

Key to Marked Up Text:

Changes proposed at notification are shown as:

- *Text to be deleted is shown as strikethrough eg ~~delete~~;*
- *Text to be inserted is shown as underlined eg insert.*

Changes made as a result of Hearing of submitters:

- *Text to be deleted is shown as ~~strikethrough and highlighted~~;*
- *Text to be inserted is shown as underlined and highlighted*

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T7 Recognition and Reduction of Hazard Potential

Wanganui District is affected by a number of natural hazards. Parts of the urban area are particularly prone to flooding, while the coast and hill country are affected by land instability and erosion. The District is also dissected by fault lines and is vulnerable to sea level rise and tsunamis. The natural hazards occurring within the District have an impact on current and future development. They can cause loss of human life and significant damage to private property, roads and other District assets. They can also cause damage to the natural environment.

In addition to natural events, hazards are associated with hazardous facilities, ie the storage, use and transportation of hazardous substances. These facilities are commonly found in both the rural and urban parts of the District. Hazardous substances, like agricultural sprays, industrial chemicals or fuel, have properties which are, or when in contact with air or water are, potentially flammable or explosive, and toxic. If hazardous facilities are not located appropriately or managed properly, the accidental release of, or loss of control of, hazardous substances can cause short or long term damage to human health and contamination of land, water, air, or damage to ecosystems.

It is recognised that while a hazard may be present, the hazard potential is only realised when there are land use activities, buildings or structures and important natural values in the vicinity of the hazard. It is not possible to eliminate hazards, but it is possible to manage the location, design and operation of land use activities and hazardous facilities to avoid, remedy or mitigate the potential adverse effects of hazards on human life, property and the environment.

The Resource Management Act requires both the Regional and the District Councils to share responsibility for the natural hazards of flooding, subsidence, and seismic, volcanic and tsunami hazards; and for hazardous substances. The Regional Policy Statement further defines the appropriate management responsibilities of local authorities for natural hazards and hazardous substances

~~124 Clarification and Coordination of Monitoring Responsibilities~~
~~Both the Manawatu-Wanganui Regional Council and the Wanganui District Council have monitoring responsibilities under the Resource Management Act 1991. Considerable overlap could occur in the monitoring of resources in the~~

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rural parts of the district, the coast and *natural hazard** features.

~~I35 Identification and Recognition of Natural Hazard Potential~~

~~The Wanganui District is affected by a number of *natural hazards**. The most significant ones are flooding, storms, tsunami, erosion and earthquakes. Knowledge of the location and characteristics of *natural hazards** and their impacts on surrounding *development** and the *environment** is far from comprehensive.~~

~~The known major areas of concern include the following:~~

~~a. The Whanganui River has a history of flooding in the urban area and the middle reaches. Flooding has also occurred in the Matarawa Catchment, affecting Wanganui East and the upper valleys of that catchment. The Whangaehu River, along the south eastern *boundary** of the district, also has a history of flooding.~~

~~b. Erosion is a widespread problem in the hill country. There are frequent wash-outs, landslips and subsidence after periods of heavy rain.~~

~~c. Areas of hillside instability within the urban area of Wanganui, particularly the hillside north of the Bastia Tower (above Turoa Road and below Mount View Road) and the hillside opposite the Whanganui City Bridge, below Hipango Terrace.~~

~~d. The potential for coastal erosion in some coastal areas is severe. At Mowhanau, the cliffs have been subject to significant erosion and at the Coastal Residential Zone north of Castlecliff, the cliffs are predicted to erode by 18 m before reaching equilibrium.~~

~~e. Areas of river bank erosion are found along both banks of the Whanganui River, causing loss or damage to private property, *network utilities** and public assets like roads.~~

~~f. Tsunami is a significant risk to the Wanganui urban area.~~

~~g. Several faults including Nukumaru and Upokongaro have been mapped along the marine terraces between Wanganui and Hawera. Parts of the Wanganui urban area adjacent to the river could be affected by soil liquefaction.~~

~~h. Sand dune inundation in the Castlecliff and South Beach area.~~

~~i. The potential for loss of land due to a sea level rise resulting from global warming.~~

~~I36 Reduction of Natural Hazard Potential~~

~~1. It is important to distinguish between the hazard associated with natural events, and the risk they pose. Hazard is principally defined by the characteristics of the physical event, eg groundshaking associated with earthquakes. The risk is defined by the probability of occurrence combined with the *potential effects** of that occurrence. It is not possible to control the occurrence of *natural hazards**, however, it is possible to reduce the hazard potential to protect human life, property and the *environment**.~~

~~To reduce hazard potential, the following matters need to be addressed:~~

~~a. The location and operation of new land use *activities** in areas affected by *natural hazards**.~~

~~b. Protection of existing *developments** in high risk areas.~~

~~2. Coordinate actions between the Manawatu-Wanganui Regional Council and Wanganui District Council giving *effect** to the provisions of the Regional Policy Statement for Manawatu-Wanganui:~~

~~a. Flooding – It is recognised that *development** can exacerbate the risk to life and property from flooding. Responsibility for managing this risk falls on both the Wanganui District Council and Manawatu-Wanganui Regional Council.~~

~~b. Accelerated soil erosion and land instability – This is primarily a regional council responsibility but the District Council has jurisdiction when this may affect structures or the safety of people.~~

~~I41 Land instability in the Old Town area¹~~

~~The Old Town is an area of inherent land instability, with an underlay of unconsolidated river deposits. The potential for severe ground shaking~~

¹ Submission 21 – copied into Built Heritage Plan Change 29 instead

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accompanying earthquakes is high, leading to collapse of heritage *buildings** and items, particularly those that are constructed of masonry, with damage to heritage areas.

I42 Variety of Natural Hazards

The Wanganui District is affected by a number of natural hazards*. The most significant ones are flooding, storms, tsunami, erosion and earthquakes. Knowledge of the location and characteristics of natural hazards* and their impacts on surrounding development *and the environment* is far from comprehensive. This along with lack of public awareness hinders the avoidance and mitigation of those hazards.

I43 Inappropriate land use² in areas at risk of Natural Hazards

Inappropriate land use and occupation of areas at risk from earthquake, flooding, ponding *landhillside*³ instability can cause unnecessary risks for people and property

O16 Safe Rural and Urban Development Rural and Urban Development That Can Meet an Acceptable Level of Safety

~~People, communities and the environment are to be protected from unacceptable risks of damage or loss associated with the occurrence of natural hazards and the location, design and operation of hazardous facilities.~~

O37 Informed community of Natural Hazard risks

A community informed about the potential risks of natural hazards to people and property in the Wanganui District.

O38 Avoiding and Mitigating⁴ Natural Hazards

The risks of natural hazards through inappropriate subdivision and development are avoided or mitigated whilst minimising adverse effects on natural, cultural and ecological values.

P69⁵ Community Awareness of Hazards Promote better community knowledge and awareness of risks associated with ~~natural hazards and hazardous facilities~~

A fundamental requirement of risk management is knowledge about the location and impact ⁶of ~~natural hazards and~~ hazardous facilities on people, communities and the environment, and awareness about the degree of risk present.

Traditionally, there is reluctance to identify and recognise hazards as development constraints. This is due to a lack of, or inadequate, knowledge and information, and concern that the identification of hazards can alarm people and reduce the value of properties. However, not recognising the presence of hazards can also lead to increased risks of environmental damage, property

² Sub 5 Handley 7th May oral submission

³ Sub 5 Handley 7th May oral submission

⁴ NZHPT – 6th May oral submission & Sub 5 Handley 7th May oral submission

⁵ Not reviewed as part of Plan Change 25

⁶ Minor amendment – Clause 16(2) 1st Schedule RMA

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damage or loss of life.

Current information about hazards and associated risks is limited and not readily available. Work will be required to extend, update and continuously monitor and review the information available. While it may not be possible to provide definitive or predictive information about hazards and their associated risks, the availability of information should be regarded as a trigger mechanism, or a warning system, for potential land owners and developers.

This policy represents a long term, indirect approach to risk management. It requires resources to be devoted to information gathering and establishing links with the community. There are existing mechanisms which can be tapped into for implementation, eg civil defence activities, use of Project Information Memoranda and Land Information Memoranda etc.

The use of cleaner and safer production guidelines will complement District Plan conditions and terms.

The guidelines will be voluntary and self-regulating. They will be particularly useful for small industrial or commercial operators or home occupations involving the use of hazardous substances.

The approach is also consistent with the requirements of section 35 of the Resource Management Act 1991.

P68 ~~Promote better understanding of natural hazards affecting the Old Town and ensure development can meet acceptable standards of safety to protect the life of people~~

~~The Old Town has an underlay of unconsolidated material. There are concerns about the structural stability of heritage *buildings**. There may be other risks associated with *natural hazards**. Very high costs may be incurred if *buildings** and *structures** are to be strengthened to achieve standards of structural stability which can withstand earthquakes of high magnitudes and associated ground shaking or potential damage from other *natural hazards**. This *policy** recognises the need for better information to more accurately define the nature and magnitude of the problem. It also targets the main concern, which is the safety of people.~~

P70 ~~Recognise natural hazards as development constraints and control new developments in identified hazard-prone areas~~

~~It is not possible to control the occurrence of *natural hazards**, but it is possible to minimise damage or loss to the *environment**, people and property caused by these events by taking appropriate precautions and preventive measures. A fundamental precaution is ensuring that the location of new activities can meet adequate safety standards. For example, the location of new dwellings within an area of active coastal or river erosion should be avoided. The location and design of dwellings within flood-prone areas need to be carefully managed to ensure that there is adequate protection against flooding. The location and design of new *developments** can increase or decrease the hazard potential. For example, clearance of vegetation cover or extensive excavations on inherently unstable slopes can lead to accelerated soil erosion and slumping, causing problems off-site. Such problems should be avoided, remedied or mitigated, eg revegetation of slopes, or the use of engineering solutions, like slope stabilisation work. It is not intended to seek blanket restrictions on new *developments**. However, it~~

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~~is considered necessary and appropriate to identify hazard-prone areas and set conditions and terms to ensure that new *developments**, including *subdivision**, can meet adequate safety standards and are not likely to increase hazard potential both on *site** and in the surrounding areas.~~

~~**P71 Identify the 50 year and 100 year flood lines**~~

~~In the vicinity of Kowhai Park and extending along Anzac Parade, 100 houses are at risk from 50-year floods. There are concerns that if flooding in the Whanganui River catchment coincides with flooding in the Matarawa catchment, the affected area could be much more extensive and the number of houses affected could be significantly higher.~~

~~Further investigations have been initiated to determine more accurately flood levels at different locations on both sides of the Whanganui River for different flood events.~~

~~The Building Act 1991 only provides for protection up to a 50-year flood event. Due to the high concentration of population and high cost of public and private investment in the urban area, a precautionary approach is considered necessary and justified.~~

P72⁷ Ensure the location, design and management of all new hazardous facilities can meet identified safety standards

Facilities or activities involving *hazardous substances** may cause adverse *environmental** effects when the substances are not adequately controlled and escape into the *environment**. Such releases, whether accidental or brought about by poor management practices, may cause *environmental** contamination and damage, and endanger human health, and cause damage to or loss of property.

To avoid, remedy and mitigate potential adverse *environmental** effects, these facilities and activities need to be located appropriately and managed correctly. The site design, layout and operational management procedures can greatly affect the risks to people and the *environment** from *hazardous facilities**.

Due to the high risks and seriousness of potential damage to human life and the *environment**, specific controls relating to the location, design and management of *hazardous facilities** are considered necessary and appropriate. Such controls are considered effective in directly influencing the nature and scale of adverse effects and the level of risk presented by *hazardous facilities**.

P112 Promote improved understanding of Natural Hazards

Promote improved understanding of natural hazards as development constraints and better knowledge and awareness of the risks to people and property in the Wanganui district.

P113 Protection from Natural Hazards

Avoid or minimise risk of loss of life or injury or environmental damage due to use or development in hazard prone areas.

P114 Natural Hazard precautionary approach

Adopt a precautionary approach in relation to use or development affected by potential natural hazards, especially where hazards are not well understood or the effects of natural processes are difficult to assess or where the effect of activities on natural hazards are not well understood.

P115 Contaminated soils

⁷ Not reviewed as part of Plan Change 25

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Ensure that land affected by contaminants in soil is appropriately identified and assessed at the time of being developed and if necessary remediated, or the contaminants contained, to make land safe for human use.

P116 Flood hazards

In relation to flood hazards, avoid subdivision and sensitive or inappropriate new development in areas identified as being inundated by a 1 in 200 year (0.5% AEP) flood event unless flood hazard avoidance or mitigation is achieved.

P117 Floodwaters

In designing earthworks or roadworks any adverse effects of diverting floodwaters should be avoided, remedied or mitigated.

P118 Geotechnical report

In assessing resource consents Council will require confirmation, including as appropriate the preparation of a geotechnical report, as to the suitability of the site for **subdivision**, use or development and that the effects of the hazard shall be avoided, remedied, mitigated.

P119 Land instability

In relation to areas prone to land instability, avoid sub-division and development where risks to people and property from the effects of the hazard are identified as very high on the planning maps (Area A), and the effects are not mitigated, and require appropriate mitigation measures where risk is identified as moderatemarginal on the planning maps (Area B) Identify areas susceptible to land instability where assessment of the hazard risk is required before land use or subdivision activities are carried out. Where there is an unacceptable geotechnical risk consent shall be declined.⁸

M189 Develop a database and **hazard register of known natural hazards, known contaminated sites, and hazardous facilities in the District in consultation with relevant agencies particularly the Manawatu Wanganui Regional Council and affected land owners**

Develop a database and register of known natural hazards, known contaminated sites, and hazardous facilities in the District in

⁸ Submissions 1, 8, 10, 23, 9,12 and F Sub 5, Submission 5 and F Sub 5

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consultation with relevant agencies particularly the Manawatu Wanganui Regional Council and affected land owners.

~~M190 Identify known hazard-prone areas on District Plan Maps. M191 Support, initiate and carry out investigations or studies of known or potential hazards in the District to more accurately establish risks and impacts on people, communities and the environment.~~

~~M191 Support, initiate and carry out investigations or studies of known potential hazards in the District to more accurately establish risks and impacts on people, communities and the environment.~~

M192 Liaise with land owners in known and potential hazard-prone areas and develop appropriate mitigation measures and approaches to monitor the situation.

Liaise with land owners in known and potential hazard-prone areas and develop appropriate mitigation measures and approaches to monitor the situation.

M193 Information Memoranda and Land Information Memoranda.
~~Publicise and encourage the use of Project Information Memoranda and Land Information Memoranda.⁹~~

~~M201 Carry out public awareness programmes to promote Raise public knowledge and awareness and increase community preparedness.~~

~~Carry out public awareness programmes to promote public knowledge and awareness of natural hazards and increase community preparedness.~~

M202 Identify hazard-prone areas on District Plan Maps.
Continue to undertake research sufficient to enable identification of significant hazard-prone areas on District Plan Maps as specific natural hazard overlays¹⁰.

M203 Identify on District Planning Maps a Hillside Protection Overlay Zone Land Stability Assessment Areas.
Implement a programme of research to detail the extent of landhillside instability susceptibilityhazard in priority order and then identify hazard prone areas on District Planning Maps as Hillside Protection OverlayLand Stability Assessment Areas.¹¹

~~M204 Develop appropriate conditions and terms for resource consents for subdivision and the location, design and nature of activities within the~~

⁹ Submissions 1,4, 5, 8, 10.

¹⁰ Sub 17 and FSub 1,2,3 and 4 oral submission

¹¹ Sub 5 oral submissions 7th May

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~~identified areas.~~

M205 ~~Identify hazard risk on the appropriate certificates of title at the time of building consent through the District Land Registrar.~~

Identify hazard risk on the appropriate certificates of title at the time of building consent through the District Land Registrar.

M206 ~~Identify where s~~Site investigations and risk assessments are required

Continue to refine and identify the circumstances where site investigations and risk assessments are required to demonstrate that the any proposed development can meet adequate safety standards and is not likely to increase risks off-site, through the Land Information Memoranda process.

M207 ~~Monitor and assess the cumulative~~¹²

Monitor and assess the cumulative effects of development and degree of risk in identified hazard-prone areas.

~~M208~~ ~~Request hazard information at the time of subdivision.~~

M209 ~~Identify and manage sand dune inundation in the Castlecliff Coastal area through the Castlecliff Coastal Reserve Management Plan.~~

Identify and manage sand dune inundation in the Castlecliff Coastal area through the Castlecliff Coastal Reserve Management Plan.

~~M210~~ ~~Notify the Manawatu-Wanganui Regional Council as an affected party if there is any application to subdivide in hazard prone areas.~~

~~M214~~ ~~Identify lines on District Plan Maps which show 50-year and 100-year flood extents where this information is available.~~

~~M215~~ ~~Develop appropriate conditions and terms for resource consents for subdivision and the location, design and nature of activities within the areas identified by a 50-year flood event.~~

~~M216~~ ~~Identify the circumstances where site investigations and risk assessments are required to demonstrate that the proposed development can meet adequate safety standards and is not likely to increase risks off-site.~~

~~M217~~ ~~Monitor and assess the cumulative effects of development and degree of risk in the identified areas.~~

MXX **Rules and Standards**¹³

Develop regulation to control subdivision and development within identified areas subject to significant risk from the potential adverse effects of natural hazards.

¹² Submission 22

¹³ Submission 17 Horizons RC

ZXX ~~Hillside Protection Overlay Zone~~ ~~Land Stability Assessment Areas~~¹⁴

This section contains the rules that apply to activities in the ~~Land Stability Assessment Areas Hillside Protection Overlay Zone~~, which covers areas of land instability within the urban area of Wanganui. There are two “~~Land Stability Assessment Areas Hillside Protection Overlay Zones~~” in the city. ~~The largest covers a significant part of the hillside north of the Bastia Tower, above Turoa Road and below Mount View Road (refer to Planning Map U16). The second area of Hillside Protection Zone is a smaller area of hillside opposite the Whanganui River City Bridge, below Hipango Terrace (refer to Planning Map U22).~~¹⁵

~~Investigation of the extent of the land within the Wanganui District at risk of land slip has identified a list of areas which are priorities for further study. These areas will be examined in priority order to identify the extent of susceptibility to land instability hazards. Land with a very high risk of slope instability on which no further development should be permitted and those areas with a moderate to high risk of slope instability where proposals for further development should be accompanied by site specific geotechnical reports and recommendation for appropriate mitigation measures.~~¹⁶
~~These hazard prone areas will be incorporated into the Land Stability Assessment Areas Hillside Protection Overlay as investigations are completed.~~

~~Two areas have been investigated and the following reports prepared:~~

- ~~• Hillside Stability Study – Anzac Parade/Putiki Drive, June 2011;~~
- ~~• Shakespeare Cliff, Wanganui – Building Line Restriction, Amended Report, November 2012;~~

~~The potential risks to people and property resulting from any future development in these areas will be managed through the Plan to achieve sustainable management.~~

¹⁴ Sub 5 oral submissions 7th May, Submission 19, AV Clay and F Sub 5 NZHPT, Submission 15 BJ & ME Webster, Sub 4 S McClune & E Gray and F Sub 5 NZHPT, Sub 16 RW & LA Loader.

¹⁵ Minor amendment Clause 16(2) 1st Schedule RMA

¹⁶ Sub 5 oral submission 7th May

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Future research relating to potential land instability will focus on the following areas:

- Ikitara Road area
- Mowhanau
- Roberts Ave/Paterson St
- Parkdale/Christies Hill/Virginia Road
- Putiki Areas
- Marybank Area¹⁷

Within the Land Stability Assessment Areas~~Hillside Protection Overlay Zones~~, instability and damage may occur from natural erosion processes or from activities which are incompatible with the soft rock of these escarpments. These erosive processes may lead to slips and consequent loss of property and landscape.

The purpose of the Land Stability Assessment Areas~~Hillside Protection Overlay Zone~~ is to recognise its potentially¹⁸ hazardous characteristics and ensure that effects from incompatible activities causing or accelerating natural erosion, are avoided or mitigated¹⁹.

RX Permitted Activities²⁰

The following are permitted activities: ~~in the Hillside Protection Zone Overlay, provided that they also comply with the underlying Residential zone rules:~~

- ~~Reserves and open space. **Any activity permitted in an underlying zone** and not excluded by RXX, RY, RXY or RYY.~~
- ~~**Maintenance and minor upgrading of existing network utility facilities (excluding excavation**²¹ **or trenching**)²²~~
 - ~~Sheep farming.~~
 - ~~Soil conservation works, and plantings and removal of pest plant species.~~
 - ~~Network utilities as provided by General Rule — Utilities (Rule R15) which contains some exemptions from the zone rules for network utilities.~~²³

¹⁷ Submission 13 and F Sub 5 and Submission 5 and F Sub 5,

¹⁸ Submission 5 and F Sub 5

¹⁹ Submission 5 and F Sub 5

²⁰ Submission 5 and F Sub 5

²¹ Tabled submission Powerco Ltd Submission 20

²² Submissions 6, 7 and F Sub 2

²³ Submissions 6, 7 and F Sub 2

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~~Which comply with the relevant zone rules:²⁴~~

RXX Controlled Activities²⁵

The following are controlled activities provided R256 is complied with:

- a. **Excavation, construction, alteration or modification to any structure or retaining wall**²⁶

Council limits its control to the following matter:

1 Implementation of conditions to ensure that the excavation and construction, alteration or modification to any structure or retaining wall does not worsen or accelerate the risk of land instability on the site or surrounding area.

- b. **Network utilities involving excavation, trenching or construction to any structure or retaining wall**²⁷

Council limits its control to the following matter:

1 Implementation of conditions to ensure that the excavation and construction of any structure or retaining wall does not worsen or accelerate the risk of or level of erosion on the site or surrounding area.

- c. **Vegetation clearance (greater than 5m² area annually)**²⁸

Council limits its control to the following matter:

1 Implementation of conditions to ensure that the activity does not worsen or accelerate the risk of or level of erosion on the site or surrounding area.

Refer to Resource Consent Assessment Criteria.

R185 Noise

~~Sound emissions shall not exceed the following limits when measured on, or within, the boundary of any other site zoned Residential.~~

~~7am to 6pm 50 dBA(L10)~~

~~All other times 40 dBA(L10) Lmax: the lower of L95 background sound plus 30 dBA or 70 dBA~~

~~The above noise standards shall not apply to temporary military training activities as these activities are subject to separate standards contained in General Rule – Temporary Military Training Activities (Rule R23)~~

~~**These conditions shall be read with and are subject to the provisions of Appendix A4 – Noise.**~~

~~Reason~~

²⁴ Minor Amendment Clause 16 1st Schedule RMA

²⁵ Submissions 6, 7 and F Sub 2, Submission 5 and F Sub 5

²⁶ Submission 19, AV Clay and F Sub 5 NZHPT

²⁷ Sub 6, 7 and Fsub 2

²⁸ Subs 1,8,10 & 23, Subs 9 & 12, Sub 4 & Fsub5, Sub 5 and FSub 5, Sub 13 & Fsub5, Sub 15 & 19 and Fsub5.

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~~To allow for noise to occur but limited in terms of duration, time of day and decibel level. The standard has been set using the New Zealand Standard for noise.~~

R186 Light

~~Any particular artificial lighting system shall not result in increased luminance in excess of 8 lux in the measured ambient level in the vertical plane at the windows of any residential building in the Residential, Rural or Rural Settlement Zones. No light source shall cause glare which may adversely affect the vision of motorists on a road.~~

R187 Vibration

~~No activity shall cause a vibration considered offensive or objectionable.~~

~~In assessing whether vibration is offensive or objectionable, the limits set in NZS 2631: 1985-1989, Parts 1 - 3 shall be used apply.~~

R188 Air discharge²⁹

~~Note: There are no District Plan standards for air discharges. Discharges to air are controlled by regional councils. The Wanganui District Council has been authorised by the Manawatu-Wanganui Regional Council to exercise all powers and functions of Enforcement Officers for the purpose of investigating complaints about the discharge of contaminants to air within the boundary of the Wanganui urban area. Persons responsible for causing discharges to air should consult Wanganui District Council or Manawatu-Wanganui Regional Council staff about provisions in the Regional Air Plan for Manawatu-Wanganui. Furthermore, it should be noted that Section 17 of the Resource Management Act imposes a duty on all persons to avoid, remedy or mitigate adverse effects, including those relating to odour, dust and smoke, regardless of any rules in plans or conditions of resource consents.~~

R189 Hazardous substances

~~Any new or expanded hazardous facility is subject to the provisions of Appendix A6 - "Hazardous Facility Screening Procedure".~~

~~Reason~~

~~To ensure that the community is free of nuisance caused by light spill, glare, odour and vibration.~~

R256 Geotech Geotechnical Report³⁰

- a. ~~Any proposed activity permitted by the underlying zone shall be supported by a geotechnical report which confirms that the activity will not worsen or accelerate the level of erosion on the site or surrounding area. Where required by rules RXX, RY, RXY or RYY, the person proposing to undertake the activity shall provide Council with a report from a suitably qualified and experienced geotechnical engineer, prior to commencement of any works onsite. Council shall consider this rule is complied with where the report confirms that:~~
 1. the risk of the activity is no more than low, using the qualitative

²⁹ PC 25 as notified

³⁰ Submissions 6, 7 and F Sub 2, Submissions 1, 8, 10, 23, 9,12 and F Sub 5, Submission 5 and F Sub 5, Sub 9 & 12, Sub 4 and Fsub 5, Sub 13 and Fsub 5, Sub 15 & 19 and Fsub 5.

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risk assessment process described in 'Practice Note Guidelines for Landslide Risk Management 2007' (Australian Geomechanics Society, 2007): and

2. ~~which confirms that the activity associated works will not worsen or accelerate the level of erosion~~ land instability on the site or surrounding area.

Note: Council shall maintain a list of suitably qualified and experienced geotechnical engineers.

RY Restricted Discretionary Activities³¹

The following are restricted discretionary activities provided R256 is complied with: ~~in the Hillside Protection Zone Overlay where the Council shall restrict the exercise of its discretion provided that they comply with RX1 (geotech report):~~

- a. **Any restricted discretionary activity in an underlying zone and not excluded by RXY or RYY**

Council restricts its discretion to the matters identified in the underlying zone for the proposed activity and

- 1 whether the activity contributes to land instability.

- b. **Subdivision for boundary adjustment where no additional building platforms are created.**

Council restricts its discretion to the matters identified in the underlying zone for the proposed activity (this includes the matters Council has limited its control to for subdivision in the Outer Commercial zone) where applicable and

- 1 whether the subdivision contributes to land instability.

- ~~C~~ ~~Clearance of vegetation on land except the removal of plant pests.~~
Discretion is restricted to:

Council restricts its discretion to the following matters:

- i. ~~1~~ whether the clearing of land contributes to soil instability,
- ii. ~~2~~ whether the clearing of land contributes to the control of noxious weeds,
- iii. ~~3~~ whether the clearing of land shall ensure fire protection.

Note: ~~The Regional Council should be consulted with regards to any proposed soil disturbance activities in the Hillside Protection Overlay Zone, as other resource consent requirements may apply.~~

Refer to Resource Consent Assessment Criteria.

Reason

³¹ Submission 5 and F Sub 5

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To avoid accelerated erosion of hillsides.

RXY Unrestricted dDiscretionary activities³²

The following are discretionary activities ~~in the Hillside Protection Overlay Zone~~ where the exercise of the Council's discretion is unrestricted ~~provided they comply with rule RX1 (geotech report):~~

- a. **Any discretionary activity in an underlying zone not excluded by RYY.**
- b. **Subdivision** where additional building platforms are created within Area B and where R256 is complied with
- c. **Vegetation clearance (greater than 5m² area annually),** where R256 is not complied with.
 - b. ~~Structures relating to any permitted activities in the underlying zone including retaining or landscape structures.~~
 - c. ~~Network utilities as provided by General Rule – Utilities (Rule R15).~~

Refer to Resource Consent Assessment Criteria

RYY Non-Complying Activities³³

The following are non-complying activities ~~in the Hillside Protection Overlay Zone and the Area of Marginal Risk Land- Area B.~~

- a. ~~Excavation of land.~~ where R256 is not complied with.
- b.—**Subdivision** where additional building platforms are created within Area A, or where R256 is not complied with for sites in Area B.~~Structures relating to any specified activity in the underlying Residential zone.~~
- c. **Construction, alteration or modification of any structure or retaining wall** where R256 is not complied with.
- d. **Network utilities** involving excavation, trenching or construction of any structure or retaining wall where R256 is not complied with.³⁴
- ce. **Any other activity which is not provided for as a permitted, controlled or discretionary or prohibited activity.**

Refer to Resource Consent Assessment Criteria.

R257 Prohibited activities.³⁵

~~The following are Prohibited activities in the Area of Very High~~

³² Submission 5 and F Sub 5

³³ Submission 5 and F Sub 5

³⁴ Submissions 6, 7 and F Sub 2, Tabled Submission – Powerco Submission 20

³⁵ Submissions 1, 8, 10, 23, 9,12 and F Sub 5, Submission 5 and F Sub 5

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Landslide Risk – Area A:

a. Excavation of land.

b. Structures

Definitions to be added in chronological order.

³⁶**Maintenance** - In relation to lawfully established network utility structures means works including repair performed to preserve the efficacy of function of a structure without altering the type or intensity of use for which the structure is utilised.³⁷

³⁸**Minor Upgrading** - In relation to lawfully established network utility structures means to expand the capacity of an existing structure, where the effects that result from the process are the same or similar in character, scale and intensity as those that existed at the 2nd November 2012 or prior to the commencement of the minor upgrading for activities established after 2nd November 2012.

Reserves and Open Spaces means an area of land either in public or private ownership, set aside for landscape conservation or recreation, and may include open space, walkways, seating, water features, gardens, plantings and maintenance of trees and other vegetation, including removal of pest plant species on that land³⁹ and include ancillary facilities such as parking, toilets, play equipment, information kiosks and accessory buildings.

⁴⁰**Retaining Wall** For the purposes of the Landslide Stability Assessment Areas, a retaining wall means a wall retaining more than 0.6m depth of ground.

³⁶ Submissions 6, 7 and F Sub 2

³⁷ Tabled submission Powerco – Submission 20

³⁸ Submissions 6, 7 and F Sub 2

³⁹ Submission 5 and F Sub 5

⁴⁰ Submission 1, 8, 10 and 23, Submissions 4, 9, 12 and 16, Submission 5 and F Sub 5