

Proposed Plan Change 17 (Natural Hazards) to the Regional Natural Resources Plan - Management of Debris Flow Hazards on the Awatarariki Fanhead at Matatā

Hearing Commissioners Panel Decisions Track Changes Version 8.0b March 2020

TRACK CHANGES

This version shows changes to Plan Change 17 to the Regional Natural Resources Plan as a result of the Hearing Commissioners Panel decisions on submissions and further submissions.

Amendments are shown highlighted grey. New text is shown underlined in red and deleted text is shown ~~stuck-through-in red~~.

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The Natural Hazards provisions are included in the Bay of Plenty Regional Natural Resources Plan as a separate chapter. Objective, policies, and rule are prefaced by the unique identifier “NH”.

NH: Natural Hazards

Add the following provisions to chapter NH: Natural Hazards:

Management of Debris Flow Hazards on the Awatarariki Fanhead at Matatā

Objective

NH 04 Avoidance or mitigation of debris flow hazard by managing risk for people’s safety on the Awatarariki Fanhead.

Policies

NH P6 To assess the natural hazard risk from Debris Flows on the Awatarariki fanhead at Matatā by undertaking a risk analysis using a the methodology that complies with Appendix L to the Regional Policy Statement set out in Australian Geomechanics Society – Landslide Risk Management 2007.

NH P7 To reduce the level of natural hazard risk associated with debris flow on the Awatarariki Fanhead by ensuring existing residential land uses retreat from the high risk hazard area as soon as reasonably practicable.

NH P8 To ensure existing residential land uses retreat from the high risk hazard on the Awatarariki Fanhead by extinguishing existing use rights that would otherwise enable those residential land uses to continue.

Rules

NH R71 **Prohibited - Residential Activities subject to High Risk Debris Flow on the Awatarariki Fanhead at Matatā after 31 March 2021**

From 31 March 2021, the use of land for a residential activity is a prohibited activity on any property listed below in Table NH 3.

Add the following definition to the Glossary:

Meaning of “Residential Activity” and “Property”

For the purposes of Rule R71

- “residential activity” shall mean the use of land or buildings by people for living accommodation whether permanent or temporary and includes, but is not limited to, any dwellings, apartments, boarding houses, hotels, hostels, motels, camping grounds, mobile homes, caravans, tents, and accommodation for seasonal workers.
- “property” shall mean, as applicable to the context, the a parcel of land described in Table NH 3 and shown with a yellow border on Figure NH1.

Table NH 3

Legal Description	Physical Address
Lot 1 DPS 46347	16, 16A, 18, 18A Clem Elliott Drive, Matatā
Lot 2 DP 308147	14B Clem Elliott Drive, Matatā
Lot 1 DP 308147	14A Clem Elliott Drive, Matatā
Lot 3 DP 308147	12B Clem Elliott Drive, Matatā
Lot 4 DP 308147	12A Clem Elliott Drive, Matatā
Allot 322 TN OF Richmond	10 Clem Elliott Drive, Matatā
Allot 323 TN OF Richmond	8 Clem Elliott Drive, Matatā
Lot 1 DPS 54496	7 Clem Elliott Drive, Matatā
Lot 2 DPS 54496	5 Clem Elliott Drive, Matatā
Lot 2 DPS 4869	23 Richmond Street, Matatā
Lot 3 DPS 4869	21 Richmond Street, Matatā
Allot 360 TN OF Richmond	5 Pioneer Place, Matatā
Allot 361 TN OF Richmond	6 Pioneer Place, Matatā
Allot 362 TN OF Richmond	7 Pioneer Place, Matatā
Lot 4 DPS 4869	96 Arawa Street, Matatā
Lot 5 DPS 4869	94 Arawa Street, Matatā
Lot 1 DPS 16429	100 Arawa Street, Matatā
Lot 2 DP 306286	104 Arawa Street, Matatā

Figure NH1



~~To incorporate into the Regional Natural Resources Plan User Guide – The Management of Debris Flow Hazards on the Awatarariki Fanhead at Matatā~~

~~**Issue** There is a high natural hazard risk to life and property (as defined in accordance with Appendix L of the Regional Policy Statement) from debris flows for some residential activities in the Awatarariki Fanhead natural hazard zone at Matatā.~~

~~**Principal Reasons for provisions** Susceptibility and risk from debris flows in the Awatarariki fanhead natural hazard zone have been carefully studied and assessed in a series of peer reviewed reports undertaken since a major debris flow event in May 2005. A debris flow is a significant threat to life and property on the Awatarariki fanhead due to the potential for large boulders and woody debris in any debris flow, combined with the expected volume, density, and velocity of any future flow.~~

~~Regional Policy Statement Policy NH 2B states that high natural hazard risk within a natural hazard zone should not be tolerated and requires a response to reduce risk. The Awatarariki Fanhead is a natural hazard zone that includes residential land that is subject to a high risk to life and property from debris flows. It is recommended that existing residential uses retreat from the area because other forms of risk mitigation cannot practicably reduce the high risk of loss of life.~~

~~The nature of the hazard is such that it is not practicable to reduce the current high risk to a moderate or low level using engineered protection or other measures. Evacuation using an early warning system of an event also does not reduce the risk to an acceptable level. The preferred outcome for the area subject to high risk is therefore to retreat from the area and to move residential activities out of harm's way.~~

~~These regional plan provisions are integrated with the Whakatane District Council's Awatarariki Debris Flow Risk Management Programme in a unified approach to managing the loss of life and property damage risks from future debris flows within the Awatarariki Stream catchment. The Programme includes hazard and risk modelling, escape routes, warning systems, and a managed voluntary retreat strategy for the Awatarariki High Risk Debris Flow Policy Area under the District Plan, in addition to regulatory measures under the Building Act and Resource Management Act.~~

~~**Design of Rules** Regional Policy Statement Policy NH 14C identifies that the Bay of Plenty Regional Council, city and district councils are responsible for specifying objectives, policies and methods, including any rules, for the control of the use of land for the~~

~~avoidance or mitigation of natural hazards. City and district councils have primary responsibility for controlling land use and they also control subdivision for the avoidance or mitigation of natural hazards. The Bay of Plenty Regional Council has the power to set land use rules to address natural hazard risk to existing land uses.~~

~~Rules in the Whakatane District Plan prohibit land use activities in the high risk area except for activities associated with clearance of the land and ongoing use as public reserve. However, District Plan rules are ineffective in reducing debris flow risk from high to medium (or less) because existing use rights under section 10 of the Act continue to apply and allow residential land uses to continue.~~

~~A Regional Council has the statutory function to control the use of land for avoidance or mitigation of natural hazards, including under a regional plan rule. Existing land uses are not protected from regional plan rules.~~

~~Rules in the Regional Natural Resources Plan prohibit residential uses within the Awatarariki high risk area. These rules remove existing use rights for existing residential activities. The rules recognise that there is the potential for the level of risk to remain high if there is incomplete implementation of the Awatarariki Debris Flow Risk Management Programme and its managed voluntary retreat strategy. The prohibition applies only to sites that are currently in residential use and/or purport to have existing use rights under section 10 of the Act enabling a previous use to re-establish.~~