

SUBMISSION FORM (FORM 5)

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**PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL
DISTRICT PLAN: PROPOSED PLAN CHANGE 15 – FLOOD AND EROSION
HAZARD AREAS**

To: Upper Hutt City Council

Submission on Proposed Plan Change No. 15 to the Upper Hutt City Council District Plan

Submissions can be:

File Number: 351/12/015
Submission Number:
(for office use only)

Delivered to: Level 2 Reception, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt
Posted to: Proposed Plan Change No. 15, Upper Hutt City Council, Private Bag 907, Upper Hutt
Faxed to: (04) 528 2652
Emailed to: askus@uhcc.govt.nz

The closing date for submissions is Friday 2nd November 2012 at 5pm

DETAILS OF SUBMITTER

Name of submitter	Alan Jetteries	
Postal address of submitter	1102 Magnorn Road. Upper Hutt.	
Agent acting for submitter (if applicable)	_____	
Address for service (if different from above)	_____	
Contact phone/fax number	Daytime Telephone: 5263133	Fax: _____
I could gain an advantage in trade competition through this submission (Please tick one)	NO	Only answer this question if you ticked YES: I am / am not (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES <input checked="" type="checkbox"/>	

RECEIVED UHCC
29 OCT 2012
RESOURCE CONSENTS

DETAILS OF SUBMISSION

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

The proposed Plan Change in its entirety.

My submission is that:

See Attached Pages 1-3

(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)

I seek the following decision from the local authority:

See Attached Pages 4-5

(Please give precise details and use additional sheets if necessary)

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I do wish to be heard in support of my submission	<input checked="" type="checkbox"/>
	I do not wish to be heard in support of my submission	<input type="checkbox"/>
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I do wish to make a joint case	<input checked="" type="checkbox"/>
	I do not wish to make a joint case	<input type="checkbox"/>

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SIGNATURE AND DATE



Signature of person making submission or person authorised to sign on behalf of person making submission

29-10-12

Date

(Note: A signature is not required if you are making your submission by electronic means)

PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC

My Submission is that I oppose the proposal to change the plan for the following reasons.

① The Hazard maps as proposed are in all likelihood unlawful because they fail to show the actual "risked" and its extent, and regardless are irrelevant because they are inaccurate (Inaccurate because rivers change. The Mangarua River is constantly changing due in no small part to the intervention of man in attempting to divert and straighten the river on multiple occasions at multiple locations over many decades) There are not as a consequence many sections of the river which could be regarded as "natural". The propensity for change is exacerbated when a river is not "natural". Maps need to be accurate. If they are not accurate they serve no useful purpose and become useless as a planning tool.

② The report which was submitted to the Policy Committee (Dated 25th July 2012) was inaccurate and as a consequence misleading for the following reason. Appended to the report (Appendix 1) it states under 1.2, the purpose of the RMA. However the purpose of the ACT is in TWO parts ie. s(1) AND s(2). By omitting s(2) the report is misleading because s(2) explains what sustainable management actually means. I do not believe that it is appropriate to read each in isolation.

When they are read together it becomes apparent that the RMA itself contemplates that a persons, and a communities social, economic and cultural well being is provided for whilst promoting the sustainable management of natural and physical resources.

As a consequence of that omission it is abundantly clear that Council has erred in failing to recognise that it has an obligation to consider

the social, economic and cultural needs of the community and specifically the affected landowners.

For that reason alone the proposal should be re-directed to the Policy Committee for further consideration or abandoned.

3) As proposed the plan change fails entirely to recognise that as a private property owner I have common law property rights to which I am entitled and furthermore as proposed those rights are either restricted or ignored and any existing use rights I may have are negated.

In its present form the proposed plan change has the effect of severely restricting or completely prohibiting activities on private land which affects either part or in some cases entire parcels of land. It is therefore unacceptable. To all intents and purposes it is the appropriation of private land without any compensation whatsoever and that is intolerable.

4) I question how well and to what extent Council has met its obligations under section 32 of the RMA which imposes on Council obligations to consider alternatives, benefits and costs before public notification of a proposed plan change.

- I suggest that
 - a) There is a very simple alternative, specifically being a relatively simple but concise change to the text in the relevant chapters of the City Plan.
 - b) There are questionable, if any benefits to the plan change as presently proposed and in any event any perceived benefits may have been achieved by the Policy Committee adopting Option 2.
 - c) There have already been huge costs imposed on the community in advancing this proposal to this stage.

EVIDENTLY NO CONSIDERATION HAS EVER BEEN GIVEN TO THE ONGOING AND IN MANY CASES SUBSTANTIAL COSTS TO THE ADVERSELY AFFECTED LANDOWNERS or to the uncertainty and insecurity this fiasco has caused or to the continuation of that uncertainty and consequential insecurity.

I seek the following decision from the local authority:

Either ① Abandon the plan change as presently proposed

or ② Refer the proposed plan change back to the Policy Committee for further consideration noting

a) The proposed new definitions, hazard maps, changes to the chapters in the plan are likely unlawful as the Upper Hutt City Council's powers do not extend to the "riverbed" which is contained somewhere in the proposed "River Corridor". The "riverbed" is the responsibility of the Regional Council and that council already has a Freshwater Plan containing policy, objectives and rules. Importantly those existing rules conflict with the rules proposed by this plan change. Therefore if the plan change proceeds there will without doubt be both conflict and confusion at a time when clarity is long overdue.

b) The committee previously considered three options. Perhaps it should consider one of the other two options or even a variation of those two options, but in any event should consider incorporating in the text of the City Plan an acknowledgement that there are many rivers within the City and that alongside those rivers there exists the potential for both flooding and/or erosion and as a consequence land and/or buildings in close proximity to a river or on the adjacent floodplain are vulnerable to differing extents dependent on a wide range of factors.

c) In my view the Policy Committee has erred by allowing this proposal to proceed and be notified because as proposed it either ignores or places too little emphasis on both the actual costs and associated costs of its implementation, both on affected

landowners in particular but on the community as a whole through increased processing cost of concrete due to the utter confusion and unnecessary complication the plan change as proposed would impose.