

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

AND

IN THE MATTER Cuttriss Consultants Ltd Submission on
Plan Change 56 **(the Submission)**

**SUPPLEMENTARY STATEMENT
ON BEHALF OF CUTTRISS CONSULTANTS LTD**

18 April 2023

1. As requested at the hearing, this statement includes suggested changes to Plan Change 56 in support of the submission by Cuttriss Consultants Ltd.

Re-zoning Hill Residential Land to Medium Density Residential

2. It was requested in our submission that Hill Residential zoned land be reconsidered for rezoning as part of Plan Change 56.
3. Rezoning of land is enabled by the Intensification Streamlined Planning Process (ISPP) by Section 77G(4) and 80E(1)(b)(iii) of the Resource Management Act 1991 (RMA).
4. The ability for an Independent Hearings Panel (IHP) to include new residential zones that implement the MDRS and related provisions are confirmed in the Ministry for the Environment's (MfE) Guidelines¹.
5. The RMA was amended in 2021 with bi-partisan support of the parliament, with the explicit purpose of enabling the provision of housing supply to improve New Zealand's housing affordability which included a quicker implementation of the National Policy Statement for Urban Development 2020 (NPS-UD), the implementation of the Medium Density Residential Standards (MDRS), and to enable Council's to rezone land for residential purposes more quickly than through the Schedule 1 processes.
6. The rezoning of some Hill Residential zoned land in some instances, would be appropriate as part of the ISPP, giving effect to the implementation of the MDRS and NPS-UD by enabling the availability of additional land for residential purposes that is relatively unconstrained and not typical of Hill Residential character, or the established character of the surrounding area and of a size that will assist the Hutt

¹ <https://environment.govt.nz/assets/publications/Intensification-streamlined-planning-process-A-guide-for-territorial-authorities.pdf>

City Council in meeting housing targets which may be difficult to accommodate by infilling alone.

7. Both land at 320 Eastern Hutt Road, Stokes Valley and land around 76 Antrim Crescent and 30 Pencarrow Crescent, Wainuiomata represent good opportunities for rezoning to Medium Density Residential as part of the ISPP.

320 Eastern Hutt Road, Stokes Valley

8. On behalf of our client, Silverstream Park Christian Centre, Cuttriss Consultants Ltd request that land at 320 Eastern Hutt Road, Stokes Valley (Part Section 742 Hutt DIST) be rezoned Medium Density Residential, consistent with the proposed rezoning of land directly to the north and south.
9. The rezoning of this land would enable development of the site for residential activities consistent with the pattern of the development enabled by the Medium Density Residential Zoning of the land directly adjacent.
10. In particular, the area of land adjacent to Kingsley Street to the south could potentially accommodate approx. 30 additional dwellings, located between the existing residences on Kingsley Street, and the High Voltage Transmission Lines.
11. In addition, should the existing convention centre and visitor accommodation on the northern portion be re-developed in the future, this could easily accommodate 500 – 1000 additional dwellings based on an approx. developable flat area of 9.5ha, and assuming multi-storey development at 50% site coverage.

76 Antrim Crescent and 30 Pencarrow Crescent, Wainuiomata

12. On behalf of our client, Genesis 76 Ltd, Cuttriss Consultants Ltd request that land from 76 Antrim Crescent to 30 Pencarrow Crescent, Wainuiomata but excluding the portion of land mapped as a Significant Natural Resource (ref: 34 Mowlem Bush) be rezoned Medium Density Residential, consistent with the proposed re-zoning of land directly to the south and west.
13. This land does not exhibit Hill Residential characteristics described in 4D 1.1.1 of the Operative District Plan as it is not steeply sloping, is not difficult to access, does not contain extensive areas of vegetation or native bush, is not visually pleasing landscape and does not provide a strong backdrop to the City.
14. The rezoning of this land would enable development of the site for residential activities consistent with the pattern of the development enabled by the Medium Density Residential Zoning of the land directly adjacent, and already occurring on some of the land.

15. In particular, the land at 30 Pencarrow Crescent, Wainuiomata (Lot 3 DP 322577) could potentially accommodate approx. 40 additional dwellings.

Flooding – Language

16. Flood effects can be described in both an average re-occurrence over a period of time (average re-occurrence interval or ARI), or as an annual probability (annual exceedance probability or AEP). The use of language can change how people perceive flood effects.
17. For some people, describing flood effects in terms of ARI can lead to a false impression that a particular event will not occur again until that time-period.
18. In response to this, flood effects are more commonly being described as an annual probability as a better method to identify potential risk. For example, a 1% AEP flood event has a 1% chance of occurring in any given year, but over a 70 year period, it has a 50.3% chance of occurring once, or 15.6% chance of occurring twice. This is therefore a better description of the potential hazard than a potential misconception that it will only occur once every 100 years.
19. A District Plan is a planning document accessible to the wider community as well as planning, engineering and surveying professionals. It is not a scientific paper or engineering report. Thus, the language used to describe environmental attributes such as flood risk is important to be understood by a wide segment of the community so that decision makers and the wider community, can make informed decisions about potential risks.
20. It is therefore suggested that the following amendments are made to Chapter 14H Natural Hazards:
 - a. Replace references to 1:100 year with 1% AEP
 - b. Replace references to 1:500 year with 0.2% AEP
 - c. Replace references to 1:1000 year with 0.1% AEP
 - d. Insert the following to describe flood risk and insertion of a table similar to that used to describe flood risk on the Environment Canterbury website²:

² <https://www.ecan.govt.nz/your-region/your-environment/natural-hazards/floods/flood-probabilities/>

While the probability of a major flood occurring in any one year is relatively low, the probability of a flood occurring over the lifetime of a person (or building) increases significantly.

ARI	AEP	In any 10 year period	In any 30 year period	In any 70 year period
100 yrs	1%	1 chance in 10 (10%)	1 chance in 4 (26%)	1 chance in 2 (51%)
500 yrs	0.2%	1 chance in 50 (2%)	1 chance in 17 (6%)	1 chance in 7.7 (13%)

Flooding – Access

21. The proposed District Plan rules relating to flood hazard risk trigger resource consent where the activity (which is being interpreted by Hutt City Council's resource consent planners as the building) is physically located within the relevant mapped Hazard Overlay, however there is no resource consent trigger to consider effects of flooding on accessing the building where otherwise flood free or located at a floor level above 1% AEP.
22. Having resource consent triggers for location of buildings only, neglects one of the common aspects of flood risk whereby people or vehicles enter flood waters either to evacuate or access their property. It also can impact on the ability for emergency services to access a building to respond to an emergency or aid in evacuation during a flood event.
23. It is also common practice for stormwater to be managed on-site by directing flows over 10% AEP to roads or driveways which in turn can increase hazards for access.
24. To provide consistency with Policy 51 of the Regional Policy Statement which requires that both habitable floor areas, and access routes be located above a 1% AEP flood level, and Proposed Change 1 which requires the consideration of potential loss of life, social and economic disruption and civil defense emergency management implications – such as access routes to and from the site, it is suggested the following amendments to the District Plan be considered.
 - a. Amend Rule 14H 2.3 to apply to associated vehicle and pedestrian movement and add as a permitted activity.
 - b. Add the following condition to Rule 14H 2.3 as a permitted condition:

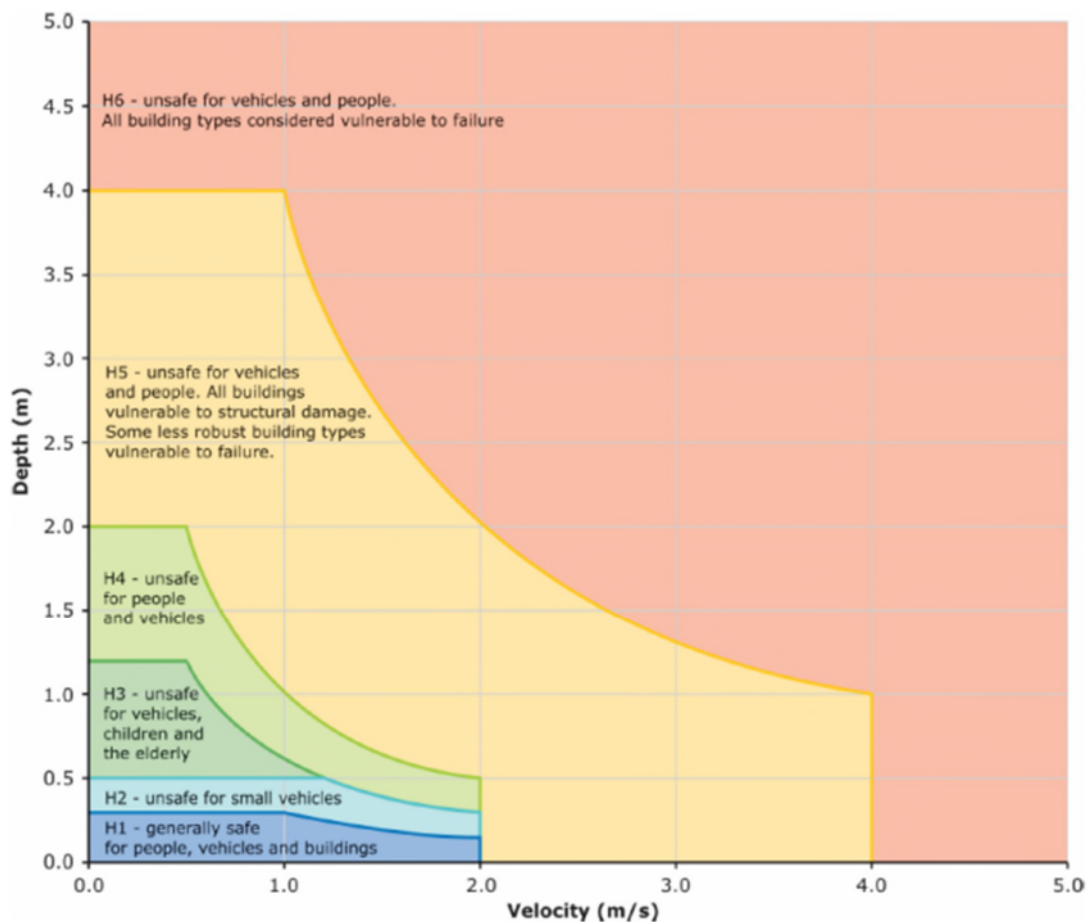
When located within an Inundation Area of the Flood Hazard Overlay, vehicle and pedestrian movement is not subject to an inundation depth exceeding 0.3m or a velocity exceeding 1m/s.

c. Add the following matters of discretion to Rule 14H 2.3 (2):

Provision of access is trafficable and provides for safe vehicular and pedestrian movement and emergency services access to adjoining roads.

d. Amend Rules 14H 2.4 and 2.5 to apply to associated vehicle and pedestrian movement.

25. The above amendments would bring Chapter 14H in line with the Regional Policy Statement Policy 51 and Proposed Change 1 to enable consideration of flood hazard risk on pedestrian and vehicle access by adopting as a permitted activity the widely adopted depth and velocity that is considered safe for most people under the Hazard Classification carried out by Australian Rainfall and Runoff and referred to in the Greater Wellington Regional Council's Flood Hazard Modelling Standard R1 May 2021. This is a widely adopted method to consider flood hazard risks on people and vehicles and is commonly referred to in Flood Hazard Assessments throughout New Zealand and Australia.



26. For simplicity, the depth and velocity of H1 outlined in red above has been suggested as a permitted activity condition as this is generally considered safe for most people, vehicles and buildings.

27. The actual depth and velocities that are safe varies slightly between people and vehicles which is an aspect that could be considered in more detail as part of a resource consent.
28. This would enable driveways and roads to continue to act as conveyancing of overland flow where safe as a permitted activity.
29. It would also enable consideration of probability (i.e. does the access only become hazardous in a 1% AEP flood event, or in more frequent flood events also), duration (i.e. is access hazardous for a long or short period of time), and consequence (i.e. is there secondary safe access available such as via a neighbouring site, or does it provide for emergency vehicle access) as part of a resource consent.
30. A copy of suggested changes to the Natural Hazard Chapter is contained as a track changed Microsoft Word document in **Appendix 1** of this supplementary information.

Non-Notification for Residential Development

31. It is noted that the Council Officer has recommended preclusion of limited notification in addition to precluding public notification for a number of rules which are unlikely to affect the owners or occupants of neighbouring properties. We suggest that limited notification is precluded from other non-compliances that may only affect the wider environment, but unlikely to affected owners or occupants of neighbouring properties:
 - a. Rule 4F 4.2.10 and 4G 4.2.12 – Stormwater Retention.
 - b. Rule 4F 4.2.12 and 4G 4.2.14 – Windows to Street
 - c. Rule 4F 4.2.13 and 4G 4.2.15 – Landscaped Area
 - d. Rule 4F 4.2.5 and 4G 4.2.7 – Permeable Surface

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