

Officers' Verbal Right of Reply

Hutt City Proposed District Plan Change 56: Enabling Intensification in Residential and Commercial Areas

28 April 2023

Introduction

1. First of all, I'd like to acknowledge all the submitters, experts, and support people who've taken the time to put in their submissions or come to speak to the panel and provide their input. The 275 submissions on the plan change is a record for an HCC plan change, there's a lot of public interest and that's not surprising.
2. This is the preliminary verbal right of reply of reporting officers, based on the written and verbal evidence presented by submitters. Some of the information has only been received recently, including some submitters only appearing today, and some information is yet to come, so some matters may be changed in our final written reply. We will note some specific significant issues in that category as we go through. We will also be working with submitters on some detailed points which we will confirm in the written reply. We also need to consider integration across the plan change and operative district plan.
3. This preliminary response also applies to our legal and technical advisors who will be giving some further consideration to matters and reviewing evidence further.
4. The Hearing Panel has also requested information or a response on specific matters which we will provide as part of the written right of reply. Some of these matters will be covered in this verbal right of reply due to the importance to our overall response.

Overall Approach

5. The purpose of the plan change is summed up in the title – “enabling intensification in residential and commercial areas”. The statutory purpose under the RMA is clear – to give effect to NPS-UD policies 3 and 4, and the plan change may also update provisions for financial contributions, which Council has done, for papakāinga, which it has not, and may provide supporting and contributing provisions.
6. It is a big change to the status quo planning approach and likely to result in a substantial change to development outcomes. This is what is intended by the national direction, and it is clear what that direction is trying to direct.
7. As Kāinga Ora put it, this means a change in mindset. It's a change in how we consider amenity values, and acknowledging that the RMA considers them important, but it doesn't say they need to remain the same. The other is the need to consider the interests of people who do not yet live in an area, not just those who already do. The plan change will give more people opportunity to live in locations that already have good active and public transport access to community facilities, commercial services, employment, education, and other amenities.
8. There is a lot of other things that can or should change in our resource management system to accompany this and submitters have requested a number of these. Some of these are “supporting or consequential” provisions allowable through the streamlined planning process, and some are not. However, the council has chosen a minimalist approach. I think this is appropriate, given the lack of appeal rights, the limited ISPP scope causing integration issues, and Council's forthcoming full plan review.

Strategic Direction

9. The plan change primarily updates the plan's management approach to the urban environment and so the proposed plan change adds a new section of strategic direction on this issue. This new section primarily sums up the plan's approach to implementation of the NPS-UD and MDRS.
10. I support taking a "principled approach". This is to apply Policy 3 first, and then apply Policy 4 qualifying matters by reducing building heights as necessary. The urban environment strategic direction should outline this.

Policy 3 and MDRS

11. Council has the freedom to choose to do more than the minimum required by Policy 3 and some submitters have requested this. In my view, there are three main reasons to do so:
 - a. If there are not significant adverse effects of providing extra height and density,
 - b. to provide sufficient development capacity, or
 - c. to steer the location of development by encouraging development in a particular area.
12. This last point is the only one where there is enough information to act in this plan change. Unlimited building heights in Petone West and policy support for taller buildings in Waterloo and Naenae is an encouragement from Council that these locations are particularly well suited for intensification.
13. Submitters had varying views on how to address walkable catchments for Policy 3(c). There are several choices to be made based on the distances selected and method of modelling walking routes. Council's starting point is a clear and comprehensible method that it can justify to the community as fair. However, this modelling approach creates a need to "round out" boundaries, given the uncertainties and approximations in the modelling and wanting to avoid arbitrary seeming boundaries. This is inevitably done "by hand".
14. This approach only needs to be a starting point. While the result still must meet those tests of being "walkable" and a "catchment", it can be a judgement call based on other specific local evidence. However, this still needs to be justified in terms of procedural fairness, treating like situations equally, and natural justice. As for what this means in specific situations we'll be responding to these requests in the written right of reply.
15. The consideration of topography in walkable catchments is also somewhat crude but it gets the job done as a starting point. The only area where it makes a significant difference is in the lower reaches of the Western Hills and it is possible to apply individual judgements there.
16. Submitters had various views on Policy 3(d). This part is not explicit as the rest of Policy 3 but it is still just as directive. The key word is "commensurate" and Council needs to have a defensible overall approach, even if there's individual judgement calls. This policy requires comparing centres to each other and having a reason for any differences between or within centres. The final implications of this we'll work together with Kāinga Ora on.

Policy 4

17. There was no significant contention from submitters over the basic strategic approach to qualifying matters, as it essentially falls out of the individual qualifying matter decisions. The key matter in contention is whether the qualifying matter overlays should be accompanied with downzoning of the base zones.
18. Hamish will comment on this issue as part of the natural hazards response.

Interpretation

19. Part of the plan change is an interpretation exercise in the NPS-UD. Several submitters raised alternative interpretations around the treatment of whether there were equivalent areas to a “city centre” or “metropolitan centre”.
20. In my view, this is an exercise in interpreting the current policy approach of the district plan and regional policy statement, as this is what would be occurring had the plan already adopted the National Planning Standards. The Council needs to compare the descriptions of the zones in the operative plan and the operative regional policy statement and select the equivalent zone in the national planning standards. Based on the descriptions in the national planning standards, I think this is clear that Central Commercial is a city centre zone and Petone Commercial is a metropolitan centre zone.
21. This interpretation does not preclude the Council from changing the status of these centres in a future plan change using a different Schedule 1 process.
22. Given the feedback of many submitters on Hill Residential areas, I would like to clarify our position on this, which remains that of the notified plan change. Hill Residential is not a relevant residential zone, but it is part of the urban area. Therefore, our position is that where part of the Hill Residential area falls within Policy 3, it *needs* to be upzoned, but where it does not, it *cannot* be upzoned in this process.

Other

23. In terms of possible new strategic direction, there was a lot of material submitted by Wellington Regional Council, and we need to go over this in detail and so we will cover it in our written right of reply.
24. I'll ask Stephen Quinn to comment on the scope issues raised by the regional council.
25. With regards to implementing the National Policy Statement on Freshwater Management, I think we need to consider the risk of acting or not acting in giving effect to it now, how much it can be enacted within the IPI process, the scope of the plan change as notified, and whether the regional-level policy direction is clear enough yet to do this.
26. This comes down to the more general point of how much weight to give Proposed Change 1 to the Regional Policy Statement. This change has yet to have a hearing, and will not before the panel needs to make its recommendation. There are a significant number of submitters including Hutt City Council with substantial concerns over a lot of the detail in that change, and it is premature to think we can be confident about the final form the Regional Policy Statement will take.

Residential

Effects on Liveability and Amenity

27. Many submitters have raised concerns at this Hearing about the effects on liveability and amenity of residential areas. Concerns raised include:
 - a. The provision of private and public greenspace
 - b. The retention of mature vegetation
 - c. Increased on-street car parking and subsequent traffic safety and efficiency effects
 - d. The provision for and safety of pedestrians, cyclists, and public transport
 - e. General amenity effects on private properties and residents, such as privacy, sunlight, overlooking, setbacks, noise, and road clutter (such as rubbish and recycling bin collection)

- f. The disconnect and potential conflict between existing low density residential houses and new neighbouring medium and high density housing
 - g. Potential social effects, such as loss of community identity, unsafe urban design, the creation of “ghettos”, and lack of space for children to play outside
 - h. The potential strain placed on existing built infrastructure and social infrastructure, facilities, and services. Increased density will result in an increased need for these services to create a liveable urban residential environment that supports residents’ wellbeing.
28. We acknowledge these concerns, but also note that the MDRS imposes minimum development standards that Council is unable to alter, unless they are altered to be more permissive of development.
29. However, there are some standards that Council does have discretion over to improve liveability and design outcomes. Some of the specific standards raised by submitters that Council will further consider are site permeability, height-in-relation-to-boundary planes, and design guides.
- a. Regarding site permeability, we acknowledge that there are potential benefits for stormwater management, water sensitive urban design, and nature-based solutions, as well as improved ecological, visual, and amenity outcomes from modifying the site permeability standard as set out by GWRC, Pam Crisp, and Molly Mellish. We will consider this matter further and address it more fully in our written right of reply.
 - b. The evidence presented by Kāinga Ora will require further consideration, particularly the proposal to modify the height-in-relation-to-boundary planes. We will consider these in conjunction with Kāinga Ora, and address our resulting position in our written right of reply. The request from Wayne Donnelly to modify the location of the height-in-relation-to-boundary plane in relation to right-of-ways to improve pedestrian safety and amenity generated from space around buildings will also be considered further.
 - c. Design Guides are a useful tool for accomplishing desirable urban design outcomes. As the Design Guides sit outside the District Plan, it is also important that the policies and Design Guides align and complement each other for efficient resource consent processes. The Council acknowledges that the Design Guides need updating to better support good medium density and high density design outcomes, but due to the quantum of work required and short timeframe of this IPI process, this work may be deferred to the full District Plan review.
30. Regarding retention of mature vegetation, there are existing rules in the Operative District Plan that restrict the removal of indigenous vegetation (trees and shrubs) that are proposed to be carried over to the residential zones in PC 56. These rules were incorporated as a result of a change to the RMA that limited the types of rules District Plans can contain to protect vegetation in urban areas, which means Council has limited discretion to modify these rules within the existing framework.
31. These rules permit the removal of trees and shrubs within an ‘Urban Environment Allotment’, which means the removal of indigenous vegetation is permitted on a high number of properties in the Medium and High Density areas, unless a tree or group is specifically listed as a Notable Tree in the District Plan. However, it is also noted that the development standards “outdoor living space” and “landscaped areas” in the Medium and High Density areas consider retention of mature trees and vegetation where a development does not meet the minimum standards.
32. Our last point to address the liveability concerns raised by submitters, we note there are many other measures outside the District Plan that Council can use to improve liveability of communities in public spaces rather than imposing requirements on private properties via the District Plan. These measures can include providing for more and improved public greenspaces, improving amenity and vegetation in the roading corridor, or providing other community services and amenities.

Requested Additional or Specific Matters

33. Next, several submitters proposed new or amended development standards, such as introducing a maximum permitted house size, incentivising site amalgamation, tightening matters of discretion, modifying notification preclusions, and wording amendments for clarity. As these requests are detail-oriented, we will specifically address these in our written right of reply.
34. The Retirement Villages Association and Ryman Healthcare Ltd proposed a suite of new provisions to better provide for retirement villages in residential zones, including adding a new objective and a new policy, splitting the rule for retirement villages into two components (activity and construction), amending the matters of discretion for the retirement village rule, and removing the reference to the Design Guides for retirement villages.
35. The submitter also raised issues with how financial contributions currently apply to retirement villages. Issues relating to Financial Contributions will be covered later in this verbal reply.
36. Firstly, there is a question of scope as to whether specific provision for retirement villages is within the scope of an IPI, and whether this request is within the scope of this specific Plan Change. Mr Quinn will comment on this scope question.
37. Secondly, as the proposed amendments overhaul the management regime for retirement villages in the District Plan, there is a question as to whether this matter is better addressed as part of the full District Plan review to enable better drafting and consistency when the management regime for other residential activities will also be reviewed.
38. Due to the detail required, an assessment of the merits of the Retirement Villages Association's and Ryman Healthcare Ltd's proposed changes, as well as the questions of scope and whether these requested changes are better addressed as part of the full District Plan review will be addressed fully in our written right of reply.
39. The amended position of Kāinga Ora in its evidence was extensive and merits further consideration. Council officers are happy to work through these matters with Kāinga Ora and come to an agreed position where possible, note where there are differing positions and why, and provide statements detailing these matters to the Panel. The primary matters to address in these discussions will be the spatial extent of zones, building heights, and specified key topics including heritage, urban design, and non-notification clauses for specific development standard breaches.

Railway Corridor Setback

40. With regard to the request from KiwiRail to impose a 5m building setback from the boundary of the railway corridor, we will wait for the further information requested from KiwiRail to arrive before responding in full in our written right of reply.

Rezoning Requests

41. Submitters also made several rezoning requests.
 - a. Douglas Shepherd questioned whether Natusch Road should be zoned Medium Density given the narrowness of the road access.
 - b. Rebecca Leask and Mike Stewart questioned whether Rakeiora Grove should be zoned High Density given the development and walkability constraints relating to slope instability and steepness.
 - c. Regarding these areas, we will undertake a "sense-checking" exercise in conjunction with Kāinga Ora as appropriate to determine whether these areas require different zoning due to their individual constraints.
 - d. Alison Thwaite requested that Manor Park be rezoned from High Density to Medium Density given the position of the fault hazard overlay across much of the suburb. This is potentially a unique situation for "down zoning" in response to a natural hazard risk

given the isolated location of Manor Park. We will consider this request further and report back in our written right of reply.

- e. Stride Investment Management Ltd, Investore Property Ltd, Oyster Management Ltd, Argosy Property No 1 Ltd requested that the area between Barber Grove and Randwick Road in Moera be rezoned from Medium Density to High Density. This area was incorporated into the High Density Area under Policy 3(d), being “adjacent” to a centre. The zoning boundary was drawn in its current position in accordance with the approach taken across the rest of the district to avoid splitting zoning over blocks. However, given the positioning of the school south of Barber Grove, it is considered that this area could also provide a clear delineation of the zoning boundary between High and Medium Density, and the properties on the south side of Barber Grove could be included in the High Density Area. We will report back with a final position in our written right of reply.
 - f. The York Bay Residents Association pointed out that an unusual zoning pattern has been applied on the York Bay residential sites, which appears to be a result of carrying the zoning pattern over from the Operative District Plan. The Association requests that there be no Medium Density Residential zoning in York Bay due to the steepness of the residential sites and the vulnerability of the access road. Regarding the single access road into the Eastern Bays, this will be discussed further in the Natural Hazards section of the right of reply. Regarding the unusual zoning pattern being carried over from the Operative District Plan, we acknowledge this unusual pattern for these sites. However, as this is an intensification plan change and there is no qualifying matter within the Plan Change to apply to these sites to “down zone” them, the slope and potential rezoning of these sites can be better considered as part of the full District Plan review.
42. Several submitters also requested rezoning Hill Residential sites, which raises a legal question which Mr Quinn will speak to.
 43. Aside from the question of scope, we will consider the individual merits of 23A McGowan Road, the Silverstream Retreat site, and areas around Antrim and Pencarrow Crescent in Wainuiomata for rezoning from Hill Residential to Medium Density. However, we also note that Hill Residential sites are usually so zoned due to their topography, and some of these sites also have partial Significant Natural Resource overlays.
 44. Lastly, we will further consider the High Density zoning around central Wainuiomata, Stokes Valley, and Eastbourne given the lack of public transport services, the limited transport access into these suburbs, and subsequent resilience issues. We will work with Kāinga Ora to confirm whether the zoning is better to remain at High Density with a height restriction, or whether applying Medium Density with a building height uplift is more appropriate.

Commercial and Other Non-Residential Activity Areas

45. The key decisions in commercial areas flow out of the choices made on strategic direction and the approach to Policy 3 – particularly the interpretation questions around city and metropolitan centres.
46. Submitters raised several technical points around commercial and other non-residential activity areas that we will respond to in our written right of reply.
47. Key issues where we are still formulating a final position are on the interaction with natural hazard overlays, the treatment of Petone Commercial Area 1 outside the heritage area, the application of Policy 3(d), and the design guides.

Subdivision

48. For the Subdivision Chapter, detailed and provision wording matters were raised at the hearing, as well as consequential amendments associated with relief sought to strategic direction, historic heritage and natural hazards chapters. These matters will be addressed in the written right of reply.

Financial Contributions

49. The Retirement Villages Association and Ryman Healthcare were the only submitters at the hearing to specifically address the proposed changes to the financial contribution provisions. They sought greater clarity and certainty in these provisions, as well as seeking specific recognition for retirement villages. The Hearing Panel asked these submitters to provide additional information in the form of specific requested amendments to the financial contributions. We will consider these specific amendments in the written right of reply, including participating in expert conferencing if directed by the Hearing Panel.
50. The Hearing Panel sought information to better understand how the current financial contributions are implemented. This information will be included in the written right of reply.

District-Wide Matters

51. District-wide matters were not proposed for significant change due to the council's minimalist approach. The changes were only consequential.
52. However, one issue raised by a submitter probably needs some comment. That is the request by KiwiRail to expand the buffer area for noise reverse sensitivity protection. There is first of all a legal question around scope and I'll get Stephen Quinn to comment on that.
53. However, as the panel has requested, I'll also comment on the merits. As KiwiRail are still expected to supply additional information, we will respond to this matter in our written right of reply.

Wind

54. Wind was not a significant issue in the hearing. We will respond to the few specific points on wind in the written right of reply.

Heritage Buildings, Structures and Precincts

55. Heritage, on the other hand, was one of the issues discussed most in the hearing.
56. Submitters and commissioners raised the distinction between heritage and character. In my view the distinction between these two is significant. Heritage is those historic places that provide an understanding and appreciation of our history and culture. To qualify as heritage, places need to meet the definition in the Act, and we have relied on the test in Regional Policy Statement Policy 21 to inform this.
57. By contrast, character is a question of amenity under section 7 of the RMA, even to some degree if it arises from people enjoying the look of old buildings.
58. For this plan change, the council took the view, and I agree, that heritage is a matter of national importance and justifies limiting building height, density, and development capacity. Character on the other hand is not a qualifying matter. It is a relevant issue to consider in a plan but does not justify departing from the intensification requirements of NPS-UD Policy 3 and the MDRS.

59. This distinction is also one with legal ramifications and I'll ask Stephen Quinn to comment.
60. Submitters questioned whether the proposed new heritage areas should include controls on demolition and alterations. I agree that this is necessary to adequately protect the area. However, the IPI is limited to controlling height and density, so those wider controls cannot be introduced in this process, they can only be introduced through a standard Schedule 1 plan or plan change.
61. I note submitters concerns about the impacts on property values and the ability to get insurance. We'll be providing our response to those issues, including how the Council's heritage funding works, in our written reply.
62. Submitters also had concerns around the consultation process for identifying heritage items. We will provide details on the process and timeline of the engagement council has done with our written reply, and I'll also ask Stephen Quinn to comment on the legal issue raised by the Voluntary Heritage Group about whether the consultation met the requirements of s82 of the Local Government Act.
63. One area where the Council and ourselves have not provided evidence is on one notable issue for historic heritage which is part of the RPS Policy 21 test. This is the significance of historic heritage items to tangata whenua. This part of the heritage work is progressing as part of the overall assessment of sites of significance to Māori in Council's full plan review, and the evidence is simply not complete enough yet to inform this plan change. We will provide a fuller description of the status of this work in our written reply.
64. Chessa Stevens will comment on four issues raised by submitters:
 - a. Whether a heritage area can qualify if it has no individual buildings or sites listed with heritage values specific to that site.
 - b. Her views on the significance of Beach and Bay Streets to the Petone Foreshore Heritage Area given the comments of submitter Laura Skilton at the hearing,
 - c. Her views on how the proposed heritage items reflect an overall picture of the heritage of Lower Hutt including different periods in time, and
 - d. How the level of modification to buildings and their condition was considered in her assessments of heritage areas.

Natural Hazards

Coastal Hazards

65. There are two primary matters for coastal hazards; firstly, identifying (spatial mapping) and categorising coastal hazards for land use planning purposes; and secondly, the planning approach for coastal hazards. PC56 proposes to introduce mapping (overlays) and plan provisions for two types of coastal hazards, namely coastal inundation and tsunami.
66. The Hearing Panel sought further comment from Dr Stephens on the Ministry for the Environment interim guidance¹ relating to use of new sea-level risk projections for land use planning, and what scenarios should be used for what purpose in relation to intensification of existing urban areas. Dr Stephens' response to this request is attached separately to this document.
67. The Hearing Panel queried the two different sea level rise figures used in the modelling for coastal inundation (1.5m) and tsunami (1.0m). Dr Stephens has responded to the sea level rise figures used for coastal inundation and Mr Burbidge has responded for tsunami.
68. Considerable evidence was presented at the hearing on coastal hazards. We need time to work through this evidence to formulate a response. To provide the Hearing Panel with our

¹ Ministry for the Environment. 2022. Interim guidance on the use of new sea-level rise projections.

initial thinking, we have considered the risk of acting or not acting based on the currently available information. Based on the MfE guidance and the high risk to people and property from these natural hazards, the risks of acting in the form of restricting development opportunities, in our opinion, outweigh the risks of not acting. The benefits of acting are protecting additional people and property from these coastal hazards. The costs of acting are reduced development opportunities and the economic and social benefits associated with these opportunities.

69. We will address the form of acting in the written right of reply, including an evaluation of the benefits and costs, and higher level policy direction and national guidance. We also note that responding to coastal hazards will require measures outside of the District Plan.
70. Regarding the single access route in and out of the Eastern Bays, the Hearing Panel queried whether a qualifying matter could relate to access to an area, or whether the qualifying matter needed to directly apply to the subject land. Mr Quinn will comment on this matter.
71. Turning to the merits of this matter, we understand sea level rise and coastal hazards has been a key consideration with the design and construction of the Eastern Bays Shared Path. This shared path is proposed to improve both movement for active transport modes and the resilience of this route to sea level risk and coastal hazards. We understand the original design concept for this project was based on a sea level rise of 1.0m. In addition, the design and construction for this project enables it to be adapted in the future for higher sea levels. We will provide additional details in the written right of reply on this project.
72. Once we have this information, we will undertake a similar exercise of weighing up the benefits and costs, and risk of acting or not acting for this location and circumstances. This evaluation includes further analysis of the reduction in development capacity in the Eastern Bays if intensification was to be avoided or limited in this part of the city due to the vulnerability of this access route.
73. Lastly on natural hazards, depending on the outcome of the further evaluations to be undertaken, if the outcome is to avoid or significantly restrict intensification in hazard areas, we will give further consideration to the relationship between zones and natural hazard overlays. For example, if intensification is to be avoided in High Hazard Areas, we will review whether it still appropriate for these areas to also be zoned High Density Residential Activity Area.

Flood Modelling and Mapping

74. The Hearing Panel sought additional information or responses from Mr Osborne on various matters relating to flood modelling and mapping, which the Panel has received.
75. Mr Osborne has responded from a technical perspective to the supplementary information from Elliott Thornton for Cuttriss Consultants about the terminology used for describing flood hazards. We will consider this advice in preparing the written right of reply.
76. Another query from the Hearing Panel was comment on the level of flood protection for the Hutt River, and whether this level of protection has changed in light of the findings in the rapid study about rainfall statistics of Cyclone Gabrielle. The Hutt River flood protection scheme is managed by Greater Wellington Regional Council. In response to this query, the Regional Council's Flood Protection Team have advised the following:
 - *Rainfall depths such as those experienced around the headwaters of Esk Valley (~500mm in ~24 hours) in ex-Tropical Cyclone Gabrielle could be possible in headwaters of Hutt City Catchments, if an ex-Tropical Cyclone event tracked more directly over the Wellington Region. Factors such as wind direction would play a large role in how much and where rain would fall.*
 - *500mm rainfall would likely stress the Hutt River Scheme to its limits and exceed its current form. This is why carrying out the upgrades outlined in the Hutt Valley Flood Plain Management Plan (HRFMP) is critical.*

- *An ex-Tropical Cyclone would also cause significant flooding from smaller watercourses including the Wainuiomata River, Waiwhetu Stream as well as widespread surface/stormwater flooding.*
- *Even with the proposed upgrades in HRFMP we anticipate this sort of event would be very close to or exceed the capacity of the Hutt River scheme.*
- *GWRC is to provide updated flood hazard maps for the Hutt City District Plan Review for the Hutt River. These maps will include mapping of areas of residual flood hazard. These are areas that would likely flood were an event to exceed or breach the Hutt River Flood Defences.*
- *GWRC's view is that development should be limited in areas subject to high residual flood hazard. These are areas where flood depths would be deep enough to cause fatalities. Key community buildings should be avoided in residual flood hazard areas also. These views are inline with our guiding principles for Flood Risk Management, and the Regional Policy Statement.*

77. Kāinga Ora sought the Flood Hazard Areas be mapped outside of the District Plan with definitions and associated provisions stating the parameters for flood hazards. Having considered the benefits and costs of mapping inside or outside of the District Plan, we consider inside the District Plan is the most appropriate approach. The primary reason for reaching this conclusion is that the flood hazard modelling and mapping is undertaken by third parties from HCC, namely Greater Wellington Regional Council and Wellington Water. HCC is reliant on these parties undertaking an appropriate process which provides for community engagement and producing mapping consistent with the District Plan. With 3-waters reform, Wellington Water is to be replaced by a new Water Services Entity, with this entity fully independent from HCC. While there is and will continue to be a close working relationship between the City Council, Regional Council and Water Entity, given the significance of flood hazard mapping, there needs to be a high level of certainty on the process and robustness of this mapping. Including the maps inside the District Plan provides this certainty.
78. Overall, at this time, the flood hazard modelling and mapping produced by Wellington Water is considered to be most up-to-date and accurate information for land use planning purposes. It is noted additional flood hazard modelling and mapping will be available in the next 12-18 months for some parts of the city. This additional information should be used when it is available as part of the District Plan Review.

Planning Approach for Flood Hazards

79. In terms of the planning approach to flood hazards, various aspects were traversed at the hearing. At a high level, the overall approach as notified in PC56 is still considered the most appropriate approach, managing flood risk based on hazard categories of stream corridor, overland flowpath and inundation areas. This overall approach is generally consistent with the approach adopted in District Plans throughout the Wellington region. Also, as flood risk is the most common natural hazard to occur, acting rather than not acting is appropriate based on the available information.
80. We will respond to specific matters relating to the wording of provisions and other specific relief sought in the written right of reply.

Liquefaction

81. The Hearing Panel queried liquefaction risk in Lower Hutt and the approach for managing liquefaction risk in PC56.
82. The most recent information on liquefaction risk for the entire Lower Hutt City area is a GNS Report in 2018². This liquefaction risk information is shown in Greater Wellington Regional Council's online GIS Viewer called "Hazards and Emergency Management Information". It is

² Dellow, G.D.; Perrin, N.D.; Ries, W.F. 2018 Liquefaction hazard in the Wellington region. Lower Hutt, N.Z.: GNS Science. GNS Science report 2014/16

noted the liquefaction risk for Lower Hutt is similar to other urban areas in the Wellington region, with a mix of low to high risk areas. Other 'high risk' areas in the Wellington region include parts of the Wellington City central area, Porirua City central area, and the majority of the urban areas on the Kapiti Coast.

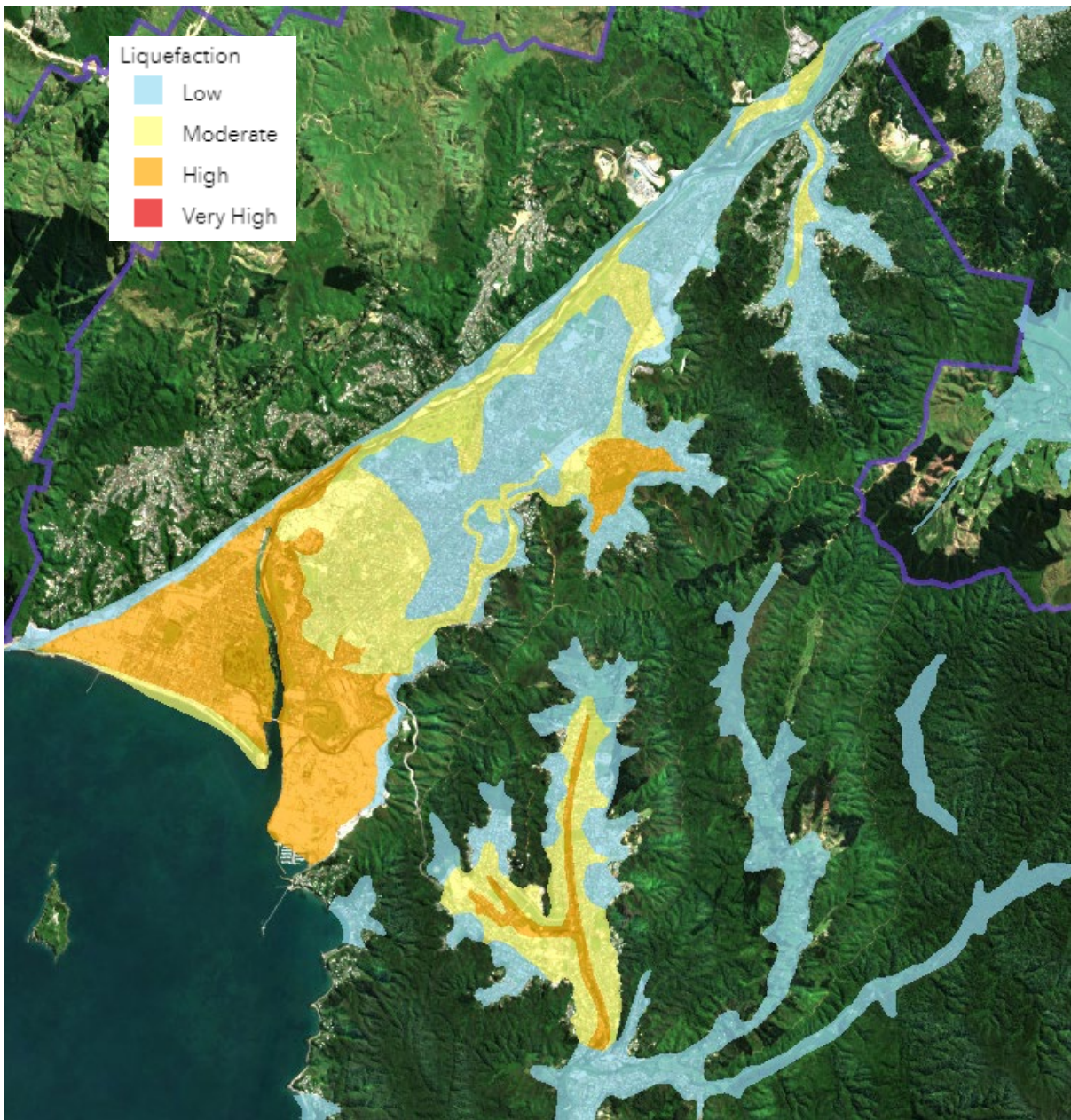


Figure 1: Screenshot from GWRC Online GIS Viewer Showing Liquefaction Risk

83. As set out in paragraph 330 of the Officers Report, Hutt City Council have taken the approach that liquefaction risk is dealt with through the building consent process. It is noted that changes took effect in November 2021 to the Building Code which revised the requirements for building on liquefaction prone land.
84. Notwithstanding this reliance on the building consent process, provisions in the Operative District Plan and notified PC56 enable liquefaction to be assessed for some land uses and subdivisions. For example, housing for the elderly is a restricted discretionary activity in the High Density Residential Activity Area. One of the matters of discretion under this rule is natural hazards, with specific reference to “the extent to which the proposal addresses the

following risks to the site; liquefaction, fault rupture and residual flood risks above a 1 in 100-year flood or stopbank breach or failure”.

85. Similarly, the construction, alteration of, addition to building and structures is a restricted discretionary activity in the Petone Commercial Activity Area. Three of the matters of discretion for this rule require consideration of the risk of liquefaction (amongst other natural hazards), and the proposal avoids or mitigates the effects from these risks. Lastly, for all complying subdivision applications, a new matter of control is proposed to be added in PC56 which states “avoidance or mitigation of any natural hazard risk in accordance with Policy 11.1.3’. Policy 11.1.3 ensures suitable building platforms exist on all allotments to avoid or mitigate the risks from natural hazards.
86. In preparing the written right of reply, we will check whether it is appropriate to specifically refer to liquefaction in the matters of discretion for any other rules.

Sites of Significance to Māori

87. At the time these speaking notes were prepared we hadn’t heard much from submitters on sites of significance to Māori and so our response will need to be covered in the written reply.

The National Grid / Public Open Space

88. We will respond to the specific points on The National Grid and public open space in the written right of reply.

Other Matters

89. Submitters have raised concerns over how infrastructure will be provided to serve intensification. We will provide a summary of Council’s plans in the written reply, but in brief this has four key arms:
- a. a significant increase in funding in the Long Term Plan, especially for active transport and three waters,
 - b. the funding Council has received from the Infrastructure Acceleration Fund for three waters upgrades in the central suburbs,
 - c. the work Council has planned with the regional council and NZTA on Riverlink, which upgrades State Highway 2, improves resilience from Hutt River flooding, and opens up new development opportunities in the city centre, and
 - d. the increased revenue potential from the financial contributions provisions included in this plan change.
90. Submitters have raised concerns over the effects of the proposed plan change on property values. While we acknowledge this concern, and as noted in relation to heritage, the RMA purposefully does not try to protect the value of people’s real estate investments. Effects should be judged through their impact on people and the environment directly.
91. I do note that property values are also an important metric for Council’s assessments of Housing and Business Development Capacity, and so monitoring the changing values of property helps Council adapt and change its response over time to evolving demand.

Summary

92. That’s our preliminary response. This is a challenging topic in a constrained and unusual process, and there’s a lot of quite detailed decisions for the council to make that you will need

to make recommendations on. As you'll have gathered, there will be a lot more coming in our written response. In the meantime, now's a good chance to leap into any further questions.

Next steps and timeline

93. The following are the suggested next steps and timelines:

- Receipt of additional information from submitters (e.g. Retirement Villages Association/Ryman, KiwiRail, Kāinga Ora, RLW Holdings Ltd): **Thursday, 4th May**
- Discussions between submitters and Council officers to clarify and confirm points of agreement and outstanding matters of disagreement: **Friday 19th May**
- Written right of reply completed: **Friday 26th May**