

SUBMISSION FORM (FORM 5)

**PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL
DISTRICT PLAN: PROPOSED PLAN CHANGE 42 – MANGAROA AND
PINEHAVEN FLOOD HAZARD EXTENTS**



To: Upper Hutt City Council

File Number: 351/12/046
Submission Number:
(for office use only)

Submission on Proposed Plan Change 42 to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: Level 1 Reception, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt
Posted to: Proposed Plan Change 42, Upper Hutt City Council, Private Bag 907, Upper Hutt
Faxed to: (04) 528 2652
Emailed to: planning@uhcc.govt.nz

The closing date for submissions is 8 May 2017 at 5pm

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

DETAILS OF SUBMITTER

Name of submitter	Vaughn Allan		
Postal address of submitter	13 Dunns Street, Silverstream		
Agent acting for submitter (if applicable)	N/A		
Address for service (if different from above)	Please indicate if you wish email to be the authorised method of service: YES/NO As above		
Contact phone / email	Telephone: Day - 5696109	Email: vaughnallan@hotmail.co.nz	
I could gain an advantage in trade competition through this submission (Please tick one)	<input checked="" type="checkbox"/> 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.	
	<input type="checkbox"/> YES		

DETAILS OF SUBMISSION

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

Refer to the attached pages for the submission details

(Please use additional sheets if necessary)

My submission is that:

Refer to attached pages for the decision requirements and submission outlined

(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:

Refer to attached pages for decision requirements

(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	
	I do not wish to be heard in support of my submission	✓
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	
	I do not wish to make a joint case	✓

SIGNATURE AND DATE

U.N. Allen

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

Date: 5/5/17

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

**PROPOSED PLAN CHANGE 42 TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN (2004) –
‘MANGAROA AND PINEHAVEN FLOOD HAZARD EXTENTS**

This submission is to OBJECT to some aspects and certain wording of this Proposal and to PROPOSE amendments/adjustments on the basis of the following sections within the Upper Hutt District Plan and the supplied Evaluation report.

The initial scope for this Proposed Plan Change 42 I feel may have been too narrow and restrictive to adequately gauge an accurate assessment of all aspects that may have influence in moving this document forward in a constructive way. Without all aspects being included and assessed, it becomes harder to fully determine the correct method of dealing with issues and it leaves the possibility of errors, potential holes in policies and rules that in the long run could lead to negative outcomes for the greater community.

On the initial form it is noted that you must indicate a conflict of interest. This is an unusual occurrence as I have not seen this on previous forms. Both UHCC and the General Public are aware that this Proposed Plan Change 42 has unintentional conflicts and this will have greater effect on UHCC decisions in the future regarding developments for housing. It would be appropriate for UHCC to note that in some aspects of this process there are potential conflicts regarding the land swap that is currently only at a Memorandum of Understanding. This is of great concern to this community that there are potentially aspects of this Proposed Plan Change 42 that could have negative ramifications regarding this memorandum to the Silverstream and Pinehaven areas. Aspects of restrictions in this Proposed Plan Change 42 will further enhance UHCC argument that a Land Swap is appropriate. As this is a known possibility it is also noted that subsequent investigations of these particular areas are not part of the assessments and potential stricter rules and regulations proposed. **As this has been mentioned within this Evaluation Report document I therefore deem that it must be included as part of this submission and any final decision.**

All *Italic* words are extracts from the Documentation released for Consultation

All **Red** Words are proposed changes

In this submission only these sections are included

S32 – Evaluation Report

Chapter 09

Chapter 14

Chapter 18

Chapter 23

Chapter 33

SECTION 32 - EVALUATION REPORT

3 - Background - Page 7 - States that modeling was undertaken to establish the flood Hazard extent. It is noted that this did not include the UHCC potential plans for significant development along on the Silverstream Spur but only included potential run off from the land owned by the Guildford Timber Company

4 – Consultation – Page 10 - The Guildford land swap

In addition, the Council ran a focus group, which discussed the Pinehaven Stream component of the plan change alongside other relevant issues for the Pinehaven Community (for example the Guildford land swap). The purpose of this informal consultation was to:

- identify issues or concerns that the Council may not have been aware of
- maximise engagement as part of the Council's responsibility to be transparent with the community on matters that could impact on them
- give the community warning of the upcoming plan change
- provide a place for the community to discuss their views with the Council directly

For the Pinehaven Stream, subdivision and changes in land use in the upper catchment can increase the stormwater runoff during flood events, increasing the volume of water discharged through the downstream catchment area. This exacerbates the flood risk to people and property downstream – **This mentioned the negative impact of Development of the Guildford Timber Company land but did not take into account any other areas that surround these areas and would equally contribute to Flood Hazard Extents and erosion**

Page 12 – Resource Management Issues – **No mention of erosion from intensification and development of the Silverstream Spur land and surrounding areas. Admittedly they are slightly further away but will have some impact in the event of a major disaster.**

Page 14 - 5.9 A review of the building consents approved for 2013 – 2015 showed that for both the Pinehaven Stream and the Mangaroa River Flood Hazard Extents there were low numbers of new dwellings and external alterations that did not obtain resource consent (i.e. under the existing rules they are a permitted activity). Under the proposed rules, it is likely that some of these dwellings or alterations would require resource consent. This suggests that there is construction work that is being undertaken that is increasing the risk from flooding. While the proposed plan change would introduce the requirement for resource consent for these previously permitted works, providing the proposed building works are appropriately located in the Flood Hazard Extent and appropriate mitigation measures are incorporated into the development, then the resource consent provisions should not present a significant barrier – **This section needs to be removed as “suggestions” that there are increased risks are not facts and there is no evidence that this would occur. This is modelled and therefore is only speculation.**

6.27. The Council has recently adopted the Land Use Strategy (2016 - 2043) which identifies the intended future growth areas within the district. It identifies areas for intensification around existing neighbourhood centres and through edge expansion. The hazard areas include a portion of the Southern Growth Area identified for edge expansion and intensification at Silverstream. The proposed provisions are considered to be consistent with the Silverstream intensification site, as mixed use residential development is normally encouraged at first floor and above with ground floor preserved for commercial activities. This is consistent with the proposed provisions that discourage residential development at ground level where it is more susceptible to flood hazards. These areas have been noted in this section but no in depth assessment has been included to determine any negative impact that future development would have to this current Plan Change 42.

6.28. In terms of the Southern Growth Area, the majority of the identified future growth areas are outside the Pinehaven catchment avoiding any conflict with the growth area. These will have a flow on effect in the future that must be addressed now

6.29. Accordingly the proposed plan change is not considered to limit Council's ability to provide for short, medium or long term development. This gives the Council the ability to restrict development to help advance other developments that they chose without proper assessments

PA2: Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.

6.71 The Land Use Strategy identifies the Southern Growth Area (Guildford Timber Company Land above Pinehaven) as a future growth area. Within the Land Use Strategy, it is identified that there is a need for stormwater neutrality for this catchment. The proposed plan change introduces stormwater neutrality provisions to the upper reaches of this catchment. Silverstream is also identified as suitable for intensification. Mixed-use residential development generally discourages ground floor residential development which is consistent with the proposed provisions in this plan change.

The Land Use Strategy identifies the Southern Growth Area (Guildford Timber Company Land) as a future growth area and then Proposed Plan Change 42 rules it out?

Page 35 Proposed Objectives and Policies for the Plan Change

8.2 The existing objectives of the District Plan do not specifically recognize or provide for the issues related to flood hazards when subdivision is proposed. The existing relevant District Plan objectives are broad and have general applicability to natural hazards. This objective will ensure that where subdivision is proposed within either a Flood Hazard Extent or Erosion Hazard Area, the natural hazard constraints are considered and areas subject to high hazard are ~~avoided~~ **restricted**. Subdivision within lower hazard areas will be able to be considered and assessed based on the suitability for future land use, the risk presented by the flooding hazard, and the measures to mitigate flood risk to people and property. Objective 9.3.3

8.3 Earthworks can result in unacceptable risk for future development or obstruct or divert flood flow paths. This objective will ensure that where earthworks are proposed within the flood hazard or erosion hazard extents, the natural hazard constraints are considered and areas subject to high risk are ~~avoided~~ **restricted**. Objective 9.3.4

8.5 The existing District Plan objectives do not address the potential negative impacts subdivision can have in the upper Pinehaven catchment **and surrounding areas** can have through increasing surface water run-off. Increased run-off can increase the flood risk downstream; stormwater neutrality is therefore appropriate in this area to mitigate the flood risk and support the proposed Plan Change. Objective 14.3.2

8.6 This proposed objective is required to ensure **Significant** development is avoided in the high hazard areas within the identified Flood Hazard Extents and Erosion Hazard Areas. This will support new policies that ~~recognise~~ and provide for the function of the floodplain, the high and lower hazard areas within the Flood Hazard Extents, and the effect land-use changes in the upper catchment can have on the downstream community (particularly in relation to the Pinehaven Stream). Objective 16.3.5.

Proposed policies 9

9.1 The Plan Change proposes the following amendments to existing policies and additional policies within the District Plan:

Policy 9.4.4 – To ~~avoid~~ **restrict** subdivision where building platforms would be located within high hazard areas of the identified Flood Hazard Extents and Erosion Hazard Areas.

Chapter 9 – Subdivision and Earthworks

9.2 Policy 9.4.4 provides clear direction that subdivisions that result in building platforms in the high hazard areas of the Flood Hazard Extents or Erosion Hazard Areas are ~~avoided~~ **restricted**. The high hazard areas contain both fast and deep flowing water in a 1 in 100-year flood event, which have the potential to damage buildings and threaten lives. The directive identified in Policy 9.4.4 to avoid building platforms in high hazard areas is consistent with the Regional Policy Statement and provides direction for the consideration of applications in either the overflow path or the river corridor.

Policy 9.4.5 – To control subdivision where building platforms would be located within lower hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas by requiring mitigation to minimise the risk to people and property.

Chapter 14 – Natural Hazards

9.9 The following new policies are proposed to support the proposed plan change;

Policy 14.4.3 – ~~Avoid~~ **restrict** development within high hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas.

9.10 Policy 14.4.4 directly links with Policy 9.4.4 by providing clear direction to ~~avoid~~ **restrict** development in the high hazard area of the Flood Hazard Extents and Erosion Hazard Area. The high hazard areas contain both fast and deep flowing water in a 1-in-100 year flood event, or are at high risk of bank collapse, which both have the potential to damage buildings and threaten lives. The policy directive identified in both 9.4.4 and 14.4.3 is consistent with the Regional Policy Statement and directs consideration of applications in either the overflow path, the river corridor, of the stream corridor as well as for areas close to the river bank and are situated in the Erosion Hazard Area. The policy is to ensure that a “backdoor” is not created where a development may be more permissive under a land use consent than a subdivision consent or vice versa.

Options for achieving the objectives 10.

10.1 It is proposed to introduce five new objectives to address the relevant resource management issues. These objectives are as follows: **I request this change to the wording**

Objective 9.3.2 - To control subdivision within identified Flood Hazard Extents and Erosion Hazard Area to ensure the risk from flood hazards to building platforms and access in high hazard areas are ~~avoided~~ **restricted** and the flood risk to people and property can be appropriately mitigated in the lower hazard areas.

Consideration of options

10.33 During the preparation of this plan change the following four options were considered:

Option 1: Status quo (i.e. retain the existing Plan provisions)

Option 2: Non-regulatory approach through relying on other acts or non-statutory methods

Option 3: Amend the plan provisions to manage development and activities within the Mangaroa River and Pinehaven Stream catchments through inclusion of new objectives, policies and rules in the District Plan, to enable development while balancing the potential risk to people and property (Option 3 is the preferred option).

Option 4: Severely restrict or prohibit any further development within the Flood Hazard Extents.

I Support option 3 with changes that are supplied

Option 3: Amend the plan provisions to manage activities within the Pinehaven Stream and Mangaroa River catchment through inclusion of new policies and rules to meet the Council’s statutory responsibilities to minimise the flood risk to people and property. (Recommended Option)

Opportunities for Economic Growth and Employment

● The resource consent application costs to establish a new lot or construct of an additional dwelling represents only a small proportion of the total costs to undertake either of these activities and therefore is not a significant cost constraint for either of these activities. **Fixed fee determined to avoid accusations**

Benefits

● Landowners would retain the ability to undertake certain activities on their property without the need for resource consent, where these activities do not significantly increase the risk from the flooding hazard.

Specifics are required. This is vague allowing UHCC significant control to require Resource Consents for any work required with no strict guidelines in place

● For the Pinehaven Stream Flood Hazard Extent, the impact of development within the upper catchment and the potential adverse impacts on the community would be controlled through hydraulic neutrality provisions.

This allows for development in some restricted form

11-PROPOSED RULES

11.3 The controls over buildings, structures and earthworks within the identified Flood Hazard Extent are addressed within the district-wide chapters 23 (Earthworks) and 33 (Natural Hazards). However, the rules controlling subdivision must be addressed separately within each zone-based chapter as the District Plan does not provide a district wide subdivision chapter. Subdivision within an identified Flood Hazard Extent is specifically managed in order to avoid restrict new undeveloped lots being created which may subsequently conflict with the development provisions within Chapter 33 (that is, the creation of new undeveloped lots within flood hazard areas). This requires the flood hazard risk to be addressed at the time of the subdivision either for the undeveloped lot or as a comprehensive application that includes land use consent for the development under the Chapter 33 land use provisions. Network utility structures and hazardous substances within the Flood Hazard Extent are also controlled through specific subdivision provisions.

11.4 This section of the report will describe the rules on a catchment basis

Pinehaven Catchment

The Plan Change will introduce a number of new rules that will control development in relation to the Pinehaven catchment. These rules are summarised below, firstly with a summary of the escalating activity status by activity groupings and then on a chapter by chapter basis, together with an explanation as to why the new rules are required.

Buildings

11.71 Under the proposed plan change, the additions and alterations to existing buildings including accessory buildings, and construction of new accessory buildings, would be a Permitted Activity within the Ponding Area of the Pinehaven Flood Hazard Extent. This provides landowners a permitted level of development which would have little effect on flood risk as long as the extensions were no greater than 20m², maintained the existing floor level and were positioned outside the identified high hazard areas. **The 20m² addition is too small to justify proceeding with and must be increased to 100m² as a 5m x 4m scrape of the ground will result in a Resource Consent, essentially making any work on siterequiring a Resource Consent. This is too restrictive.**

11.72 New buildings or extensions to existing dwellings exceeding 20m² 100m², including accessory buildings (less than 20m² 100m²), would be treated as a Restricted Discretionary Activity. Proposals would be required to achieve a finished floor level above the 1 in 100-year flood level for residential buildings, and above the 1 in 25-year flood level for commercial buildings in the Business Zone. Proposals not meeting these standards would be elevated to Non-Complying

Earthworks

11.77 Earthworks no greater than $20m^2$ **100m²**, in area, where directly associated with the permitted minor additions and alterations to buildings (up to $20m^2$ **100m²** min area), are Permitted Activities. Any other earthworks within the Ponding Area are Restricted Discretionary Activities, reflecting the urbanised environment and the effect earthworks can have on exacerbating flood risk to adjacent people and property.

11.78 Earthworks in higher-risk areas such as the stream corridor, building setback line and within overflow paths are identified as ~~Non-Complying Activities~~ **Restricted Discretionary Activity** due to the high hazard risk of these areas and the effect such works can have on exacerbating the hazard risk to people and property.

Proposed New Rules by District Plan Chapter

*Proposed Rules Subdivision (Chapter 18)
Residential Zone (Chapter 18)*

Non-Complying Activity

Subdivision within the Pinehaven Flood Hazard Extent which creates any undeveloped lots that do not contain a dwelling, and does not:

- comply with the requirements of Rules 18.5, or*
- meet the standard of Rule 18.37. - See policies. **Should not be Non Complying but Restricted Discretionary Activity***

*Subdivision of a site within the Pinehaven Catchment Overlay that does not meet the standard Rule 18.38 or Rule 18.5 - See policies. **Should not be Non Complying but Restricted Discretionary Activity***

*Proposed Earthworks Rules (Chapter 23)
Earthworks (Chapter 23)*

Permitted Activity

*Within the Ponding Area of the Pinehaven Flood Hazard Extent, earthworks directly required for the building platform associated with the alteration and addition to existing buildings, including new accessory buildings, are a permitted activity provided they are $20m^2$ **100m²**, or less in area.*

11.90

Standards:

- Earthworks must be directly associated with the building platform of the proposed extension or alteration or new accessory building, provided for as a permitted activity under Rule 33.2, and cannot exceed $20m^2$ **100m²**, in area.*

- Must not be within the stream corridor or overflow path.*

Earthworks associated with flood

- Must be undertaken by Greater Wellington mitigation works within the Pinehaven Flood Hazard Extent. Regional Council, Upper Hutt City Council or their nominated contractor and be for the express purpose of mitigating the identified flood hazard and, where applicable, achieving the design and objectives of the relevant floodplain mitigation plan.*

Restricted Discretionary Activity

*All earthworks not associated with permitted building extensions (up to $20m^2$ **100m²**) or flood mitigation works within the ponding area of the Pinehaven Flood Hazard Extent*

Standards:

- Must not be within the stream corridor or an overflow path.*

Matters of Discretion:

- Height of cut or fill and area of earthworks above ground level.
- Earthworks stability.
- Erosion and sediment control.
- Effect on the flooding risk to people and property.
- Permanent surface treatment of earthwork area.
- Avoiding, remedying or mitigating effects related to the standard in question.
- Financial contributions.

11.94 A Permitted Activity standard is proposed to reflect a new permitted activity rule in Chapter 33 which allows for extensions to existing dwellings up to 20m² **100m²**, (this is addressed further below).

The purpose is to avoid a conflict where earthworks to create the building platform for the extension would trigger the need for a resource consent, despite the addition being provided for as a permitted activity. The reason is that additions to existing buildings and the earthworks associated with them, where they are no greater than 20m² **100m²**, are not considered to have a significant effect on the flood risk.

11.95 Earthworks proposed within the higher risk areas are identified as a Non-Complying Activity. **(Should not be Non Complying but Restricted Discretionary Activity)**. This is to signal that earthworks within the stream corridor and overflow path are not generally considered appropriate due to the potential to impede the flow of flood water, constraining the function of the floodplain and thus increasing the flood risk to people and property. An exemption is for flood mitigation works undertaken by the territorial or regional authorities for the specific task of improving and maintaining the stream corridor and thus minimizing the flood risk to the community. This is provided for as a Permitted Activity.

Anticipated outcomes

11.97 The anticipated outcomes of the proposed changes to rules for earthworks are:

- Earthworks will not result in an increase in the flood hazard risk to people and property.
- The ability for Greater Wellington and Upper Hutt City Council to maintain flood mitigation works is supported.
- Network utilities do not contribute to blockages or obstruct flows that exacerbate the flood hazard risk to people and property. **Question this as the size of the Network Utilities may be comparable to a small alteration and may require more than 20m² of earthworks**

Proposed Natural Hazards Rules (Chapter 33)

Natural Hazards (Chapter 33)

Permitted Activity

Within the Ponding Area of the Pinehaven Flood Hazard, the alteration and addition to existing buildings, or construction of accessory buildings are a Permitted Activity provided the gross floor area is less than 20m² **100m²** and the proposal complies with the relevant zone standards for permitted activities.

Standards

- Additions and alterations that are not below the floor level of the existing building, and do not exceed 20m² **100m²** in area.
- Must not be within the stream corridor or an overflow path.
- Only one addition to the existing building following the date of notification of this plan change.

Restricted Discretionary Activity

Within the Ponding Area of the Pinehaven Flood Hazard Extent the construction of new buildings, or alteration and addition to existing buildings, including accessory buildings over 20m² **100m²**, which are not Permitted Activities are a Restricted Discretionary Activity

11.105 Within the Pinehaven Flood Hazard Extent, new buildings and alterations and additions to existing buildings, including accessory buildings, are proposed to be captured under a new rule as a Restricted Discretionary Activity. Additions to existing buildings below ~~20m²~~ **100m²** in floor area are proposed to be Permitted Activities. This enables landowners to retain some flexibility to undertake alterations to their property without requiring consent in recognition that the effects on the flood risk would be indiscernible. Larger additions would require the finished floor level to be raised to above the 1 in 100-year flood level.

11.106 The standard would also restrict potential 'development creep' through a series of incremental 20m applications by allowing only a single addition.

11.107 Accessory buildings are permitted by the existing operative District Plan provisions. The risk to accessory buildings is not considered as high economically and comparatively less than the impact to habitable buildings. However, if uncontrolled they could increase the flood risk as the permitted activity provisions allow up to 35% site coverage. As such where they are over ~~20m²~~ **100m²** they would be assessed as a restricted discretionary activity.

11.110 The Regional Policy Statement requires buildings to be constructed above the 1 in 100-year flood level to minimise the flood risk to people and property. The proposed provisions within the citywide Natural Hazards chapter of the District Plan refer to buildings in order to capture all building (residential or non-residential) in accordance with the definition of "Buildings" in Chapter 35 of the District Plan. Construction of new buildings or additions over ~~20m²~~ **100m²** need to be assessed on the effect they may have on the Flood Hazard Extent and on adjoining property. The assessment also needs to consider the level of risk to the new building or addition from flood hazards. The proposed provisions therefore require residential buildings to be constructed above the 1 in 100-year flood level as part of the standard for Restricted Discretionary Activities. Proposals that do not meet this standard would be elevated to Non-Complying to signal the inappropriateness of such development.

Conclusion

12.1 Proposed Plan Change 42 is a Council initiated Plan Change. The proposed plan change amends existing provisions and introduces new objectives, policies, and rules to manage land use and subdivision activities in order to recognize and specifically address flood risk within the identified Flood Hazard Extents for the Mangaroa River and Pinehaven Stream.

12.2 The proposed provisions seek to ~~avoid~~ **restrict** development in the identified high hazard areas and to mitigate the risk from flooding in the lower risk areas.

12.3 The Plan Change proposes to amend and update the following parts of the District Plan:

- Chapter 2 (General Procedures) – information requirements **No Changes**
- Chapter 9 (Subdivision and Earthworks) – objectives and policies **Changes required**
- Chapter 14 (Natural Hazards) - objectives policies **Changes required**
- Chapter 18 (Residential) – Subdivision rules **Changes required**
- Chapter 19 (Rural) – Subdivision rules **No Changes**
- Chapter 23 (Earthworks) – rules **Changes required**
- Chapter 33 (Natural Hazards) – rules **Changes required**

12.4 The scope of the changes also ensure the statutory responsibilities under the RMA and other relevant legislation related to natural hazards and flood risk are appropriately addressed within the District Plan.

Overall, the Plan Change ensures the following:

- The contents of the District Plan chapters comply with the RMA requirements in terms of Council's statutory responsibility both in terms of Section 31 of the Act and in terms of giving effect to the Regional Policy Statement.

- The proposed objectives, policies, and rules apply to a defined Flood Hazard Extent that has been modelled taking into account climate change. The proposed objectives, policies, and rules have been drafted to ~~avoid~~ **restrict** development in the high hazard areas and to incorporate mitigation measures for development in lower risk areas.

CHAPTER 9 – SUBDIVISION AND EARTHWORKS – PC42

9.2.4 - That the needs of future generations are met.

*Land to be subdivided should be suitable for the anticipated land use, and be serviceable and clear of unacceptable hazards or limitations. Subdivision within a Flood Hazard Extent should ~~avoid~~ **restrict** high hazard areas and ensure appropriate mitigation measures can be implemented in lower hazard areas to provide for suitable future development. Furthermore, the subdivided land should, where practical, also allow for a range of appropriate land uses so that the potential of the land for use by future generations is not significantly diminished. Thus, the pattern of subdivision within the City should provide future generations with a choice of lifestyles and living and working environments. It is important that indigenous vegetation, which is a finite resource, is protected for future generations, and for intrinsic ecological reasons.'*

9.2.7 - Subdivision within identified Flood Hazard Extents could potentially create lots susceptible to flooding hazards.

*Subdivision creates an opportunity for further development within the new lot and therefore when proposed within an identified Flood Hazard Extent, the suitability of the proposed lot for future development needs to be considered to ~~avoid~~ **restrict**, exposing future development to unacceptable risk. Subdivision within the Flood Hazard Extent should ~~avoid~~ **restrict** creating new lots in high hazard areas and ensure mitigation measures can be implemented in lower hazard areas to provide suitable future development opportunities that do not expose people and property to unacceptable risk.*

9.2.8 - Subdivision within the upper sub-catchment of Pinehaven Stream provides further development opportunities which can increase stormwater runoff and flood risk.

*The flood risk in the Pinehaven Flood Hazard Extent is influenced by activities in the upper Pinehaven Catchment. Subdivision would provide for further development potential in the upper catchment which could result in increased stormwater runoff exacerbating the flood risk to the community in the lower Pinehaven floodplain. **Why has this aspect also not taken into account the impact of development all along the Pinehaven hills all the way to the Silverstream Spur? Any development there would also have increased effect on the lower level of the Pinehaven and Silverstream communities and would have increased the Flood Hazard Extents and Erosion Hazard Area as well as the Pinehaven Catchment Overlay and ponding throughout the immediate area? This must also be addressed to show consistency and neutrality in policy and rule making.***

Objectives

9.3.2 - To control subdivision within identified Flood Hazard Extents and Erosion Hazard Area to ensure the risk from flood hazards to building platforms and access in high hazard areas are ~~avoided~~ **restricted and the flood risk to people and property can be appropriately mitigated in the lower hazard areas.**

*Where subdivision is proposed within a Flood Hazard Extent, the natural hazard constraints will be considered, with development ~~avoided~~ **restricted** in the high hazard areas, and mitigated in the lower hazard areas. The impact of development on the flood hazard will also need to be managed to ensure it does not increase the level of risk to other people and property.*

Subdivision in a Flood Hazard Extent can also mean that any development or activity on the subdivided site is prone to flood hazards. By controlling subdivision within identified flood hazard extents, this risk to people and property can be managed.

9.3.3 - To control earthworks within identified Flood Hazard Extents and Erosion Hazard Areas to ensure that the function of the floodplain is not reduced and unacceptable flood risk to people and property is avoided or mitigated.

Earthworks can result in unacceptable risk for future development or obstruct or divert flood flow paths. Where earthworks are proposed within the Flood Hazard Extent or Erosion Hazard Area, the natural hazard constraints should be considered and areas subject to high hazards are ~~avoided~~ **restricted**

9.3.4 - To control subdivision within the upper areas of the Pinehaven Catchment Overlay to ensure that peak stormwater runoff during both a 1 in 10-year and 1 in 100-year event does not exceed the existing runoff and therefore minimise the flood risk to people and property within the Flood Hazard Extent.

Development in the Pinehaven Catchment Overlay needs to be controlled to ensure that stormwater runoff does not exacerbate the impact of flooding in the lower catchment. Most of the upper catchment is currently undeveloped and any new development has the potential to affect the land use and peak stormwater runoff. This policy seeks to ensure that the peak stormwater runoff does not increase, thereby increasing the flood risk downstream. **No significant development should be proposed for any specific areas along the Pinehaven and Silverstream hills as this will likely cause detrimental effect specifically regarding the Flood Hazard Extents and Erosion Hazard Areas.**

Policies

9.4.10 To ensure subdivision within the Pinehaven Catchment Overlay area is designed so that the stormwater runoff, during both a 1 in 10-year and 1 in 100-year event, from all new lots and future building areas shall be at a rate no greater than when compared to the pre-development situation.

Subdivision in the Pinehaven Catchment Overlay needs to be controlled to ensure that stormwater runoff does not exacerbate the impact of flooding in the lower catchment. The upper catchment is currently mostly undeveloped and any new development has the potential to affect the land use and peak runoff. **This would be applicable to all developments that are along the entire Pinehaven and Silverstream hills**

CHAPTER 14 – NATURAL HAZARDS – PC42

Policies

14.4.3 - 14.4.4 - 14.4.7

Why have these policy points not taken into account the impact of development all along the Pinehaven hills all the way to the Silverstream Spur? Any development there would also have increased effect (even if it is likely minor) on the lower level of the Pinehaven and Silverstream communities and would have increased the Flood Hazard Extents and Erosion Hazard Area as well as the Pinehaven Catchment Overlay and ponding throughout the immediate area. Any impact must be addressed and included in these policies so that there is an complete assessment of the environment and local area.

CHAPTER 18 – RESIDENTIAL ZONE RULES – PC42

Subdivision within the Pinehaven Flood Hazard Extent which creates any undeveloped lots that do not contain a dwelling, and does not;

- comply with the requirements of Rules 18.5, or;
- meet the standard of the Rule 18.37 – ~~NC~~ – **This should change to RD**

*Subdivision of a site within the Pinehaven Catchment Overlay that does not meet the standards for either Rule 18.38 or Rule 18.5-NC **This should change to RD***

CHAPTER 23 – EARTHWORKS RULES – PC42

23.1 Earthworks within the Pinehaven Flood Hazard Extent

Earthworks within the ponding area of the Pinehaven Flood Hazard Extent which are directly required for the building platform associated with the alteration and addition to existing buildings, including new accessory buildings, and are less than ~~20m²~~ **100m²** in area. - P

Earthworks associated with the flood mitigation works within the Pinehaven Flood Hazard Extent. - P

All earthworks not associated with permitted building extensions (up to ~~20m²~~ **100m²**) or flood mitigation works within the ponding area of the Pinehaven Flood Hazard Extent. - RD

Earthworks within the Pinehaven Flood Hazard Extent (excluding those associated with flood protection works), which are within the overflow path or stream corridor. –~~NC~~ **This should change to RD**

23.15

Policies 9.4.7, 9.4.8

*Within the ponding area of the Pinehaven Flood Hazard Extent, earthworks directly required for the building platform associated with the alteration and addition to existing buildings, including new accessory buildings, are a permitted activity provided they are ~~20m²~~ **100m²** or less in area.*

*Earthworks must be directly associated with the building platform of the proposed extension or alteration or new accessory building provided for as a permitted activity under Rule 33.2, and cannot exceed ~~20m²~~ **100m²** in area. The earthworks must not be within the stream corridor or an overflow path.*

23.19

Policies 9.4.2, 9.4.6, 9.4.7, 9.4.8

*All earthworks not associated with permitted building extensions (up to ~~20m²~~ **100m²**) or flood mitigation works within the ponding area of the Pinehaven Flood Hazard Extent*

Standard:

- *Must not be within the stream corridor or an overflow path.*
- Council will restrict its discretion to, and may impose conditions on:*
- *Height of cut or fill and area of earthworks above ground level.*
 - *Earthworks stability.*
 - *Erosion and sediment control.*
 - *Effect on the flooding risk to people and property*
 - *Permanent surface treatment of earthwork area.*
 - *Avoiding, remedying or mitigating effects related to the standard in question.*
 - *Financial contributions.*

CHAPTER 33 – NATURAL HAZARDS COMBINED– PC42

Pinehaven Flood Hazard Extent and Pinehaven Catchment Overlay

*Within the ponding area of the Pinehaven Flood Hazard Extent the alteration and addition to existing buildings, or construction of accessory buildings are a Permitted Activity provided the gross floor area is less than ~~20m²~~ **100m²** and the proposal complies with the relevant zone standards for permitted activities.- P*

Within the ponding area of the Pinehaven Flood Hazard Extent the construction of new buildings, or alteration and addition to existing buildings including accessory buildings over 20m²100²m, that are not Permitted Activities. -RD

33.2

Policies 14.4.2,

Within the ponding area of the Pinehaven Flood Hazard Extent the alteration and addition to existing buildings, or construction of accessory buildings are a Permitted Activity provided the gross floor area is less than 20m²100²m and the proposal complies with the relevant zone standards for permitted activities.

- Additions and alterations are not below the floor level of the existing building, and do not exceed 20m²100²m in area.*

- Must not be within the stream corridor or overflow path.*

- Only one addition to the existing building following the date of notification of this plan change.*

Restricted Discretionary Activities

33.6

Policy 14.4.4.

Within the ponding area of the Pinehaven Flood Hazard Extent the construction of new buildings, or alteration and addition to existing buildings, including accessory buildings over 20m²100²m, which are not Permitted Activities, are a Restricted Discretionary Activity.

CONCLUSION

This submission is to OBJECT to some aspects and certain wording of this Proposal and to PROPOSE amendments/adjustments on the basis of the following sections within the Upper Hutt District Plan and the supplied Evaluation report.

Extreme care has been taken to ensure that all information and changes have been supplied and incorporated into the relevant sections. There may be instances where a particular note or point may have been missed due to the size of the documents and changes proposed. It is implied that a proposed change indicated in some sections is therefore relevant to other sections throughout the documents. Also I have tried to simplify this submission to too help minimise the required time spent collating the information.

As a general review of my submission, I acknowledge that there needs to be policies and rules that are more aligned to some of the issue that these areas will likely face due to development and future natural disasters however

I SEEK THE FOLLOWING DECISIONS / CHANGES AS PART OF THE SUBMISSION

- Before proceeding with finalizing any Objectives, Policies or rules that will have long reaching effects on the areas, that a wide ranging assessment including all factors (particularly future developments that may increase risks) be conducted before consigning these changes to a position that means further restrictions to every day peoples way of life and rights.
- 20m² is to low 100m² is more appropriate. The 20m² essentially means that no projects will go ahead as the cost of construction in relation to the projects size is completely out of proportion. The residences within the areas will not do anything that small therefore by stealth the UHCC can force a Resource Consent on all work and regulate to point that any projects will not be worth it. This is removing the right of rate payers from a reasonable ability to have some control of their own homes. Not restricted and dictated to by UHCC.
- Non-Complying should not be used in any part of this. By simply ruling out aspects of development without even an individual application is lazy and simply putting in the too hard basket.
- That compulsory Resource Consents be ruled out completely
- That the UHCC actually takes into account the submissions of people and entities that are genuinely concerned about this entire process and objecting to this before inevitably passing this despite there being flaws.
- The rewording of some of the Proposed changes to Policies and text as per this submissions requests

SIGNATURE



5 MAY 2017