

Hillside Stability Land Owner Meeting –Thursday 29 March 2012

5:15pm CDHQ – Meeting Notes

Jonathan Barrett introduced himself as the Principal Planner for WDC and then Mark Frampton (Senior Geotechnical Engineer – Opus International Consultants). James Witham (Policy Planner) attended to take notes and supplement advice when required.

Jonathan welcomed the audience and proceeded to give a PowerPoint presentation on the research and land use recommendations from the Opus study on the risk of instability generally along the eastern cliffs around Durie Hill and Shakespeare Cliff (Council Ref.D-229460).

Jonathan noted that the information related to the presentation would be sent to landowners via an email link in the first week of April, or posted to those who did not have that facility. Jonathan then asked for questions from those who attended.

It was noted during the presentation that there are 10 other areas that require further investigation with regard to stability. It was asked what determined the priority of these areas being examined. Mr Frampton indicated that priority was determined on the basis of level of risk, particularly where there was evidence of previous landslip/slide.

Future development on the sites subject to the Study was also questioned – What does the study mean for development now and into the future? Jonathan answered that the recommendations of the study were that no further development in the high risk area would be allowed, but development in the **secondary risk area** would require resource consent and require a favourable Geotechnical Engineering report. The Plan Change to initiate these rules would occur in late October/early November.

The future of existing improvements was also questioned. Jonathan said there was no intention to retreat from existing development. James then briefly spoke about existing use rights. In particular, that existing development was protected any new rules. He went further to say maintenance of 'like with like' was protected, but did note retaining walls could be subjective if additional loading was placed on replacement structures.

There was concern over the location of 'the red line' and how it came to be determined. There was some confusion over the Hillside Stability Study Area and the setback from Shakespeare Cliff. The Shakespeare Cliff area contains a setback. It was noted that there was always room for variation in professional opinion in determining setback distance.

Landowners were concerned that the Study had proceeded with no consideration as to the effect it would have on property values, and that most likely these values would be adversely affected. Many felt that this would unduly scare people and put people off and future purchasing of properties in the specific and wider area. The response from Council staff was that the Study was done in order to protect people and property.

Cr Vinsen (as a resident and not in an official capacity) noted that care did need to be taken in locating the 'red line', and that it would always be a matter of subjective professional judgment as to where it would lie. He noted his experience of Omokaroa where there had been slips in the 1970's and Western Bay District Council had developed a similar approach to managing the risk of instability for that area. He noted that he was looking to purchase a property, but could not get insurance for it. James noted that he had worked in the area as a Planner for Council and that slips were a regular occurrence around 2006/7. Cr Vincent agreed and noted the property next door to the one he was looking at purchasing slipped during this period. He also noted that identifying the risk in the Western Bay District Plan helped in his decision not to purchase the property, but correctly identified the potential risk.

The audience raised concerns with the behaviour of insurance companies post the Christchurch Earthquake. Some landowners reported increases in premiums, risk averse behaviour, and difficulty in gaining cover for new owners. Concern was expressed that including the Hillside Protection Study in LIMs and the District Plan would prevent owners from getting cover for their properties.

A land owner also questioned what would happen if a building was deemed unsafe to live in? In particular, the owner has had issues on the site since 2004, and that gaining assistance from EQC and Council (in terms of information) was not forthcoming. It was noted by Council staff that the red areas in the Study did NOT mean the same thing as the red zoned areas in Christchurch. In response, it was also noted by Council staff that the Study and proposed land use controls were intended to illustrate the new information emerging and to provide information to allow people to make informed and fair decisions based on information around potential risk.

There was some confusion around the discussion of a setback, in particular was it 10, 20, or 30 meters and how subjective was it? It was clarified by Council staff that it relates to Shakespeare Cliff only, but that professional opinions may differ in terms of what is appropriate.

This situation regarding properties that were only partially contained within the high risk area was queried. This question was not directly answered as the property owner clarified their site was not included in the high risk area.

It was requested that Council provide evidence on a property by property basis with site specific Geotechnical Investigations. At the same time it was also asked if the onus and cost was on property owners to engage Geotechnical Engineers to disprove Council investigations. It was confirmed that the onus would be on individual property owners to do this. Council further responded via Mark Frampton that The study was not on a per property basis, and was based around a number of factors including local knowledge and Stereoscope examination, and other matters, and that this was considered sufficient to assess potential risk.

Council was then asked how long it would be until it supplies the information to the affected property owners. Jonathan answered as soon as possible in the first week of April (several days from the date of the meeting). It was noted that the information would be able to be accessed by the public now under the Local Government Official Information and Meetings Act.

A property owner in Tauroa Road asked if a slip occurred prior to the notification of the Plan Change in October would they be able to replace like with like. It was noted that they could, but that the 'like with like' provision would currently apply after the Plan Change under the current Resource Management Act. It was also noted that like with like may be partially subjective in that it would not provide for stabilisation works if they were required in order to reinstate the previous use.

Several land owners stated that they would fight tooth and nail to prevent a label being placed on a freehold title. It was noted the Study or recommendations was not proposed to go on the title and the 'red zoned' areas were to be located in the District Plan Planning Maps. Council staff stated that a notice under the Building Act 2004 (Section 73 Notice) may be placed on the title if works were proposed advising the site may be subject to a known hazard. However, it was also noted that this could occur now without the Study as the hazard has previously been identified.

An audience member stated that a person is more at risk on the road and that Council was creating a financial hazard by identifying the 'red zone' areas. Council responded in saying that the work was in accordance with the functions, requirements and obligations placed on it as part of the Resource Management Act and Local Government Act.

The landowner of 67 Anzac Parade requested an individual follow up. Jonathan stated he was happy to do this for anyone who wanted this.

A landowner started a discussion stating that when he bought the land he asked Council if there were any known issues about the site and was given not information to the contrary. There was reference to water seeps from other properties in the area affecting the risk of slope failure. It was noted that this landowner had a meeting with Jonathan earlier in the day, and that Jonathan was working to address some of their specific concerns.

Other landowners stated that Council staff did not consider the consequences of using a 'red zone' after the Christchurch earthquakes, and that there would be a significant effect on perception of safety and therefore property values. Further to this, it was asked what Council would do to fix the issue. It was noted by Council staff and Mark Frampton that nothing can be done to change the underlying geology of the area. However, it was able to look into the water seeps affecting the hazard if they weren't of a natural source. It was also noted that other Councils offered advice on effective mitigation plantings.

Many landowners noted that the issue appeared to get worse since the sewer separation project. Various landowners stated that this project was not well managed or inspected, and that many landowners discharged to ground instead of the reticulated system which aggravated the problem.

The question was asked of Council staff if they could send a link to vegetation mitigation. Jonathan stated that he would investigate the possibility of doing so.

One landowner of Putiki Drive stated that they had undertaken works to mitigate the risk. Mark Frampton noted that while the immediate risk may have been mitigated, the underlying risk in instability remains at this property.

Landowners asked when individual Geotechnical Reports were required. It was explained that the study recommended that if development was proposed in the 'B' zone then a resource consent would be required and a suitable geotechnical report would be required to accompany this consent application. Both would be at the landowners expense.

Some resident raised the question of recent Council stormwater investigations/excavations in the Durie Hill area. Other works included the relocation or replacement of a sewer line within a Red zoned area. Jonathan was to seek clarification if this was the case.

Residents noted there was a slip that affected a road in the area. Water continues to leak from under the footpath. It was felt that the 'FixIt' forms did not work.

Cr Vinsen again entered the discussion and noted that the 'red zone' areas were not intended to reflect the Red Zones used in Christchurch and did not have the same meaning. He noted that the zone was there for the protection of current and future residents. The intent was to prevent further loading on at risk areas. However, he did note that there were few, if any, Geotechnical Engineers in Wanganui, and that these were expensive.

Council was asked what, if any, consideration was given to the effects of development of Durie Hill over the past 100 years affecting risk. Further to this it was stated that water comes down the hill in significant rain events, and again it was reiterated that the residents felt that the sewer separation project was poorly administered and that many landowners discharged stormwater to ground.

Several land owners indicated that they were happy with the risk of slippage when they bought the property and thought that it was unnecessary to communicate the risk to future land owners as this would give the wrong impression of the level of risk and reduce property values. Again, Council responded that once Council had the information it was obligated to make it publically available.

Council staff were questioned as to whether a more detailed site by site study would follow. Jonathan answered that none were planned. Many residents felt the report was cursory at best and not sufficient. Council also indicated that there were ten other areas that required examination also.

Council staff were questioned over the LIM process and what would occur once the information became part of the District Plan. It was answered by staff indicating that the information would be included in LIM's from this point onwards.

Another land owner made a statement that the work done by Mr Frampton was not enough, it was guess work and their property had been on the site 100 years and had not fallen down yet. Council staff indicated that they were comfortable with the level of evidence from Mr Frampton.

One of the residents asked if Council would waive its right to use Mr Frampton so that they could use his expertise to disprove the findings of his report on their property. Jonathan agreed yes, but left the decision to Mr Frampton to make.

Again, landowners questioned whether Mr Frampton's report took into consideration retaining walls, vegetation, and other relevant matters. Mr Frampton repeated that the report identified the underlying risk of slippage. In response, landowners noted that they accept the risk of buying in this

area, and being more general in the location of the 'red zone' would reduce the perceived risk and limit the potential effect on property values.

Again, concerns were raised that the 'red zone' was estimated risk and not actual risk. It was agreed that the report identified estimated risk based on accepted professional practices.

Residents noted that there were other areas that should have been included in the study. Jonathan responded that there were ten other areas identified for future investigation, but that this was limited by current funding.

The meeting was then closed, but several informal discussions between residents and Council staff continued.

<u>Actions:</u>	<u>Ref:</u>	<u>Outcome:</u>
Distribution of the Hillside Stability Study documents by internet link and by post for those who request hard copies.	Jonathan	
Individual landowners to approach Jonathan for individual discussions if desired	Affected Residents	
Investigation into the possibility of Council providing advice on mitigation plantings.	Jonathan	
<hr/>		
Confirmation of the relative location of recent Council works in relation to the high risk stability areas	Jonathan	