

Before the Hearings Panel of Greater Wellington Regional Council and Upper Hutt City Council

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

AND

IN THE MATTER Resource consent application and
Notice of Requirement by Wellington
Water Limited (WWL) on behalf of
Upper Hutt City Council (UHCC) for the
Pinehaven Stream improvement works.

BETWEEN Greater Wellington Regional Council
(GWRC) and Upper Hutt City Council
(Local Authorities)

AND Upper Hutt City Council
(Applicant)

**Response to Minute 2 of Hearing Panel on Future Land Development and
Hydrological modelling**

**On behalf of Greater Wellington Regional Council (GWRC) and Upper Hutt City
Council (UHCC)**

**Josephine Burrows and James Beban
16 July 2020**

BACKGROUND

- 1 The Independent Hearing Panel issued Minute 2 on 10 July 2020.
- 2 Paragraphs 17 and 18 of Minute 2 requested the following information on future land development and hydrological modelling to be either addressed in the Officer's Report or provided by an Addendum to the Officer's Report by 4pm Thursday 16 July:

"17. Firstly, we require the planning and / or legal experts to set out their positions on whether the commissioners can, should, or to what degree may have regard to potential future development when considering the resource consent application and notice of requirement. We require that advice in two respects:

- With regard to development applications that have not been received (and potential effects are therefore unknown); and*
- With regard to the general nature of the framework established via plan change 42.*

18. In providing us with that advice a range of matters may need to be outlined. It may include the provisions introduced by plan change 42; how proposed future development in the Pinehaven catchment overlay will be assessed; the implications of hydraulic neutrality; how this relates to the physical outcomes of proposed Pinehaven stream works; and the relationship of district plan provisions to the nature of modelling undertaken for the project. Although we have focussed on the Pinehaven Hills, it may also be useful for the advice to cover development in other parts of the catchment."

- 3 GWRC issued the section 42A Officer's Reports on Monday 13 July 2020. Mr Beban responds to this minute directly within his s.42A Officers report. However, this addendum is a formal response to paragraphs 17 and 18 of Minute 2 and directs the Commissioners to the relevant sections of his report which address these requested matters, while also providing GWRC response to this minute.

RESPONSE TO MINUTE 2: FUTURE LAND DEVELOPMENT AND HYDROLOGICAL MODELLING

- 4 The Pinehaven Floodplain Management Plan is made up of structural, non-structural and river management components. The structural components are the subject of this consent application and Notice of Requirement. The non-structural components

are planning controls (UHCC Plan Change 42) as well as community awareness and emergency procedures.

- 5 As described in Section 5 of Mr Beban's Officer's Report, Plan Change 42 (Mangaroa and Pinehaven Flood Hazard Extents) introduced objectives and policies around the avoidance of development within high hazard areas and managing development within low hazard areas; a risk-based rule framework; and requirements for new buildings to achieve hydraulic neutrality (outlined in Chapter 1.8.11 of the UHCC District Plan). The requirement for hydraulic neutrality is to ensure that development in the Pinehaven Stream catchment does not increase downstream flood hazards or reduce the effectiveness of the structural works.
- 6 Section 5.2.4 of the application states that the modelling for the Pinehaven Stream Improvements consent application was based on the existing environment only. It notes that no plan change or resource consent has been lodged for development within the Pinehaven 'Southern Growth Area', so this does not form part of the existing environment in terms of this application or the modelling used for the application. In paragraphs 10.35 – 10.37 of Mr Beban's s.42A Report, he confirms the existing environment for the Southern Growth Area at the time of consideration of this application. This includes confirmation that there is no resource consent or plan change to rezone the land for residential development before UHCC for consideration.
- 7 With regards to the resource consent being considered by GWRC, the consent authority must have regard to any actual and potential effects of the activity on the environment (section 104(1)(a)). The existing environment comprises the environment plus any permitted activity works and existing consents that are likely to be implemented.
- 8 For the resource consent applications lodged with GWRC for the Pinehaven Stream Improvement works, that assessment must consider the effects of the structural works at the location, and downstream, of the proposed works. The proposed works are not having effects on the upstream catchment or potential future development areas.
- 9 The effects of the structural works on flood extents and levels have been assessed through flood modelling. The output of the flood model, and therefore the effects of the works on flood extend and level, is dependent on the inputs to the model which includes catchment hydrology. As above, the applicant has stated that the flood

model is based on the existing environment. With regard to considering the resource consent application lodged with GWRC I consider it appropriate that potential future development is not considered as it does not form part of the existing environment. Whether the hydrological inputs to the model are representative of the existing environment is a matter for the flood experts and has been considered by the consent authorities flood expert, Mr Michael Law (Beca Limited).

Josephine Burrows and James Beban

16 July 2020