



**FURTHER SUBMISSIONS BY POWERCO LIMITED ON SUBMISSIONS TO
PROPOSED PLAN CHANGE 42 (MANGAROA AND PINEHAVEN FLOOD HAZARD
EXTENTS) TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN**

Due: 8th June 2017

To: Upper Hutt City Council
Private Bag 907
Upper Hutt 5140

By E-mail: planning@uhcc.govt.nz

FROM: Powerco Limited ("Powerco")
Private Bag 2061
NEW PLYMOUTH 4342

ADDRESS FOR SERVICE: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
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Attention: Kahlia Thomas

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Further Submission on a Plan Change to the Upper Hutt City District Plan

Clause 8 of Schedule 1 Resource Management Act 1991

1. Powerco's further submissions are as contained in the attached Table.
2. Powerco has an interest in the proposed plan change greater than that of the general public.
3. Powerco does wish to be heard in support of its further submissions.
4. Powerco could not gain an advantage in trade competition through this further submission.
5. If others make similar submissions Powerco may be prepared to consider presenting a joint case with them at any hearing.

Dated at AUCKLAND this 6th day of June 2017

Signature of person authorised to sign on behalf of Powerco Limited:



.....
Kahlia Thomas

Address for service:

BURTON PLANNING CONSULTANTS LTD
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**FURTHER SUBMISSIONS ON BEHALF OF POWERCO ON SUBMISSIONS TO PROPOSED PLAN CHANGE 42
(MANGAROA AND PINEHAVEN FLOOD HAZARD EXTENTS) TO THE UPPER HUTT DISTRICT PLAN**

Submission	Relief sought by the submitter	Position of Further Submitter	Reason for Support / Opposition	Outcome sought
24 Transpower	<p>Table 23.1</p> <p>Relief sought:</p> <p>(i) Confirmation that the non-complying rule in Table 23.1 Earthworks within Pinehaven Flood Hazard Extent does not apply to earthworks associated with network utility structures.</p> <p>(ii) If the above rule does apply to network utilities, that the activity status be amended from non-complying to discretionary/restricted discretionary.</p>	Support in part / Oppose in part	Powerco supports the intent of the submission to clarify the application of the rule to earthworks associated with network utilities. However, Powerco opposes the discretionary/restricted discretionary activity status sought in point (ii) and prefers the relief sought in Powerco's own submission to permit such earthworks.	Accept the submission in part such that the changes sought in Powerco's own submission are also given effect.
24 Transpower	<p>Table 23.1</p> <p>Relief sought:</p> <p>(i) Confirmation that the non-complying rule in Table 23.1 Earthworks within Mangaroa Flood Hazard Area does not apply to earthworks associated with network utility structures.</p> <p>(ii) If the above rule does apply to network utilities, that the activity status be amended from non-complying to discretionary/restricted discretionary.</p>	Support in part / Oppose in part	Powerco supports the intent of the submission to clarify the application of the rule to earthworks associated with network utilities. However, Powerco opposes the discretionary/restricted discretionary activity status sought in point (ii) and prefers the relief sought in Powerco's own submission to permit such earthworks.	Accept the submission in part such that the changes sought in Powerco's own submission are also given effect.
23 Alan Jefferies	River corridor is river bed, as defined through case law and the Resource Management Act 1991. Submitter believes the plan change cannot lawfully impose provisions over a river bed.	Support	Powerco supports the submission and raised similar concerns in its own submission. Powerco seeks that Council either delete the rules seeking to control earthworks within stream / river corridors, or insert new rules to the effect stated in Powerco's own submission.	Accept the submission provided the changes sought in Powerco's own submission are also given effect.
24 Transpower	<p>Matters of discretion 30.13</p> <p>Relief sought:</p> <p>Insert paragraph to the matters of discretion at 30.13 as follows:</p> <p><i>Whether locating the Network Utility Structure within the</i></p>	Support in part	Powerco supports the intent of the submission to ensure that the benefits of Network Utility Structures are considered, as well as any adverse effects. However, in line with Powerco's own submission, it would be more appropriate to require	<p>Adopt the submission in part as follows:</p> <p>Whether The extent to which</p>

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	<u>Flood Hazard Extent will provide any local, regional or national benefit.</u>		Council to consider “the extent to which” benefit will be provided, rather than “whether” or not there will be any benefit.	<i>locating the Network Utility Structure within the Flood Hazard Extent will provide any local, regional or national benefit.</i>
24 Transpower	<p>Definitions</p> <p>Transpower notes that the Definitions Chapter included in the notified PPC42 does not refer to a Network Utility Structure. Transpower presumes that this definition is provided in Plan Change 38. Transpower seeks clarification on this matter.</p> <p>Relief sought: Clarification that the Network Utility Structure Definition not included in the Definitions Chapter of the PPC42 is that provided in Plan Change 38.</p>	Support	Powerco supports the submission. The Council appears to have used an older version of the Chapter 35 Definitions as the baseline document for PPC42 meaning a number of definitions that now appear in the operative DP, including the definition of ‘network utility structure’ included as part of PC38, are not recorded in the PPC42 documents. This is confusing and potentially misleading if any definitions relevant to PPC42 have been amended through PCs 38, 40 or 41 but not clearly recorded in the PPC42 documents.	Accept the submission and reissue an updated version of Chapter 35 Definitions using the operative version of the chapter as the baseline for amendments proposed through PPC42.
24 Transpower	<p>Objectives 16.3.4 and 16.3.5</p> <p>Relief sought:</p> <p>Amend Objective 16.3.4 as follows:</p> <p><i>To manage any adverse effects on the environment resulting from the design, location, construction, operation, upgrading and maintenance of network utilities. This Objective recognises that the construction, operation, upgrade and maintenance of network utilities can adversely affect the environment and amenity, and seeks to manage potential adverse effects, particularly through</i></p>	Support in part	Powerco supports the changes sought to Objective 16.3.5 as it is important to provide for the development of new utilities in flood hazard extents. Powerco supports the intent of the changes sought to Objective 16.3.4 but does not consider them to be critical as consideration of effects on flood hazard will form part of a broader assessment of effects. Further, Powerco notes that changes sought to Objective 16.3.4 are likely to be outside of the scope of the current plan change.	Accept the amendment sought to Objective 16.3.5.

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	<p><i>design and location. This recognises that some network utilities are relatively large, visually prominent and capable of generating significant effects on the environment. They may also have adverse effects on public health and safety, <u>as well as flood hazard considerations</u>. Adverse effects may only occur at the time of construction or installation of the utility, but in some instances may continue throughout its operation or during maintenance and / or upgrade works. For new lineal infrastructure, adverse effects are often best able to be mitigated through the route selection process. However, in some cases, it might not be entirely possible to avoid, remedy or mitigate all adverse effects associated with a network utility, meaning there may be some level of residual adverse effect on the surrounding environment. In such circumstances, there is a need to consider both the benefits the network utility will provide and the significance of the adverse effects on the surrounding environment.</i></p> <p>OR Amend Objective 16.3.5 as follows:</p> <p><i>To ensure the continued operation of network utilities, <u>and the development and operation of new network utilities</u>, in flood hazard extents and to maintain the function of the floodplain to convey flood waters.</i></p>			
24 Transpower	<p>Objective 14.3.2</p> <p>Relief sought:</p> <p>Amend paragraph 2 of the explanation to Objective 14.3.2 as follows:</p> <p><i>High hazard areas within the Flood Hazard Extent comprise the stream and river corridor, overflow paths and</i></p>	Support	Powerco supports the submission. As proposed, the explanation wording for Objective 14.3.2 appears to state that all development within high hazard areas should be avoided. Powerco supports amending the explanation wording by adding “inappropriate” to recognise that some types of development may be appropriate or acceptable in these areas.	Accept the submission

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	<p><i>the Erosion Hazard Area. These are characterised by areas of moving flood water which may also be deep or fast and includes areas most at risk to erosion during a flood event. These are identified on the Hazard Maps. Subdivision and <u>inappropriate</u> development within high hazard areas should be avoided given the threat these areas represent to people and property.</i></p>			
24 Transpower	<p>Policy 14.4.3</p> <p>Amend Policy 14.4.3 as follows:</p> <p><i>Avoid <u>inappropriate</u> development within high hazard areas of identified Flood Hazard Extents and Erosion Hazard Areas.</i></p> <p><i>The high hazard areas present a threat to people and property as they can contain both fast and deep flowing water in a 1 in 100-year flood event, or are at risk of bank collapse which has the potential to damage buildings and threaten lives.</i></p> <p><i>The policy provides directive for careful consideration of development within the high hazard areas, with a strong directive to avoid <u>inappropriate</u> development in these high hazard areas.</i></p>	Support	Powerco supports the submission and notes that comparable changes were sought in its own submission to recognise that it will not necessarily be practicable to avoid all development in the Flood Hazard Extents and Erosion Hazard Areas and that certain types of development may be appropriate or acceptable.	Accept the submission provided the changes sought in Powerco's own submission are also given effect.
24 Transpower	<p>Activities Table 33.1</p> <p>(i) Seeks confirmation that the above non-complying rule in Table 33.1 Pinehaven Flood Hazard Extent and Pinehaven Catchment Overlay does not apply to network utility structures.</p> <p>(ii) If the above rule does apply to network utilities, that the activity status be amended from non-complying to discretionary/restricted discretionary.</p>	Support in part / Oppose in part	Powerco supports the intent of the submission to clarify the application of the rule to network utilities. However, Powerco opposes the discretionary/restricted discretionary activity status sought in point (ii) and prefers the relief sought in Powerco's own submission to exempt utilities from the rule on the basis that they are managed through Chapter 30 Rules for Utilities.	Accept the submission in part such that the changes sought in Powerco's own submission are also given effect.