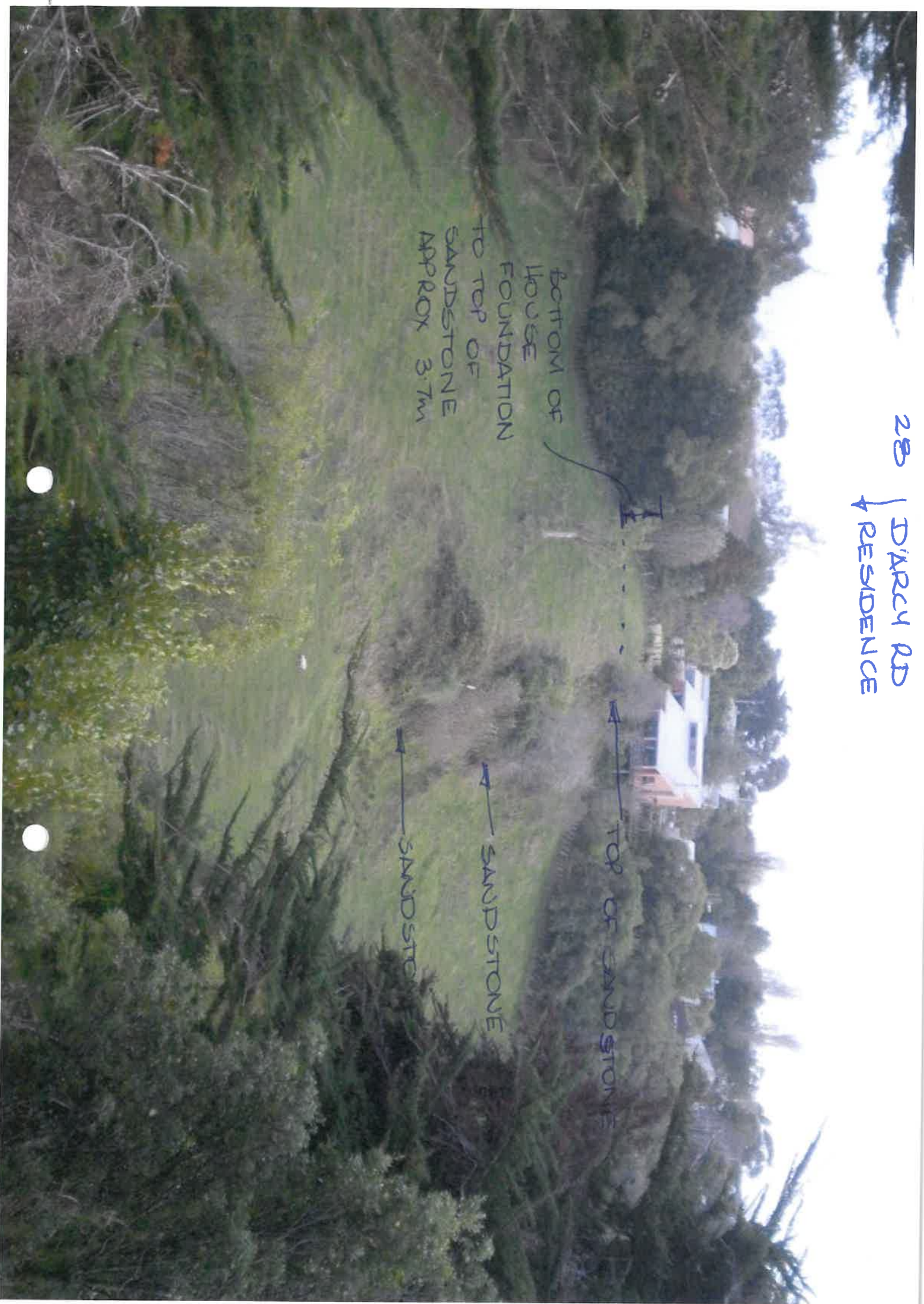




PHOTO OF SUBSOIL SAMPLES FROM DEPTHS SHOWN



The Chief Executive  
Wanganui District Council  
Wanganui

20/8/2014

Dear Sir,

We recently received information from the council with the proposal to place our property in the slip protection zone. Our property is at 26 D'arcy Road which has been built on sandstone, which provides a safe and stable platform. The home has a building consent, and the engineer who did the foundation design was Robert Timpany who was a council engineer for many years, and had a "masters" in engineering. The May 2014 report compiled by the council and consultants was created by a desk top study and driveby observation, and is totally inaccurate as far as our property is concerned. As this would also have a bearing on the property value, I therefore request that the proposed slip protection zone be removed from our house site. I have enclosed a picture showing the layers of sandstone by our property.

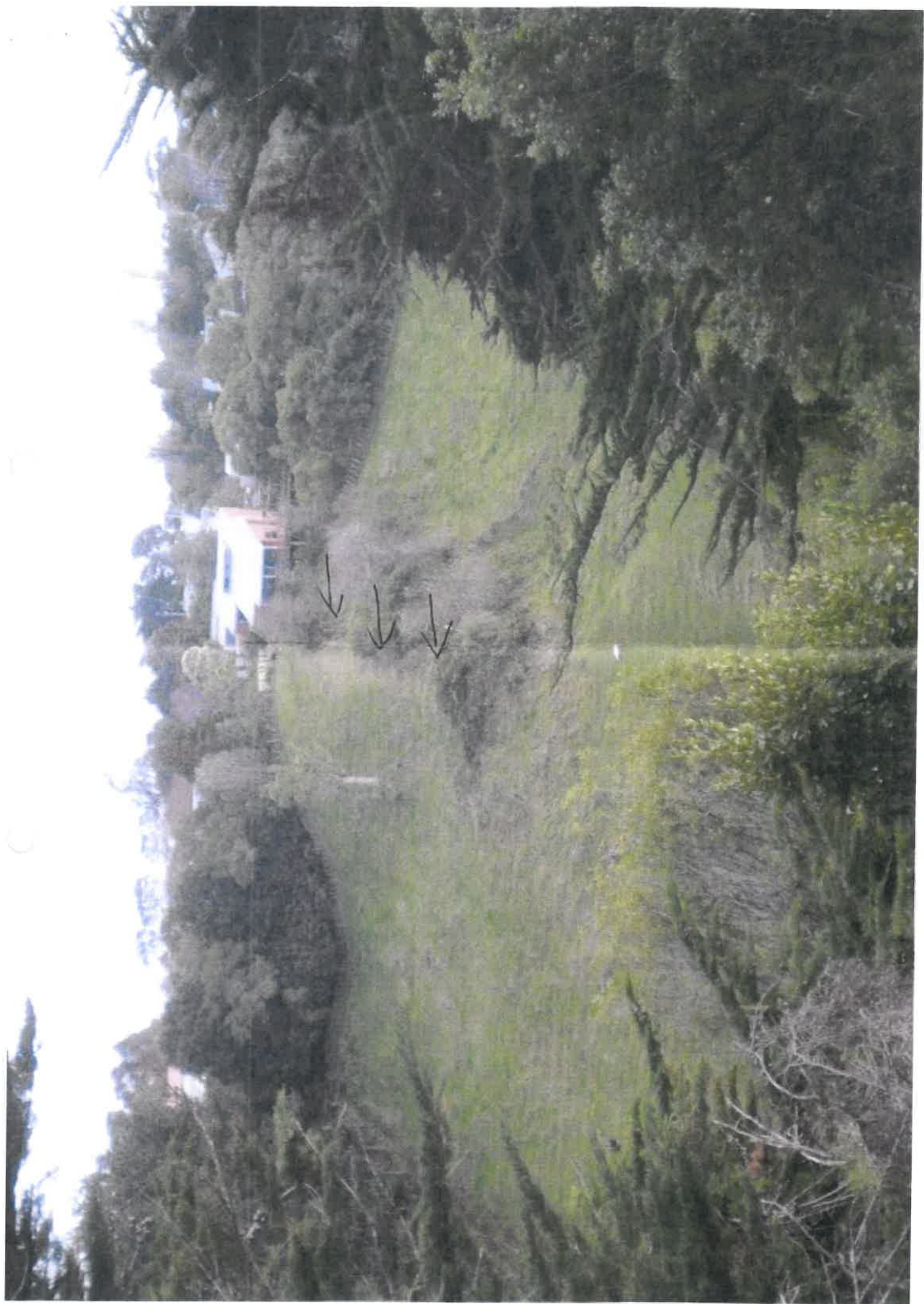
Yours faithfully,

Mark and Gaylene Buckley

*M. J. Buckley*  
*G. Buckley*

3







9 OCT 2014



Resource Management Act 1991  
Submission on a Publicly Notified Plan Change  
To The Wanganui District Plan



In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) MARK FREDERICK BUCKLEY

This is a submission on Plan Change No. 38 ..... Closing Date: 10 OCTOBER 2014

1. (a) ~~I could/could not~~\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) ~~I am/am not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

LAND STABILITY ASSESSMENT AREAS

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

My submission is that the proposed slip protection zone is totally inaccurate (concerning my property) and I oppose it entirely. The May 2014 report was compiled from a desk top and driveby study.

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

I want the proposed slip protection zone removed from our property. Our house has a building consent and Robert Typanny who had a masters in engineering did the foundation design. The house was built on sandstone rock. The surrounding area is also sandstone rock.

Use additional pages if required

5. ~~I do/do not~~\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would/would not~~\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

26 D'ARCY RD  
BASTIA HILL  
WANGANUI

Signature: M. Buckley

(Person making submission or person authorised to sign on behalf of person making submission)

Day time phone No:

Email: bucko1@xtra.co.nz

Date: 9/10/2014



Resource Management Act 1991  
Submission on a Publicly Notified Plan Change  
To The Wanganui District Plan



In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) CHRISTOPHER LAY HEYWOOD

This is a submission on Plan Change No. 38 ..... Closing Date: 10 OCTOBER 2014

1. (a) I could/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I am/am not\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

PROPOSED SLIP PROTECTION ZONE - 26 TURORA RD.

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

I OPPOSE THE PROVISIONS MADE - THESE CHANGES WILL REDUCE PROPERTY VALUE AND INCREASE INSURANCE COST UNBOLLY. THE RESEARCH BY THE AGENCIES OWN SUBMISSION IS UNDER RESOURCES/SUPPLIER ATTACHED

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

HEADLINE WORDING LESS ALARMING  
REMOVE REFERENCE TO LSA AREA A  
AN EXPLANATION OF INCONSISTENCY OF REPORTS  
(SEE ATTACHED DOCUMENTS)

Use additional pages if required

5. I do/~~do not~~\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I would/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

26 TURORA ROAD

Signature:

(Person making submission or person authorised to sign on

Day time phone No: 349 3136

behalf of person making submission)

Email: CHRIS@KIWIORIGINAL.COM NZ Date: 08/10/2014

26 Turoa Road  
Wanganui 4500

08 October 2014

Chief Executive  
Wanganui District Council  
P.O. Box 637  
Wanganui 4500

**Submission: Proposed Slip Protection Zone, 26 Turoa Rd, Wanganui East**

This letter is in response to the Council's letter of 10th September 2014 advising of Council's intention to include a Slip Protection Zone over many properties in the Wanganui East area at the back of Bastia Hill, including ours at 26 Turoa Road.

While we do not oppose the intent of the proposed zone, expert advice we have sort suggests the lack of sophistication taken by Council compared to what is at stake would cause Council embarrassment should we decide to contest the proposed zone.

In support of our opposition to the proposed zone, we wish to make the following comments:

a) We understand why it is prudent for Council to take steps to limit its future liability and be transparent for future property owners concerning sites of additional risk to the norm. However, Council did issue building consents for the houses affected and in respect to our residence, obviously an extremely important factor we took into account in deciding on its purchase. So, as well as future owners, the Council has a duty of care to the existing owners.

b) The house was built in 1963 (51 years old) and shows no sign of settlement, which would suggest the site foundation is stable, which is not as implied by the proposed zone Area A having a risk of failure period of 10-50 years. During this period our house and the hill have weathered many storms with no signs of any adverse effect.

c) Prospective purchasers and Insurance Companies react to headline information and the wording as proposed in the zone paints a more severe picture than what seems to be intended when speaking with Council representatives. The headline information will have a negative impact on the value and saleability of our property as had I been aware of this intention in June when I purchased the property I would never have purchased here. Like most New Zealanders, a large chunk of our personal savings is wrapped up in our residence.

d) While we appreciate the expertise of the people involved in deciding on the makeup and boundaries of the proposed zone, Council is the representative of this community and so has a legal duty of care in exercising its powers. The method to assess the risk of slippage to our property (i.e. inspecting soil maps and aerial photos and a drive by (when our property is hidden from sight) is actually seriously inadequate for what is at stake and this has been acknowledged by Opus in their report and is backed up by one of council's officials when he acknowledged that some owners had already successfully contested the zoning and been successful. (Reported in the Wanganui Chronicle.)

e) Our property has had a house on it without any reported landslides or slips since 1963, we have walked across the entire property and have not seen evidence of any concern relating to either excessive erosion through water runoff or evidence of erosion, we have recently completed our due diligence on this property and have come to the conclusion that we are not in imminent danger of a landslide occurring unless under extreme conditions more extreme than the past 51 years have dishd up.

g) By their own admission OPUS have acknowledged that this investigation was not sufficiently funded and that without inspecting (OPUS plan 5w110012 figure 2) going through the middle of our house is unsubstantiated and Council is not undertaking its RMA role with the required duty of care.

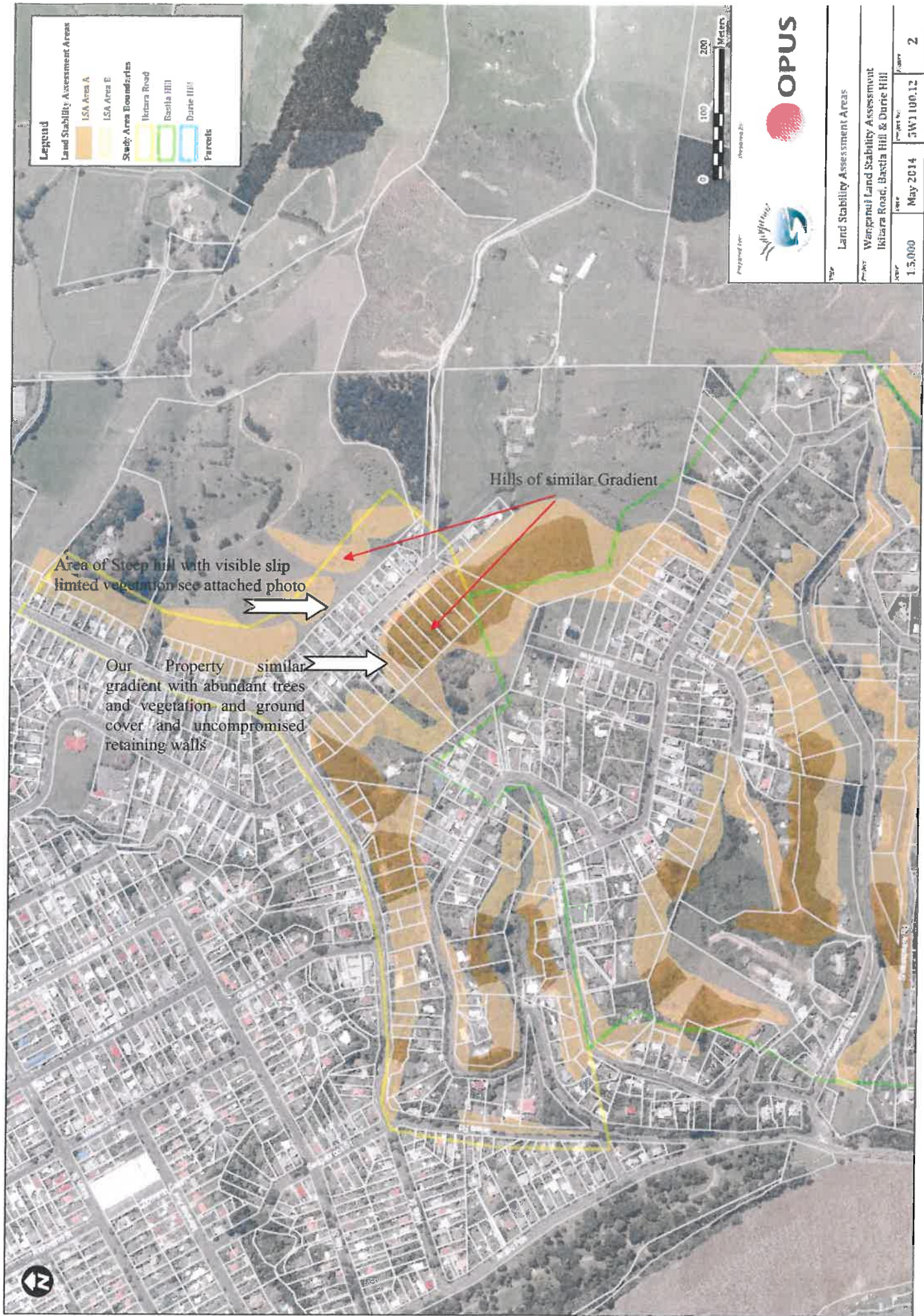
We therefore ask the Council to:

1. Make the headline wording of the proposed slip protection zone far less scary and reflect the intent as has been verbally explained.
2. Remove the proposed zone A keeping zone B until a comprehensive study can be carried out, by undertaking a desk study it is clear that this study is under resourced and inconclusive. We do accept that for any work to be carried out on this property would require the services of skilled engineers.
3. Explain to us why the hill on the opposite side to our house (see map below ) which has no houses and limited vegetation is Zoned B ? And therefore at a lesser risk of erosion than the identically similar hill on which our house is built. We know that that hill (zoned B) is prone to slips and erosion caused by insufficient vegetation and excessive run-off, as this is clearly visible and used by Opus as an example when assessing the risk to our property which is well built with solid retaining walls, good levels of managed vegetation, good drainage and no evidence of subsidence or even strain on the retaining walls? The answer we believe is not to upgrade that zoning on that hill to A, but removing the A zoning on our property.

Yours faithfully

Chris Heywood





**Legend**

**Land Stability Assessment Areas**

- LSA Area A
- LSA Area E

**Study Area Boundaries**

- Ikilara Road
- Bastia Hill
- Dunrie Hill

**Parcels**

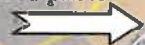


Project No: 15000  
Date: May 2014  
Project No: 5W1100.12  
Page: 2

**OPUS**

|   |           |
|---|-----------|
| Land Stability Assessment Areas         |           |
| Wairarapa Land Stability Assessment     |           |
| Ikilara Road, Bastia Hill & Dunrie Hill |           |
| Project No:                             | 5W1100.12 |
| Date:                                   | May 2014  |
| Page:                                   | 2         |

Area of Steep hill with visible slip  
limited vegetation see attached photo



Our Property similar  
gradient with abundant trees  
and vegetation and ground  
cover and uncompromised  
retaining walls



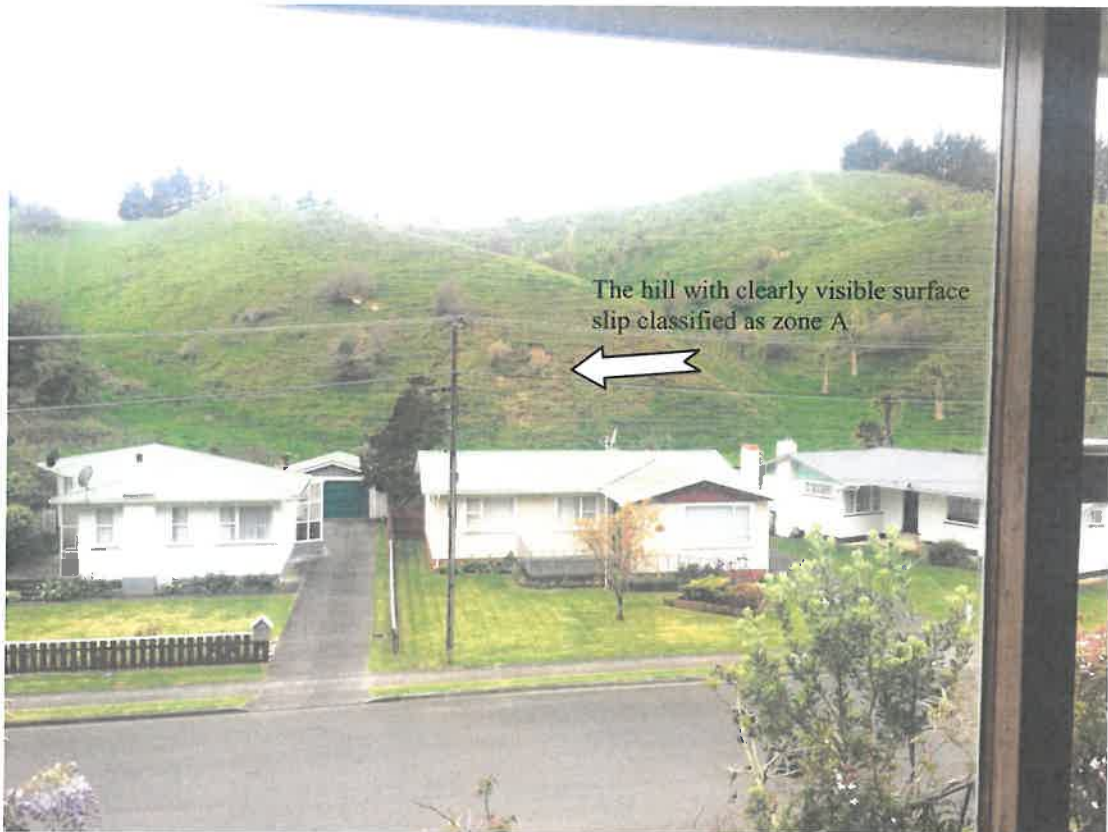
Hills of similar Gradient







Our property with well-established  
and maintained vegetation



The hill with clearly visible surface  
slip classified as zone A



Resource Management Act 1991  
Submission on a Publicly Notified Plan Change  
To The Wanganui District Plan

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



TO: Wanganui District Council, PO Box 637, Wanganui

09 OCT 2014

Name: (print in full) CC and RC Ogle

This is a submission on Plan Change No. 38 ..... Closing Date: 10 OCTOBER 2014

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).  
(b) I am/am ~~not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Our property at 22 Forbes St Wanganui  
and the entire Durie Hill - Durie Vale area

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support

- or oppose the specific provisions or wish to have amendments made. Please give your reasons): The proposed zoning changes  
1. are to meet a perceived but unproven need on the wide scale that the zoning  
covers - a "scattergun" approach rather than precisely targeted  
2. are unfair, in the ~~land~~ scattergun approach means that land close to ours  
with some contours has been excluded;  
3. have no regard to land stabilisation works already done on our property;  
4. have the potential to decrease our (and everyone else's) in the  
property value in an already declining Wanganui (low zone)  
property market - we will seek a new valuation if this proceeds

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

1. A reassessment of land stability factors of parts  
of our land and nearby land to ensure fairness (#2 above)  
2. production of a land stability overlay that reflects each property's  
existing stabilisation work (walls, trees etc.) (#3 above)  
3. a new property valuation to reflect re-sale value  
4. a total reassessment of the need for the whole rezoning  
process, especially to demonstrate the need for it

Use additional pages if required

5. I do/~~do not~~\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I would/would ~~not~~\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

22 Forbes St  
Wanganui 4500

Signature: 

(Person making submission or person authorised to sign on

Day time phone No: 3478567

behalf of person making submission)

Email: robert.ogle@  
xtra.co.nz

Date: 9 Oct 2014



# Resource Management Act 1991 Submission on a Publicly Notified Plan Change To The Wanganui District Plan



In accordance with Form 5 RM (Forms, Fees and Procedure) Regulations 2003

TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) Russell Neil Goudie

This is a submission on Plan Change No. 38 ..... Closing Date: 10 OCTOBER 2014

- 1 (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I ~~am/am not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment: and does not relate to trade competition or the effects of trade competition (\*please delete one).

2 The specific provisions of the proposed plan change that my submission relates to:

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

SEE ATTACHED.

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

Use additional pages if required

5. I ~~do~~/do not\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would/would not~~\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

21 STARK STREET, DURIE HILL WANGANUI.

Signature:

[Handwritten Signature]

(Person making submission or person authorised to sign on

Day time phone No: 345-3570 behalf of person making submission)

Email: russgoudie@xtra.co.nz

Date: 10 October 2014



10 October 2014

Principal Planner  
Wanganui District Council  
P O Box 637

Proposed Planning Change 38 – Land Stability Assessment Area

My submission to the above change covering items on Form 5 - 2, 3 and 4 are detailed as follows -

There has not been a specific property assessment carried out, the results are a desktop study coupled with an examination of historical aerial photos.

I consider that the survey line does not take into account the topography of the section accurately in relation to the amount of flat land beyond the dwelling of between 12 to 13.5 metres in a northerly direction.

I accept that the western end of the section above Portal Street because of its nature would be classified in Zone A for a length of approximately 10 metres but I invite the engineers who were commissioned to do the report to meet with the landowner on site to view the remedial work that has been undertaken on the remaining land such as drainage, building of retaining walls, establishment of lawn, planting on two levels and landscaping turning a steeper bank into an easier gradient that has been planted in shrubs to mitigate any future stability problems.

In viewing the broad brush approach that has been adopted on adjoining properties it is considered that several should be moved out of the A zone into B or be classified without any impediments

Yours faithfully



R N Goudie

P.S. It is not necessary to speak to this submission but in the interests of common sense I invite the planners and engineers to meet on site to review the boundary of the defined line to a more acceptable position.