

CHAIRPERSON AND MEMBERS

Policy Committee Meeting (8 February 2017)

(From Consultant Senior Planner)

(Through the Director, Regulatory and Planning)



Item A4

File: 351/12-046

Ref: JB

Date: 27 January 2017

**Proposed Plan Change 42
to the Upper Hutt City Council District Plan (2004)
- Mangaroa and Pinehaven Flood Hazard Extents**

1.0 Purpose of Report

1.1 This report proposes to initiate a change to the Upper Hutt District Plan 2004 and seeks Council's endorsement to proceed with the preparation and notification of Plan Change 42 –Mangaroa and Pinehaven Flood Hazard Extents. Attached as appendices to this report are:

- Appendix 1: Plan Change 42 - Section 32 Evaluation
- Appendix 2: Plan Change 42 - Amended Plan Chapters.

2.0 Background to the Proposed Plan Change

2.1 Plan Change 42 introduces planning provisions to the District Plan to address the risk from flooding and erosion hazard identified by modelling undertaken in the Mangaroa River and Pinehaven Stream catchments.

2.2 The Mangaroa Flood Hazard Assessment (Mangaroa FHA) was published in 2006 to identify the areas of the Mangaroa floodplain at risk from flooding and erosion hazards. To implement the Mangaroa FHA, UHCC originally notified Plan Change 15. In September 2013, following hearings, Council decided to undertake an independent review of the flood modelling that informed the Plan Change. The independent assessment has been completed and the revised flood hazard modelling has taken into account the findings of this audit.

2.3 The modelling includes the effects of climate change, blockage of structures across the river corridor and freeboard allocation. This modelling is used to define extent of the plan change (in this case to the Mangaroa River catchment) and guide the establishment of District Plan controls and hazard maps.

2.4 Given the time that had lapsed since the plan change was placed on hold (which was greater than the 2 years statutory time allowed for under the Resource Management Act 1991), it was decided to withdraw Plan Change 15 and commence with a new plan change.

- 2.5 The Pinehaven Floodplain Management Plan (Pinehaven FMP) was adopted in June 2016. The Pinehaven FMP uses flood modelling to establish the extent of the flood hazard and explore a range of options to mitigate the effect of future flood events. The preferred option includes non-structural regulatory provisions in the District Plan, and structural infrastructure improvements to the stream channel. Plan Change 42 would introduce planning measures to help prevent increases in flood risk from further development in the catchment. Plan Change 42 is the principal tool for achieving the non-structural element of the (Pinehaven FMP).

3.0 Proposed Changes

- 3.1 The proposed plan change amends existing provisions and introduces new objectives, policies and rules to manage land use and subdivision activities in order to recognize and specifically address flood risk within the identified Flood Hazard Extents for the Pinehaven Stream and the Mangaroa River.
- 3.2 While the catchments are distinctly different, they were drafted concurrently and share the same policy framework that recognises high- and low-risk hazards and is tailored to address the key risks and main activities within each catchment. While the provisions are catchment based, the consistent policy approach makes the consolidation of both catchments into a single plan change appropriate.
- 3.3 The Plan Change proposes to amend and update the following parts of the District Plan.
- Chapter 9 (Subdivision and Earthworks) – objectives and policies
 - Chapter 14 (Natural Hazards) - objectives policies
 - Chapter 16 (Utilities) – objectives and policies
 - Chapter 17 (Hazardous Substances) – policies
 - Chapter 18 (Residential) – subdivision rules
 - Chapter 19 (Rural) – subdivision rules
 - Chapter 20 (Business) – subdivision rules
 - Chapter 23 (Earthworks) – rules
 - Chapter 30 (Utilities) – rules
 - Chapter 33 (Natural Hazards) – rules
 - Chapter 34 (Hazardous Substances) – rules.

- 3.4 The proposed Plan Change 42 text is attached as Appendix 2.

4.0 Statutory Provisions

- 4.1 Section 74(1) of the Resource Management Act requires Council to prepare and undertake changes to the District Plan. Section 74(1) states that:

“A territorial authority must prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, a direction given under section 25A(2), its obligation (if any) to prepare an evaluation report in accordance with section 32, its obligation to have particular regard to an evaluation report prepared in accordance with section 32, and any regulations.”

4.2 Before adopting changes in the District Plan, an evaluation report under Section 32 of the Resource Management Act must be carried out. The report needs to include:

- an examination of the extent to which the objectives of the proposal is the most appropriate way to achieve the purpose of the Act
- an examination of whether the provisions in the proposal are the most appropriate way to achieve the purpose of the Act by identifying other reasonably practicable options for achieving the objectives, assessing the effectiveness and efficiency of the provisions in achieving the objectives and; summarising the reasons for deciding on the provisions
- an assessment of the benefits and costs of the environmental, economic, social and cultural effects that are anticipated, including opportunities for economic growth to be provided or reduced and opportunities for employment that are anticipated to be provided or reduced. Where practicable this needs to quantify these benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information
- a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from implementation of the proposal.

4.3 It is relevant to note that the section 32 analysis needs to be proportionate to the nature and scale of the matter being assessed. Relevant factors contributing to the detail and level of analysis include:

- the level of complexity of the subject
- the likely level of effect that the proposed changes will have on resource users and the wider community
- the level of support or opposition for the proposed changes, and therefore the likelihood that they could be referred to the Environment Court
- the community awareness of resource management issues and processes.

4.4 A section 32 analysis separate to the main body of this report has been undertaken for Plan Change 42 and is attached in Appendix 1 of this report. The level of detail contained in the Section 32 analysis is proportionate to the extent and effect of the Proposed Plan Change.

5.0 Consultation

5.1 In December 2016 an invitation to be involved in pre-notification consultation for the combined Plan Change 42 Mangaroa and Pinehaven Flood Hazard Extents was sent to relevant parties, in fulfilment of the requirements of Schedule 1, Clause 3 of the RMA. No comments were received from the parties notified.

5.2 Some consultation has also been undertaken with the Pinehaven and Mangaroa communities. The Pinehaven community was consulted in developing the draft Pinehaven FMP. As such, the Pinehaven community was involved in the development of the solutions to be included in Proposed Plan Change 42. A letter was sent to members of the Mangaroa community affected by Plan Change 15 when it

was withdrawn in March 2016. This letter also informed them of the upcoming proposed Plan Change for Mangaroa. The community were invited to contact the Council if they required further information. Council received a small number of queries from the Mangaroa community seeking clarification of how the updated flood hazard modelling would affect their properties.

6.0 Legal and Financial Implications

- 6.1 As with any change to the District Plan, the proposed plan change will be open to appeal to the Environment Court, which would have financial implications.

7.0 Conclusion

- 7.1 This plan change seeks to introduce objectives, policies and rules to address the potential risk from flooding in a 1-in-100 year flood event in the Pinehaven Stream and Mangaroa River catchments. The scope of the changes also ensure the statutory responsibilities under the Resource Management Act and other relevant legislation related to natural hazards and flood risk are appropriately addressed within the District Plan.

8.0 Recommendations

- 8.1 THAT Council approves Proposed Plan Change 42 to the Upper Hutt District Plan 2004 to be publicly notified as soon as practicable, in accordance with the requirements of the First Schedule of the Resource Management Act 1991.
- 8.2 THAT Council authorise officers to make any minor changes to the details of Proposed Plan Change 42 before notification should the need arise.

Report prepared by:



James Beban
Consultant Senior Planner

Report reviewed by:



Angela Bell
Planning Policy Manager

Report approved for submission by:



Richard Harbord
Director, Planning and Regulatory Services