

18.12 SLOPE INSTABILITY RISK AREA

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*Refer to Policy sets 5.1, 6.2, 7.2, 12.1, 13.1.
Refer to Rule section 16.3.*

18.12.1 Scope of Section

This section deals with land uses and subdivision in the Slope Instability Risk Area. Locations of the Slope Instability Risk Area are shown on the planning maps. Information required with resource consent applications is detailed in Chapter 19.

The Slope Instability Risk Area rules dealing with earthworks are the only earthwork rules that apply where the Slope Instability Risk Area is also subject to Land Disturbance Area 2, in Eastern Golden Bay.

Advice Note: The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 may apply to some activities, including farming activities and activities in or near wetlands and rivers. The National Environmental Standard may alter the activity status of an activity and impose additional standards, information requirements, matters for assessment and criteria. Please ensure you have met any requirements in the regulations in addition to those in this plan.

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18.12.2 Subdivision

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The following rules apply in addition to the rules of section 16.3.

18.12.2.1 Restricted Discretionary Activities (Subdivision)

Any subdivision in the Slope Instability Risk Area is a restricted discretionary activity, if it complies with the following conditions:

- (a) Every allotment on which any habitable building is intended to be located has a building location area shown.
- (b) Subject to condition (c), a report is prepared by an appropriately competent person in engineering geology or geotechnical engineering (or such person has endorsed in writing a report prepared by a chartered professional engineer practising in civil engineering), and the report:
 - (i) identifies on each proposed allotment that is subject to condition (a), the building location area (subject to measures specified under (iii)); and
 - (ii) certifies that (subject to measures specified under (iii)) any development of:
 - (a) a habitable building within each applicable proposed allotment, and
 - (b) access and other network utility services to each habitable building, and
 - (c) any earthworks required for the building or services (collectively constituting the building work), will not be likely to result in nor contribute to damage to:
 - (1) any building or access and other network utility services, or
 - (2) any adjoining or downslope property within or adjoining the Slope Instability Risk Area,arising from slope instability during the useful life of the building work; and

- (iii) specifies any measures in relation to building location, design, or construction and to access and other network utility services to each site that, if carried out, will be adequate to avoid any damage to the proposed building work or to any adjoining or downslope property, arising from slope instability during the useful life of the building work.
- (c) Subdivision by means of the relocation or adjustment of an allotment boundary need not comply with condition (a) if there is no habitable building site that is to be located within any area of land included in any allotment as a result of the boundary relocation or adjustment.
- (d) The report required by condition (b) is prepared no more than two years before the application is received by the Council, except that the report may be more than two years old where:
 - (i) it is re-certified as meeting the requirements of condition (b) by the person who prepared it or by another person meeting the criteria in (b); and
 - (ii) the re-certification under (i) includes certification that there has been no subsequent change to ground conditions that would alter the findings and requirements in the report; and
 - (iii) the report is no more than 10 years old.

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A resource consent is required. Consent may be refused, or conditions imposed, only in respect of the following matter to which the Council has restricted its discretion:

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- (1) Following subdivision, the risk of slope instability.

18.12.3 Land Use

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18.12.3.1 Permitted Activities (Land Use)

Any land use in the Slope Instability Risk Area is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

- (a) Any construction of or external alteration to a habitable building, complies with the following conditions:
 - (i) a report is prepared by an appropriately competent person in engineering geology or geotechnical engineering (or such person has endorsed in writing a report prepared by a chartered professional engineer practising in civil engineering), and the report:
 - (a) certifies that (subject to measures specified) the proposed building work will not be likely to be subject to damage from slope instability during its useful life; and
 - (b) certifies that (subject to measures specified) the proposed building work will not be likely to result in or contribute to damage to any adjoining or downslope property within or adjoining the Slope Instability Risk Area arising from slope instability during the useful life of the building work; and
 - (c) specifies any measures in relation to building location, design or construction that, if carried out, will be adequate to avoid any damage to the proposed building work or to any adjoining or downslope property, arising from slope instability during the useful life of the building work;

except that this requirement does not apply where a report has already been prepared under rule 18.12.2.1(b) or re-certified under rule 18.12.2.1(d) in respect of the site of the proposed building, and that report certifies and

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specifies as provided above;

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| (ii) | the building work is carried out in accordance with any specifications provided under (i). | C31 8/10
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| (b) | The report required by condition (a) is prepared no more than two years before the building work commences, except that the report may be more than two years old where: | C40 4/13
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| (i) | it is re-certified as meeting the requirements of condition (a) by the person who prepared it or by another person meeting the criteria in (a); and | |
| (ii) | the re-certification under (i) includes certification that there has been no subsequent change to ground conditions that would alter the findings and requirements in the report; and | |
| (iii) | the report is no more than 10 years old. | |
| (c) | Except where required for or in connection with the construction of or external alteration to a habitable building, any earthwork carried out: | C31 8/10
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| (i) | within any Residential or Rural Residential zone location; or | |
| (ii) | within 50 metres upslope of the boundary of such a zone location; | |
| | does not involve any cut batter or excavation with a vertical height or depth greater than 1 metre. | |
| (d) | There is no damage to any other property or watercourses arising from the activity. | |

18.12.3.2 Restricted Discretionary Activities (Land Use)

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Any land use in the Slope Instability Risk Area that does not comply with the conditions of rule 18.12.3.1 is a restricted discretionary activity, if it complies with the following conditions:

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| (a) | Any construction of or external alteration to a habitable building, or any earthwork, complies with the following conditions: | |
| (i) | a report is prepared by an appropriately competent person in engineering geology or geotechnical engineering (or such person has endorsed in writing a report prepared by a chartered professional engineer practising in civil engineering), and the report: | |
| (a) | certifies that (subject to (c)) the proposed building or earthwork will not be likely to be subject to damage from slope instability during its useful life; and | |
| (b) | certifies that the proposed building or earthwork will not be likely to result in or contribute to damage to any building or access on the site, or to any adjoining or downslope property within or adjoining the Slope Instability Risk Area arising from slope instability during the useful life of the work; and | |
| (c) | specifies any measures in relation to the building or earthwork that if carried out will be adequate to avoid any damage to the proposed building or earthwork, to any building or access on the site, or to any adjoining or downslope property, arising from slope instability during the useful life of the work; | |

except that this requirement does not apply where a report has been prepared under rule 18.12.2.1(b) or re-certified under rule 18.12.2.1(d) in respect of the site of the proposed building, or the proposed earthwork that is for or in connection with subdivision, and that report certifies and specifies as provided above;

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- (ii) the work is carried out in accordance with any specifications provided under (i).

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- (b) The report required by condition (a) is prepared no more than two years before the building or earthwork commences, except that the report may be more than two years old where:

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- (i) is re-certified as meeting the requirements of condition (a) by the person who prepared it or by another person meeting the criteria in (a); and
- (ii) the re-certification under (i) includes certification that there has been no subsequent change to ground conditions that would alter the findings and requirements in the report; and
- (iii) the report is no more than 10 years old.

A resource consent is required and may include conditions on the following matters over which the Council has restricted its discretion:

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- (1) Matters (1) to (13) in rule 18.5.2.2.
- (2) Risk of damage by erosion, falling debris, subsidence, slippage or inundation from any source.

18.12.3.3 Discretionary Activities (Land Use)

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Any land use that does not comply with the conditions of rule 18.12.3.1 or rule 18.12.3.2 is a discretionary activity.

A resource consent is required and may include conditions.

18.12.20 Principal Reasons for Rules

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The rules preserve health and safety and mitigate slope instability risks to land to be subdivided for habitable buildings.