
**Proposed Plan Change 42
Mangaroa and Pinehaven Flood Hazard Extents**

Commissioners' recommended decisions by submitter

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PLAN CHANGE 42 – MANGAROA AND PINEHAVEN FLOOD HAZARD EXTENTS

COMMISSIONER'S RECOMMENDATIONS ON DECISIONS SOUGHT AND FURTHER SUBMISSIONS

1 Allison Tindale				
Amendment & Provision		Decision/Relief Sought		Recommended Decision
Plan Change General		Incorporate the intent of the plan change to identify and manage flood risk into the District Plan		Accept
2 Royal Forest & Bird Protection Society of New Zealand Incorporated (Upper Hutt Branch)				
Amendment & Provision		Decision/Relief Sought		Recommended Decision
Consultation		Further consultation be undertaken.		Not accept
Flood extent maps		Review data underlying the flood extent maps.		Not accept
Hydraulic Neutrality provisions		Plan change should apply hydraulic neutrality provisions for both the Pinehaven and Mangaroa catchments.		Accept in part <i>(hydraulic neutrality provisions apply in Pinehaven catchment only)</i>
Provisions (general)		Include requirements for riparian planting for flood mitigation purposes.		Not accept
GWRC flood maps		That the 2016 GWRC flood maps be used in the plan change.		Accept in part <i>(the flood extent maps are based upon, but not identical to, the GWRC maps)</i>
General		That the plan change be withdrawn until community concerns are met.		Not accept
Further Submission				
Further Submitter		Original Submission Reference	Support/ Oppose	Recommended Decision
	Save our Hills (Upper Hutt) Inc.	General - that the plan change be withdrawn until community concerns are met.	Support	Not accept

3 Ian Stewart				
Amendment & Provision		Decision/Relief Sought		Recommended Decision
Plan Change General		Adopt the provisions in their entirety.		Accept in part <i>(Some amendments are proposed to the notified provisions in response to matters raised in other submissions)</i>
Further Submission				
Further Submitter		Original Submission Reference	Support/ Oppose	Recommended Decision
	Save our Hills (Upper Hutt) Inc.	General - Adopt the provisions in their entirety.	Oppose	Accept in part <i>(Some amendments are proposed to the notified provisions in response to matters raised in other submissions)</i>

4 Darryl Longstaffe				
Amendment & Provision		Decision/Relief Sought		Recommended Decision
Plan Change General		That the plan change be withdrawn.		Not accept
Flood extent maps		Review data underlying the flood extent maps by independent audit.		Accept in part <i>(the original GWRC flood maps underpinning the plan change have been subject to independent review, and the plan change maps have been revisited by those independent experts following issues raised in submissions – however, no further review is recommended)</i>

5 Melanie Brown			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	That the plan change be withdrawn.	Not accept
	GWRC flood maps	That the issues raised in the independent audit of the GWRC 1-in-100 year flood maps be addressed.	Accept in part <i>(the issues raised in the audit referred to were addressed by GWRC – to the extent that those matters align with the revised PC42 maps, the submission is supported)</i>

6 Kim Williams			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	That the plan change be withdrawn.	Not accept
	Rural Hazard Maps	Review the data underlying the flood extent maps to increase clarity and accuracy.	Accept in part <i>(the original GWRC flood maps underpinning the plan change have been subject to independent review, and the plan change maps have been revisited by those independent experts following issues raised in submissions – however, no further review is recommended)</i>

7 Powerco Limited			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	Recognise and provide for Powerco's gas distribution networks.	Accept in part <i>(the notified plan change has been amended to give effect to several specific amendments to the provisions sought by the submitter)</i>

Plan Change General	Give effect to: Sections 5 to 8, Section 32, and Schedule 1 of the Resource Management Act, including objectives and policies of the RPS.	Accept <i>(the recommendation considers each of these statutory drivers and the associated appropriateness of the proposed provisions)</i>
Plan Change General	Not to create an unnecessary burden on Powerco's gas infrastructure works within natural hazard areas.	Accept in part <i>(the notified plan change has been amended to give effect to several specific amendments to the provisions sought by the submitter)</i>
Definitions, Explanation note to Rule 30.1	Clarification of lateral service connections interpretation.	Accept in part <i>(the relevant provisions have been amended, consistent with the intent of the submission – however the exact wording suggested has not been recommended)</i>
Objective 16.3.5	Retain as notified.	Accept
Objective 16.4.18	Retain as notified.	Accept
Issue 16.2.1	Amend to add: <u>for example, when linear infrastructure that crosses a stream or river corridor has not been designed or located to take into account the 1:100 year flood level it can create blockages or restrict flood flows...</u>	Not accept
Rule 23.1	Amend as set out in submission, to provide for earthworks for network utilities which comply with standards under 23.12, and as a restricted discretionary activity where these are not met.	Accept
Permitted Standard 23.17	Add standard to require ground be reinstated to original levels following earthworks.	Accept
Rule 23.1	Delete rule reference to "stream corridor" as shown in submission, or amend rule to provide for earthworks associated with network utilities as shown in submission.	Accept
Definitions, Stream Corridor	Amend as set out in submission.	Accept in part <i>(the relevant provisions have been amended, consistent with the intent of the submission – however the exact wording suggested has not been recommended)</i>

Objective 9.3.3 Explanation	Amend to refer to earthworks.	Accept
Objective 9.4.6 Explanation	Amend to add <u>generally</u> before “inappropriate”.	Accept
Rule 30.8a	Amend rule as set out in submission to exempt electricity support structures, and structures attached to an existing river crossing.	Accept
Rule 30.13 (matter of discretion)	Amend to add reference to electricity support structures and remove “whether” in all instances, as set out in submission.	Accept
Issue 16.2.1	Amend as set out in submission.	Not accept
Policy 16.4.19	Amend as set out in submission.	Accept
Anticipated Environmental Result 16.6	Amend as set out in submission.	Accept
Policy 14.4.3 and explanation	Amend as set out in submission to recognise the constraints and requirements of network utility infrastructure.	Not accept
Policy 14.4.5	Amend as set out in submission to recognise effects on network utility infrastructure.	Not accepted
Policy 14.4.8	Amend as set out in submission to limit application to dwellings only.	Accept
Rule 33.1 Activity Table	Amend as set out in submission to exclude network utilities.	Accept
Section 16.1 (Background)	Amend final paragraph as set out in submission to elevate rules in Chapter 16 above those in Chapter 33 and delete Chapter 33 from table.	Not accept

8 Charles & Lynese Baines

Amendment & Provision	Decision/Relief Sought	Recommended Decision
Plan Change General	Postpose plan change until data sources are clarified.	Not accept

9 Vaughn Allan

Amendment & Provision	Decision/Relief Sought	Recommended Decision
s32 Report	Amend paragraph 5.9 of report to remove speculative wording.	Not accept
Rule 23.1	Amend permitted/ restricted discretionary standard to increase alteration and additions of existing buildings to a floor area of 100m ² .	Not accept
Rule 33.1	Amend permitted/ restricted discretionary standard to increase alteration and additions of existing buildings to a floor area of 100m ² .	Not accept
s32 Report	Amend all instances of 20m ² to read 100m ² .	Not accept
Rules 23.15 and 23.9	Amend all instances of 20m ² to read 100m ² .	Not accept
Rules 33.2 and 33.6	Amend all instances of 20m ² to read 100m ² .	Not accept

	Rule 23.1	Amend all Non-Complying standards in high risk areas to Restricted Discretionary.	Not accept
	Rule 18.37	Amend activity status from Non-Complying to Restricted Discretionary (Rule 18.1).	Not accept
	Rule 18.38	Amend activity status from Non-Complying to Restricted Discretionary (Rule 18.1).	Not accept
	Rule 23.1	Amend activity status for earthworks within the Pinehaven Flood Hazard Extent from Non-Complying to Restricted Discretionary	Not accept
	s32 Report	Amend paragraph 11.85 to reduce Non-Complying activity status to Restricted Discretionary.	Not accept
	s32 Report	Amend report as set out in submission, including replacing “avoided” with “restricted”.	Not accept
	Policy 9.4.4	Amend as set out in submission, to replace avoid with <u>restrict</u> .	Not accept
	Policy 14.4.3	Amend as set out in submission, to replace avoid with <u>restrict</u> .	Not accept
	Objective 9.3.2	Amend as set out in submission, to replace avoided with <u>restricted</u> .	Not accept
	Issue 9.2.4	Amend as set out in submission, to replace avoid with <u>restrict</u> .	Not accept
	Objective 9.3.2	Amend as set out in submission, to replace avoided with <u>restricted</u> .	Not accept
	Objective 9.3.3	Amend as set out in submission, to replace avoided with <u>restricted</u> .	Not accept

10 Jonathan Mackey			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Rules	Amend to provide for earthworks on sites with subdivision consent before plan change was notified.	Not accept
	Flood extent maps	Amend to account for topography at 43 Mt Marua Drive	Not accept
	Plan Change General	Amend provisions to provide for development of lots where subdivision consent was obtained prior to plan change notification.	Not accept

11 Nicola Robinson			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	Withdraw plan change until such time as data sources are independently clarified and verified.	Not accept
	Plan Change General	Have an independent expert assess the potential run-off from potential development sites within Silverstream / Pinehaven hills areas.	Accept in part (this matter has been considered by multiple independent experts –

			no further review is recommended)
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12 Save Our Hills (Upper Hutt) Incorporated (President)			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	Withdraw plan change and conduct an independent audit that assessed the potential adverse effects on development of GTC land on Pinehaven and Silverstream.	Not accept
	Flood extent maps	Amend maps to illustrate the combination of water depth and flow at any location.	Accept in part <i>(the plan change maps do not refer specifically to depth and flow per se; however, these factors have been considered in determining the flood extent, the various map notations used on the PC42 maps and the corresponding objectives, policies and rules – moreover, the maps have been amended to remove depths assessed as being 100mm or less as the associated hazard risk is negligible)</i>

13 Lindsay Forbes			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	Investigate the ability for Council infrastructure to reduce or remove flood risk in Pinehaven.	Accept in part <i>(these matters have been expressly considered by Council's engineering experts)</i>
	Plan Change General	Rewrite the proposed residential chapter.	Not accept

14 Alexander Ross			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Flood extent maps	Amend maps to differentiate the freeboard level from the 1-in-100 year flood level, or remove and review flood hazard maps from the plan change.	Not accept

15 Geoff Workman			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Flood extent maps	Independent review of data underlying the flood extent maps.	Accept in part <i>(the original GWRC flood maps underpinning the plan change have been subject to independent review, and the plan change maps have been revisited by those independent experts following issues raised in submissions – however, no further review is recommended)</i>

16 Susan Pattinson			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	That the plan change be withdrawn.	Not accept

17 John Moynihan			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	Withdraw provisions relating to Managaroa Flood Hazard Area	Not accept
	Flood extent maps	Remove all Ponding Areas around existing houses	Not accept

18 Jenene Moynihan			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	That the plan change be withdrawn.	Not accept

19 Upper Hutt Town and Country Association			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision

	Plan Change General	That the plan change be withdrawn.	Not accept
	Flood extent maps	Create standards which provide for maps to be altered when flooding and overflow areas change.	Not accept
	Flood extent maps	Show extent of change in flood hazard maps flood hazard extent.	Not accept
	Flood extent maps	Adopt approach of Kapiti Coast District Council and do not include flood hazard maps on LIMs.	Not accept
	Rule 18.39	Amend bullet point 2 to state <u>Where the building platform is located within the Erosion Hazard Area, provision of a report...</u>	Not accept
Further Submissions			
	Further Submitter	Original Submission Reference	Support/ Oppose
	Save our Hills (Upper Hutt) Inc.	Plan Change General - That the plan change be withdrawn.	Support
		Flood extent maps - Create standards which provide for maps to be altered when flooding and overflow areas change.	Support
		Flood extent maps - Show extent of change in flood hazard maps flood hazard extent.	Support
		Flood extent maps - Adopt approach of Kapiti Coast District Council and do not include flood hazard maps on LIMs.	Support

20	Kyle McLennan		
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	That the plan change be withdrawn until community concerns are addressed and an independent review of flood hazard maps is conducted.	Not accept

21	Greater Wellington Regional Council (GWRC)		
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General	Approve the plan change in its entirety.	Accept in part <i>(the overall recommendation is that the plan change be approved with some amendments arising in response to other submissions made)</i>

Further Submission				
Further Submitter		Original Submission Reference	Support/ Oppose	Recommended Decision
	Save our Hills (Upper Hutt) Inc.	<p>Plan Change General – Approve the plan change in its entirety.</p> <p>The further submission specifically opposes</p> <ul style="list-style-type: none"> - paragraph 1.3, which supports the identification of areas of flood and erosion hazard. Further submission considers maps are unclear and misleading - paragraph 3.2, which considers that the plan change gives effect to the RPS by identifying areas of high risk. Further submission considers these are unclear and unsubstantiated. - paragraph 3.3 supporting the introduction of play measures to reduce flood risk to future development in the Pinehaven catchment Further submission considers this disingenuous. <p>Paragraph 3.5 which supports works indicated in the Pinehave Stream Floodplain Management Plan. Further submission considers this fails to adequately protect the community.</p>	Oppose	Not accept

22 Jeff & Noeline Berkett			
Amendment & Provision	Decision/Relief Sought		Recommended Decision
Plan Change General	The plan change and GWRC be challenged by the Council.		Not accepted
Plan Change General	Plan Change be redrafted by Upper Hutt City Councillors and local residence.		Not accepted

23 Alan Jefferies			
Amendment & Provision	Decision/Relief Sought		Recommended Decision
Plan Change General	That the plan change be withdrawn.		Not accepted

Definitions – River corridor	Submitter states that River corridor should be defined as river bed, per case law and the Resource Management Act 1991. Considers that the plan change cannot lawfully impose provisions over a river bed.	Accept in part <i>(the submission's relief has not been expressly granted – however, the definition has been amended to improve clarity)</i>
Definitions – Ponding Area	Definition is misleading and overly simplistic. Seeks that this be replaced by '100 Year Flood Extent' or 'Floodplain' to increase accuracy.	Not accepted
Definitions – Overflow Path	Definition is misleading and overly simplistic. Seeks that this be replaced by 'Floodplain' to increase accuracy.	Not accepted
Further Submission		
Further Submitter	Original Submission Reference	Support/ Oppose
Powerco Limited	Definitions – River corridor, Submitter states that River corridor is river bed, as defined through case law and the Resource Management Act 1991. Considers that the plan change cannot lawfully impose provisions over a river bed.	Support
		Accept in part <i>(the submission's relief has not been expressly granted – however, the definition has been amended to improve clarity)</i>

24	Transpower New Zealand Limited		
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Policy 14.4.4	Retain as notified.	Accept
	Policies 16.4.18 and 16.4.19	Retain as notified.	Accept
	Rule 23.1	Seeks clarification of the activity status of earthworks for new utilities structures under Rule 23.1 within the Pinehaven and Mangaroa Flood Hazard Extents. If it is determined that a Non-Complying activity status would apply, then an amendment to a Discretionary or Restricted Discretionary activity status is sought.	Accept in part
	Rule 33.1	Seeks clarification of the activity status of earthworks for new utilities structures under Rule 33.1 within the Pinehaven Flood Hazard Extent and Pinehaven Catchment Overlay. If it is determined that a Non-Complying activity status would apply, then an amendment to a Discretionary or Restricted Discretionary activity status is sought.	Accept in part
	Definitions – Network Utility Structure	Seeks clarification on the definition under Chapter 35 of the plan change of a 'Network Utility Structure' and whether this was provided for in Plan Change 38.	Accept

	Objective 14.3.2	Amend explanation paragraph 2 to refer to <u>inappropriate</u> development as set out in submission.	Not accept	
	Policy 14.4.3 and explanation	Amend policy and explanation to refer to <u>inappropriate</u> development as set out in submission.	Not accept	
	Issue 16.2.1	Amend issue to include reference to the impact of <u>new network utilities</u> , as set out in submission.	Accept	
	Objective 16.3.4 / Objective 16.3.5	Amend either the explanation of Objective 16.3.4 to consider flood hazards or Objective 16.3.5 to include the <u>operation of new network utilities</u> .	Accept	
	Rule 30.13	Add new matter of discretion to consider the benefit of network utility structures, as set out in submission.	Accept	
Further Submission				
Further Submitter		Original Submission Reference	Support/ Oppose	Recommended Decision
	Powerco Limited	Rule 23.1 - Seeks clarification of the activity status of earthworks for new utilities structures under Rule 23.1 within the Pinehaven and Mangaroa Flood Hazard Extents. If it is determined that a Non-Complying activity status would apply, then an amendment to a Discretionary or Restricted Discretionary activity status is sought.	Support in Part/Oppose in part	Accept in part
		Rule 30.13 - Add new matter of discretion to consider the benefit of network utility structures, as set out in submission.	Support in part	Accept in part
		Definitions – Network Utility Structure, Seeks clarification on the definition under Chapter 35 of the plan change of a 'Network Utility Structure' and whether this was provided for in Plan Change 38.	Support	Accept
		Objective 16.3.4 / Objective 13.3.5 - Amend either the explanation of Objective 16.3.4 to consider flood hazards or Objective 13.3.5 to include the <u>operation of new network utilities</u> .	Support in part	Accept in part
		Objective 14.3.2 - Amend explanation paragraph 2 to refer to <u>inappropriate</u> development as set out in submission.	Support	Not accept
		Policy 14.4.3 and explanation - Amend policy and explanation to refer to <u>inappropriate</u> development as set out in	Support	Not accept

			submission.		
			Rule 33.1 - Seeks clarification of the activity status of earthworks for new utilities structures under Rule 33.1 within the Pinehaven Flood Hazard Extent and Pinehaven Catchment Overlay. If it is determined that a Non-Complying activity status would apply, then an amendment to a Discretionary or Restricted Discretionary activity status is sought.	Support in Part/Oppose in part	Accept in part

25 Duigald Myers			
	Amendment & Provision	Decision/Relief Sought	Recommended Decision
	Plan Change General/ Flood extent maps	Withdraw the plan change until inaccuracies surrounding flood hazard maps have been resolved	Not accept