

OFFICER RECOMMENDATIONS TO SUBMISSIONS

DPC06/01 D1 – Greater Wellington Regional Council

Request of Submitter

The submitter seeks to confirm the Proposed Plan Change.

Specific Comments

The submitter supports the Proposed Plan Change. The Hutt River Floodplain Management Plan (HRFMP) provides the river management context for the proposed District Plan changes. The HRFMP is a key tool for managing and implementing programmes that will gradually reduce flooding effects to the community and is consistent with policies and provisions in Greater Wellington’s Regional Policy statement.

Officer’s Recommendation

It is recommended that the submission lodged by Greater Wellington Regional Council be **accepted** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/02 D1 – Brenda Helen van Maastricht

The submitter has formally withdrawn their submission in objection to Proposed Plan Change 6.

DPC06/03 D1 – Ewan Forbes

Request of Submitter

The submitter requests adequate flood protection to Carter Street or alternatively, requests to be placed in a position equivalent to if no proposal existed.

Specific Comments

The Regional Council have completed works from Carter Street to Owen Street to protect properties from erosion by the Hutt River. However, despite these works, 32 houses at Belmont, including the house at 3 Carter Street are subject to flooding and therefore need to have controls in place on further development. Under section 31 of the RMA it is the responsibility of Council to advise the public of known hazards in the area and avoid or mitigate these hazards where possible. Consequently, it is considered that the property cannot be placed in the position that existed prior to the determination of the 1 in 100-year flood extent.

As outlined in the Background Report, the investigations as part of the HRFMP concluded that a major stopbank protecting Belmont was neither

practical nor viable. The community's preference was for edge protection works rather than a stopbank. A stopbank would obstruct views and adversely affect the amenity values of the area. A stopbank would also require property purchase affecting a number of private properties.

According to modelling, the house at No. 3 Carter Street would have 40 mm of floodwater above the house floor level during a 100-year event. The houses considered eligible for house raising assistance were those that would flood by more than 500 mm during a 100-year flood event. Therefore, this property was not considered for house raising assistance.

Officer's Recommendation

It is recommended that the submission lodged by Ewan Forbes be **rejected** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/03 D2 – Ewan Forbes

Request of Submitter

The submitter seeks to have the 20 square metre building area dropped or compensation sought for the restriction placed on his property.

Specific Comments

The 20m² threshold relates to a desire to permit some building as of right without the need to require a raised floor level. In setting the 20m² limit Council needed to determine at what point the potential adverse effects of the building, on the flood hazard should be considered. It is considered that allowing development of 20m² would not significantly increase the flood hazard risk.

The RMA addresses compensation in section 85. The practical consequence of s 85(1) of the RMA is that the compensation provisions in the Public Works Act 1981 do not apply and property owners have no right to compensation if controls are imposed that are likely to affect their development potential. Section 85(2) of the RMA provides a remedy to challenge such a proposed rule by submissions on a new plan or plan change on the grounds that it would render an interest in land 'incapable of reasonable use'. Section 85(3) of the RMA provides an alternative remedy where a rule both "renders any land incapable of any use" and "places an unfair and unreasonable burden on any person having an interest in the land". It is considered that the proposed rule does not meet either one of these two tests.

Officer's Recommendation

It is recommended that the submission lodged by Ewan Forbes be **rejected** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/04 D1 – RSK Limited

Request of Submitter

The submitter requests that the status quo continue so that normal residential building can go ahead.

Specific Comments

As outlined in the Background Report, section 31 of the RMA delegates the District Council the responsibility to “control any actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards”. Therefore it is Councils obligation to advise the public of known hazards in the area and avoid or mitigate these hazards where possible. It is not appropriate to ignore or disregard this flood hazard information received from the Regional Council.

Officer’s Recommendation

It is recommended that the submission lodged by RSK Limited be **rejected** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/05 D1 – Safeway Self Storage Limited
--

Further Submitter in Opposition: Greater Wellington Regional Council

Request of Submitter

The submitter requests the following:

Exclude 61 Connolly Street from the proposed restrictions on activities (buildings and structures) located within the Hutt River Corridor; and/or

Amend Appendix A: Sheet 2 of 4 Sheets to exclude 61 Connolly Street from the Proposed Secondary River Corridor; and/or

Such further and/or alternative relief as may give effect to the matters raised in their submission.

Specific Comments

Safeway Self Storage Ltd has put in place measures to protect their site at 61 Connolly Street and it is considered that the measures should be recognised. The site has been raised to a level of RL 9.0 – 9.1m to facilitate building floor levels of RL 9.2m. As part of the detailed design of the buildings on the site, a perimeter wall has been formed with a top at RL 10.4m. The “lowest” part of the exterior barrier is at the entrance, which is at a level of RL 9.8 – 9.9m. The use of a mobile onsite water pump to manage surface water run-off and further flood protection measures to address the vulnerability at the entrance of the site will provide protection to 10.1m above sea level which is what is

recommended by the Regional Council. Provided that these measures are established and maintained, the risk of flooding in a 100-year flood event is mitigated. Therefore, as a result of consultation with the submitter, changes are proposed to be inserted into the Plan Change specifically for 61 Connolly Street.

Officer's Recommendation

It is recommended that the submission lodged by Safeway Self Storage Ltd be **partially accepted** to the extent that the provisions of Proposed Plan Change 6 are changed for 61 Connolly Street as follows:

Issue - add as 2nd paragraph

Areas not protected by flood protection structures are at risk of flooding by the Hutt River. The site at 61 Connolly Street (Lot 1 DP 87322 C.T.WN 54D/764) has in place flood protection measures and these measures need to be recognised and maintained to ensure flood hazard effects are properly managed.

Policy - add as (d)

(d) Flood protection measures at 61 Connolly Street (Lot 1 DP 87322 C.T.WN 54D/764) need to be established and maintained to ensure buildings and structures on site are protected from adverse flood hazards effects of the Hutt River.

Explanation and Reasons - add as 2nd paragraph

The site at 61 Connolly Street (Lot 1 DP 87322 C.T.WN 54D/764) is within the Hutt River floodway as shown in the Hutt River Floodplain Management Plan. The site is currently well developed and has in place flood protection measures to avoid and mitigate the adverse flood hazard effects from the Hutt River. These measures need to be maintained so that the risk of flooding is minimal. Flood protection measures protecting the site to 10.1m above mean sea level (which is the 100-year flood level) will ensure that Hutt River flooding is mitigated.

Rule - add new rule (p)

(p) **61 Connolly Street**, Lot 1 DP 87322 C.T.WN 54D/764 (identified in Appendix General Business 4):

In addition to the other Permitted Activity Conditions, the following shall apply to the scheduled activities on this site:

- (i) The site must be protected from flooding by flood protection measures. The flood protection measures protecting the site

from Hutt River flooding must be to a minimum level of 10.1m above mean sea level; and

- (ii) All buildings and structures must have a minimum floor level of 9.2m above mean sea level; and
- (iii) There must be at all times an operational mobile onsite water pump that will be used to manage surface water run-off.

And replace existing rule “(p) General Rules” as “(q) General Rules”.

As a consequential amendment to the above recommendation, the Secondary River Corridor annotation should be uplifted from the site at 61 Connolly Street, Lower Hutt.

It is recommended that the further submission by Greater Wellington Regional Council be **partially accepted** to the extent that the provisions of the Proposed Plan Change are changed for 61 Connolly Street as outlined above.

DPC06/06 D1 – Transpower New Zealand Limited

Request of Submitter

The submitter seeks to retain all definitions, issues, objectives, policies, rules and explanation without further modification, particularly those relating to the proposed changes in Chapters 7, 13 and 14 of the District Plan except for the definition of flood protection structure which should be amended to read:

*“Flood Protection Structure – physical assets (including land) managed and maintained **or approved** by the Wellington Regional Council for the purpose of flood protection, such as stopbanks, flood gates, debris traps, river berms, bank-edge works and plantings.”*

Specific Comments

It is considered that those flood protection structures that are approved by the Wellington Regional Council should be included in the definition of flood protection structures (as opposed to just those that are managed and maintained by the Regional Council).

Officer’s Recommendation

It is recommended that the submission lodged by Transpower New Zealand Limited be **accepted** to the extent that the provisions of Proposed Plan Change 6 change as follows:

“Flood Protection Structure – physical assets (including land) managed and maintained by the Wellington Regional Council or by a person approved by the Wellington Regional Council for the purpose of flood protection, such as

stopbanks, flood gates, debris traps, river berms, bank-edge works and plantings.”

DPC06/06 D2 – Transpower New Zealand Limited

Request of Submitter

The submitter seeks to amend provision 7C 2.1(a) (and any other similar provision) as follows:

*“Works necessary for the management of any river or stream **undertaken or approved** by the Wellington Regional Council or Hutt City Council.”*

Specific Comments

The Wellington Regional Council is responsible for the flood management of rivers within Lower Hutt while Hutt City Council is responsible for the management of some streams in the district in accord with the “Administration of Watercourses Agreement” between Hutt City Council and the Regional Council. It is not appropriate for any other authority to be responsible for the flood management of rivers or streams in Lower Hutt. Another authority may manage the flood protection structures on their site, but they should not be managing any river or stream. Should Transpower wish to construct flood protection structures on their site, they can do so under the definition recommended above in DPC06/06 D1 but the Wellington Regional Council will retain management of the Hutt River.

In addition, this plan change is limited to the Hutt River and the implication of this request is that all rivers and streams in Lower Hutt would be affected. It is therefore considered to be outside the scope of this plan change.

Officer’s Recommendation

It is recommended that the submission lodged by Transpower New Zealand Limited be **rejected** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/06 D3 – Transpower New Zealand Limited

Request of Submitter

The submitter seeks to ensure that the maintenance, operation and upgrading of existing lines over the Hutt River continues to be permitted.

Specific Comments

This plan change does not affect the rule relating to the maintenance, operation and minor upgrading of existing lines over the Hutt River.

Officer's Recommendation

It is recommended that the submission lodged by Transpower New Zealand Limited be **accepted** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/06 D4 – Transpower New Zealand Limited
--

Request of Submitter

The submitter requests any other such relief as to give effect to the submissions.

Specific Comments

It is considered that the recommendation outlined above in DPC06/06 D1 provides appropriate relief to the submission.

Officer's Recommendation

It is recommended that the submission lodged by Transpower New Zealand Limited be **accepted** to the extent that the provisions of Proposed Plan Change 6 are changed as outlined in the recommendations above in DPC06/06 D1.

DPC06/07 D1 – Simon Byrne

Request of Submitter

The submitter seeks to omit or redefine the word “structure” as in “buildings and structures” to improve interpretation of the Plan and reduce ambiguity.

Specific Comments

The word ‘structure’ is defined in the District Plan with reference to ‘building’ as follows:

- “Building: means any structure or part of a structure, whether temporary or permanent, moveable or immovable, but for the purposes of this Plan excludes:
- (a) any fence not exceeding 2 metres in height;
 - (b) any retaining wall not exceeding 1.2 metres in height;
 - (c) satellite dishes with a diameter not exceeding 0.6m and antennas 2.5m above the maximum height permitted in the activity area or the rules in Chapter 13 – Utilities;
 - (d) all structures less than 1.2 metres in height and 20m² in area;
 - (e) all tents and marquees erected on a temporary basis for a period not exceeding 3 months;
 - (f) all signs, as defined in this Plan.”

The word 'structure' is also defined in the RMA. Thus, it is clearly defined and is not considered ambiguous. The term "buildings and structures" is consistently used in the District Plan and would be inappropriate to omit the word 'structure' with reference to flood hazards and this plan change.

Officer's Recommendation

It is recommended that the submission lodged by Simon Byrne be **rejected** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/08 D1 – Reginald Charles Moore

Request of Submitter

The submitter requests that the maps be amended to show the true likely extent of flooding in a 1 in 100 year event.

Specific Comments

The Hutt River stopbanks protect the Hutt CBD and all residential areas from Hutt River flooding except for unprotected areas in Belmont, Stokes Valley, Hathaway Avenue and Seaview. Greater Wellington flood maps show 100-year flood extents for Belmont, Stokes Valley, and Hathaway Avenue. Seaview area is affected by Waiwhetu Stream flooding and flood maps for this area are currently under preparation as part of the Waiwhetu stream study. Greater Wellington's flood modelling has shown that stopbanks along the Hutt River are high enough to contain up to a 100-year flood event in the Hutt River. The Hutt River Floodplain Management Plan shows flood extents in the event of a stopbank breach. It is proposed to manage this residual flood risk in protected areas through emergency management measures and not by rules in the District Plan.

Officer's Recommendation

It is recommended that the submission lodged by Reginald Charles Moore be **rejected** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/09 D1 – Ashley Daryl Roper

Request of Submitter

The submitter requests Council to dredge and remove the bottom 1 metre of riverbed to allow the 1 in 100-year flood to stay within the primary and secondary river corridors.

Specific Comments

The Hutt River has a gravel bed which is constantly changing. Removing the bottom 1 metre of riverbed in an attempt to lower the flood level is not feasible and will not have any significant effect in lowering the flood levels.

In addition, maintaining the river bed at lower levels in this reach will lead to river bank failure and also put structures (for example, the Pomare Rail Bridge foundation) at risk.

Officer's Recommendation

It is recommended that the submission lodged by Ashley Daryl Roper be **rejected** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/09 D2 – Ashley Daryl Roper

Request of Submitter

The submitter requests Council to install groynes or barriers to ensure that the stopbank retains its integrity and is raised in height by the necessary 1 metre.

Specific Comments

At Stokes Valley there is currently a training bank, about 300 metres long, which protects the Stokes Valley stream outlet. This reduces the effect of Hutt River flood levels on the Stokes Valley stream discharge. Major structural works, groynes or rock lining and realignment of the river, would be required to strengthen this training bank to withstand the effects of a 100-year flood in the Hutt River. However, major structural works are not feasible at this location and not recommended in the HRFMP.

Officer's Recommendation

It is recommended that the submission lodged by Ashley Daryl Roper be **rejected** to the extent that the provisions of Proposed Plan Change 6 remain without change.

DPC06/09 D3 – Ashley Daryl Roper

Request of Submitter

The submitter requests that a combination of the above decision sought 1 and 2 be used.

Specific Comments

As discussed in the above decisions DPC06/09 D1 and DPC06/09 D2, there are no practical proposals to protect the area from flooding.

Officer's Recommendation

It is recommended that the submission lodged by Ashley Daryl Roper be **rejected** to the extent that the provisions of Proposed Plan Change 6 remain without change.