

Proposed Hutt City District Plan (“PDP”)

Hearing Stream 5 – Natural Hazards

Statement by Michael Rachlin (submitter 232)

Introduction

1. My name is Michael David Rachlin. I, together with my wife, own a property in Eastbourne (321A Muritai Road) affected by the Coastal and Natural Hazards chapters of the PDP. The property is within or partially within several coastal and natural hazard overlays. These being:
 - Low and Medium Flood Hazard Overlays – part of front yard
 - Low Tsunami Hazard Overlay – part of front yard
 - Slope Assessment Overlay
2. Overall, I support the management of coastal and natural hazards to/arising from subdivision, development and use of land, and consider it long overdue in the District Plan.
3. In general, my submission sought to ensure an appropriate risk-based approach to the management of coastal and natural hazards in the PDP, with a particular focus on the flood hazard provisions. The s42A recommended amendments go a long way to meeting my concerns.
4. I still have some concerns and my statement addresses these.

Natural Hazard Objectives

NH-O1 – High Hazards

NH-O2 – Medium and Low Hazards

5. In my submission I raised concern that the outcome sought for high hazard areas appeared less onerous than for medium and low hazard areas (set out in NH-O2). I continue to have these concerns.
6. Objective NH-O1 requires that, “Subdivision, use and development within the High Natural Hazard Overlays **reduces or avoids increasing the existing risk.....**”¹ (my emphasis added). In my opinion this has the effect of creating two different outcomes:

¹ I have used the s42A report version of NH-O1 which includes minor grammatical amendments

1. To reduce any increase in existing risk created by a subdivision, use or development;
or
 2. To avoid increasing existing risk.
7. I do not share the reporting officer's view that the term "reduces" is clearly linked to the phrase, "existing risk". At the very least there is ambiguity on how to interpret this objective. On this point I note² that the Wellington Regional Council seems to have had a similar interpretation of the objective to me.
8. If mine and the Wellington Regional Council's interpretation are correct, then the outcome for high hazard areas is simply to reduce (by an unquantified amount) an increase in natural hazard risk arising from a development. To this end, a sandbag placed at the door of a new house would result in a such a reduction and so meet an outcome expressed in NH-O1.
9. By contrast, objective NH-O2 requires that subdivision, use and development in medium and low hazard areas "..... **minimises**³ the risk from natural hazards....." (my emphasis added). To my mind, this raises the question of whether the term "the risk" is requiring a minimisation of existing risk at a site or a minimisation of any change in that risk arising from the development? My own interpretation is that it is requiring minimisation of existing and not the change in risk. As my submission notes, this is more onerous than for high hazard areas, where an unspecified level of reduction of increased risk is sufficient.
10. In my opinion, the outcomes sought in NH-O1 and NH-O2, do not achieve a risk-based proportionate approach as required by Objective 1 of the National Policy Statement for Natural Hazards 2025 ("NPSNH").
11. Drafting changes along the following lines should be considered:
- a. For NH-O1⁴

Subdivision, use and development within the High Hazard Areas of the Natural Hazard Overlays reduce or do not increase the existing risk from natural hazards to people, property and infrastructure.
 - b. For NH-O2

Within the Low Natural Hazard Overlays and Medium Natural Hazard Overlays any change in natural hazard risk to people, buildings and infrastructure arising from subdivision, use and development is minimised.

² Based on the summary provided in paragraph 300 for the s42A report

³ I have used the s42A report version of NH-O2 which includes a minor grammatical amendment

⁴ See NH-O1 to the Wellington District Plan 2024

12. I believe wording along the above line would achieve the PDP's intended management regime for natural hazard risk, and in my opinion, better implements the risk-based approach required by the Wellington Regional Policy Statement and NPDNH.
13. Coastal Objectives CE-O3 and CE-O4 have similar drafting issues to NH-O1 and NH-O2, which can also be rectified as set out above.

Natural Hazard Policies

14. I agree in principle with the changes made in the s42A report, insofar as it now recommends the use of hazard and risk-based specific policies. In my opinion, this is a more user-friendly approach and should also enable policies that address the specifics of a particular hazard and the level of risk to life, infrastructure and property from that hazard.
15. However, I continue to have concerns with the contents of the policies and whether they achieve a management approach that is proportionate to the level of natural hazard risk⁵, whether they are clear in the actions required and whether they appropriately implement the strategic and topic objectives.

NH-P2-3

16. This policy suffers from the same drafting issue as objective NH-O2. I would suggest that it be amended along the following lines:

Requiring subdivision, use, or development to minimise any change in risk to development from natural hazards to people, buildings and infrastructure in the Low Hazard Overlays and Medium Hazard Overlays.

17. As an aside, Policy NH-P2 seems redundant to me and does not provide any additional direction over and above that provided by the hazard specific policies.
18. Below I discuss the flood hazard policies. For this purpose, I have used the s42A version of the policies and their numbering.

Flood Hazard Policies for Low and Medium Flood Hazard Overlays

NH-P8, NH-P9, NH-Pbbb, and NH-Pddd

19. These policies contain similar drafting issues to that identified for objective NH-O2 above. Namely, that for activities potentially sensitive to natural hazards and activities most sensitive to natural hazards, development is required to demonstrate that the risk to people and

⁵ As required NPSNH Policy 2

buildings from the modelled 1% AEP flood event is minimised⁶. As identified earlier for the Objectives, it is unclear whether it is the increase or change in risk arising from the development that is to be minimised. Again, I believe this could be clarified along the following lines:

"The Any change in risk to people and buildings on site from the 1% AEP Flood is minimised due to the incorporation of mitigation measures....."

20. NH-Pddd-1 and NH-Pddd-2 appear to provide differing directions for the same type of activity. Both are concerned with activities that are least sensitive to natural hazards, except clause 1 **allows** them (to my mind indicating a permitted or controlled activity status) while clause 2 **provides** for them subject to the stated requirements (this would indicate a restricted discretionary activity status). This confusion will need to be amended.

Flood Hazard Policies for High Flood Hazard Overlays

NH-Peee

21. This policy contains the same drafting issues as identified for objective NH-O1. Namely, in NH-Peee-4.b, it is unclear whether a simple reduction in the increase in existing risk is all that is required, or whether it is in fact requiring either a reduction in existing risk or not an increase in existing risk.
22. Amendments, along the lines of the changes I identified for NH-O1 would provide clearer wording that is less open to differing interpretation.

Flood Hazard Rules

NH-Rbbb

23. This rule needs amending as the title incorrectly states that it applies to sites within the Medium Flood Hazard Overlay as well as the High Flood Hazard Overlay. Rule NH-R13 is the relevant restricted discretionary rule for the Medium Flood Hazard Overlay.

Other Matters

24. My submission sought that the planning maps and associated flood hazard overlays should be amended to identify and separate out:
- Overland Flowpaths
 - Stream Corridors

⁶ Policy NH-P9-3 and NH-Pddd-4.

- Ponding/inundation areas;

And for the objectives, policies, and rules be amended to reflect these different hydrological areas and to reflect their hydraulic functions. This would be consistent with the approach taken in the Porirua District Plan 2025 and Wellington District Plan 2024.

25. My submission noted that stream corridors, overland flowpaths and ponding/inundation areas serve differing hydraulic functions from each other and as such, the PDP should recognise this in the management of flood risk. As identified in the Introduction to the Natural Hazards Chapter, risk is defined as likelihood x consequences. The consequences for use and development of land in an overland flowpath or stream corridor (where velocity of flood water as well as depth determine the effects of a flooding event) differ from ponding/inundation areas, where water velocity is less of an issue.
26. Mr Davis addresses my submission point in paragraphs 850 and 851 of his s42A report and relies on the findings of Mr Osborne to reject the relief sought. I note that Mr Osborne addresses my submission point in paragraph 22.58 of his report and states that he does not hold a position on my submission point. Having read Mr Osborne's statement, I have not found an assessment of whether it is more appropriate, in technical terms, to map stream corridors, overland flowpaths and ponding/inundation areas, rather than simply lumping together differing hydraulic areas into low, medium, or high risk. Instead, his report appears only to set out the differences in the mapping of the draft district plan versus the proposed district plan.
27. While I am disappointed at the lack of analysis on this matter, I recognise that it is a technical matter and that I am not qualified to agree or disagree. I would simply recommend that the Panel ensures it is satisfied and understands the merits of each approach, and why a different one is recommended for Hutt City from that taken in Wellington City and Porirua.

Conclusion

28. Overall, I am pleased to see that the Hutt City PDP seeks to manage natural hazard risk to/from the subdivision, development and use of land, and consider it long overdue. My submission was simply intended to ensure that the incorporated risk management regime achieved a risk-based proportionate approach, as required by the NPSNH and the Wellington Regional Policy Statement. I believe the changes already recommended in the s42A report together with those I have suggested above will achieve this.

Michael David Rachlin

13th August 2026