

BEFORE INDEPENDENT HEARING COMMISSIONERS APPOINTED  
BY WAIKATO DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991  
(Act)

AND

IN THE MATTER of the Proposed Waikato District Plan –  
Hearing 27E – Land Stability, Liquefaction,  
Mine Subsidence

INTRODUCTORY HEARING STATEMENT OF GRANT ROBERT  
ECCLES

Dated 06 MAY 2021

## INTRODUCTION

1. This statement summarises the main points to have come out of my 42A report. I do not delve into the details of the individual recommendations, rather I focus on the themes that have arisen through submissions that my recommendations in an overall sense address and respond to.
2. My 42A report addresses three natural hazards matters: Land Stability, Liquefaction, and Mining Induced Subsidence in Huntly. Given the nature of these hazards, I have relied on technical advice from Tonkin + Taylor specialists Mr Doug Johnson (Mining Induced Subsidence) and Mr Eric Bird (Land Stability and Liquefaction) to inform my recommendations.
3. Given the significance of the mining subsidence matter for Huntly and the number of submitters on that matter, Mr Johnson has prepared a separate Introductory statement. Mr Bird will briefly summarise his technical report at the hearing.
4. I address the three topics in order they are covered in my 42A report as follows:  
  
Land Stability
5. The Proposed District Plan contains two policies that address land stability in a general sense. The policies are clear and directive in their intent to (i) avoid locating subdivision and development on land assessed as being or likely to be subject to instability or subsidence unless appropriate mitigation can be put in place and the risk to people, property and infrastructure is not increased, and (ii) avoid discharging stormwater to ground that is potentially at risk of land instability and subsidence unless appropriate assessments have been undertaken and mitigations measures can be put in place.
6. Submissions on these policies sought to either expand the ambit of the policies or (in my view) introduce uncertainty through the use of terms such as "to tolerable levels". As the policies are in my view very easy to interpret, clear in their intent, and have good linkages to the corresponding rules, my recommendation is to retain them as-notified.

## Liquefaction

7. Rightly, the Proposed District Plan recognises and addresses liquefaction as a natural hazard. The general set up of the Proposed District Plan with regards to liquefaction is that objectives and policies require subdivision and development to be controlled on land assessed as being subject to liquefaction risk. In the current absence of any District-wide liquefaction mapping, the Proposed District Plan rules require the assessment of whether land is at risk of liquefaction, and if it is what to do about it, to be carried out by applicants for consent.
8. Submitters have asserted that this unfairly loads the cost of liquefaction investigation on to applicants, and request that Council undertake a District-wide liquefaction assessment to identify susceptible areas.
9. In short, both Mr Bird and myself agree with this approach, as it represents best practice and complies with MBIE guidelines on liquefaction assessment. Accordingly, I have recommended that Council prepare a District-wide assessment (that will build on work currently being undertaken by Waikato Regional Council).
10. The issue that arises is one of timing. A District-wide assessment is unlikely to be ready in time to be factored into decisions on the Proposed District Plan – thus a Variation or Plan Change will be required. In the meantime there needs to be some rules addressing liquefaction, and the as-notified rule set will in my view effectively handle the interim period.
11. The above approach thus permeates all my recommendations on liquefaction matters.

## Mining Induced Land Instability

12. This natural hazard is confined to the Huntly East area, in areas that overlie historic coal mine workings. Successive versions of the Waikato District Plan have applied a mine subsidence risk overlay to sites in the area, with a gradation of severity of planning controls depending on whether a site was identified in the high risk area or not. If a site is within the high risk area, then building and

subdivision requires resource consent and is of a status (discretionary) that can see a consent being declined if subsidence risk is not adequately addressed.

13. The Proposed District Plan (based on technical advice provided by others at the time of preparation of the Plan) expanded the extent of the high risk area and in doing so captured a number of additional properties that were not previously the subject of any District Plan controls in terms of mine subsidence.
14. As Mr Johnson will explain to you, the differences between the operative Huntly East Mine Subsidence Area overlay and the proposed Mine Subsidence Risk Area overlay are mostly related to different interpretations of how the risk of subsidence is managed about the edge of the potential subsidence and where the risks are lowest. In his expert view, properties outside of the operative overlay but within the proposed overlay are at low risk to subsidence due to a range of factors.
15. Accordingly, my view in planning terms is that there is an insufficient level of subsidence hazard risk on the properties that have been newly captured by the expansion of the mining subsidence overlay to justify their inclusion. Thus, retention of the current extent of the mining subsidence overlay, as set out in the Operative District Plan, is an appropriate method of recognising and providing for mine-related subsidence as a natural hazard, as required by s6(h) of the RMA.
16. In addition to the issue of the extent of the mining subsidence overlay, the effect of the rules that apply within the overlay area are the subject of submissions. In summary, I have recommended amendments to give Restricted Discretionary activity status (as opposed to the as-notified status of Discretionary) to landuse activities within the overlay that do not comply as a permitted or controlled activity, and recommended that the Discretionary Activity status for subdivision within the mining subsidence overlay be retained.
17. I have also recommended that, with a view to avoiding duplication of processes and cost, controlled activity status be provided to buildings when they are

proposed to be established on sites that have already had subsidence risk assessed and appropriate consent notices put in place at the time of subdivision.

Grant Eccles  
MNZPI