

## **1. PLAN CHANGE PROPOSAL**

### **1.1 DESCRIPTION OF PROPOSED PLAN CHANGE 38**

Plan Change 38 (PC38) proposes to:

- amend District Plan maps Urban 16, Urban 22 and Urban 27 to identify additional properties as being within the LSAA A and B areas;
- amend Chapter 8 Introduction to incorporate the recent report looking at Durie Hill, Bastia Hill and Ikitara Road study areas; and
- delete Sections 8.6 and 8.7 relating to the Hillside Protection Zone.

### **1.2 PROPOSED AMENDMENTS TO THE DISTRICT PLAN**

Chapter 8 of the Plan identifies a series of areas which are identified as potentially prone to a land stability hazard. Research to confirm or refine this anecdotal assessment is being undertaken in stages over the next few years. The first stage of research was completed in 2012 and reviewed two the areas identified as most at risk – being the Hipango Terrace and Anzac Parade study areas. These areas and relevant Plan provisions were incorporated into the Plan by way of Plan Change 25 which was made operative in 2013.

PPC38 proposes to include additional sites as either LSAA (A) or (B) as identified by the second stage of research which covered the Bastia Hill, Durie Hill and Ikitara Road areas.

The existing District Plan provisions for LSAA would then apply to those affected properties.

No changes are proposed to the LSAA objectives, policies or rules as part of this Plan change. The LSAA provisions will supersede and replace the Hillside Protection Zone for the sites in Turoa Road where that has previously applied. The Hillside Protection Zone will no longer apply to any properties in the District and will be deleted.

## **2. SECTION 32 EVALUATION**

### **2.1 EVALUATION**

#### **2.1.1 Evaluation of the purpose of PPC38**

Section 32 (1)(a) of the RMA requires that Council evaluate the extent to which the purpose of PC38 is the most appropriate way to achieve the purpose of this Act. To do this Council has compared PC38 to the other reasonable alternatives as follows:

#### **Reasonable Options**

1. Do nothing – retain the existing Plan maps unchanged and do not identify the Bastia Hill, Durie Hill or Ikitara Road properties as being within the LSAA.
2. Extend the existing Hillside Protection zone to include the Bastia Hill, Durie Hill or Ikitara Road properties identified by the 2014 Opus Report as being susceptible to land instability.
3. Extend the existing LSAA overlay to include the Bastia Hill, Durie Hill or Ikitara Road properties as recommended by the June 2014 Risk Assessment Report<sup>1</sup>

The Do Nothing Option would be inconsistent with the existing land instability hazard management approach, adopted in the District Plan through Plan Change 25 in 2013. Council and the community have, through that Plan Change, determined that progressive investigation of the 10 urban areas most likely to be susceptible to land instability hazard risks and the subsequent inclusion in the District Plan, of sites confirmed as being of moderate or high susceptibility. Those sites are then subject to the LSAA objectives policies and regulation of activities on those sites. This is the most appropriate way to achieve the objectives of the Plan, the requirements of the One Plan and the purpose of the RMA. The staging of research is not ideal but has been necessary due to Council budget constraints.

Option two to apply the Hillside Protection Zone to sites identified in the Opus 2014 Risk Report, as being susceptible to land instability hazard risk is not appropriate as the provisions are less effective than those developed in 2013 for the LSAA. The Hillside Protection Zone is a rather blunt instrument eg all excavation of land is a non-complying activity. It does not respond to the varying degrees of hazard risk by site and by activity. It is less effective and efficient and not the most appropriate way to achieve the objectives given the recent completion of the LSAA provisions which were designed to eventually replace the Hillside Protection Zone.

Option 3 is considered to be the simplest and most effective and efficient way to achieve the objectives of the Plan, the One Plan and the purpose of the RMA.

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<sup>1</sup> Opus Report June 2014

## Appendix 5 – S32 Report PC38 Hearing Report

Additional properties now confirmed to be likely to be subject to a moderate or high risk of land instability are to be identified as being within the LSAA overlay and existing recently developed Plan provisions would apply as a consequence. No change to the existing Operative LSAA Plan provisions is required.

### 2.1.2 Examination of Provisions in PC38

Section 32 (1)(b) of the RMA requires that Council examine whether the provisions included in PC38 are the most appropriate way to achieve the purpose of this Act. In this instance the 'provisions' are deemed to be:

#### Methods

- i) Identify sites as LSAA overlay on planning maps
- ii) Existing objectives, policies, and rules for LSAA overlay shall be applied to the sites identified on the planning maps.

The reasons for deciding on these provisions is that:

- Inclusion of the relevant sites on the planning maps is the simplest and clearest way to identify sites of moderate and high risk of susceptibility to land instability. It is consistent with the format and intended functioning of the Plan. Plan users expect to identify relevant zone, overlays or site features or heritage items on the planning maps. This is a method which is most appropriate in the context to achieve the objectives of the Plan, the requirements of the One Plan and the purpose of the RMA.
- Adoption of the recently operative Plan provisions relating to the LSAA overlay the simplest and most effective and efficient way to achieve the purpose of the RMA. It was the clear intention of the Council and community, in making Plan Change 25 operative, that as further priority study areas were investigated that they would be included in the Plan and the Plan provisions for sites in the LSAA overlay would apply. This is intention is clearly spelt out in the introduction to Section 8.4 of the Plan.

## Appendix 5 – S32 Report PC38 Hearing Report

The options available to achieve the purpose of PC38 are detailed above.

Evaluation of Provisions in PC38 -	
<p><i>Methods</i></p> <p>i) <i>Identify sites as LSAA overlay on planning maps</i></p> <p>ii) <i>Existing objectives, policies, and rules for LSAA overlay shall be applied to the sites identified on the planning maps.</i></p>	
Summary of benefits	<p><b>Environmental</b> Inappropriate development on hazard prone sites in the Bastia Hill, Durie Hill and Ikitara Road areas will be avoided.</p> <p><b>Economic</b> Potential purchasers or occupiers of property increasingly rely on District Plans to identify this information and alert them to the potential affects. Community will be enabled to make better informed development and investment decisions. No specific employment consequences except potential increase in demand for geotechnical specialist skills.</p> <p><b>Social/ Cultural</b> Improved awareness and understanding of the risks of natural hazards will be achieved by identifying those sites most likely to be susceptible to land instability, in the Plan.</p>
Summary of costs	<p><b>Environmental</b> Nil</p> <p><b>Economic</b> Costs fall on the current owners who risk loss of property value and increased resistance in the property market, as well as potential constraints on development opportunities. No specific employment consequences except potential increase in demand for geotechnical specialist skills.</p> <p><b>Social/ Cultural</b> Add stress and financial hardship on those who own property affected, where perception rather than real risk will impact on their options e.g. retirement income</p>
Effectiveness	The methods are effective in relation to PC38 properties as improved understanding and regulation will support better informed decision making and sustainable management.
Efficiency	The methods are efficient in relation to PC38 properties as improved understanding will support better informed decision making which recognises inherent levels of risk. It is consistent with the recently developed approach operative in the Plan.

## Appendix 5 – S32 Report PC38 Hearing Report

Evaluation of Provisions in PC38 -	
<p><i>Methods</i></p> <p>iii) <i>Identify sites as LSAA overlay on planning maps</i></p> <p>iv) <i>Existing objectives, policies, and rules for LSAA overlay shall be applied to the sites identified on the planning maps.</i></p>	
Appropriateness	<p>The methods are appropriate in achieving the purpose of the Act. It is appropriate to clearly signal the thresholds for development and give effect to the One Plan.</p> <p>In view of existing levels of understanding of local natural hazard risks, it is considered the current District Plan approach is not the most appropriate to achieve the proposed objective of avoiding or mitigating risk. The alternative approach of providing clear information, raising awareness and providing regulatory direction is more appropriate as it protects areas at risk from the effects of natural hazards by managing activities in these areas. Inevitably much existing development is located in areas subject to natural hazards and it is important to manage any further intensification or redevelopment of these areas. In addition, new areas of development may be subject to natural hazards, and it is important to firstly to identify and avoid these areas, or if not practical to avoid, then mitigate the adverse effects of natural hazards.</p> <p>Given this conclusion, and Horizon's One Plan policy direction, the District Plan policies advocate the identification of areas at significant risk from land instability and control structures and activities within these identified areas. This approach is considered the most appropriate way to achieve the proposed objectives for natural hazards.</p>
Risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods	<p>It is vital for the Council to demonstrate that it is managing the risk of natural hazards in accordance with the requirements of the RMA and the Regional Council's Proposed One Plan.</p> <p>The economic and safety risks to the community are significant, and the 2014 risk assessment report confirm this. Council is obliged by the RMA and the One Plan specifically to act to manage this risk. Making information readily available is part of that requirement. PC38 is consistent with this objective and necessary to achieve the objective.</p>

### **2.2 CONCLUSION**

The objective of PC38 is to identify in the Plan, additional sites that are now known to be moderately or highly likely to be susceptible to land instability hazards and ensure that appropriate assessment and regulation of any development occurs to protect the property and surrounding area.

The Wanganui District Council is satisfied that the preferred option is necessary to achieve this desired outcome in accordance with the purpose of the RMA and that it is the most appropriate way of doing so.