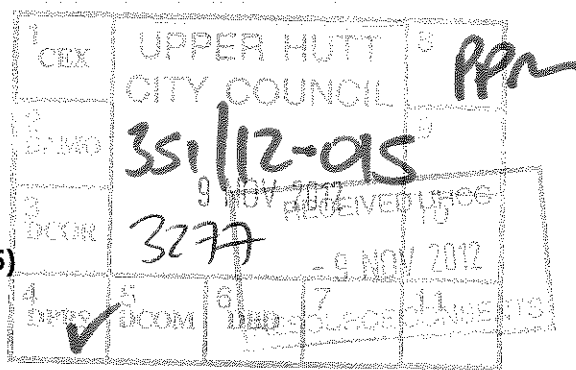


**SUBMISSION FORM (FORM 5)**



15



**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 9<sup>th</sup> November 2012 at 5pm**

**DETAILS OF SUBMITTER**

Name of submitter	Council Solutions Limited		
Postal address of submitter	119 Colletts Road Upper		
Agent acting for submitter (if applicable)	Ian Stewart		
Address for service (if different from above)			
Contact phone/fax number	Daytime Telephone:5262060	Fax	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  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 type="checkbox"/>	

## DETAILS OF SUBMISSION

1. I seek additional wording to be inserted into the explanation of issue 14.2.2 recognising that the identification of flood hazard areas gives only approximate guidance to areas which may in fact be vulnerable to flooding and that investigation of specific sites may show that they are suitable for development or subdivision.
2. I oppose the changes to the wording of objective 14.3.1 and the last paragraph of the explanation to the objective. It supports the changes to the wording of the remainder of the explanation to the objective.
3. I seeks additional wording to be inserted into the explanation of Policy 14.4.1 recognising that the identification of flood hazard areas gives only approximate guidance to areas which may in fact be vulnerable to flooding and that investigation of specific sites may show that they are suitable for development or subdivision.
4. seek that additional wording is added to the explanation of Policy 14.4.2 between paragraphs 3 and 4 of the explanation of this policy stating that in areas identified in the plan as being a flood hazard area the onus is on the developer/subdivider to demonstrate that the area is not at risk from natural hazards.
5. I seek that the last paragraph of the explanation of Policy 14.4.2 is deleted as it does not accurately represent the legal obligation of Section 106 of the Act and is in any event irrelevant.
6. I oppose the identification of activities as non-complying in Rule 33.1.
7. I seek a new matter for consideration in Rule 33.2 being "The extent to which the area is vulnerable to flooding hazards as determined by an appropriately qualified and experienced engineer".
8. I seek a new matter for consideration in Rule 33.2 being "The extent to which the subdivision includes land which is not vulnerable to flooding hazards".



My submission is that:

I am not opposed to the general thrust of the Proposed Plan change and generally support the provisions of the Plan. It notes however that the identification of areas which are vulnerable to flooding in the Hutt River Floodplain Management Plan and the Mangaroa River Flood Hazard Assessment are broad brush, (mostly) desktop exercises and do not necessarily reflect the actual vulnerability of an area to flooding hazards.

For this reason the I submit that the provisions of the plan should allow for detailed site investigation to be undertaken and if such investigation identifies that an area is not at risk then subdivision and development should be allowed. It also notes that in many a title may include land both within and outside the Flood Hazard Area. If sufficient land is available outside the Flood hazard area to support development, then the vulnerability of the remainder of the land to flooding should not be an impediment to subdivision.

The stringent tests associated with a Non Complying Activity status require that any applicant must identify that their proposal is a true exception in order to gain consent. Such a demonstration should be unnecessary if an applicant can demonstrate that their development or subdivision is in an area which is not in fact vulnerable to flooding.

I submit that for this reason and because of the lack of field verification of actual flooding hazard, the Non Complying Status is not appropriate. With the changes suggested (in this submission) to the matters for consideration a Discretionary Activity Status is more appropriate.

*(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)*

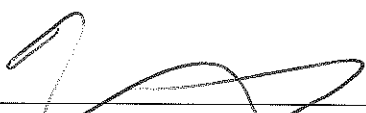
I seek the following decision from the local authority:

1. Additional wording to be inserted into the explanation of issue 14.2.2 recognising that the identification of flood hazard areas gives only approximate guidance to areas which may in fact be vulnerable to flooding and that investigation of specific sites may show that they are suitable for development or subdivision.
2. Insert the words "remedying or mitigation of adverse effects" after "avoidance" in objective 14.3.1 and delete the last paragraph of the explanation to the objective.
3. Insert additional wording to the explanation of Policy 14.4.1 recognising that the identification of flood hazard areas gives only approximate guidance to areas which may in fact be vulnerable to flooding and that investigation of specific sites may show that they are suitable for development or subdivision.
4. Insert additional wording to the explanation of Policy 14.4.2 between paragraphs 3 and 4 of the explanation of this policy stating that in areas identified in the plan as being a flood hazard area the onus is on the developer/subdivider to demonstrate that the area is not at risk from natural hazards.
5. Delete the last paragraph of the explanation of Policy 14.4.2.
6. Change the status of the two non-complying activities to Discretionary in Rule 33.1.
7. Insert a new matter for consideration in Rule 33.2 being "The extent to which the area is vulnerable to flooding hazards as determined by an appropriately qualified and experienced engineer".
8. Insert a new matter for consideration in Rule 33.2 being "The extent to which the subdivision includes land which is not vulnerable to flooding hazards".

*(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 <b>do</b> wish to be heard in support of my submission	√
	I <b>do not</b> 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 <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	√

**SIGNATURE AND DATE**



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

9/11/2012

\_\_\_\_\_  
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**