

SUMMARY

PLANNING PROVISIONS FOR DEBRIS FLOW RISK MANAGEMENT ON THE AWATARARIKI FANHEAD, MATATĀ



Background

A severe rain storm on 18 May 2005 triggered debris flows from a number of stream catchments in the Matatā area. The most significant debris flow was from the Awatarariki Stream, which saw an estimated 300,000 cubic metres of boulders, trees and mud flow through the residential area below the stream's exit point from the Matatā escarpment.

Following consultation with the community, a range of debris detention structures were considered for the stream catchment, with the intent of preventing future debris flows and making the residential area safe to inhabit. A debris dam proposal was abandoned due to community concerns about the structure and potential damage to the environment and important cultural sites. The subsequent preferred option – a debris net – was formally abandoned by the Council in 2012 after a comprehensive, independent technical review confirmed that the proposed structure was not viable. A re-evaluation of possible lower catchment options during the latter half of 2012 could not identify a viable solution, resulting in a Council decision to develop a planning approach to the debris flow hazard. In 2013, a debris flow hazard and risk assessment was completed and work began on possible District and Regional Plan changes to address the loss-of-life risk for people living in the Awatarariki fanhead area. That work was placed on hold until the Bay of Plenty Regional Council's Regional Policy Statement (RPS) became operative, to ensure that any proposed plan changes were guided by the Regional Policy Statement's natural hazard policies. The Regional Policy Statement became operative in 2016.

In 2015, the District Council formed a Consensus Development Group including six Awatarariki land owners to look at potential options for the fanhead area. While there was no agreement on a single preferred solution, the group's discussions led to the development of the Awatarariki Debris Flow Risk Management Programme. This involved 10 work-streams, with the key focuses being a review of hazard and risk modelling; development of a voluntary retreat package based on current property market values (disregarding the debris flow hazard); and a Proposed District Plan change.

Issues

- Debris flows are a significant threat to life and property, due to the presence of large boulders and trees and the significant volume, density and speed of the flow.
- It's impossible to predict when the next debris flow from the Awatarariki Stream will occur, but expert advice indicates that future flows are likely to be triggered by high-intensity rainfall events. Geological evidence confirms that there have been other unrecorded debris flows in the past.
- A high risk area has been identified where the loss-of-life risk significantly exceeds the levels considered to be acceptable nationally or internationally.
- Properties outside of the high risk area may also be susceptible to debris flow risks and the Council will also be required to control development in that wider area.

Legal situation

- The Local Government Act 2002 requires councils to "give particular regard to" the avoidance or mitigation of natural hazards.
- The Resource Management Act 1991 also requires councils to manage significant risks from natural hazards, as a matter of national importance.
- The Regional Policy Statement (RPS) includes a risk-based approach to natural hazard management which requires the level of risk in high risk natural hazard areas to be reduced to medium, or lower if

reasonably practicable.

- The RPS requires councils to use planning, susceptibility mapping and detailed risk assessment to address extreme rainfall hazards that can result in landslides, debris flows/floods. To meet the RPS requirements, the Council therefore has to: identify areas susceptible to natural hazards; assess the risk involved; and reduce the risk to an acceptable level.
- The provisions of the Building Act relating to land that is subject to high risk from natural hazards, which cannot be mitigated, mean that no new building work is allowed on properties identified as high risk. That situation has been confirmed by a 2016 Ministry of Business Innovation and Employment determination which found that it would not be reasonable to allow new building work because of the high life safety risk and the inability to reduce that risk.

What that means in practice

- To give effect to the Regional Policy Statement's natural hazard provisions, the Council is proposing a change to the Operative Whakatāne District Plan. This could replace the Awatarariki fanhead area's existing residential status with either a new zone or an overlay which recognises the risk of future debris flows and excludes any possibility of further development or subdivision in the high risk hazard area.
- The District Plan Change would not affect existing uses and will therefore not reduce the loss-of-life risk applying to people who continue to live in the high risk area of the fanhead. The only way to effectively address that risk – and meet the Council's legal obligations – is to seek a change to the Regional Plan which would mean that the current residential activities must cease.

The Plan Change process

Whakatāne District Council planning staff are consulting with Awatarariki property owners before finalising District Plan and Regional Plan change proposals to be lodged with both Councils. Those proposals will be heard and decided upon by independent commissioners with expertise relevant to this situation. All property owners and other stakeholders will be able to put their views before the commissioners and, if they do not accept the hearing outcomes, will be entitled to lodge an appeal against the findings to the Environment Court.

Addressing impacts on property owners

The proposed managed retreat package is designed to encourage property owners to relocate away from the high natural hazard risk and allow them to purchase a similar property elsewhere, if that is their wish. It would involve:

- An offer to purchase a property at the current market value, ignoring the debris flow risk;
- Independent valuations, with a right to a second independent valuation if required;
- Contributions towards legal and relocation costs and mortgage break fees, where applicable.

Note: The managed retreat package is dependent on gaining funding support from the Regional Council and Central Government. A business case has been prepared and will be submitted to both parties in the near future.

Further information

Whakatāne District Council planning staff are holding drop-in feedback sessions to discuss the proposed plan changes at St Joseph's Church, 12 Wilson Street, Matatā on Tuesday 15 August (midday – 7.30pm); Saturday 19 August (10am – 4pm); and Thursday 24 August (9am – 4pm).

OR, to arrange a one-on-one meeting, contact:

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