

BEFORE INDEPENDENT HEARING COMMISSIONERS AT HUTT CITY

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

of the hearing of submissions on Plan
Change 56 to the Hutt City District Plan

**STATEMENT OF EVIDENCE OF JOE JEFFRIES
ON BEHALF OF STRIDE INVESTMENT MANAGEMENT LIMITED
(SUBMITTER 470), INVESTORE PROPERTY LIMITED (SUBMITTER
405), OYSTER MANAGEMENT LIMITED (SUBMITTER 179) AND
ARGOSY PROPERTY NO 1 LIMITED (SUBMITTER 189)**

Planning

1 INTRODUCTION

- 1.1 My name is Joe Jeffries. I am an Associate at Barker & Associates, an independent, specialist planning consultancy with offices throughout New Zealand, including Wellington where I am based. I have been in this position since July 2021.
- 1.2 I have a Master of Planning Practice (Hons) from the University of Auckland, and a Bachelor of Arts from the University of Otago. I am an Intermediate member of the New Zealand Planning Institute.
- 1.3 I have over ten years of experience in planning policy and have provided evidence as an expert planning witness on behalf of councils and central government throughout New Zealand. In my current position I have provided expert evidence on behalf of Kāinga Ora on the Proposed Selwyn District Plan on the natural hazards, commercial and mixed use, residential zones, and rezoning topics.
- 1.4 Prior to my current position I was employed as a Senior Policy Planner at Hutt City Council. I was Hutt City Council's lead planner on Plan Change 43 – a full review of the Residential Chapter of the District Plan. This included preparing the section s42a report, acting as the reporting planner through the hearings, and leading Environment Court mediation for Council. I also worked on the early stages of the development of Hutt City District Plan Review including the response to the National Policy Statement on Urban Development 2020 (NPSUD).
- 1.5 I worked as a Policy Planner for Auckland Council between 2012 and 2017. In this position, I gave evidence as an expert witness on the Auckland Unitary Plan on the Precincts and Rural Urban Boundary topics.

2 CODE OF CONDUCT

- 2.1 I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3 SCOPE

- 3.1 This statement of evidence is presented on behalf of Stride Investment Management Limited (Stride), Investore Property Limited (Investore), Oyster Management Limited (Oyster), and Argosy Property No 1 Limited (Argosy). This evidence addresses Stride, Investore, Oyster, and Argosy's submission points, on Hutt City Council Proposed District Plan Change 56 (PC56), as they relate to the recommendations of the Hutt City Council Officer's Report on the plan change.
- 3.2 In preparing my evidence, I have reviewed:
 - (a) The Plan Change 56 provisions.
 - (b) The section 32 report.
 - (c) The section 42A report.

- (d) Summary of information for natural hazard areas. Memorandum of Nathan Geard 18 August 2022.
- (e) Hutt City Probabilistic Tsunami Hazard Maps, GNS Science 2021.
- (f) Tsunami hazard evidence of David Burbidge, GNS. Appendix 9 of the Officer's Report.
- (g) Coastal hazard evidence of Scott Stephens, NIWA. Appendix 7 of the Officer's Report.

3.3 This statement of evidence addresses the following issues:

- (a) Building heights in the Central Commercial Activity Area.
- (b) Building heights in the Petone Commercial Activity Area.
- (c) Building Heights in the General Business and Special Business Activity Areas.
- (d) Natural hazards.
- (e) New provisions sought by Greater Wellington Regional Council.

4 **Overview**

5 The Stride, Investore, Oyster, and Argosy (the submitters) submissions support PC56 in part, particularly to the extent that it enables well-functioning urban environments in accordance with objective 1 of the NPSUD. The submitters seek a number of amendments to PC56 to better give effect to the NPSUD, and to ensure an appropriate balance between addressing natural hazard risk and providing for urban development.

6 **CENTRAL COMMERCIAL ACTIVITY AREA**

6.1 Stride submitted in support of the Central Commercial Activity Centre zoning in relation to Queensgate Shopping Centre. The Stride and Oyster submissions also supported the proposed amendments to the Central Commercial Activity Area to give effect to the NPS-UD including:

- (a) Amendment 211, to the extent that it proposes to delete the current Policy 5A 1.1.1(d) and replaces it with a new Policy 5A 1.1.1(d) that provides for maximising development potential and supporting a quality urban environment.
- (b) Amendments 223 and 235 which remove the maximum building height for buildings, and therefore provide for unlimited building height in the Central Commercial Activity Area.
- (c) Amendment 239, to the extent that it amends the Central Commercial Design Guide to provide consistency with the amendments above.

6.2 In the Officer's Report the reporting officer supports retention of the Central Commercial Activity Area zoning as notified, and recommends no further changes to Amendments 211, 223, 235, and 239. This is consistent with the Stride and Oyster submissions.

6.3 I support the provision of unlimited building heights in the Central Commercial Activity Area and the associated district plan amendments that implement this as set out above, for the following reasons:

- (a) Policy 3(a) of the NPSUD requires district plans to enable “building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification” in City Centre zones, such as the Central Commercial Activity Area, which covers the Lower Hutt City Centre. In my view, this policy direction should be interpreted to mean no building height limits in City Centres.
- (b) Providing unlimited building heights provides greater development capacity for housing and business in accordance with policy 2 of the NPSUD.
- (c) The natural hazard overlays and provisions appropriately address natural hazards, including by requiring mitigation or managing the scale of development where necessary. This means that it is unnecessary to also constrain building heights through the zone provisions as a measure to address natural hazards.
- (d) There is significant public investment planned for the Lower Hutt City Centre, including the Riverlink project, that will improve the quality of urban amenity in the City Centre and provide improved public transport links. These public improvements will improve the viability of development in the Lower Hutt City Centre, and in turn a greater level of development such as that enabled by unlimited building heights will ensure a greater return on the public investment.

6.4 I therefore support retaining Plan Change 56 amendments 211, 223, 235, and 239 as notified and as recommended by the reporting officer.

7 **PETONE COMMERCIAL ACTIVITY AREA**

Building heights

7.1 Investore and Oyster submissions supported the proposed amendments to the Petone Commercial Activity Area to give effect to the National Policy Statement on Urban Development. In particular, Investore and Oyster made the following submission points on the Petone Commercial Activity Area:

- (a) Amendment 261, Oyster supports the removal of Policy (d). Removing Policy (d), which provides for the management of building height, enables development as anticipated in a tier 1 urban environment under the NPS-UD.
- (b) Amendment 274, Investore and Oyster support the removal of the maximum permitted height limit and recession plane. Removing the maximum permitted height limit and recession plane enables development as anticipated in a tier 1 urban environment under the NPS-UD.
- (c) Amendment 280, Oyster supports the deletion of Rule 5B 2.2.2(b) as it will allow alterations and certain additions to buildings as a permitted activity under Rule 5B 2.2.1(l) (see above).
- (d) Amendment 288, Oyster supports the deletion of Appendix Petone Commercial 8. The deletion is necessary to provide consistency with the removal of height limits in Amendment 274 above.

- (e) Amendment 290, Oyster supports the amendment to section 1.7 of Appendix Petone Commercial 2. The amendment is necessary to provide consistency with the removal of height limits in Amendment 274 above.
 - (f) Amendment 294, Oyster supports the deletion of the image and caption from section 2.4 of Appendix Petone Commercial 2. The deletion is necessary to provide consistency with the removal of height limits in Amendment 274 above.
- 7.2 In the Officer's Report the reporting officer recommending retaining the proposed Petone Commercial Activity Area as notified in relation to Amendments 261, 274, 280, 288, 290, and 294 consistent with the Oyster and Investore submissions.
- 7.3 I support the provision of unlimited building heights in the Petone Commercial Activity Area and the associated district plan amendments that implement this as set out above, for the following reasons:
- (a) Policy 3(b) of the NPSUD requires district plans in metropolitan centre zones, to provide for building heights and density of urban form to reflect demand for housing and business use in those locations. PC56 clarifies that Petone is a metropolitan centre. Petone has very high demand for housing and business land due to its high levels of amenity, wide range of services, and the quality of its transport connections.
 - (b) Providing unlimited building heights provides greater development capacity for housing and business in accordance with policy 2 of the NPSUD.
 - (c) The natural hazard overlays and provisions appropriately address natural hazards, including by requiring mitigation or managing the scale of development where necessary. This means that it is unnecessary to also constrain building heights through the zone provisions as a measure to address natural hazards.
 - (d) Providing for greater levels of development capacity through unlimited building heights is consistent with the direction of Policy 30 of the Regional Policy Statement for the Wellington region, which requires district plans to "include policies, rules and/or methods that enable and manage a range of land use activities that maintain and enhance the viability and vibrancy" of the Petone centre (as a regionally significant centre).
- 7.4 I therefore support retaining Plan Change 56 amendments 261, 274, 280, 288, 290, and 294 as notified and as recommended by the reporting officer.

8 HIGH DENSITY RESIDENTIAL ACTIVITY AREA

- 8.1 The Argosy submission seeks for greater intensification to be enabled in Moera, including amendment to the zoning maps to apply the High Residential Activity Area to the residential properties between 39 Randwick Road and Barber Grove.
- 8.2 The reporting officer rejects this submission point on the basis that it "is an invalid use of the ISPP at it does not have a connection to NPS-UD Policies 3 and 4"¹.
- 8.3 I support the Argosy submission and consider that rezoning these properties would be consistent with the zoning of the broader area and consistent with Policy 3(d) of the NPSUD

¹ Paragraph 802 of the Officer's Report.

which requires district plans to enable “building heights and densities of urban form commensurate with the level of commercial activity and community services” within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent). While the Hutt City Council has not implemented the National Planning Standards and introduced these zones yet, in my view the Moera Suburban Mixed Use centre is equivalent to these centre zones and provides a wide range of commercial and community services including a library, primary school, and parks. This area also provides a high level of recreational amenity to support High Density Residential development with access to the Hutt River corridor, as well as a high quality active transport connection to the Lower Hutt City Centre, which is within short cycling distance.

9 **GENERAL BUSINESS ACTIVITY AREA**

- 9.1 The Oyster submission seeks a maximum permitted height of 22m for 75 Wainui Road. Accordingly, the Oyster submission requests that either the permitted building height be increased from 12m to 22m for the General Business Activity Area, or a specific height control overlay of 22m is applied to 75 Wainui Road.
- 9.2 The reporting officer rejects this submission point on the basis that it “is an invalid use of the ISPP at it does not have a connection to NPS-UD Policies 3 and 4”².
- 9.3 Setting aside the issue of scope and the ISPP, which will be addressed by the submitters’ counsel in legal submissions, I support applying a specific height control of 22m to 75 Wainui Road. This would provide for greater development capacity for business in accordance with policies 1 and 2 of the NPSUD. The site at 75 Wainui Road is also separated from any residential properties by the Waiwhetu Stream which means there is limited potential for adverse effects on residential amenity from the increased building height.

10 **SPECIAL BUSINESS ACTIVITY AREA**

- 10.1 The Argosy submission seeks amendment to the Special Business Activity Area to change the permitted maximum building height from 20m to 22m. Again, setting aside the issue of scope, I support this request to increase building height to 22m as this would provide greater flexibility, development capacity, and flexibility of use for business land in accordance with policies 1 and 2 of the NPSUD. It would also provide a level of consistency in building heights across the district plan as this is the same height provided for in large parts of the Suburban Mixed Use and General Business Activity Areas under PC56, rather than providing a number of different but similar heights across the plan.

11 **NATURAL HAZARDS**

Natural Hazards Introduction and Tsunami overlay

- 11.1 The Argosy submission generally supports the introduction to the Natural Hazards chapter (amendment 402) to the extent that it takes an adaptation approach to natural hazards. However, Argosy is opposed to the Coastal Hazard Overlay Hazard Ranking table in the introduction. The Argosy submission states:

Argosy opposes hazard rankings being attributed to the various natural hazards. It does not have a practical implication to attribute hazard rankings to the natural hazards and is inappropriate.

² Paragraph 802 of the Officer’s Report.

For example, the Coastal Hazard Tsunami Overlay covers a large part of the Hutt City, including most of Petone, Moera and Seaview. Due to the nature of a tsunami, with high impact but low probability, it is considered that it should not have a rating, but if it does, the greatest risk rating should be 'Low'.

....

Further, as noted above, it is unrealistic to provide that mitigation can address the impacts from coastal hazards. It is not appropriate or practical to require mitigation for tsunami risk based on the likelihood of an event occurring, and the inability to mitigate this type of event.

- 11.2 The Argosy submission accordingly seeks deletion of the hazard rankings, or alternatively to reduce the hazard ranking for all tsunami hazards to 'low' to reflect that it is difficult to mitigate the risk of a tsunami.
- 11.3 The Officer's Report does not recommend any further changes in regards to the introduction the Natural Hazards chapter or the Coastal Hazards Overlay or the overlays. The reporting officer rejects the Argosy submission in relation to Coastal Hazard Overlay Hazard Ranking, on the basis that the Tsunami and Inundation experts (David Burbidge and Scott Stephens) do not recommend any specific changes to the hazard maps. However in my view, these statements of evidence do not appear to support the officer's position.
- 11.4 The Statement of evidence of David Burbidge on Tsunami Hazard states the following on the Argosy submission:

The Hutt City Council have sought advice as to whether the below requested changes are appropriate from a technical perspective in particular in terms of the identification and mapping of the Coastal Hazard Overlay – Tsunami.

...

The scope of our report was to produce probabilistic tsunami inundation for three annual probabilities of exceedance. This modelling does not consider the potential mitigation of tsunami risk as a factor. The hazard rankings were not provided in my report and I am not qualified to comment on the appropriateness of the land use provisions.

- 11.5 The coastal hazard evidence of Scott Stephens, NIWA states:

Several submissions concern the "high" and "medium" nomenclature used for the coastal inundation layers. NIWA did not use the terms "high" nor "medium" when describing the mapped scenarios. In my opinion the terms high and medium could cause confusion. The high layer could alternatively be described as a "no sea-level rise" scenario and the medium layer as a "sea-level rise in the year 2130" scenario".

- 11.6 As neither the reporting officer, the tsunami hazard expert David Burbidge, nor the coastal hazard expert Scott Stephens have addressed the substance of Argosy's submission in relation to the natural hazard rankings and overlays, there is no substantive justification available for the reporting officer's rejection of the relevant Argosy submission point.
- 11.7 Though this information was difficult to glean from the proposed natural hazard provisions, section 32 report, and Officer's Report, and acknowledging my lack of specific natural hazard expertise, it appears that different standards have been applied to identify areas as different

categories of Tsunami and Coastal Inundation hazards respectively. My understanding is that the “high” coastal hazards ranking for tsunami under the notified version of PC56 is based on a 1:100 year event *plus* 1m of sea level rise, while the “high” hazard ranking from Coastal Inundation is based on a 1:100 year event at current sea levels. I have set out my understanding of the basis for the ranking of coastal hazards in the table below. This is informed in part by the statements of evidence of David Burbidge and Scott Stephens.

	Coastal Inundation	Tsunami
High	1:100 year storm at existing sea levels. ³	1:100 year event at current MHWS plus 1.0m of sea-level rise. ⁴
Medium	1.5m Relative Sea Level Rise and 1:100 year storm tide and wave setup. ⁵	1:500 year event at current MHWS plus 1.0m of sea-level rise. ⁶
Low	n/a	1:1000 year event at current MHWS plus 1.0m of sea-level rise. ⁷

11.8 It is not clear why an inconsistent approach should be applied regarding sea level rise to ranking tsunami hazards compared to coastal inundation. This inconsistency would mean that a lower probability tsunami event receives a “high” hazard ranking compared to higher probability coastal inundation. If my understanding of the basis for the different coastal hazard rankings is correct, the hazard ranking of coastal hazards does not reflect the relative probability of a tsunami event in comparison to other hazards such as coastal inundation. This inconsistency in approach may explain the significantly greater number of properties affected by the High Coastal Hazard Area – Tsunami (458), than the High Coastal Hazard Area – Inundation (4)⁸.

11.9 While there are limitations with grouping different hazards into categories such as high, medium and low, I can understand the intention behind this in providing a simplified basis for understanding the level of risk and to provide a “handle” around which to formulate the corresponding district plan rules. This handle for referring to multiple different hazards reduces the need for multiple variations of similar rules. However given the limitations to this approach and the potential for confusion and misrepresentation of probabilities, this approach should only be adopted where every effort is made to treat the different natural hazards consistently. In my view this standard has not been met, and the natural hazard ranking table and overlays present a misleading and confusing picture of the nature of the different coastal hazards, particularly tsunami.

11.10 I therefore recommend making amendments to the natural hazards introduction to delete the table of respective hazard rankings of coastal hazards. I also recommend renaming the tsunami and coastal inundation overlays around the information they are based on, (for

³ Page 2, Summary of information for natural hazard areas. Memorandum of Nathan Geard 18 August 2022.

⁴ Figure 4.2, page 18 Hutt City Probabilistic Tsunami Hazard Maps (attached to section 32 report). Also referenced in paragraph 13 of David Burbidge’s evidence attached to the Officer’s Report as appendix 9.

⁵ Plan Change 56 Amendment 404.

⁶ Figure 4.4, page 20 Hutt City Probabilistic Tsunami Hazard Maps (attached to s32).

⁷ Figure 4.6, page 22 Hutt City Probabilistic Tsunami Hazard Maps (attached to s32).

⁸ Appendix 10 of the Officer’s Report.

example '1:100 year event at current MHWS') rather than 'high', 'medium', or 'low'. Finally I recommend making consequential changes to the policies and provisions of the natural hazard chapter that refer to coastal hazards to reflect the changes to the overlays recommended above, and to ensure that these appropriately address the different natural hazards in a way that is specific to those hazards. I have not included these amendments in the table attached to my statement because I consider they should be informed in the first instance by the relevant hazard experts following a consistent consideration of the risk posed by each hazard.

11.11 These recommended changes will ensure that the overlays and provisions accurately reflect the relative probability of different natural hazard events including tsunami, and will ensure that the corresponding policies and rules enable different natural hazards to be addressed in ways appropriate to the specific risks posed by that natural hazard.

Natural Hazards Provisions Amendments Sought

Objective 14H 1.1

11.12 The Investore submission opposes Objective 14H 1.1 and the requirement to avoid or reduce risks from natural hazards and coastal hazards. The Investore submission states that this objective is onerous and fails to recognise that some hazard risks cannot be avoided or reduced. Investore seeks that this objective is amended to recognise that it is acceptable that risks are also "not increased".

11.13 The Argosy submission also seeks amendments to Objective 14H 1.1 to recognise that it will not always be possible to avoid or reduce risk. According to the Argosy submission:

It is appropriate to recognise that it can also be acceptable that risk is not increased. In particular, it is difficult to provide mitigation measures in relation to tsunami risk, because of the remoteness of tsunami risk and inability to mitigate. Amending this objective as proposed would provide a more workable objective, and would also be consistent with Policy 14H 1.1.

This also appropriately recognises the social and economic benefits of existing development.

11.14 Accordingly, Argosy seeks amendment of Objective 14H 1.1 as follows:

To avoid, ~~or~~ reduce or not increase the risk to people, property, and infrastructure from natural hazards and coastal hazards

11.15 The reporting officer rejects the Investore and Argosy submission points on Objective 14H 1.1 and states:

I do not consider it appropriate to add 'not increased' or replace 'reduce' with 'minimise' in Objective 14H 1.1 as these wording changes would be inconsistent with and not give effect to the Operative Wellington Regional Policy Statement.

11.16 I concur with Investore and Argosy that the notified objective is onerous and fails to recognise that some that some hazard risks cannot be avoided or reduced. However these hazard risks may be reduced to an acceptable level through mitigation such as raised floor levels. In my view Objective 14H 1.1 is inconsistent with the proposed natural hazard policies and rules which are enabling of development through resource consent where the risks can be appropriately mitigated (for example, Policy 14H 1.8, Policy 14H 1.13 and Rule

2H 2.3). As Objective 14H 1.1 applies to all overlays, policies and rules of the Natural Hazards chapter, including low hazard areas, it is important that it states an outcome that is relevant to all provisions of the chapter including those that are enabling of development where the hazard can be appropriately mitigated but not necessarily reduced. Otherwise there is a conflict between this objective and the policies and rules.

11.17 In my view Argosy's requested amendment to Objective 14H 1.1, set out above, is not inconsistent with Objectives 19 and 20 of Regional Policy Statement. While objective 19 of the RPS requires natural hazard risks to be "reduced", Objective 20 of the RPS directs that mitigation measures "do not increase" the risk. In my view Objectives 19 and 20 of the RPS should be read together, and an amended version of Objective 14H 1.1 which refers to "avoid, or reduce or not increase the risk" is consistent with the direction provided by the two RPS objectives.

11.18 I therefore recommend amending Objective 14H 1.1 as requested by Argosy and set out above and in Appendix A.

Policy 14H 1.1

11.19 The Investore submission opposes Policy 14H 1.1 as it seeks to limit development and restrict the use of buildings within the Medium Coastal Hazard Area. According to Investore:

This blanket avoidance approach is an overly onerous response to the potential for natural hazard risk. This approach does not offer any flexibility to recognise that there may be reasonable design solutions to develop or use land in a way that reduces the risks to occupants and does not exacerbate flooding on other properties.

11.20 The Argosy submission also seeks amendments to Policy 14H 1.1. The Argosy submission states:

Argosy seeks amendments to this policy to recognise that it may not be appropriate to limit subdivision, use and development in the medium and high hazard areas. There is significant existing investment in parts of Hutt City subject to these overlays, such as Petone and Seaview, and the position of these areas is fixed. As Hutt City responds and adapts to climate change and other hazard risks, decisions will be made on where retreat occurs and what is protected, but it is anticipated that retreat from these areas is unlikely to occur. Instead, Argosy proposes that these risks should be 'managed'.

11.21 Oyster supports Policy 14H 1.1 to the extent that it provides for subdivision, use, and development that *does not increase the risk* to people, property, or infrastructure. However, Oyster considers that:

"Limiting the scale of subdivision, use, and development" is not appropriate where sufficient mitigation is provided. "Managing the scale of subdivision, use, and development" is more appropriate as it anticipates that risks to people, property, or infrastructure can be mitigated.

11.22 In the Officer's Report the reporting officer rejects these submission points:

I do not agree with amending the word "limiting" to "managing" as development in the medium and high natural hazard overlays and coastal hazard overlays is limited rather than managed (i.e. restricted to two residential units in the coastal hazard overlay). It is effective to limit the scale of subdivision, use and development on sites subject to medium and high risk from natural hazards to achieve the objective of

avoiding or reducing the risk to people, property and infrastructure. I also do not agree with adding "where practical", as if the mitigation is not practical then it questions the appropriateness of the subdivision, use and development in these hazard overlay areas.

11.23 I concur with the Investore, Argosy, and Oyster submissions that Policy 14H 1.1 as notified is overly onerous. In my view it is inappropriate for this policy to refer to "limiting the scale" of development when the natural hazard risk may be mitigated adequately while retaining the same scale of development enabled by the underlying Petone Commercial or General Business zones. As worded the notified version of Policy 14H 1.1 implies that the scale of development should be limited, even where the risk can be mitigated. This is inconsistent with a number of the natural hazard rules and the underlying zoning which clearly enable a certain scale of development where the natural hazard risk can be adequately addressed.

11.24 I partially agree with the reporting officer that there may be some circumstances where it is effective and appropriate to limit the scale of development to address a natural hazard risk, where it is not possible to adequately mitigate the risk through other means such as raised floor levels. However, to ensure that the policy does not require the scale of development to be limited even when there are adequate means of mitigation available, further amendments to the policy are needed.

11.25 Accordingly I recommend amending Policy 14H 1.1 as follows:

Subdivision, use and development reduce or do not increase the risk to people, property and infrastructure by:

1.2 Requiring mitigation for subdivision, use and development that addresses the impacts from natural hazards to people, property and infrastructure in the low hazard, medium hazard and high hazard areas within the Natural Hazard and Coastal Hazard Overlays; and

~~1.2. Limiting~~ Managing the scale of subdivision, use and development on sites within the medium and high Natural Hazard Overlays and the medium and high hazard areas of the Coastal Hazard Overlays where the risk cannot be mitigated by other measures; and

11.26 This recommended amendment would ensure that the scale of development provided by the underlying zoning is not limited where the hazard can be adequately mitigated by other measures. However it still provides council discretion to limit the scale of development where that is the best means of addressing the natural hazard risk.

Policy 14H 1.2

11.27 Investore supports Policy 14H 1.2 because it enables additions to existing buildings where the change in risk is not increased. Investore seeks that this policy (and the associated rule Rule 14H 2.1) are retained as notified.

11.28 Oyster supports Policy 14H 1.2 to the extent that it provides for structures and buildings within the Wellington Fault Overlay where the risk to people and property is not increased.

11.29 I agree with the Investore and Oyster submissions and consider that the notified version of Policy 14H 1.2 appropriately provides for structures and buildings within the Wellington Fault Overlay where the risk to people and property is not increased.

11.30 While the reporting officer recommends a relatively minor amendment to Policy 14H 1.2, I consider that this is consistent with the intent of the Investore and Oyster submissions and

also appropriately provides for structures and buildings within the Wellington Fault Overlay where the risk to people and property is not increased.

Policy 14H 1.8

11.31 Investore opposes Policy 14H 1.8, and provides the same reasoning for opposing this policy as that outlined in relation to its submission on Policy 14H 1.1 above.

11.32 Oyster opposes Policy 14H 1.8 to the extent that it only provides for additions to buildings within the Medium and High Coastal Hazard Area where the risk from the coastal hazard is *low*. According to the Oyster submission:

Policy 14H 1.8 should provide for additions where the risk is not increased to be consistent with other policies in the Natural Hazards chapter. It is appropriate to enable additions to existing investment where the risk is not increased.

11.33 Accordingly Oyster recommends amending Policy 14H 1.8(2) to replace "low" with "not increased or is reduced".

11.34 In the Officer's Report the reporting officer supports Oyster's requested wording⁹:

The request from Oyster Management Ltd to replace "low" with "not increased or is reduced" is supported as it is more consistent with the outcomes expressed in the objectives and is more certain and measurable.

11.35 However, this recommended amendment did not appear in the Officer's recommended amendments to Plan Change 56, which were attached as Appendix 1 to the Officer's Report. It is unclear whether this was intentional or not.

11.36 I agree with the Oyster submission that it is appropriate to enable additions to existing buildings in the Medium and High Coastal Hazard Area where the risk is not increased.

11.37 Additionally I consider that the wording of the proposed policy as notified, specifically "risk from the coastal hazard is low", is problematic as it could be considered that the inherent coastal hazard risk is unable to be changed by a mitigation measure. For example an area identified as high hazard risk could be considered to remain a high hazard risk area regardless of mitigation. The mitigation may lower risk *to the addition to the building* but not alter the inherent risk of the hazard itself. To resolve this potential ambiguity in interpretation, I recommend amending Policy 14H 1.8(2) as follows:

2. The risk to the addition to the building from the coastal hazard is low due to either:

- proposed mitigation measures; or
- the size and the activity of the addition.

....

11.38 In my view this recommended amendment is consistent with the change sought in the Oyster submission and accepted in the text of the Officer's Report (but not incorporated in Appendix 1), but provides additional clarity by specifying the "addition to the building".

⁹ Page 151 of the Officer's Report.

Policy 14H 1.3 and Policy 14H 1.4 Consequential Amendments

- 11.39 The Investore and Oyster submissions support Policy 14H 1.3 to the extent that it provides for additions to buildings within identified Inundation Areas where the risk to people and property is not increased.
- 11.40 The Stride submission supports Policy 14H 1.4 as it provides for additions to buildings within the Flood Hazard Inundation Area Overlay where the risk to people and property is reduced or not increased.
- 11.41 I generally agree with these submissions in relation to Policy 14H 1.3 and 1.4 and support these policies as notified to the extent that they provide for additions to buildings where the risk to people and property is not increased. However, for consistency with the amendment I have recommended to Policy 14H 1.8 above, and for the same reasons, I recommend amending these policies to clarify that part 1 of the policies only applies to the impact on the *addition* to the building.
- 11.42 Accordingly I recommend amending Policy 14H 1.3 as follows:

Provide for additions to buildings that are within the identified Inundation Area, where:

1. The impact on the addition from the 1% Annual Exceedance Probability flood event is low due to either the:

....

- 11.43 And I recommend amending Policy 14H 1.4 as follows:

Only allow additions to buildings that are within the Overland Flowpaths and Stream Corridors, where it can be demonstrated that:

1. The risk to the addition from the 1% Annual Exceedance Probability flood event is low due to either the:

....

Rule 14H 2.6

- 11.44 Oyster supports Rule 14H 2.6 to the extent that 1(a) provides that additions to a building in the Low Coastal Hazard Area are permitted. However Oyster opposes the inclusion of "Low Coastal Hazard Area" in 1(b), as it is unnecessary to provide for specified additions in 1(b) because 1(a) already provides that *all* additions to buildings in the Low Coastal Hazard Area are permitted.
- 11.45 The reporting officer accepts the Oyster submission point and recommends amending 14H 2.6 to delete 'Low Coastal Hazard Area' from point 1(b) in this rule.
- 11.46 I support the reporting officer's recommended amendment and consider that the amended rule appropriately and clearly provides for additions to a building in the Low Coastal Hazard Area as a permitted activity.

Rule 14H 2.10

- 11.47 The Oyster submission supports the restricted discretionary activity status under Rule 14H 2.10 for commercial activities or retail activities that are within the Petone Commercial

Activity Area and the Medium or High Coastal Hazard Overlays that do not comply with the relevant standards.

11.48 The Investore submission opposes Rule 14H 2.10 as part of a package of provisions opposed for the same reasoning as set out under the discussion on Policy 14H 1.1 above.

11.49 The reporting officer rejects the Investore submission point and recommends that the rule is retained as notified.

11.50 While I agree with the reporting officer and Oyster that it is necessary to retain Rule 14H 2.10 to manage risks from natural hazards, as worded the rule implies that *existing* commercial activities within the Medium or High Coastal Hazard Overlays are not a permitted activity unless the conditions are met. This issue with the wording can be addressed by adding "New" in front of "Commercial activities" in 14H 2.10(1). This would clarify that the provision does not apply to existing activities and would make it consistent with the wording of the restricted discretionary rule under 14H 2.10(2). Accordingly I recommend amending Rule 14H 2.10(1) as follows:

1. **New** ~~c~~Commercial activities or retail activities that are within the Petone Commercial Activity Area and the Suburban Mixed Use Activity Area and which are also within the Medium or High Coastal Hazard Overlays are a permitted activity where:...

Natural Hazards provisions supported

Policy 14H 1.5

11.51 The Stride, Investore, and Oyster submissions all support Policy 14H 1.5 and seek that it is retained as notified. I agree with these submissions and consider that it is appropriate to provide for residential and commercial activities within inundation areas where the risk is able to be adequately mitigated.

Policy 14H 1.12

11.52 The Oyster submission supports Policy 14H 1.12 to the extent that it provides for structures and buildings within the Wellington Fault Overlay where the risk to people and property is not increased, and seeks that it is retained. I concur with the Oyster submission and consider that it is appropriate to enable development within the Petone Commercial Activity Area where the risk to people and property is not increased.

11.53 I therefore support the reporting officer's recommendation to retain this rule as notified.

Rule 14H 2.1

11.54 The Investore submission supports Rule 14H 2.1 which provides for all structures and buildings within the Wellington Fault Overlay as a restricted discretionary activity where an engineering report is provided. The Oyster submission supports the restricted discretionary activity status for structures and buildings within the Wellington Fault Overlay that do not comply with the relevant standards.

11.55 In the Officer's Report the reporting officer notes this support for Rule 14H 2.1 and recommends that the rule is retained as notified.

11.56 In my view a restricted discretionary activity status is appropriate to manage the risks arising from proximity to the Wellington Fault. I therefore support the recommendation to retain this rule as notified.

Rule 14H 2.3

11.57 Oyster supports the restricted discretionary activity status for new residential units, commercial activities or retail activities that are within the Inundation Area that do not comply with the relevant standards under Rule 14H 2.3.

11.58 Investore supports the requirement under this rule for higher finished floor levels within areas subject to inundation.

11.59 In my view it is appropriate to provide for the specified activities as a permitted activity where the risk from inundation can be mitigated through floor levels, and to provide for activities that do not meet these conditions to be considered as a restricted discretionary activity.

11.60 I therefore support the recommendation to retain this rule as notified.

12 Greater Wellington Regional Council Submission

12.1 The submission of Greater Wellington Regional Council (GWRC) sought a significant number of amendments to the provisions of PC56. The Investore further submission opposes the GWRC submission in full. I will address some of the specific amendments sought by GWRC below.

GWRC Submission Point 149.56

12.2 GWRC seek the introduction of a rule and associated standard that requires electric vehicle (EV) or e-bike charging stations, including in the Commercial Activity Areas chapter.

12.3 The reporting officer rejects this submission point on the basis of it being out of scope of the plan change.

12.4 Setting aside the issue of scope I do not support the GWRC submission seeking a rule which requires buildings to provide EV or e-bike charging stations. In my view this has the potential to impose costs on commercial development that are not justified by the benefits. The requirement to require EV charging stations is inconsistent with Policy 11 of the NPSUD which prevents a district plan from requiring parking. There is also potential for this requested rule to require the installation of charging infrastructure that become obsolete, particularly regarding e-bike charging. While the District Plan provisions should enable the installation of EV or e-bike charging stations, it would be inappropriate to require this.

GWRC Submission Point 149.57

12.5 GWRC seeks the introduction of a matter of control or discretion for subdivision and comprehensive housing development with a requirement to consider the extent to which the development provides for zero or low carbon, public and active transport modes, including in the Commercial Activity Area chapter.

12.6 I do not support this requested amendment. While the provision of active and public transport modes is important, this is something that is better addressed through public investment and interventions in the public road reserve, including through the council's

infrastructure long-term planning and the Regional Land Transport Plan. There is a limited ability for private development to influence active and public transport in isolation, and in my view this requested provision has the potential to add unnecessary and inappropriate administrative costs on to property owners.

13 **Conclusion**

- 13.1 In my view PC56 as amended by the recommendations set out in this statement of evidence appropriately balances providing for development with addressing natural hazard risk, will give effect to the objectives and policies of the NPS-UD, will contribute to well-functioning urban environments, and is consistent with the purpose and principles of the Resource Management Act 1991.

Joe Jeffries

29 March 2023

Appendix A - Proposed Text Changes

Black Text – Original wording of the proposed plan change

Blue Text – Officer's recommended changes, as set out in the Council Officer Report

Red Text – Additional changes proposed by Stride, Investore, Oyster or Argosy.

Natural Hazards	
14H 1 Objectives	
AMENDMENT 410 Objective 14H 1.1	To avoid, or reduce <u>or not increase</u> the risk to people, property, and infrastructure from natural hazards and coastal hazards.
14H 1 Policies	
AMENDMENT 411 Policy 14H 1.1	Subdivision, use and development reduce or do not increase the risk to people, property and infrastructure by: <p style="margin-left: 40px;">1.2 Requiring mitigation for subdivision, use and development that addresses the impacts from natural hazards to people, property and infrastructure in the low hazard, medium hazard and high hazard areas within the Natural Hazard and Coastal Hazard Overlays; <u>and</u></p> <p style="margin-left: 40px;">4.2. Limiting Managing the scale of subdivision, use and development on sites within the medium and high Natural Hazard Overlays and the medium and high hazard areas of the Coastal Hazard Overlays <u>where the risk cannot be mitigated by other measures. and</u></p>
AMENDMENT 413 Policy 14H 1.3	Provide for additions to buildings that are within the identified Inundation Area, where: <p style="margin-left: 40px;">1. The impact <u>on the addition</u> from the 1% Annual Exceedance Probability flood event is low due to either the:</p> <ul style="list-style-type: none"> • incorporation of mitigation measures; • size of the addition in relation to the existing building; or • type of activities undertaken within the addition; and <p style="margin-left: 40px;">2. The risk to people and property is reduced or not increased from the 1% Annual Exceedance Probability Flood.</p>
AMENDMENT 414 Policy 14H 1.4	Only allow additions to buildings that are within the Overland Flowpaths and Stream Corridors, where it can be demonstrated that: <p style="margin-left: 40px;">1. The risk <u>to the addition</u> from the 1% Annual Exceedance Probability flood event is low due to either the:</p> <p style="margin-left: 40px;">....</p>

<p>AMENDMENT 418 Policy 14H 1.8</p>	<p>Enable additions to buildings within the Medium Coastal Hazard Area and High Coastal Hazard Area, where</p> <ol style="list-style-type: none"> 1. They enable the continued use of the existing building; and 2. The risk <u>to the addition to the building</u> from the coastal hazard is low due to either: <ul style="list-style-type: none"> • proposed mitigation measures; or • the size and the activity of the addition.
<p>14H 2 Rules</p>	
<p>AMENDMENT 434 Rule 14H 2.10</p>	<ol style="list-style-type: none"> 1. <u>New</u> Ccommercial activities or retail activities that are within the Petone Commercial Activity Area and the Suburban Mixed Use Activity Area and which are also within the Medium or High Coastal Hazard Overlays are a permitted activity where: <ol style="list-style-type: none"> a. The activity does not involve the construction of a building that would be occupied by more than 10 employees of the activity, or any members of the public; or b. The activity does not involve the conversion of an existing building into a building that would be occupied by more than 10 employees of the activity, or any members of the public.