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Plan Change 42

Below is our submission to the Upper Hutt City Council in relation to this consultation. We wish to be heard in support of this submission.

We are not aware of any member that could gain an advantage in trade competition through this submission.

We do not wish to make a joint case.

**The decision we seek is**

to withdraw Plan Change 42 and resolve the issues raised in this submission.

## **General comments**

This consultation was open for 8 weeks for which we are thankful. It is large and complex and is a significant challenge for the community to respond to. We believe that the Council should have assisted the community by providing the funding for specialist advice independent of the Council. We understand the Council's decision to combine the Pinehaven and Mangaroa floodplain extents into one Plan Change.

## **Issues**

### **Flood maps**

There are many versions of the flood maps and it is not at all clear which ones are the definitive ones. The DP maps attached to the consultation are only good for a rough indication that there may be flooding. Who drew these maps, are they accurate, how do we know? Other, more detailed, maps are available from GW but not referenced in the Plan Change. There is no indication just what maps will be used and how they will be interpreted. What other maps are there? This will leave the public in a difficult position when they are considering a change to their property.

The flood maps do not demonstrate depth or speed of the water. At first glance they suggest a flat plane of water from edge to edge. However, it seems that for much of this extent the water is shallow and flowing down a slope to the lowest point. The maps really need to show what is actually happening on the ground. This is particularly important for the Pinehaven floodplain.

### **Hazard maps**

There are no hazard maps as such. Considering that the whole purpose of the Plan Change is to identify hazards this is disappointing. The Council has defined two hazard levels (low and high) in the Plan Change which are related to the flood maps but this is somewhat arbitrary. It is also vague in that an unidentified part of the usually high level Erosion Zone may be low level hazard, but what part. What is going on in an Erosion zone area that is also a low hazard. It is hard to envisage

an example.

Why didn't the Council produce hazard maps based on a recognised standard (eg NSW) and simplify the whole process? Such maps are available from the GW system.

## **When is a hazard not a hazard**

Much of the area covered by the flood maps is shallow and /or slow moving water. This is not a hazard. In a discussion at the Pinehaven Focus Group this was pointed out, using Pinehaven water depth maps from GW as an example. The response was that there might be manholes on some properties and they might be hazardous. That comment is just a distraction. When asked whether there were any circumstances of these manholes there was no response. The suggestion that maybe only the manholes should be marked as hazardous went into a black hole. It was also suggested that much of the issues regarding flooding into houses would be covered by the building code which requires a certain elevation above ground level. The response to this was that some existing houses didn't comply. This response is also a distraction as the DP is trying to address new builds, not existing houses.

The flood map extents are clearly exaggerating the hazard. In fact, much of the extents are not hazardous at all and should not be on the 'hazard' maps at all.

## **LIM's**

The Council is attaching the flood maps to property LIM's. Given that these maps are not much use this is an unnecessary problem for people dealing with the property. Why not put a comment about a possible hazard which refers to detailed and useful maps which the Council makes public. This is the approach used by Kapiti Coast DC for beachfront erosion maps. KCDC reversed their earlier practice which was to put the maps on the LIM's. This change happened after much opposition from residents and a court case. The issue is that the maps are far too complex to be interpreted by almost anybody, let alone members of the public. There is no consideration of how these rough overview maps might affect the availability or cost of insurance.

## **Pinehaven Catchment**

Many hundreds of Pinehaven and blue Mountains residents have asked for a further and truly independent audit of the flood modelling, especially with respect to runoff due to future development in the catchment. This would include the link between future development and the flood extent modelling that the Beca auditor was concerned about. They have also asked for public release of the baseline against which hydraulic neutrality will be compared. There is no sign that any of these things will ever happen.

## **No recognition of community concerns**

For all of the 'consultation' that has been done by GW and Upper Hutt, there has been no recognition of concerns raised by the community. On the contrary, the maps have remained inviolate. In particular, some of the older residents in both catchment have been concerned that areas shown as flooding in a 1:100 event were never close in the 1976 1:100 flood, even allowing for climate change and all that stuff. No clear and consistent explanation has ever been provided for this. As a result, many of the residents reject the maps and the Plan Change. Unfortunately this has led to some people giving up on the Councils with the view that they are not listening and the 'consultations' have been a sham.

A focus group was convened in 2016 for the Pinehaven Flood Plan with people from both Councils, consultants and community. This group made some progress towards better information but there

was never enough time and later the UH person leading it left the Council, thus losing continuity. This more inclusive approach may well have ended up with agreement between all parties.

See 'When is a hazard not a hazard' above for examples of distractions by Councils when residents have raised valid points.

The Councils would be well advised to review the experience of Kapiti Coast DC which went through much the same disagreements and management processes. That Council eventually reversed itself and included the community in a positive way and appears to have reached a workable situation.

## **Unnecessarily restrictive**

In the absence of evidence of existing problems with structures and the floodplain, it seems that people are quite able to sort it out for themselves. The introduction of these extended controls seem to be nothing more than a Council making work for itself and making cost for the community.

## **No allowance for the river channel moving**

The Council is used to dealing with urban zoning which has well defined and static areas. The flood maps show an area called 'river corridor' and associated overflow and erosion areas. But what happens if the river corridor and other areas move. The Plan Change is silent. Say I apply to build something on a property and it is just outside an overflow area. But there has been a flood and a new set of maps would put my new structure in the overflow channel. The Council has the original maps and nothing to tell them that there is a different overflow area.

The Plan Change should make provision for this.

## **Changes from previous maps**

There is no description of what has changed from previous maps. For example, the erosion zone in Beechwood Lane.

## Comments on specific sections of the Section 32 Report.

**1.4** There is no Mangaroa Flood Management Plan, let alone a specific one.

**1.5** With regard to Mangaroa, it may be that further development 'could' increase the risk but how real is this. Are there any examples of unacceptable increase of risk in the existing situation which was created under the existing District Plan provisions (or earlier DP's). In other words, unless the Council can demonstrate current examples of 'unacceptable risk', the current DP seems to be working quite well.

**2.7** There is no evidence that Section 32.1a has been addressed.

**3.3** The statement 'development predominantly confined to the floodplain' is not correct. While there is some development in the flood plain most development is above it. The section identifies the higher density housing at Te Marua but not that at Maclaren St.

**3.7** None of the issues raised in the PC15 process were addressed apart from a request to review the modelling results. This was done but the results were not made public. It is said that the 'hazard modelling was updated', it would have been helpful if the changes were made apparent.

**3.14** This states that "changes to the upper catchment ... would increase the flood risk to the downstream community". This is self evident and encapsulates why the downstream community is so concerned that the Council manages this so that there is no risk. As yet, the Council has not acted in a way that addresses this concern.

**3.18** The comment that the FMP is 'fit for purpose' no doubt refers to the flood maps which are not 'fit for purpose'. This comment by the Council is another example of the Council refusing to listen to the community.

**3.20** This introduces high and low level risks. This classification appears to be unique to the Council. Why not use established standards for categorising flood risks. See above for more detail.

**4** There is no mention made of the considerable community concerns and issues with this Plan Change. Why is this so? The report is incomplete without this.

**5.1** A bullet refers to accessways needing to be higher than a 1:100 event. There is also a requirement for floor levels to be higher than 1:100. But floor levels need to be higher than where the accessway connects to the structure so the floor level needs to be much higher than 1:100. This needs to be accounted for in the rules to avoid confusion.

**5.2** The maps attached to the consultation do not show flood extents for the Hutt River which are in the current DP. Have they been removed or is this just a 'typo' in the consultation maps?

**6.27, 6.28, 6.71** These sections refer to a Southern Growth Area identified in the Land Use Strategy. There is no 'Southern Growth Area' in the LUS. 6.27 refers to 'residential development is normally encouraged at the first floor ...' and suggests that this is OK in relation to flood hazard. But people could be stranded in the first floor. That is not OK. Does 'normally encouraged' mean it will always happen. If it is OK for this mixed use environment, why is it not OK for a residential environment? The final result regarding safety is the same.

These three sections seem to offer different definitions of what the SGA is.

Section 6.28 says re the SGA 'the majority of the identified future growth areas are outside of the Pinehaven catchment area ...'. This is probably not correct.

**10.3 and following sections.** These review the economic costs. They talk about profit based on sale value less development costs. This does not count the existing value of the land as a cost so the section should be reworked to properly reflect cost and profit.

These economic factors will clearly have some effect on the value of the undeveloped land.

There is no mention of potential increase in insurance costs or the possibility of not being able to get insurance at all.

**10.30** Having considered changes to costs and profit resulting from the Plan Change, this section says the Council cannot consider the effect on property prices. Come on. They are all part of the same equation. GW and Upper Hutt have both been very reluctant to consider property prices which suggests that they are well aware that the Plan Change will have a negative effect. In 2012 about \$180M of property was directly affected so there is obviously the potential for substantial loss. We point out the requirement in Section 32.2a to consider economic effects.

**10.31** But the high value suburbs could be higher value suburbs without the hazard lines. As the Council says it has no research about this so speculation such as this section is not appropriate in a consultation document.

**10.32** The Council should follow the approach of the Kapiti Coast DC which places the maps separately from the LIM's.

**Rule 18.39-**Standards bullet 2. For clarity, change to 'Where the building platform is located within the Erosion Hazard area ...'