

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing 28th
May 2018**

Report dated 23 May 2018

**Addendum to Report dated 23 April 2018
Report on submissions and further submissions on Topic
9: Natural Hazards**

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List of Abbreviations

s42A Report	s42A Report – Topic 9, Natural Hazards, dated 23 April 2018, prepared by Paul Whyte, Gavin Cooper & Laddie Kuta
Council	Marlborough District Council
PMEP	Proposed Marlborough Environment Plan
RMA	Resource Management Act 1991

List of Submitters

Lee Street Residents

Introduction

1. This report is an addendum to the main report, dated 23 April 2018, containing recommendations to the Hearing Panel on submissions made on Topic 9 – Natural Hazards. This addendum should be read in conjunction with the 23 April 2018 s42A report prepared by Whyte, Kuta and Cooper.
2. The addendum addresses the omission of evaluation of submission point 905.1 (made by Lee Street Residents) from the initial s42A Report, dated 23 April 2018. Submission 905.1 applies to the Level 3 Flood Hazard Overlay.
3. As referenced in the s42A Report dated 23 April 2018, we were not involved with the preparation of the PMEP. We were both contracted by the Marlborough District Council (Council) in 2018 (after the PMEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.
4. We have read Council's Section 32 report.

Code of Conduct

5. We confirm that we have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that we agree to comply with it.
6. We confirm that we have considered all the material facts that we are aware of that might alter or detract from the opinions that we express, and that this evidence is within our areas of expertise, except where we state that we are relying on the evidence of another person.
7. We are authorised to give this evidence on the Council's behalf.

Scope of Hearings Report Addendum

8. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
9. As noted above, this report is an addendum to the main s42A report dated 23 April 2018.

10. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this addendum report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence brought before them by submitter(s).

Reason for Hearings Report Addendum

11. Since the release of the s42A report it has been brought to our attention that the Submission by Lee Street Residents (ref 905.1) has not been responded to.
12. Submission 905.1 relates to the extent of the Level 3 Flood Hazard Overlay over residential land on the true right bank of the Taylor River adjoining Lee Street.
13. Specifically, the submission by Lee Street Residents **opposes** the Level 3 Flood Hazard Overlay layer over the residential properties at 4, 18, 20, 24, 26, 28, 30 & 32 Lee Street.
14. To assist with the evaluation, we attach extract from PMEP at Figure 1 which shows the general area of the submitters affected land at Lee Street (blue border)¹. The affected land is zoned Urban Residential 1 in the PMEP. The yellow highlight shows the extent of the Level 3 Flood Hazard Overlay in the PMEP and follows the existing stopbank alignment – to the landward toe side.

¹ Note, not all landowners are referenced in the Lee Street Residents Submission (no.905.1)

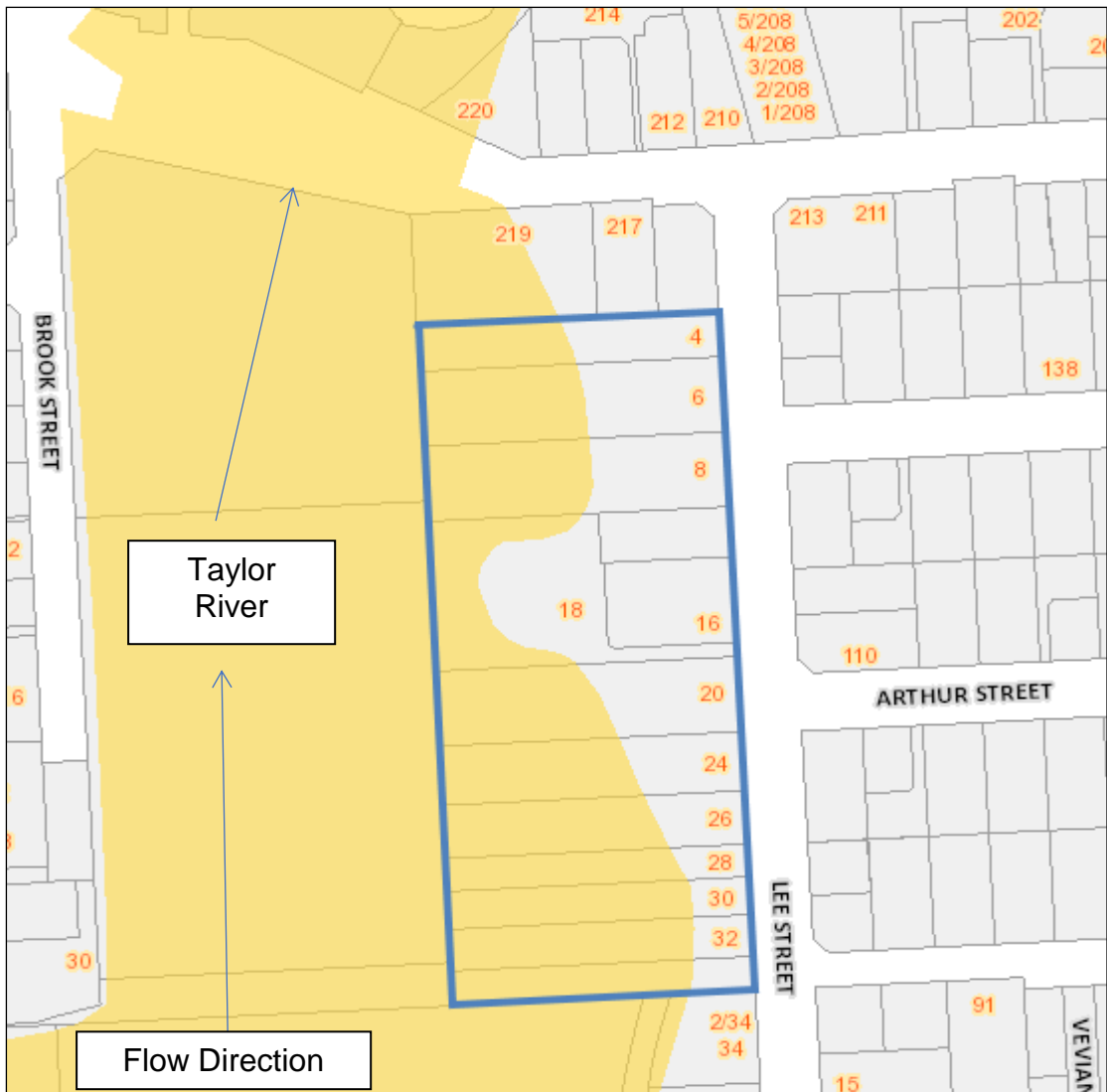


Figure 1: Extract from PMEP highlighting submitters land

Key Issues and Assessment

15. Similar to the format of the s42A report by Kuta and Cooper, we have set out our analysis of the Submission by Area Map, location, main issue (relief sought), technical assessment, general assessment and recommendation(s).

Flood Hazard Area Map:

16. Map 23, PMEP.

Submission Location:

17. Property No's 4, 18, 20, 24, 26, 28, 30 & 32 Lee Street, Blenheim.

Main Issues (Relief Sought):

18. The submitter considers that Level 3 Flood Hazard Overlay is overstated on the residential properties listed.

19. The submitter seeks:

- To have the Level 3 Flood Hazard Overlay layer reviewed and reduced to Level 1
- A more appropriate and better boundary between floodway, recreation and residential properties by relocating the floodway stopbank to outside the residential properties. This would then allow the Designated Land boundary to be outside the residential properties.

Note: we understand that the designation matter has been addressed, but this leaves the protection of the stopbank in this area simply down to the requirement for any construction activity within 8m of a stopbank toe to have resource consent.

Technical Assessment:

20. The Taylor River stopbank network is designed to 1% AEP (i.e. 1:100 year event).
21. Council is currently in the process of undertaking a full flood modelling exercise on the Taylor River to update design flood levels². This review is expected to be completed by the end of 2018. Until this review is completed, any land within the floodway (i.e. between the stopbanks) has to realistically continue to be considered Level 3 Flood Hazard (i.e. within the flood channel).
22. Council has an approved programme of stopbank improvements on the Taylor River (refer Figure 2 overleaf for locations).
23. Houses on this side of Lee Street are situated on the old river terrace with the existing stopbank generally located on the river terrace edge.
24. The Lee Street area is one of the five stopbank reconstruction areas on the Taylor River that Council has highlighted needs review and upgrading (refer 1).
25. Council has completed upgrade works at sections 2 & 3 and intends on undertaking works at area 4 next (refer Figure 2).

² The May 1993 analysis recommended 170 m³/sec as a 1:100 year return period design flood (Q₁₀₀)

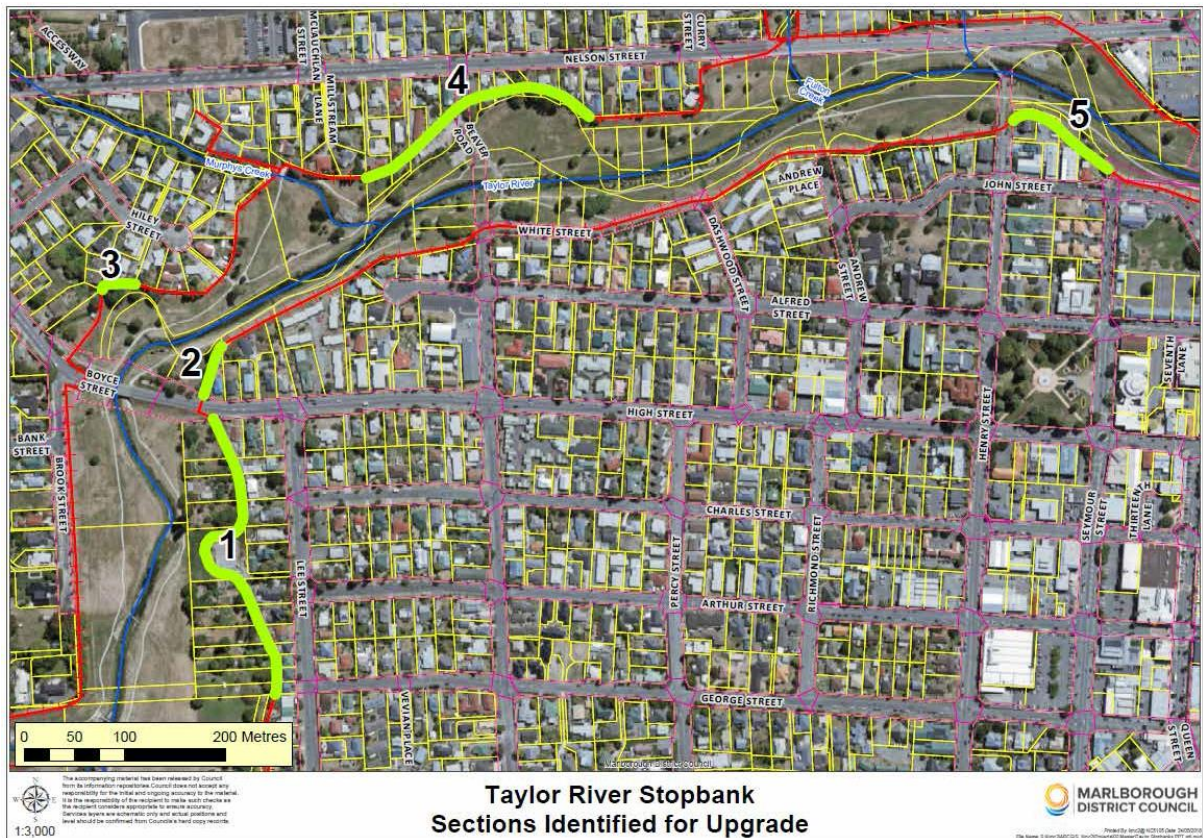


Figure 2: Taylor River stopbank reconstruction sections

General Assessment:

26. In the Lee Street area, moving the stopbank has been talked about with some of the residents and we understand this matter has a reasonable amount of support. However, even if relocated, the stopbank will never be able to be shifted to the existing river reserve boundary as this would narrow the floodway too much.
27. At Lee Street the designated stopbank is currently well back from the river boundary (refer 1 at Figure 2) so the level of control Council needs does significantly limit how a large portion of the private land can be used. This is a historical situation.
28. Council normally designates stopbanks to the landward toe of the nominated stopbank, however, it is noted that given the alignment of the flood purpose designation at this location, this section of stopbank is in this case only protected by the restriction on activities occurring within the 8m yard rule.
29. The flood modelling exercise underway will confirm whether it is technically appropriate to move the stopbank closer to the river. Filling and redevelopment of private land could then be undertaken behind the relocated stopbank.

30. From a construction point of view, relocating the stopbank is a major project that would require all residents to sign up to and agree to new stopbank location, transfer of land and where costs lie. If this work was undertaken, it would allow the Level 3 Flood Hazard Overlay to be uplifted behind the new stopbank. At the same time the Floodway Zone would be removed over the protected area and that land could revert to residentially zoned land.

Recommendation(s):

Reject Submission.

Retain existing Level 3 Flood Hazard Overlay extent identified at Map 23, Vol 4.

Appendix A – Recommended decisions on relief requested

No.	Submission Point	Submitter	Volume	Provision	Recommendation
1	905.1	Lee Street Residents	4	Flood Hazard Area Map 23	Reject