

## 8. POTENTIAL VARIATION TO THE CITY PLAN ON FLOODING ISSUES

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Corporate Plan Output: City Plan	

The purpose of this report is to:

- inform the Committee of the outcomes of the seminar meetings held with Community board members on the proposed variation
- present the maps that identify the areas where the minimum floor level rule is proposed to apply
- inform the Committee of the proposed consultation programme for this variation

### BACKGROUND

The Committee will remember that on 30 August there was a combined seminar meeting between the Resource Management Committee and the Environment Committee. At this meeting Tony Oliver (Water Services Unit) and Fiona Hill (Planning Consultant, Glasson Potts Group) outlined the proposed measures contained in the Draft Discussion Document.

Following this meeting the Committees requested:

- that the information be presented to the Community Boards
- the maps illustrating the areas where the minimum floor level rule is proposed to apply be presented back to the Resource Management Committee before public consultation is initiated

### OUTCOMES OF THE SEMINAR MEETING

Community Board members were invited to two separate meetings on 19 and 25 October 2000.

At these meetings the following issues were raised (points raised by Community Board members are in **bold**, comments related to these concerns are included below each point):

- **Impact on property values**  
There may be impacts on property values as a result of this variation. However, in a lot of cases purchasers would be informed that the property concerned has been flooded or is liable for flooding on the Land Information Memorandum. Furthermore it is likely that these effects may be short term as understanding of the proposed rules and the reasoning behind them grows.
- **Impact on existing properties**  
Some Community Board members were concerned about impacts on adjoining neighbours, particularly when sections are filled to meet the required levels. In response to this concern alterations to the Filling and Excavation rules are proposed to discourage people to fill sections to achieve the required level. Property development, however, cannot be permitted unless any potential adverse effects on neighbouring properties can be mitigated, eg adequate drainage.
- **Concern about identifying Bexley and Redcliffs as separate areas**  
Community Board members were concerned about the effect on these communities by specifically identifying them. This in part relates to the proposed names for the areas. Members expressed the concern that if it was called 'Bexley' then it implied that the whole of Bexley was subject to flooding. It cannot be denied however, that these are lowlying areas where future development should be minimised as much as possible.
- **Concern about contaminated sites within the Bexley area**  
One member wanted to know whether there are any contaminated sites within the Bexley area. The two main contaminated sites in the Bexley area are the the former Bexley Landfill to the west of Bexley Road and the former Cunningham's yard south of Anthony Road. The Parks Unit is currently investigating several options to contain the contamination from Cunningham's Yard.
- **Concern about insurance companies withdrawing or raising premiums through identifying areas where minimum floor level rules would apply**  
In response to this concern Tony Oliver has spoken to the Council's insurance brokers. It was their view that insurance premiums would not be affected unless the property concerned was repeatedly flooded. Given this the controls proposed through this variation may actually assist in reducing the likelihood of premiums being raised or insurance companies refusing to insure properties. As part of the consultation for this variation it is proposed that the Variation be discussed with the Insurance Council.

- **Legal issues through restricting development rights**  
Concern was raised that the Council may be making itself liable for a number of insurance claims if as a result of this variation people's properties were devalued and/or people found it difficult to sell their property. It is understood from talking with Aidan Prebble that it is highly unlikely that this situation would occur. His advise was that people would need to prove that they have been denied 'reasonable use' of their property, because of the proposed measures. It is unlikely that the suggested controls would deny people reasonable use. The only situation where this may occur is in the proposed stopbank setback from the Waimakariri River. However, a similar setback was applied in the Waimairi District Plan.
- **Concern about 100m stopbank setback and restricting development rights**  
The proposed 100m stopbank setback affects the settlements of Kainga, Riverlea Estates and Western Stewarts Gully and the surrounding rural land. From investigations completed there are a limited number of vacant sections within these settlements that would be affected by this rule. While the proposed rule would be restrictive, it is considered that this level of control is justified given the high level of risk in this location, the small number of sections involved, and the fact that a similar control applied for these areas in terms of the Transitional Plan (Waimairi Section).
- **Shingle extraction from Waimakariri River**  
Community Board members were of the view that the level of risk from flooding in this location would be reduced if more shingle was extracted from the Waimakariri. The rate of shingle extraction does affect risk. Currently the rate of shingle accretion in the Waimakariri exceeds that of extraction. It is understood from Laurie McCallum that Environment Canterbury actively encourages people to extract gravels from the Waimakariri and that no royalties are charged.

A Community Board member suggested that the Council should try and close existing gravel pits and therefore encourage shingle to be taken from the Waimakariri. There are difficulties associated with such an approach given quarry owners have existing use rights. It is also understood that the shingle extracted from the Waimakariri has different properties than aggregate obtained from quarries.

#### **MAPS IDENTIFYING THE AREAS PROPOSED TO BE SUBJECT TO THE MINIMUM FLOOR LEVELS RULE**

Following the Resource Management Committee meeting of 30 August maps have been drawn identifying the areas of the City that are likely to be subject to the minimum floor levels rule. These maps are attached to this report.

The areas have been drawn based on data held by the Council. The boundaries of the areas have been drawn based on road or cadastral boundaries. Given this there will be some properties included within these areas that comply with the rule. The maps therefore indicate where the rule may apply as opposed to where the rule will apply. This approach is consistent with that taken by other Councils including Auckland City Council.

#### **PROPOSED CONSULTATION PROGRAMME**

It is proposed that the following people be consulted with prior to the final variation and Section 32 assessment being prepared:

- Ngai Tuahuriri
- Residents' groups within the affected areas in co-ordination with Community Boards
- Other interested groups—planners, builders, architects etc (through the ESU Gazette)
- An article be written for the City Scene
- Insurance Council

It is intended that the consultation be completed prior to Christmas and it is anticipated, with the Council's approval, that the Variation could be notified in February 2001.

**Recommendation:** That the Committee endorse in principle the measures recommended in the discussion document and agree that it should form the basis for public consultation on this issue.

#### **Chairman's**

**Recommendation:** For information.